



---

**SCHOOL OF LAW**

**COURSE NAME:** Environmental Law 2

**COURSE NO:** LA330

**TIME ALLOWED:** Three (3) hours

**READING TIME:** Ten (10) minutes

**NUMBER OF PAGES:** Three (3) including this page

**NUMBER OF QUESTIONS ON PAPER:** Seven (7)

**NUMBER OF QUESTIONS TO BE ANSWERED:** Four (4) only

**MARK ALLOCATED FOR EACH QUESTION:** Equal marks

**TOTAL MARKS:** Forty percent (40%) of the result

---

**MATERIALS PERMITTED IN EXAMINATION ROOM:**

None

**SPECIAL INSTRUCTIONS**

1. Answer FOUR (4) questions in total; ONE compulsory question in Part A. THREE questions ONLY in Part B.
  2. All questions carry equal marks.
-

## PART A

Question 1 is **COMPULSORY**. All Students must attempt to answer this question.

### Question 1

It has been argued that the effectiveness of Environmental Impact Assessment (EIA) as an environmental management and planning tool, depends not on the strength of the EIA methodology and techniques but primarily on the legislative, institutional and procedural arrangements which are established to ensure that the EIA is done.

Do you agree with this statement? In your answer discuss the relevance and limitations of the technical, legal, institutional and procedural aspects of EIA.

(10 marks)

## PART B

Answer **THREE** questions **ONLY** from this part.

### Question 2

Briefly explain the meaning of "sustainable development" and discuss the regional constraints to sustainable development in the South Pacific. What are the key features of a regional approach to sustainable development that need to be integrated within the institutional and legal framework of Pacific Island Countries? (10 marks)

### Question 3

Explain the relevance of Environmental Impact Assessment (EIA) legislation in promoting sustainable development and capacity building in the South Pacific. Describe the main steps involved in the EIA process and examine what provisions need to be incorporated into legislation in order to avoid potential biases in the EIA process. (10 marks)

#### Question 4

Assuming that the relevant legal framework was in place in your country, describe the main aspects that you would expect to be covered by enacted legislation aiming at regulating access to genetic resources while also ensuring biodiversity conservation and customary ownership of such resources. (10 marks)

#### Question 5

Focusing on the medicinal plants of the South Pacific, explain the possible conflict of laws between national legislation regulating the access to genetic resources and intellectual property rights and patenting laws that may apply to such genetic resources. (10 marks)

#### Question 6

Detail the obligations contracted by state parties to the Convention on the Conservation and Management of Tuna Species in the Western and Central Pacific Ocean. Focusing on one of the coastal state parties you are the most familiar with, explain what domestic legal and policy framework has been established in order to fulfill such obligations. (10 marks)

#### Question 7

Focusing on the enforcement of conservation and management measures, analyse the extent to which enacted legislation as opposed to customary marine tenure systems provide appropriate framework for the conservation and management of inshore marine fisheries in the South Pacific. In your analysis provide an overview of the respective relevance and limitations of each approach. (10 marks)