



KENYATTA UNIVERSITY

UNIVERSITY EXAMINATIONS 2016/2017

SECOND SEMESTER EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LIL 406: LAW OF REFUGEES AND INTERNALLY DISPLACED PERSONS

DATE: Monday 24th April 2017

TIME: 12.00p.m -2.00p.m

INSTRUCTIONS

- 1) Answer QUESTION ONE AND ANY OTHER TWO Questions. Penalties accrue for failure to answer QUESTION ONE.
- 2) Support your answer with relevant illustrations from case law, statutory provisions and any other references.
- 3) Your writing must be NEAT and LEGIBLE.
- 4) Your answer booklet must bear your assigned REGISTRATION NUMBER, both on the cover and every written page therein.
- 5) Do not scribble or draft answers on the inner or outer cover pages of your answer booklet.
- 6) Do not write anything except YOUR REGISTRATION NUMBER on this Question paper.
- 7) ALL Kenyatta University Examinations Rules apply as if they are contained here

QUESTION 1 (Compulsory) (30 marks)

John a class five pupil from burnt Forest Primary School, is a third born in a family of seven including his parents. During the post election crisis of 2007/08, John's home was attacked and burned down while he was in school. John's parents had to flee for safety without him and ended up in a refugee camp in Tororo, Uganda . Obvious of the attack, John returned from school in the evening to ashes and got stranded. He wondered around the village and eventually got rescued by Kenya Red Cross personnel who took him to a camp for internally displaced

persons in Mai Mahiu. John has since then not been able to reunite with his family and is a distraught man. His story has been widely highlighted in print media and electronic media but still lives in an IDP camp.

You have recently been recruited as a legal officer in a humanitarian agency responsible for refugees and IDPs program. As your first task, the Executive Director has brought to your attention John's case and instructed you to draft a legal opinion on options available to John and his family as durable solution to their circumstance.

Please draft a concise legal opinion noting to refer to applicable international law and Kenya's domestic law.

QUESTION 2 - (20 Marks)

Using sources and principles of international law relating to refugees and internally displaced persons (IDPs), identify and discuss the role of the two institutions that are recognized as having primary responsibility in managing contemporary global refugee and IDPs crisis respectively.

QUESTION 3 - (20 Marks)

Ahmed, a 3 year old boy from Aleppo in Syria Arab Republic, was fleeing with his parents and siblings the conflict in his home country when their boat capsized in the Mediterranean Sea. As fate would have it, Ahmed drowned and lifeless body was swept ashore several days. Following international uproar, debate has emerged about the standards of legal protection accorded to vulnerable refugees like Ahmed and calls have surfaced for a more codified international law for IDPs and refugees that reflect the contemporary causes of displacement and its more responsive to vulnerable people like Ahmed. In response to the global uproar, the UN Secretary General has appointed you to a panel of legal scholars and practitioners tasked with developing new guidelines and international framework. The panel, in its role allocation, has asked you to prepare a report on the current sources of international law relating to refugees and internally displaced persons.

Using specific examples of relevant international instruments or conventions, discuss four sources of international law of refugees and IDPs. [20 marks]

QUESTION 4 - (20 Marks)

In 2009, Africa became the first continent to adopt a binding continent-wide treaty on internal displacement. The *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa or the Kampala Convention*, As it is often called, outline 12 ways in which IDPs in African should be guaranteed protection. Using the Convention as a reference point, discuss four ways in which the Kampala Convention envisages legal protection for IDPs in Africa.

QUESTION 5 - (20 marks)

Write explanatory notes on **any four** of the following and refer, if any to relevant applicable international law(s)

- | | |
|--------------------------------|------------|
| a) Asylum Seeker | (5 marks) |
| b) Principle of Non-Refoulment | (5 marks) |
| c) Voluntary Repatriation | (5 marks) |
| d) Stateless Person | (5 marks) |
| e) Resettlement | (5 marks) |