



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

DEPARTMENT OF LAW AND LEGAL SERVICES

EXAMINATION PAPER

COURSE CODE : LLB 003
COURSE TITLE : Environmental and Planning Law
DURATION : 3 Hours
LEVEL : 5.1
DATE :

31 JUL 2023

INSTRUCTIONS TO CANDIDATES:

1. Answer all questions.
2. Notes, handouts and textbooks are not allowed into the examination.
3. Begin each answer to a full question on a fresh page.
4. You are required, to write legibly.
5. You are directed to avoid using short hand and poor grammar.
6. During the course of your answers you must refer to any relevant case law, legal principles and legislation that may be applicable.
7. No cellphones are allowed into the examination room as well as all data storing devices. Failure to comply will lead to automatic disqualification.

Question 1

Vavaki Manufacturing Private Limited is a company involved in the manufacture of bricks, tiles, bathroom tubs, amongst other products. It has its factory plant in Ardbennie. It is currently in dispute with Ardbennie Residents Association (ARA) on allegations of the company's poor effluent management in that it disposes of the effluent directly into the environment. The ARA is also complaining about air and noise pollution.

- a. Discuss the points which may be raised by the prosecution. (10)
- b. Discuss the points which may be raised by Vavaki Manufacturing Private limited in its defence. (15)

[25 marks]

Question 2

Section 73(2) of the Constitution of the Republic Zimbabwe Amendment (No.20) 2013 provides that the State must take reasonable and other measures within the limits of the resources available to it, to achieve progressive realisation of the rights set out in section 73 of the Constitution. With the aid of case law and other relevant authorities discuss the concept of progressive realisation.

[25 marks]

Question 3

- a. Comment on the relevance of planning laws. (10)
- b. Explain the relevance of zoning laws in relation to different sectors. (15)

[25 marks]

Question 4

Identify and briefly discuss the following:

- a. The objectives of the United Nations Convention on Climate Change 1972; (10)
- b. The objectives of the United Nations convention on Biodiversity. (15)

[25 marks]

END OF PAPER