

THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2<sup>ND</sup> YEAR TERM II EXAMINATION

INTRODUCTION TO ENVIRONMENTAL LAW - DPS 207

29<sup>TH</sup> MARCH, 2022

DURATION: 2 HOURS

**Instructions to Candidates**

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER

### QUESTION 1

AAR Hospital Limited has recently opened a new 140 bed hospital with both inpatient and outpatient facilities. The Hospital is located along Kiambu Road adjacent to a residential area known as Muthaiga – North Gated Community within Nairobi County. The Hospital has learnt that you have studied environment law at the Kenya School of Law and has approached you for advice on the following, based on their understanding that a project such as their hospital can be detrimental to the environment:

- (a) The various mechanisms established for the management, protection and conservation of the environment under the Environment Management and Coordination Act of 1999 (EMCA). **(10 marks)**
- (b) The legal provisions for the management of toxic and hazardous chemicals, wastes and substances under EMCA specifically:
- (i) Medical waste; **(2 marks)**
  - (ii) Radioactive substances; **(2 marks)**
  - (iii) E-waste; and **(2 marks)**
  - (iv) Pest control. **(2 marks)**
- (c) **Discuss** the concept of land-use planning under Kenyan law. **(4 marks)**
- (d) Explain the importance of having a robust regime of environmental law to a country such as Kenya. **(3 marks)**

### QUESTION 2

- (a) Discuss the historical development of environmental law in Kenya. **(5 marks)**
- (b) There are certain overriding principles that can be gathered from various sources of law in Kenya. With reference to such sources of law, discuss any THREE (3) of the following principles of sustainable development / environmental law:
- (i) Prevention principle
  - (ii) Polluter –pays principle
  - (iii) Principle of cultural and social principles traditionally applied in Kenyan communities.
  - (iv) Principle of inter-generational equity
  - (v) Precautionary principle. **(10marks)**

### QUESTION 3

Discuss the legal and institutional framework for the management of water resources and control of water pollution in Kenya. **(15 marks)**

### QUESTION 4

- (a) With the help of specific examples from decided cases, legislation and other sources of law, discuss the protection of the environment under the law of tort. **(10 marks)**
- (b) Explain the social, environmental, economic and other impacts of climate change. **(5 marks)**

**QUESTION 5**

Write short notes on any **THREE (3)** of the following:

- (a) Particulate Matter (PM); (5 marks)
- (b) Ozone layer; (5 marks)
- (c) Renewable energy; and (5 marks)
- (d) Notable drivers of environmental degradation. (5 marks)

**QUESTION 6**

- (a) Discuss the institutional framework for management of the energy sector in Kenya. (9 marks)
- (b) Discuss the current state of the solid waste disposal sector in Nairobi City County. (6 marks)

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