



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

FOURTH YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
SECOND SEMESTER, 2023/2024
(JANUARY-APRIL, 2024)

LLBK 430: EAST AFRICAN COMMUNITY LAW

STREAM: Y4 S2

TIME: 2 HOURS

DAY: THURSDAY, 9:00 – 11:00 A.M.

DATE: 11/04/2024

INSTRUCTIONS

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

QUESTION ONE

Poultry farmers in Kenya are abandoning poultry farming due to an influx of cheap eggs from Tanzania. The price of a tray of eggs has dropped from Kshs 350 to Kshs 180 in less than 3 years. Mkulima Mayaibora, the chairman of Kuku Farmers Association (KFA), blames unfair trade practices in Tanzania and laxity on the part of Kenya for woes bedeviling the sector. He claims that Tanzanian traders are importing cheap eggs from South Africa which are later sold in Kenya as produce from Tanzania. He also alleges that Tanzania heavily subsidizes egg production.

Early in the year, the association proposed the enactment of a law, Protect Our Poultry and Eggs (POPE) Bill that will impose quotas on eggs imported from Tanzania. It will also require Kenya's custom authorities to certify the origin of all eggs from Tanzania before clearing them for importation into the country. Further a 50% import duty will be imposed on eggs that are established to originate from South Africa in addition to value added tax.

However, Mayaibora is disappointed that the ministry responsible for regional cooperation has rejected their proposals for undermining Kenya's regional commitment under the relevant East African Community laws. The ministry

argued that Kenya can only restrict imports from Tanzania if they violate health and safety regulations or if the goods are being dumped in the country.

The association has approached you as an expert on EAC law to advise on the following:

- a) The legality of the measures outlined in the POPE Bill.
- b) The circumstances under which Kenya may lawfully ban or restrict imports from Tanzania in order to protect local farmers.

(30 Marks)

QUESTION TWO

- a) Discuss the modes of supply of services by nationals of a Partner State
(5 Marks)
- b) Critically discuss the legal framework on the free movement of persons and labour within the East African Community

(15 Marks)

QUESTION THREE

Write explanatory notes on the following

- a) East African Community rules of origin
- b) Tariff and non-Tariff barriers to trade
- c) Steps to East African Monetary Union
- d) Principle of Variable Geometry

(20 Marks)

QUESTION FOUR

Discuss

- a) The relationship between East African Community law and national laws of the Partner States.
(10 Marks)
- b) The fundamental and operational principles governing East African Community.
(10 Marks)

QUESTION FIVE

Explain the mandate, powers and composition of any **TWO** the following organs of the community:

- a) East African Legislative Assembly
- b) East African Court of Justice
- c) Council of Ministers
- d) The Secretariat

(20 Marks)