



MUEO

# **MOI UNIVERSITY**

OFFICE OF THE DEPUTY VICE CHANCELLOR  
(ACADEMICS, RESEARCH & EXTENSION)

## **UNIVERSITY EXAMINATIONS 2018/2019 ACADEMIC YEAR FOURTH YEAR SUPPLEMENTARY/SPECIAL EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS**

**COURSE CODE:** FLB 402

**COURSE TITLE:** REGIONAL INTERGRATION LAW

**DATE:** 28<sup>TH</sup> NOVEMBER, 2019 **TIME:** 2.00 P.M. – 5.00 P.M.

---

### **INSTRUCTION TO CANDIDATES**

- ANSWER QUESTION ONE (1) AND ANY THREE (3) OTHERS.
- ILLUSTRATE YOUR ANSWER WITH RELEVANT DECIDED CASES AND STATUTORY PROVISIONS.

THIS PAPER CONSISTS OF (3) PRINTED PAGES

PLEASE TURN OVER



**QUESTION 1**

- a) The Treaty Establishing the East African Community enhances protection of human rights in the community by enabling the East African Court of Justice to enforce the African Charter on Human and Peoples Rights and the universal principles of human rights. Discuss. (15 Marks)
- b) Critically analyze the challenges facing the East African Court of Justice. (10 Marks)

**QUESTION 2**

"The establishment of the [East African Committee on Trade Remedies] with exclusive jurisdiction on matters arising out of Customs Union and the ousting of the jurisdiction of the East African Court of Justice is in my view, contradictory and illegal. We may not be surprised why up to now, five years since Customs Union Protocol became operational, EACJ has received no single case on Customs Union." – *Dr John Eudes Ruhangisa*

Discuss.

(15 Marks)

**QUESTION 3**

Explain the theoretical justification for regional integration focusing on the integration process within the East African Community.

(15 Marks)

**QUESTION 4**

Critically analyze rules governing decision making in the Council of Ministers.

(15 Marks)

**QUESTION 5**

Discuss the relationship between East African Community law and national laws of the Partner States.

(15 Marks)

**QUESTION 6**

Explain the mandate, powers and composition of any three of the following organs of the community:



- a) East African Legislative Assembly
- b) Coordination Committee
- c) Council of Ministers
- d) The Secretariat

(15 Marks)





MUEO

# **MOI UNIVERSITY**

OFFICE OF THE DEPUTY VICE CHANCELLOR  
(ACADEMICS, RESEARCH, EXTENSION & STUDENT AFFAIRS)

## **UNIVERSITY EXAMINATIONS**

### **2022/2023 ACADEMIC YEAR**

#### **FOURTH YEAR FIRST SEMESTER EXAMINATION**

### **FOR THE DEGREE OF BACHELOR OF LAWS**

**COURSE CODE:**

**FLB 402**

**COURSE TITLE:**

**REGIONAL INTERGRATION LAW**

**DATE:** 14<sup>TH</sup> DECEMBER, 2022

**TIME:** 9.00 A.M -12.00 P.M

---

### **INSTRUCTION TO CANDIDATES**

- ANSWER QUESTION ONE (1) AND ANY THREE (3) OTHERS.
- ILLUSTRATE YOUR ANSWERS WITH RELEVANT DECIDED CASES AND STATUTORY PROVISIONS.

THIS PAPER CONSISTS OF (3) PRINTED PAGES

PLEASE TURN OVER



**QUESTION 1**

Jumuiya and Mashariki are member states of the East African Community. Recently Mashariki imposed 25% import duty and 90% excise duty on chewing gum and other confectionary products imported from Jumuiya on the basis that manufacturers in Jumuiya use industrial sugar imported from outside the community to manufacture the products. Mashariki also instructed Mashariki Revenue Authority to reject all certificates of origin issued by Jumuiya Revenue Authority (JRA) for confectionary products from Jumuiya. Mashariki argued that Jumuiya had enacted Sugar (Importation) Regulation of January 2022 that allowed for duty free importation of sugar from foreign markets by the manufacturers of confectionary products.

Jumuiya protested these measures and demanded that the products be granted duty free access to the Mashariki market in line with the spirit of economic liberalization within the community. Jumuiya further argued that no manufacturer has imported sugar for industrial use and that the Sugar (Importation) Regulation of January 2022 did not permit importation of industrial sugar. It permitted duty free importation of sugar for domestic use in order to stabilize prices of sugar for domestic use. Jumuiya has threatened to ban importation of maize and dairy products from Mashariki if the measures are not reversed with immediate effect.

Advise the two partner states on the legality of the proposed measures and the legal mechanisms available to them to resolve the dispute. The relevant part of Annex III of the East African Community Customs Union (Rules of Origin) Rules 2015 is set out below:

HS No	Heading	Description of the Products	Origin Criteria (Working or processing carried out on non-originating materials that confers originating status)
17.04		Sugar confectionery (including white chocolate), not containing cocoa	Manufacture from materials of any heading, except that of the product
	1704.10	- Chewing gum, whether or not sugar-coated	
	1704.90	- Other	

(25 Marks)

**QUESTION 2**

Explain how the East African Court of Justice has reconciled the principles of variable geometry and the rule on consensus in decision making to guide integration process in the EAC.

(15 Marks)

**QUESTION 3**

Critically examine the relationship between the EAC law and the national legislation of the member States. (15 Marks)



**QUESTION 4**

Discuss the right of residence and right of establishment under the East African Community Common Market.(15 Marks)

**QUESTION 5**

Explain the theoretical foundations for regional integration focusing on the integration process in the East African Community.(15 Marks)

**QUESTION 6**

Analyze the composition, structure and functions of the following organs of the East African Community:

- a) The Council of Ministers(5 Marks)
- b) East Africa Trade Remedies Committee(5 Marks)
- c) The East African Legislative Assembly(5 Marks)