



**THIRD YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
FIRST SEMESTER, 2022/2023
(SEPTEMBER-DECEMBER, 2022)**

LLBK 310: SOCIAL JUSTICE STRATEGIES

STREAM: LLBK Y3 S1

TIME: 2 HOURS

DAY: THURSDAY, 3:00 – 5:00 P.M.

DATE: 22/12/2022

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

“A striking feature of our society is its vast disparities in wealth, power and status. Are these disparities just? What moral principles should we use as the basis for our choice of legal institutions and arrangements to deal with social and economic inequality? Is it a legitimate goal of government to reduce poverty, using measures like progressive income and wealth taxes to redistribute resources from the wealthier to the poorer members of society? Or is it the case that there is a right to economic freedom which trumps all social goals, including the creation of a more just society, in which case any interference with economic freedom to reduce poverty would be difficult to justify or might not even be justifiable at all?”

Using the following theoretical approaches to social justice; utilitarianism theory; John Rawls's contractarian theory as expounded in "*A Theory of Justice and Political Liberalism*"; and Robert Nozick's 'minimal state' theory contained in his book, "*Anarchy, State and Utopia*," contextualize the above proposition to the Kenyan situation. (30 marks)

QUESTION TWO

"We must always remember that social action litigation is a necessary and valuable ally in the cause of the poor , but it cannot be a substitute for the organization of the poor , development of community self –reliance and establishment of effective organizational structures through which the poor can combat exploitation and injustice, protect and defend their interests, and secure their rights and entitlements" Quoted in Cooper J,," Public Interest Law Revisited"(1999) 25 Commonwealth Law Bulletin 15 at 140.

In the context of the above quote discuss the evolution, effectiveness, challenges and opportunities of public interest litigation as a strategy of social justice in Kenya. (20 marks)

QUESTION THREE

"In this increasingly interconnected world, we must understand that what happens to poor people is never divorced from the actions of the powerful. Certainly people who define themselves as poor may control their own destinies themselves to some extent. But control of lives is related to control of land, systems of production and the formal political and legal structures in which lives are enmeshed. With time, both wealth and control have become increasingly concentrated in the hands of a few. The opposite trend is desired by those working for social justice"- Paul Farmer.

Discuss the above statement highlighting the interrelationship between poverty, different sets of human rights and social justice and the duty of the state to the poor (20 marks)

QUESTION FOUR

“The environment and health consequences of climate change disproportionately affects low-income countries and the poor in high-income countries. These environmental and health consequences threaten civil and political rights and economic, social, and cultural rights profoundly affect human rights and social justice. Underserved communities and fragile states are most vulnerable to the effects of climate change and the least resources available to mitigate it.”

In light of the above statement discuss the linkages and the role of social justice strategies in climate change and environmental governance.

QUESTION FIVE

Write brief notes on any **TWO** of the following topics;

- a) The core principles that underpin rights-based approaches to service delivery and poverty eradication/reduction (10 marks)
- b) The role of the non-State Actors in promoting social justice (10 marks)
- c) Litigation and enforcement of social economic rights in Kenya (10 marks)
- d) Nexus between access to information, accountability and social justice

(10 marks)