



**MASENO UNIVERSITY**  
**UNIVERSITY EXAMINATIONS 2015/2016**

**FOURTH YEAR SECOND SEMESTER EXAMINATION FOR THE  
DEGREE OF BACHELOR OF SCIENCE IN ENVIRONMENTAL SCIENCE  
WITH INFORMATION TECHNOLOGY**

**MAIN CAMPUS**

**NES 402: ENVIRONMENTAL LAW**

Date: 19<sup>th</sup> April, 2016

Time: 8.30 - 10.30am

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INSTRUCTIONS:

- **Answer Question ONE and any other TWO Questions.**

1. Provide your considered opinion over the following statements;
  - a) Conservation and Preservation provides the conceptual foundation for sustainable utilization of the natural resources to guarantee sustainable development.
  - b) Why is "Good faith" principle critical in International Environmental Law?
  - c) How should the four arms of Government relate to bring sanity in ensuring Ecosystem Rights and improved natural resource management in Kenya.  
[Each is 10 Marks]
2. Discuss why many scholars and Judicial Institutions have concluded that it is necessary to entrench environment in the Constitutions although it seems compelling and obvious. [20 Marks]
3. If a Country's Constitution is universally recognized as the supreme law of the land, discuss why environmental protection must fall within the rubric of what are called fundamental rights in the Constitution. [20 Marks]
4. As local citizen residing next to a Lake,
  - a) What are the circumstances under which you may consider that an environmental crime may have been committed? [10 Marks]
  - b) If a crime is committed, what course of action((s) would you take?  
[10 Marks]
5. Identify three Courts in Kenya and describe their roles in ensuring improved management of a forest ecosystem. [20 Marks]
6. Distinguish clearly, showing the merits and demerits between the environmental cases that deserve International treatment and those requiring national due process. [20 Marks]