



SCHOOL OF LAW

NPPD519 HUMAN RIGHTS, ENVIRONMENT AND DEVELOPMENT

END OF SECOND SEMESTER EXAMINATIONS

APRIL/MAY 2024

LECTURER : Dr. E. Rutsate

DURATION : 3HRS

GENERAL INSTRUCTIONS TO CANDIDATES

- 1. Do NOT write your name on the answer sheet.**
- 2. Answer FOUR questions only.**
- 3. Begin your answer for each question on a new page.**
- 4. Each question is worth 25 marks.**

SECTION A

Question 1

Giving examples, define what is involved in taking either an eco-centric or anthropocentric approach to environmental issues. Giving cogent reasons for the position you take, discuss which of the two approaches you view as enabling development. **(25 marks)**

Question 2

Giving examples from any African country of your choice, discuss the intersection among human rights, environment and development. **(25 marks)**

Question 3

Outline and discuss the different theories, philosophies and/or perspectives on development. Select one out of those perspectives, which in your view, you feel resonates most with Afrocentric perspectives on development. You are required to justify your choice with strong and persuasive arguments. **(25 marks)**

SECTION B

Question 4

The President of your country Abenia, located in Africa, who ascended to power through a military coup was giving a speech on the occasion of your country's Independence Anniversary on 1 April 2023 when he stated as follows;

“These colonizers have always tried to fool us. What is sustainable development if not a way of keeping Africa from enjoying the fruits of its natural resources such as forests for timber, our lakes for huge hydroelectric power stations, granite to construct huge megacities, iron for making steel to manufacture our own big cars fueled by our own oil from Nigeria, Libya etcetera etcetera. We do not need this talk about sustainable development. Development which is sustainable for who? We need to enjoy our collective right to development as a continent today and not tomorrow, just as we prevailed on the collective right to self-determination in our African countries. In Africa we should do things our own way. We need to industrialize fast in order to catch up with our former colonizers.”

You are required to analyze and discuss the implications of the President's speech in the form of a paper to be presented at an international conference to be held in Geneva in June 2024 where you will be the main speaker laying down the approach you deem best under the circumstances. The conference's main theme is, *"Human Rights, the Environment and Development: The Way Forward for African Governments?"*
(25 marks)

Question 5

It has been argued that power has been a stumbling block to the enjoyment of human rights and the realization of development in many developing countries, particularly in Africa. Giving as an example any African country or any other developing nation of your choice, and keeping the above-mentioned argument in mind, discuss the intersection of human rights and power vis-a-vis its impact on good environmental governance and development.
(25 marks)

Question 6

The Maruti are an indigenous group who have lived for centuries in the Azuka thick forests of Ambabwe, a country in sub-Saharan Africa close to the Equator. The Maruti have always survived from cultivating small plots in the forests, hunting small wild animals and gathering wild fruits for food. The forest is adorned by huge beautiful mountains with numerous pristine, crystal clear rivers and streams traversing the verdant forests. The indigenous group has always lived in great harmony with the nature surrounding them despite high levels of illiteracy among the group which general shuns conventional education but would rather learn about survival strategies for living in the forest.

In June 2023, the Ambabwean government signed a Memorandum of Understanding (MOU) with Eureka (Pvt) Ltd, a European Mining Company specializing in mining granite stone which is exported in its raw form from African countries for refining in Listra, the European country. Following the signing of the MOU, Ambabwe granted Eureka mining rights to mine granite stone from the beautiful mountains in the Azuka forests where the Maruti live without carrying out an Environmental Impact Assessment (EIA) which would have had input from the affected Maruti peoples. Eureka started mining granite in October 2023 and since then the Maruti have not known peace. The beautiful mountains are being reduced to rubble using noisy machines which are startling the small wild animals which are running to crowded areas outside the forests only to be killed by hungry villagers. The trees are being cut down at a fast rate

with the formerly clean rivers being polluted by industrial effluent from the granite mining activities. The Maruti claim they no longer hear the voices of their ancestors which seemed to flow with the winds in the beautiful mountains, valleys and streams.

Following several demonstrations from local community based organizations (CBOs), NGOs and other civil society organizations (CSOs), the Ministry of Environment and Climate Change has been tasked with coming up with a policy brief on human rights, environment and development. As a Chief Legal Officer in the Ministry of Environment, you have been tasked with drafting a policy brief encompassing the concerns around granite stone mining in Ambabwe. Assuming you are that Chief Legal Officer, draft the said policy brief. **(25 marks)**

END OF EXAMINATION