



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

SEPTEMBER –DECEMBER 2021

FACULTY OF LAW

REGULAR PROGRAMME

CLS 308: INTERNATIONAL ENVIRONMENTAL LAW

Date: DECEMBER 2021

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and any TWO Questions

Q1. Can rivers stand in court? The Sierra Club had recently tried to sue Walt Disney Enterprises to prevent the construction of a ski resort in Mineral King Valley (in the Sierra Nevada Mountains). The US Court of Appeals in California responded, pointing out that the Sierra Club itself had not been injured by the project and as a result it did not possess the right to stand in court to bring a lawsuit against the corporation. Similarly, in another case a public contractor started building a road next to the Vilcabam river using dynamite and heavy machinery and depositing rocks and other construction materials in the river banks. The accumulation of these materials caused floods along the river and polluted the waters. After some affected citizens brought this case to the courts for determination. Analyse the above case scenarios towards the legal rights for natural objects on rights of nature.

(30

marks)

Q2. Some types of environmental pollution are long-lasting and horrific. One could argue that there should be more stringent regulations in the first place, to help avoid any disasters and long-term toxic pollution, rather than to tackle the problem after the pollution has already happened. It is impossible to offset some environmental hazards by financial compensation, and the wider ecosystem, as well as the health of communities, could be irretrievably damaged for many years. Detail the yard stick on environmental compensation as causes for environmental justice.

(20

marks)

Q3. Zamzam, intends to set up a mining plant near Kwetu village. However, she lacks sufficient information on how to go about it since the residents vowed that no plant will be put in place. In the midst of all this havoc she seeks your expertise on the crucial aspects to be considered for compliance purposes from inception to completion before undertaking the project. Advise her accordingly.

(20marks)

Q4. Chav a country in the south claims that it is the sovereign right of every state to exploit their own resources pursuant to their own environmental and developmental policies as they desire irrespective of other nations. More often you've come to the realisation of the phrase "*the environment is not a respecter of boundaries*", and does not regard any frontiers. Using illustrations, discuss the phrase in light of the need to solve global environmental problems an international response.

(20marks)

Q5. Elaborate using international instruments, case laws and illustrations on how the international environmental law principles have been realised by nations in the need to protect the present and future generations.

(20marks)

END