



**RIARA LAW SCHOOL**

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

**AND**

**PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLIANCE PROGRAMME**

**JANUARY-APRIL 2024**

**RLB 101: CONSTITUTIONAL LAW 1**

**INSTRUCTOR: DR. VICTOR LANDO**

**INSTRUCTIONS**

1. This is the final examination in Constitutional Law 1. 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. This examination has 3 pages, including this one.
4. Time allocated for this examination is **TWO** (2) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in your answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are not permitted to bring ANY hard or soft materials to the examination room, save for clear copies of the Constitution of Kenya, which shall be supplied for the exam. You are also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

### **Question One (30 Marks)**

The year is 2025 in Haiti. The United Nations Peace Keeping force led by several elite units from the Kenya Police Service have successfully restored some semblance of order. A United Nations-backed truce is in place, with the main gang leader, Barbecue, having replaced his signature look-donning military gear and carrying an M-4 rifle, with dark suits and a red tie. He has also tried to carve an image of a nationalist having reached out to the other Haitian gangs and invited them for a UN led roundtable discussion on how to set Haiti on a road to recovery. With the relative calm in Haiti, there is a lot of hope for restoration of a civilian government backed by a national constitution.

You have been invited as a Constitutional Expert forming part of the UN Panel of Governance experts to advise on the fundamental principles that should form the foundation of Haiti's new constitutional order.

**Prepare a detailed presentation on:**

- a) The fundamental principles that should form the bedrock for the new Constitution of Haiti and how the Republic of Haiti should give effect to these in their proposed new Constitution. (20 Marks)**
- b) The various typologies of Constitutions and your views on the most appropriate formulation for the Republic of Haiti in view of its current context. (10 Marks)**

### **Question Two (20 Marks)**

- a) Undertake a critical analysis at least four (4) challenges to Judicial Independence in Kenya providing practical suggestions on how these may be addressed. (10 Marks)**
- b) In addition to being the supreme law of the land, a Constitution can also be described as a Political Charter. Provide a critical analysis of this statement within the Kenyan Constitutional context. (10 Marks)**

### **Question Three (20 Marks)**

In the famous Gettysburg Address, President Abraham Lincoln described democracy as a Government of the People, by the People and for the People.

- a) Provide a critical analysis of the Hallmarks of Democracy and how it has found expression within Kenya's Constitution. (10 Marks)**
- b) Critically analyse at least five (5) challenges facing democracy in Kenya, and propose practical solutions to these identified challenges (10 Marks)**