



KENYATTA UNIVERSITY
EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS
LIL 305: EAST AFRICAN REGIONAL LAW

SECOND SEMESTER 2020/2021

TIME: 2 HOURS

INSTRUCTIONS:

1. Answer **ALL** questions.
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 or 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 were contained herein.

Question 1

The Republic of Bata and the Republic of Soma are Partner States of the East African Community (EAC). Following the recent reading of the 2021 budgets in their respective states, the Republic of Bata has enacted the Finance Act of 2021. The Act amends section 20 of Bata's Excise Duty Act of 2017 to introduce 20% excise duty on beer imported from any foreign country including EAC Partner States.

Before the amendment of section 20 of the Excise Duty Act of 2017, the repealed section exempted beer originating from any of the EAC Partner State from Excise Duty.

Konyagi East Africa Limited, a Soma Company established in Bata, imports beer from Soma to Bata. Konyagi East Africa Limited is concerned that the implementation of the 20 % excise duty on its beer which fully manufactured in Soma has a negative impact on its business. The company has approached you seeking legal advice on how it can go about the amendment. You discover that the amendment has just entered into force 20 days ago.

Using the above case scenario and relevant legal authorities:

- a) **Advice Konyagi East Africa Limited.** (20 Marks)
- b) **Discuss the dispute resolution mechanisms established under the protocol establishing the EAC Customs Union.** (10 Marks)

Question 2

- a) The Republic of Banana (ROB) has an approximate population of 30 Million people. Since its independence in 1889 the ROB has never experienced smooth regime transition. As at 2021, the ROB has had 15 presidents. All of whom came to power through military coup.

The citizens of the ROB have always lived in fear as the successful governments have terrorized them. The successful governments have experienced sanctions from the international community including the United Nations because of enforced disappearance of the citizens, unlawful detention, ethnic cleansing, crimes against humanity among others.

In light of the proliferation of economic communities in Africa, ROB believes that joining a regional community would help spur economic growth of its dwindling economy. As a result, it has applied to join the East African Community.

You are the Secretary General of the East African Community. You have been requested by the Summit to present on the admission of the ROB to the Community. Citing relevant authorities, draft a legal brief on the process and criteria for admission of new partner states. (10 Marks)

- b) **Citing relevant authorities, discuss how the East African Community has applied the principles of variable geometry.** (10 Marks)

Question 3

Relying on other comparative regional economic communities, examine the legal challenges affecting the implementation of the African Continental Free Trade Area (AfCFTA).

(20 Marks)