



# KISII UNIVERSITY

## UNIVERSITY EXAMINATIONS

**THIRD YEAR EXAMINATION FOR THE AWARD OF THE  
DEGREE OF BACHELOR OF LAWS  
SECOND SEMESTER, 2021/2022  
(FEBRUARY - JUNE, 2022)**

**LLBK 325: ENVIRONMENTAL LAW**

**STREAM: LLBK 3 S2**

**TIME: 2 HOURS**

**DAY: MONDAY, 12:00 – 2:00 P.M.**

**DATE: 23/05/2022**

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### **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**

Julius Malemba is the proprietor of PundaAliwe Co. Limited which deals in the export of donkey meat. He has set up a facility for its operations in Mogotio town which discharges its untreated effluent into Mogotio River. The ambient air has been fouled by the unbearable stench of the company's butchering activities. PundaAliwe Co. Lmt is situated adjacent to Mama Africa Apartments, Mogotio Primary School and Mogotio clinic. The apartment residents have decried the foul air and polluted river water. The Mogotio River water which the residents previously enjoyed has now been rendered unfit for human consumption and other domestic activities. The residents have severally taken to the streets to protest their non-involvement in the decision to establish such

an environmentally deleterious company within their locality. They have come to you as a renowned environmental lawyer to assist them access justice.

(a) Identify the various environmental issues that arise from the above.

**(24 Marks)**

(b) Identify the remedies available.

**(6 Marks)**

## **QUESTION TWO**

a) Discuss the importance of Environmental Impact Assessment (EIA) as a tool for achieving sustainable development. **(12 Marks)**

b) Outline the steps carried during the Environmental Impact Assessment process. **(8 Mark)**

## **QUESTION THREE**

Elucidate on the place of ecocentric approach to environmental management.

**(20 Marks)**

## **QUESTION FOUR**

Zetech Republic, in accordance with its Big Four development agenda to increase hydropower generation aims to construct a dam. The dam is to be built across River Sadan which transverses Zetech Republic and the People's Republic of Zimmerman. The People's Republic of Zimmerman has warned Zetech Republic that any works commenced upon River Sadan will be construed by her as an act of war. River Sadan is the only river in the landlocked People's Republic of Zimmerman, with five hundred thousand of her citizen's earning a living directly or indirectly from it. In an attempt to avert a diplomatic catastrophe, both countries have decided to draft a bilateral treaty governing the use of River Sudan and its aquatic resources.

Draft ten provisions of the treaty.

**(20 Marks)**

## **QUESTION FIVE**

Discuss the legal framework for environmental liability in KENYA. (20 Marks)