



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

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SEPTEMBER –DECEMBER 2021

FACULTY OF LAW

REGULAR PROGRAMME

CLS 102: CONSTITUTIONAL THEORY

Date: DECEMBER 2021

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any TWO Questions

Q1. In 2019, to distance the country from ethnic federalism and ethnic nationalist politics, Ethiopian Prime Minister Abiy Ahmed merged the ethnic and region-based constituent parties of the Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition and several opposition parties into his new Prosperity Party. The Tigray People's Liberation Front (TPLF), a politically powerful entity that had dominated Ethiopian politics for 27 years as a repressive regime through a one-party dominant system, refused to join the new party. The TPLF then alleged that Abiy Ahmed became an illegitimate ruler because the general elections scheduled for 29 August 2020 were postponed to 2021 due to the ongoing COVID-19 pandemic. The TPLF, led by its chairman Debretsion Gebremichael, went ahead with regional elections in Tigray in September 2020 in defiance of the federal government, which then declared the Tigray election illegal. This ultimately led to a civil war.

- A. Discuss three ways through which federalism /devolution can be used to ameliorate politicized ethnic divisions in a country like Kenya and Ethiopia.10 marks.
- B. Ethiopia elections often result into almost single party parliament .Identify type of government which best describe Ethiopia and discuss various types of government in Eastern Africa region in terms of 'power source' .10 marks.
- C. Which level of government would you seek redress if you have a grievance on :
 - i. Lack of water in urban estate.
 - ii. Pollution of water source at Mountain Kenya.
 - iii. Level 2 healthcare facility in the rural village.
 - iv. Insecurity in your estate.

v. Potholes on Uhuru Highway.

(10 Marks)

Q2. Discuss how end of cold war and the fall of Berlin Wall impacted Kenya's constitutional history. **(20 marks)**

Q3. Discuss the following doctrines and how they find expression in Constitution of Kenya 2010: a. basic structure doctrine. b .Unconstitutional Constitutional Amendment . c. Supremacy of the Constitution. **(20 marks)**

Q4. Discuss the legal framework that underpins constitutional values and principles in Kenya. **(20 marks)**

Q5. Write short notes on :

- i. Originalism
- ii. Living constitution
- iii. Left wing politics
- iv. Rightwing politics

(20 marks)

END