

**RIARA LAW SCHOOL**

**UNIVERSITY EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE**

**ENVIRONMENTAL LAW:RLB412**

**EXAMINER: Ms. ELIZABETH GITARI-MITARU**

**INSTRUCTIONS**

1. This is the final examination in Environmental Law. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has THREE questions. Please answer ALL THREE QUESTIONS.
3. Time allocated for this examination is TWO (2) hours.
4. Write your REGISTRATION NO. Clearly on the answer booklet(s). Questions in all sections should be answered in answer booklet(s)
5. PLEASE start the answer to EACH question on a NEW PAGE.
6. For the questions, write the number of the question on the answer booklet(s) in the order you answered.
7. Write on both sides of each leaf and indicate the number of each question at the top of each page.
8. All rough work must be done on the answer booklet and crossed through!
9. Use supplementary pages only when you have exhausted those in this book.
10. Fasten the supplementary pages to the inside back cover of this booklet.
11. This examination is governed by the Riara University Academic Honesty Regulations. Students who violate those regulations will be penalised. Students have an obligation to report to the course instructor any incidences of academic dishonesty compromising the integrity of this examination.

### **QUESTION ONE (30 MARKS)**

The government of Kenya has recently approved a large-scale industrial project near a Athi river that provides drinking water to several communities. An environmental impact assessment (EIA) was conducted, but concerns have been raised about the project's potential impacts on water quality and local biodiversity. Community members are particularly worried about the release of hazardous chemicals and wastewater from the industrial site, which could affect the river and surrounding ecosystems.

As an environmental law expert, you have been tasked with advising the local community on how to proceed. In your response, address the following points:

1. **Legal Framework (10 Marks):** Identify and describe the relevant national and international legal frameworks that govern the management and protection of water resources and hazardous chemicals in Kenya.
2. **Legal Principles (10 Marks):** Explain the key legal principles that should guide the environmental management of the industrial project, including the precautionary principle, polluter pays principle, and public participation.
3. **Action Plan (10 Marks):** Outline a legal action plan for the community, detailing the steps they can take to ensure the project complies with environmental laws and protects their rights.

### **QUESTION TWO (20 MARKS)**

Compare and contrast the key provisions of the UNFCCC, Kyoto Protocol, and Paris Agreement with Kenya's National Climate Change Action Plan. Highlight the strengths and weaknesses of each framework in the context of climate change mitigation and adaptation.

### **QUESTION 3 (20 Marks)**

Discuss the efficacy of civil and criminal liability for environmental damage.