



MACHAKOS UNIVERSITY

University Examinations for 2019/2020 Academic Year

SCHOOL OF ENVIRONMENT AND NATURAL RESOURCES MANAGEMENT

DEPARTMENT OF ENVIRONMENTAL SCIENCES

THIRD YEARSEMESTER EXAMINATION FOR

BACHELOR OF ENVIRONMENTAL STUDIES (COMMUNITY DEVELOPMENT)

BACHELOR OF ENVIRONMENTAL STUDIES (RESOURCE CONSERVATION)

BACHELOR OF ENVIRONMENTAL SCIENCE

ESU 301: ENVIRONMENTAL POLICY AND LAW

DATE:

TIME:

INSTRUCTIONS:

Answer question ONE and any other TWO questions

QUESTION ONE (30 MARKS)

- a) Distinguish between the following:
- i. Treaty and Statute (2 marks)
 - ii. Common law and Regulation (2 marks)
- b) Describe the following terms as they relate to environmental law;
- i. *Stare decisis* (2 marks)
 - ii. *Pacta sunt servanda* (2 marks)
- c) Outline the key tenets of the Basel Convention on movement of hazardous wastes. (6 marks)
- d) Describe four major UNCED environmental principles that have been incorporated into the Environmental Management and Coordination Act (EMCA), 1999 (8 marks)
- e) Explain why common law in Kenya is said to respond to environmental issues in a “reactive” as opposed to a “managerial” manner. (8 marks)

QUESTION TWO (20 MARKS)

Discuss the obligations of the state with respect to the environment as articulated in the Constitution of Kenya, 2010.

QUESTION THREE (20 MARKS)

Policy making is an intricate process that involves many players and actors. Using Kenya as an example, discuss one environmental policymaking model outlining the various stages and roles played by the different actors.

QUESTION FOUR (20 MARKS)

Kenya has been a participant in many global environmental conferences including the Stockholm conference of 1972, the Rio Conference of 1992 and the World Summit on Sustainable Development of 2002 in Johannesburg. Despite the country's participation, the development of the environmental legal framework in the country has been slow and poor. Discuss the impediments and driving forces behind this observation.

QUESTION FIVE (20 MARKS)

In Kenya like many other Commonwealth nations, the landowners' rights are protected under the common law of torts which provide for four causes of action. Using appropriate examples, discuss elements of the four causes of action on environmental issues.