



The Co-operative University of Kenya

END OF SEMESTER EXAMINATION DECEMBER-2019

**EXAMINATION FOR THE DEGREE OF BACHELOR SCIENCE IN DISASTER,
RISK MANAGEMENT AND SUSTAINABLE DEVELOPMENT**

UNIT CODE: CODM 2401

UNIT TITLE: ENVIRONMENTAL LAW AND POLICY

DATE: DECEMBER, 2019

TIME:

INSTRUCTIONS:

- Answer question **ONE** (compulsory) and any other **TWO** questions

QUESTION ONE (30 Marks)

Keenly read the Hypothetical Problem below and answer the questions that follows.

Howard Banneker Holdings has bought a 100 hectares freehold property at paradise Bay in far North Queensland. The property had until recently operated as a Cattle station. It has been partially cleared and is Zoned rural. The property sits behind Paradise Bay Beach and includes an intact wetland that is considered to be an endangered regional Ecosystem. The remainder of the uncleared parts of the property are Rainforest.

The property is surrounded on three sides by Natural Park that forms part of the Wet Tropics World Heritage area. The uncleared area of the property forms significant Habitat for the endangered species, including Cassowaries, Mahogany gliders and stream-dwelling rainforest frog species. The only road to into the property is single lane dirt road that goes through 15 km of National Park. The nearest existing Town is some 30 kilometers inland. The Town is struggling since sugarcane prices declined and it is looking to expand Economic opportunities for her residents. The access to paradise Bay outside the National Park is through a road that goes through the residential area of Tinfish Bay, a small coastal Town.

Howard Banneker holdings is planning to build a major Tourist development at Paradise Bay. It wants to clear the remaining parts of the property to build residential suburbs, Tourist facilities and other recreational facilities such as Golf Courses and swimming pools . It plans to build at least Four Five Star Resorts along the beachfront area. It is estimated the proposal could result in over 4,000 people moving into the area.

- (a) What are some of the relevant Planning and Conservation law issues that need to be considered in relation to the proposal? (10 marks)
- (b) Explain the Government legislations would be relevant (10 marks)
- (c) Evaluate instruments you would need to consider to find out whether this proposal should go ahead (10 marks)

QUESTION TWO

- (a) Discuss the Role of NGOS/Interest/Pressure Groups on Environmental Management in Kenya (12 Marks)
- (b) Explain briefly FOUR International Treaties and Conventions on Environmental Management and Control. (8 Marks)

QUESTION THREE

- (a) Discuss Factors that Limit Environmental Law's Ability to Protect the Environment (10 Marks)
- (b) Explain the relationship between Laws, Policies and Principles (10 Marks)

QUESTION FOUR

- a) Evaluate the implication of the 2010 Kenya Constitution on Environmental Management in Kenya (10 Marks)
- b) Discuss **Five** Principles of Environmental Law (10 Marks)

QUESTION FIVE

Amy power is set to construct a coal fired thermal electricity generating plant in the Manda Bay area of Lamu Country Kenya. Given the provision of the Environmental given the provisions of the environmental management and coordination Act discuss the role of NEMA in ensuring that the project does not have a negative impact on the environment (20 marks)