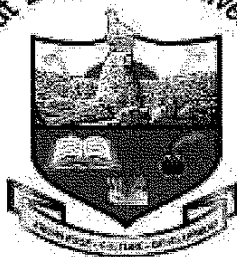


Great Zimbabwe University



RECEIVED
22 NOV 2023
EXAMINATIONS

HEBERT CHITEPO LAW SCHOOL

BACHELOR OF LAWS HONOURS DEGREE
EXAMINATION QUESTION PAPER

MODULE CODE	LLB 612
MODULE NARRATION	ENVIROMENTAL LAW AND POLICY
DATE	2023
DURATION	3 HOURS

INSTRUCTIONS TO CANDIDATES

1. Answer question ALL from section A, which is compulsory and any two questions from section B.
2. This paper carries 70 marks.
3. You are advised to read all questions carefully before attempting to answer any.
4. You are reminded of the need to cite relevant authorities to bolster your arguments and/or convictions.
5. This question paper is four (4) pages long, including the cover page.
6. Students shall enter the exam with copies of the Constitution and the Environmental Management Act.

SECTION A

This question is compulsory.

Question 1

- a) Compare and contrast the anthropocentric approach and the biocentric approach in environmental law. **(5 Marks)**

- b) Critically discuss the application of the principle of sustainable development in the National Development Strategy 1(2021-2025). **(15 Marks)**

- c) GenCorp is a subsidiary of LutherFlex, a mining and construction company. GenCorp wants to start mining operation in Chivange area. As a legal adviser to GenCorp, the managing director instructs you to give him an opinion on the environmental steps that have to be taken to ensure that their mining operations will be to the standards of the Environmental Management Act (EMA).

Write a legal opinion for the managing director explaining the steps that must be taken by GenCorp in accordance with the relevant provisions of EMA. **(10 Marks)**

[Sub-Total: 30 marks]

SECTION B

Answer any Two questions from this section.

Question 2

The polluter pays principle has become established in environmental law worldwide as a necessary tool for environmental law enforcement.

From your understanding of the polluter pays principle, provide responses to the following questions:

- a) What is the polluter pays principle? **(2 Marks)**
- b) How is this principle reflected in Zimbabwean legislation? In answering this question, please indicate the relevant statutory provisions. **(5 Marks)**
- c) Describe, with the support of case law or case study examples, the practical application of the polluter pays principle. **(13 Marks)**

[Sub-Total:20 Marks]

Question 3

- a) Write brief notes on two identifiable environmental law principles within section 73 of the Constitution of Zimbabwe. **[10 Marks]**
- b) Most international environmental law principles are interconnected with other rights. This is evident in the realisation of the principle of environmental justice.

With the support of case law, discuss the connection of the principle of environmental justice and other rights in the Zimbabwean Constitution. **(10 Marks)**

[Sub-Total: 20 Marks]

Question 4

Critically discuss the extent of states' rights and obligations in relation to transboundary environmental harm and the measures put in place by Zimbabwe to ensure no such harm occurs.

[20 Marks]

Question 5

“Human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850-1900 in 2011-2020. Global greenhouse gas emissions have continued to increase, with unequal historical and ongoing contributions arising from unsustainable energy use, land use and land-use change, lifestyles and patterns of consumption and production across regions, between and

within countries, and among individuals” – Climate change 2023 Synthesis Report by the Intergovernmental panel for climate change.

Critically discuss Zimbabwe`s policy and institutional response to climate change mitigation.

[20 Marks]

TOTAL MARKS: 70

END OF QUESTION PAPER