# KENYATTA UNIVERSITY

## UNIVERSITY EXAMINATIONS 2018/2019

## SUPPLEMENTARY/SPECIAL EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

## LIL 305: EAST AFRICAN REGIONAL LAW

**DATE:** Tuesday, 24th September 2019 **TIME:** 11.00 a.m. - 1.00 p.m.

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**INSTRUCTIONS:**

1. ALL QUESTIONS ARE COMPULSORY.
2. Note that penalties accrue for failure to answer Question One.
3. Support your answer with illustrations from relevant case laws, statutory provisions and any other applicable references wherever necessary.
4. Write neatly and legibly.
5. Your answer script must bear your student's registration number.
6. Do not scribble or draft answers on the inner or outer cover pages of your answer booklet.
7. Do not write anything except your registration number on this question paper.

**Question 1**

a. Article 5 (2) of the Treaty for the Establishment of the East African Community provides, " In pursuance of the provisions of paragraph 1 of this Article, the Partner States undertake to establish among themselves and in accordance with the provisions of this Treaty, a Customs Union, a Common Market, subsequently a Monetary Union and ultimately, a Political Federation..."

Relying on the said provision and with the aid of relevant authorities, discuss four (4) key features of each stage of East African Community integration. **(16 Marks)**

b. Sometime in 2012, reacting to a looming shortage of rice in the country due to crop failure, the Government of Tanzania applied for and was granted exemption by the Council of Ministers to import rice from outside the EAC at a lower Common External Tariff (CET). The result was massive importation of Pakistan rice which was subsequently mixed with Tanzanian rice. This adulterated rice was then disguised as Tanzania rice and exported to other East African Community Partner States.

As a result, Uganda and Rwanda imposed 75% duty rate on rice imported from Tanzania. Tanzania opposed Uganda and Rwanda's actions as a deliberate violation of the EAC Treaty and Customs Union Protocol. (East African Trade and Investment Hub Report, 2017)

Using the above case scenario, discuss seven (7) legal challenges affecting the implementation of the East African Community's Common External Tariff (CET). **(14 Marks)**

**Question 2**

With the aid of the Treaty for the Establishment of the East African Community and other relevant legal authorities, discuss the people-centred principle and its application in the East African Community. **(20 Marks)**

**Question 3**

Most of the African Union Members belong to two or more regional integration blocks. The East African Community Partner States namely: Burundi, Kenya, Rwanda, Uganda, Tanzania and South Sudan are not exceptional. They are also members of other regional integration blocks such as the Common Market for Eastern and Southern African (COMESA), the Southern Africa Development Community (SADC), the African Economic Community (AEC) among others. This has led to multiplicity and conflicts among the legal frameworks governing the various blocks thus, slowing the realization of a continental-wide integration. (R. Oppong, 2018)

Using the above statement as your point of reference and with the aid of relevant authorities,

a) Discuss the six (6) legal challenges arising from proliferation of legal frameworks governing regional integration in Africa. **(12 Marks)**

b) Suggest two (2) possible solutions to the problem of proliferation of legal frameworks governing regional integration in African **(8 Marks)**