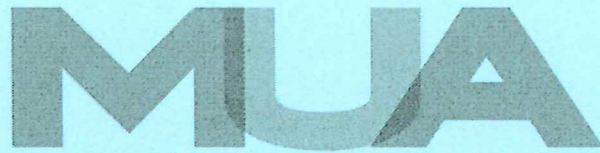


The
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UNDERGRADUATE UNIVERSITY EXAMINATIONS
SCHOOL OF MANAGEMENT AND LEADERSHIP
DEGREE OF BACHELOR OF ARTS IN DEVELOPMENT STUDIES

PMT 402: LEGAL AND COMMUNITY ISSUES IN PROJECT MANAGEMENT

DATE: 2ND DECEMBER 2024

DURATION: 2 HOURS

MAXIMUM MARKS: 70

INSTRUCTIONS:

1. Write your registration number on the answer booklet.
2. **DO NOT** write on this question paper.
3. This paper contains **SIX (6)** questions.
4. Question **ONE** is compulsory.
5. Answer any other **THREE** questions.
6. Question **ONE** carries **25 MARKS** and the rest carry **15 MARKS** each.
7. **Write all your answers in the Examination answer booklet provided.**

QUESTION ONE

Read the Case Study below carefully and answer the questions that follow:

AGROFORESTRY AND PARTICIPATORY APPRAISAL

A two-year agroforestry initiative in Kenya was funded in 2010 by a non-governmental organization (NGO). The agroforestry project's first phase employed a non-participatory methodology. The project's goals were to: a) preserve the local ecosystem and environment; b) teach the villagers how to manage their land; and c) Educational interactions and exchanges between various communities and regions.

The NGO made an effort to establish three departmental village nurseries in order to accomplish these goals. When it was first implemented, the county agencies in responsibility of the environment were involved. Implementation became difficult due to the NGO's inadequate oversight of the technical experts it hired, and the staff members' ignorance of the project's objectives. Additionally, the NGO was shown to be overly ambitious given that the nurseries were to produce 500,000 tree seedlings annually. At the end of the first two years, less than 1% of the seedling production across all nurseries was planted, and it was unclear if any of those plants made it through the first growing season.

With the help of donations, a second phase was started in 2013 with the goal of rehabilitating the three nurseries. After three months of trying to rehabilitate them, it was determined that only one of the nurseries could be continued. The goals, strategies, and objectives of their agroforestry program were reconsidered and revised in collaboration with the NGO's members. As a consequence, a village tree nursery program was created, with a participatory approach to agroforestry development, centered upon a needs assessment exercise. Following preliminary participatory evaluations with village associations, the following were the goals of ADESSI's agroforestry program's second phase:

- To increase agricultural production through the integration of agroforestry techniques;
- To enhance the nutritional status of local communities, particularly women and children, by producing fruit and vegetables through dry season gardens;
- To establish self-sustaining village tree nurseries to generate income and give local communities access to tree seedlings; and
- To raise local communities' awareness of environmental issues in their own local production systems.

Through a process of participatory assessment and extensive and sustained conversation between the extension workers and the local community, understanding of the social systems in the area was attained. Over the course of the two years, a variety of project activities were carried out with the village groups. These included planting about 60,000 trees, setting up 13 village nurseries, planting about 5 km of windbreaks, digging 10 wells, planting 5 dry-season gardens, building about 10 km of erosion control bunds, digging 100 compost pits, planting 15 communal orchards, setting up 13 group "running funds" (village group funds), operationalizing 13 village demonstration farms, and introducing a number of natural, organic pesticides.

Required:

- a) Discuss any **five** ways adopted by the community with the intention of protecting the environment. **(10 marks)**
- b) In relation to participatory development, critically analyze any **five** challenges that may have led to failure of nurseries in the first phase of the project. **(10 marks)**
- c) Briefly explain any **five** benefits in fundraising from donors. **(5 marks)**

QUESTION TWO

- a) 'Like minors, mental incompetents are treated as having limited capacity to contract'. Explain **(5 marks)**

- b) A pedestrian was struck by a building stone that fell from a building under construction owned by the defendant. The pedestrian relied on the doctrine of *res ipsa loquitor*. Discuss its relevance to her case. (5 marks)
- c) Describe five sources of administrative law in Kenya. (5 marks)

QUESTION THREE

- a) Briefly explain any **five** events that can lead to termination of a contract in Kenya. (10 marks)
- b) Elaborate **on the** role of the Kenyan judiciary. (5 marks)

QUESTION FOUR

- a) An insurer paid a homeowner the value of twenty million after it was destroyed by an arsonist. Advise the insurer on the right of subrogation. (5 marks)
- b) In relation to the law of property, identify any **five** duties of a tenant of a commercial premises (10 marks)

QUESTION FIVE

- a) Define the term 'Collective Bargaining'. (5 marks)
- b) With the use of appropriate examples, elaborate on any **five** types of resources that can be mobilized in project management. (10 marks)

QUESTION SIX

- a) 'Contracts are unenforceable because of lack of genuine consent by one of the parties.' Explain five factors that lead to lack of consent in a contract. (10 marks)
- b) Describe **five** laws that regulate solid waste and hazardous material disposal in Kenya. (5 marks)