

## **Environmental Law Association Newsletter 29**

22 July 2016

### **LEGISLATION**

#### **BILLS**

National Forests Amendment Bill, 2016 [B11-2016]

#### **NOTICES**

National Water Act 36 of 1998 - GN 856 in GG 40154 of 22 July 2016 - Notice of proposed Mzimvubu Water Project and the environmental impact assessment relating thereto - for comment

National Environmental Management Act 107 of 1998 - GN 849 in GG 40154 of 22 July 2016 - Section 24H Registration Authority Regulations, 2016 published with effect from the date of the appointment of the first registration authority, except reg. 14 which takes effect 24 months later

Promotion of Access to Information Act 2 of 2000 - GN 851 in GG 40154 of 22 July 2016 - Descriptions submitted in terms of s 15 (1) by Swartland Municipality

Promotion of Access to Information Act 2 of 2000 - GN 853 in GG 40154 of 22 July 2016 - Descriptions submitted in terms of s 15 (1) by KwaZulu-Natal Provincial Government: Department of Transport

Project and Construction Management Professions Act 48 of 2000 – BN 104 in GG 40149 of 20 July 2016 - South African Council for the Project and Construction Management Professions (SACPCMP) - Notice of proposed Revised Rules of Conduct for Registered Persons - for comment

Plant Breeders' Rights Act – GN 844 in GG 40154 of 22 July 2016 - Plant Breeders' Rights processed for period October 2015 to December 2015

## PROVINCES

### Eastern Cape

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 62 in *PG* 3709 of 18 July 2016 - Buffalo City Metropolitan Municipality - By-law on Spatial Planning and Land Use Management

### Mpumalanga

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and National Environmental Management: Waste Act 59 of 2008 - Proc 24 in *PG* 2714 of 22 July 2016 - Mbombela Local Municipality - Solid Waste Management By-laws published with effect from a date determined by the Municipality in the *Provincial Gazette*

### North-West

North West Parks Board Act 3 of 2015 (Gen Notice 222 in *PG* 7446 of 14 May 2015) and North West Tourism Board Act 2 of 2015 (Gen Notice 208 in *PG* 7447 of 14 May 2015) - Procs 33 & 34 in *PG* 7671 of 19 July 2016 - amendment of commencement date - 1 June 2015

## CASES

### National

*S v Ndwambi* 2016 2 SACR 195 (SCA)

“Fraud - Elements of—Prejudice—Intention to prejudice—Police trap—Contention that state had never intended to pay for fake rhino horn and that therefore no prejudice—Matter looked at from point of view of deceiver.

Fraud - Elements of—Misrepresentation—Knowledge that representation false—Proof of—Accused failing to give acceptable explanation and would be impermissible speculation in circumstances to hold that misrepresentation unknowingly made.

Conservation - Rhino horn—Sale of fake rhino horn—Sentence—Police official attempting to sell fake rhino horn to police trap—Sentence of six years’ imprisonment confirmed on appeal.”

*Eastern Cape Parks and Tourism Agency v Medbury (Pty) Ltd* 2016 4 SA 457 (ECG)

“Animal - Wild animal - Ownership—Escaped game—Statutory protection of ownership—Certificate of enclosure sole prerequisite for protection—Game Theft Act 105 of 1991, s 2(2)(a).”

*Tshwane Metropolitan Municipality v Afriforum and Another* (157/15) [2016] ZACC 19 (21 July 2016) <http://www.saflii.org/za/cases/ZACC/2016/19.pdf>

Summary: appealability of interim orders - requirements of an interim interdict - separation of powers - removal of street names *prima facie* right - irreparable harm - balance of convenience - “sense of place”

## PUBLICATIONS

Schneider M *et al* *The World Nuclear Industry Status Report 2016* (WNISR2016) <http://www.worldnuclearreport.org/IMG/pdf/20160713MSC-WNISR2016V2-LR.pdf>

Summary and conclusions:

<http://www.worldnuclearreport.org/IMG/pdf/20160713MSC-WNISR2016-S%26C-LR-EN.pdf>

Global Initiative “Tipping point: Transnational organised crime and the war on rhino poaching” Part I July 2016 <http://globalinitiative.net/rhino-tipping-point/>

Global Initiative “Beyond Borders: Crime, conservation and criminal networks in the illicit rhino horn trade” Part II July 2016 <http://globalinitiative.net/rhino-tipping-point/>

David McCoy, Alice Munro “Shale gas production in England: an Updated Public Health Assessment” (July 2016) <http://www.medact.org/climate-ecology/energy/fracking/2016-updated-report/> (about the report) and <http://www.medact.org/climate-ecology/energy/fracking/2016-updated-report/> (the report)

IEA-RETD “Renewable Power to Gas (RE-P2G)” (July 2016) <http://iea-rettd.org/publications/re-p2g>

## BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

The Conversation: Somerville K EU's new stand on ivory trade upsets East Africa ahead of key decision” 17 July 2016 <http://bit.ly/29P6aww>

The Conversation: Lind Jeremy “How revenues from oil and gas in Africa can be made to work for ordinary people” 18 July 2016 <http://bit.ly/29QHZ0a>

The Conversation: Samways Michael Dragonflies as sentinels for freshwater conservation 19 July 2016 <http://bit.ly/29UZFuK>

The Guardian: Gerrard MB “President Trump would be a climate catastrophe” 11 July 2016 <https://www.theguardian.com/commentisfree/2016/jul/11/president-trump-would-be-a-climate-catastrophe>

Vermont Law School: “Documenting COP21” <http://vlscop.vermontlaw.edu/4564-2/>

“The *Introduction* provides background on the creation of the Paris Agreement, with a brief overview of the UNFCCC and the Kyoto Protocol, and more detail on the negotiations under the Durban Mandate during the last 18 months. Each *subsequent section* focuses on a specific article of the Paris Agreement, providing description of the final text along with observations and analysis of significant changes that occurred during the

negotiations. We plan to create an *interactive document* that will key these historical changes to the final agreement, along with our predictions on which provisions will entail more negotiation as the Agreement enters into force by 2020.”

Vermont Law School: “Paris Agreement, Past & Future”

<http://forms.vermontlaw.edu/cop21/>

“This on-line resource allows you to see more deeply into the specific text changes that occurred during the two weeks of negotiation at COP21. Our team of experts tracked these key articles, from the final ADP2-11 text used on November 30, 2015, the day COP21 opened, until the gavel dropped and the final text of the Agreement was adopted on Saturday, December 12, 2015.”

Environmental Symposium: Waters of the United States: Papers and podcasts:

[http://law.lclark.edu/programs/environmental\\_and\\_natural\\_resources\\_law/symposium/](http://law.lclark.edu/programs/environmental_and_natural_resources_law/symposium/)

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **IMEL Seminar Evening on High Seas Conservation: Current Developments in International Law**

Lectures by Prof David Freestone (George Washington University Law School, USA and Executive Secretary Sargasso Commission); John Duncan and Jessica Greenstone (WWF SA Marine Programme)

Date: 3 August 2016

Venue: UCT Kramer Law Building LT 3

Time: 17:00

RSVP: [tony.murphy@uct.ac.za](mailto:tony.murphy@uct.ac.za) by 27 July 2016 (seats are limited)

#### **ELA Conference and AGM: Our ecosystems under threat: Legal responses**

Date: 30 September 2016

Venue: Radisson Blu Gautrain Hotel, Sandton Johannesburg

Closing date for abstracts: 1 August 2016

Final date for registration: 31 August 2016

The call for abstracts and registration details are available on the website:

<http://www.elasa.co.za/conferencesworkshops.html>

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

**5th Annual ELA Student Conference: "Environmental Law and Governance Responses in an Era of Rapid Ecological and Socio-Economic Change" Call for Abstracts**

Date: 1 October 2016

Venue: Wits Law School, University of the Witwatersrand

Closing date for abstracts: 15 August 2016

Submit abstracts online or send to Prof Tracy Humby – [Tracy-Lynn.Humby@wits.ac.za](mailto:Tracy-Lynn.Humby@wits.ac.za)

No registration fee. But please register for catering purposes:

Registration and more details: <http://www.elasa.co.za/annual-student-conference.html>

**IAIAsa 2016 – Conference Environmental change and challenges: Resilience, adaptation and sustainability**

Date: 17-19 August 2016

Place: The Boardwalk Port Elizabeth

Registration: <https://iaiasaconference2016.myactiveonline.co.za/CaptureDetails/Registration.aspx>  
[http://eolstoragewe.blob.core.windows.net/wm-698609-msimages/IAIAsa2016\\_2NDCALLFORPRESENTATIONS.pdf](http://eolstoragewe.blob.core.windows.net/wm-698609-msimages/IAIAsa2016_2NDCALLFORPRESENTATIONS.pdf)

**The IAIAsa North-West Branch and NACA: IAIAsa NW Branch AGM and Guest Lecture on: "Dealing with Dust"**

Date: Wednesday, 27 July 2016 at

Time: 15:00-17:00 PM

Venue: North-West University, Potchefstroom Campus, Building E6 (JS Van der Merwe), Room G24

Free to IAIAsa/NACA members; Non-members: R150; Non-member postgraduate students: R100; Non-member graduate students: R50

Register for the event online at:

<https://iaiasanw2016agmnaca.myactive.co.za/capturedetails/registration.aspx> by 25 July 2016 before 12:00 PM. Only 50 spaces available.

The lecture will discuss the challenges when dealing with dust and aerosols in Environmental Impact Assessment (EIA) and will also provide a mining environmental practitioners view on dust management. The guest speakers are Prof. Harold Annegarn and Mr. Fanus van Wyk

**Second Annual RALHUS/SARCIL Rule of Law and Sustainable Development Seminar: Sustainable Development Goals and the Progressive Development of International Environmental Law**

Date: 5 August 2016

Time: 08:30-15:45

Venue: Devon Valley Hotel, Stellenbosch, South Africa

Queries: [ebooy@uwc.ac.za](mailto:ebooy@uwc.ac.za) or [skasker@gmail.com](mailto:skasker@gmail.com)

Registration before 20 July 2016: Contact [ebooy@uwc.ac.za](mailto:ebooy@uwc.ac.za)

## **Call for Papers: The Legal Implications of the State as Custodian**

Conference date: 28 October 2016

Place: Johannesburg (Rosebank)

Abstract closing date: 1 August 2016

Email address for abstracts: [projectskasnwu@gmail.com](mailto:projectskasnwu@gmail.com)

## **North-West University: CEM Courses and information**

- **Transition from ISO 14001:2004 to ISO 14001:2015 - Environmental Management Systems (CEM-03.6b)**

Prerequisites: Prior learning and/or experience in ISO 14001:2004

Dates: 1-2 August 2016 - Gauteng

- **Mine Health and Safety Law for Managers (CEM-08.1.5)**

Dates: 22-26 August 2016 – Potchefstroom

- **Gaining critical insight into recent waste law - Towards implementation and compliance (CEM-02.6.5)**

Date: 10-11 August 2016

- **Environmental Mining Law: The Legal Framework Governing Environmental Management in South African Mining Operations (CEM-02.11)**

Date: 15-19 August 2016

- **Social and Heritage Impact Assessment (CEM-05.3)**

Date: 15-19 August 2016

- **Implementing Environmental Management Systems (ISO 14001) (CEM-03.1)**

Dates: 15-19 August 2016

- **Conservation Law: South African Legislation and Policy Governing Biodiversity Conservation (CEM-02.10)**

Date: 22-26 August 2016

- **Implementing an Occupational Health and Safety Management System based on OHSAS 18001 (CEM-08.2.1)**

Date: 22-26 August 2016

- **Water Quality Monitoring: Principles, Approaches and Techniques (CEM-06.4.3)**

Date: 29 August 2016 – 2 September 2016

- **Post-decision Environmental Monitoring and Enforcement: An Introduction to the Role and Responsibilities of an Environmental Control Officer (CEM-05.1.5)**

Date: 29 August – 2 September 2017

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

### **Postgraduate Certificate Courses in Law in September 2016**

The Mandela Institute at Wits School of Law will be offering the following short courses in a block release in September 2016:

- Energy and Climate Change Law (12 – 17 September)

To provide a comprehensive understanding of the international climate change regime, South African climate change policy, the country's commitment to mitigate its greenhouse gas emissions, the governance and regulation of fossil fuels, fracking, renewable energy and nuclear power.

- International Nuclear Law (19 – 30 September, excluding the weekend)

To provide regulators, private energy corporations, policy makers, public interest organisations and project financiers and interested professionals with an understanding of nuclear energy law and regulation in a developing country context.

Entry requirements, course details and application process can be found on the Short Courses pages of the Mandela Institute website:

<http://www.wits.ac.za/mandelainstitute/>

### **South African Research Chair in Property Law (SARCPL): Conflicts with Ownership Rights: On Proportionality, Abuse and Balance**

Date: 11 August 2016

Venue: JC de Wet Hall, Old Main Building, c/o Victoria and Ryneveld Street, Stellenbosch

Time: 18:30

The South African Research Chair in Property Law (SARCPL), together with the Stellenbosch University Law Faculty, will host the fourth annual SARCPL public faculty lecture. The lecture, entitled is presented by Prof Vincent Sagaert (University of Leuven, Belgium).

Attendance is free of charge but seating is limited.

To confirm attendance, RSVP Sonja van Staden [sonjavn@sun.ac.za](mailto:sonjavn@sun.ac.za) by 1 August 2016.

## **International**

### **Call for papers, panels, and posters: XVI Biennial IASC-Conference 'Practicing the Commons: Self-Governance, Cooperation, and Institutional Change'**

Date: 10-14 July 2017

Place: Utrecht, Netherlands

Deadline 15 October 2016

The local organizers of the XVIth Biennial Conference of the International Association for the Study of the Commons ([www.iasc2017.org](http://www.iasc2017.org)) welcome abstracts for papers, panels, and posters to be presented at this conference, to be held in Utrecht, The Netherlands, from 10 to 14 July 2017. The meeting will be held in the wonderful historic city center of Utrecht, a major university town in the middle of the Netherlands and will be hosted by the Institutions for Collective Action-research team ([www.ollective-action.info](http://www.ollective-action.info)) and the Strategic Theme

Institutions for Open Societies (<http://www.uu.nl/en/research/institutions-for-open-societies>) of Utrecht University.

With the theme of the conference, “Practicing the Commons: Self-Governance, Cooperation, and Institutional Change”, we intend to bring together the fast growing body of scientific knowledge on the commons as an alternative governance model. The increasing popularity of commons as a governance model is visible across the Netherlands and elsewhere in Europe. Citizens increasingly form new collectives to provide energy, care, food, et cetera, and work together on the basis of self-governance and reciprocity.

During the conference there will be plenty of opportunities to connect academic research to practitioner, experience and vice versa. Underneath you find an overview of the main themes to be addressed, including a list of potential research questions that might be the topic of paper presentations. Soon also a call for contributions to practitioner labs will be issued.

On this conference website, [www.iasc2017.org](http://www.iasc2017.org), you can learn about the conference timeline, keynote speakers, policy sessions, and opportunities to organize your own project meetings. You can also find out about the city of Utrecht, the conference venues, planned excursions, and much more.

Conference tracks, including examples of possible research questions that can be addressed in submitted panels, papers, and posters

#### *1. Recipes for resilient cooperation*

- How did the management and use of commons evolve over time?
- Does the longevity of an institution for collective action have a positive effect on continuation? What is the role of path dependency in long-enduring commons?
- Which factors influence(d) the emergence and continuation of commons?
- In what way does management of common pool resources depend on the type of resource?
- ...

#### *2. Issues of exclusion and control in the formation, defense and governance of commons*

- Who sets the boundaries to commons?
- Do commons with strict boundaries/access rules suffer less from freeriding than those with vague, open boundaries? Does openness always affect resilience negatively?
- Can technology help to make commons more inclusive?
- What are the moral implications of limiting access to common pool resources?
- Which instruments for monitoring, controlling and sanctioning behavior can be found in self-governing institutions and how do these evolve over time?
- What is the impact of group size and composition on the commons’ functioning?
- How does inclusion and exclusion work in digital resources governed as commons?



- ...
- 3. *The impact of the commons*
  - What role can commons play in enhancing food security?
  - Do commons have a positive effect on livelihoods, well-being, social justice, inequality?
  - How can knowledge on commons be used to secure the future of global resources?
  - How can (knowledge on) local resource governance contribute to mitigating climate change?
  - What is the impact of technological change on self-governance and resource appropriation?
  - In what way does management of common pool resources depend on the type of resource?
- ...
- 4. *Methods and models to study the commons*
  - How can institutional change on the commons be studied (methodology, coding of case studies, individual cases)?
  - How can micro-macro relations be modelled to understand our functioning of commons?
  - How can our current knowledge on natural resource commons be used to improve our understanding of collective action in digital environments, genetics, etc., and vice versa?
- ...
- 5. *Polycentric governance of global resources*
  - How can polycentric governance contribute to governing global resources?
  - Which are the legal constraints to polycentric governance?
  - What can be the impact of local change on the future of global resources?
  - How and in which ways is leadership important in polycentric governance?
- ...
- 6. *Crisis on the commons?*
  - How do commoners overcome periods of extreme stress and crisis?
  - Are commons as governance regimes more resilient to shocks and crisis, compared to e.g. state or market-governed resources?
  - How well can commoners mediate conflicts both within their own group and with other groups within society?
  - How to study failure instead of success of commons?
- ...
- 7. *Commons and the city*
  - For which urban spaces and resources can commons be a viable alternative governance model?
  - Which specific opportunities and challenges does the urban environment offer to commons' initiatives?

- How to establish durable collaboration between commons and local governments?
- ...

#### 8. *Corporations, governments and commons*

- What impact do businesses and private investment have on the commons?
- What role can commons play in the struggle for land rights, of in particular indigenous communities?
- Which role can local and national governments play in the development of new commons?
- ...

#### *Submission guidelines*

- Abstracts can be submitted for posters, individual papers, panels, and papers belonging to a coherent panel. See further for details.
- All abstracts should be submitted via the IASC Conference Registration system:

<http://conferences.iasc-commons.org/index.php/iasc/IASC2017/author/submit?requiresAuthor=1>

- All submissions should be in English (either US or UK spelling are allowed)
- The text of your abstract should be no longer than 500 words (including references) and entered as flat-text via the online registration procedure by the 15 October 2016 at the latest
- Please also submit relevant keywords regarding topics, region, and time period in the registration system
- All abstracts will be peer-reviewed by at least two selected reviewers
- You will be notified about the reviewing result ultimately by 31 January 2017
- Full papers and posters are expected to be submitted ultimately by 20 June 2017
- Please notice that by submitting your paper, you will allow the paper to be included into the Digital Library on the Commons (<https://dlc.dlib.indiana.edu/dlc/>)
- In case you wish to submit a panel proposal (consisting of 4 papers), please note that:
  - the main organizer of the panel first needs to submit a panel proposal with an abstract on the session's content, and needs to inform the authors of the 4 papers about the submission ID that will be provided after submission of the panel (via a confirmation email).
  - sessions are only considered if all 4 paper proposals are also individually submitted by their authors, including the reference to the submission number of the panel. It is the responsibility of the main session organiser to inform the authors of the participating papers about this procedure.
  - panels are only included in the program if all four individual papers are accepted by the reviewers and if all authors have registered by 10 May 2017. If the authors have not registered in time, the

organizers will allocate the papers of registered authors to other panels, if possible.

Please do also note that:

- For practitioners interested in presenting their initiative/organization to other delegates at the conference, a special - Call for contributions to practitioners' labs - will be issued soon, giving practitioners the opportunity to present their organization and engage in the academic debate. The conference is of course also open to practitioners, scholars, or any other interested parties to attend the conference without presenting their initiative or research.
- There will be a number of grants available to delegates from the Global South and to PhD-students which will comprise a waiver of the conference fee, free accommodation during the conference (arrival on Monday, departure on Saturday), participation in the conference events (pre-conference workshop, dinner, excursion) and "depending on the grant" a limited contribution to travel costs. Authors of accepted abstracts will receive notice before 31 January 2017 explaining the application procedure for a grant. Please note that reimbursements of costs related to a grant are made after presentation of the paper at the conference only.
- Conference fees will be announced via this website in the fall of 2016 and will be income-dependent, but they will also be substantially lower for members of the IASC. Register now as IASC-member via <https://membership.iasc-commons.org> and start benefiting right away from your IASC-membership.
- As the conference is an excellent opportunity to meet your international project partners, the organizers will be offering high-quality low-cost meeting rooms (approx. 100 EUR/day, including equipment) for your project meetings on the opening day of the conference (Monday 10 July, 9 am - 3 pm). You can register for this via the conference website <http://www.iasc2017.org/when/project-meetings/>. You will find more information on the conference website [www.iasc2017.org](http://www.iasc2017.org). Or get in touch with the conference organizers via [iasc2017@iasc2017.org](mailto:iasc2017@iasc2017.org). If you wish to be updated about the IASC-conference and other IASC-events, please register for the IASC-newsletter via <http://iasc-commons.org/>

### **Webinar "Tracking Implementation of Building Energy Codes and Certification"**

Date: Tue, 29 July 2016

Time: 4:30 pm CEST

Registration <https://attendee.gotowebinar.com/register/1229950366781418499>

Webinar ID: [105-072-499](https://attendee.gotowebinar.com/register/1229950366781418499)

This is the first in a series of webinars that will address building energy codes and certification. The target audience includes local and national stakeholders in the building sector and government. This webinar will start with a basic discussion of the types of building energy codes and how to track progress for

the Building Efficiency Accelerator. The webinar will then discuss the process that is used to develop and implement successful building energy codes and certification. Online tools and databases from GBPN and IEA that are used to track implementation progress will be demonstrated. The participating stakeholders will learn about how they can report on the progress of building energy code implementation and development of building certification.

## NEWS

Mabuza Ernest “Six gold mines petition appeal court over silicosis class action ruling” *TimesLive* 15 July 2016 [Source: Legalbrief Today 18 July 2016]

<http://www.timeslive.co.za/local/2016/07/15/Six-gold-mines-petition-appeal-court-over-silicosis-class-action-ruling>

### **General: MRC pulls out of Xolobeni dune mining project**

“Four months after community leader Sikhosiphi ‘Bazooka’ Radebe was gunned down in front of his son, an Australian mining company says it is bailing out from its plan to mine one of the world’s biggest undeveloped mineral sand mining ventures, at Xolobeni on the Wild Coast. A report in *The Mercury* notes that Mineral Resources Commodities (MRC), a Perth-based company headed by Mark Victor Caruso, announced this week that it had taken a decision to divest its majority interest in the controversial dune-mining venture because of ‘ongoing violence and threats to the peace and harmony of the Xolobeni community’ and hoped to sell its interests at Xolobeni to a local black economic empowerment group. The decision to sell has raised several eyebrows in the local community around who will fund the takeover, as well as the identity of the new beneficiaries if mining goes ahead, according to the report. It notes the announcement also coincides with a high-level meeting today at the Xolobeni Primary School between the local community and the Deputy Ministers of police, mining and water. It is understood the meeting has been requested by the Amadiba Crisis Committee to discuss continued violence and complaints against the police following the murder of Radebe. Radebe, a taxi owner, community leader and chairperson of the Amadiba Crisis Committee, was a vocal opponent of the dune-mining proposal, the report states.”

Full report in *The Mercury* (subscription needed) *Legalbrief Environmental* 19 July 2016

Ontebetse Khonani “amaBhungane: West Coast dune mining – is the tide turning on Tormin?” *Daily Maverick* 18 July 2016 [Source *Legalbrief Environmental* 19 July 2016] <http://www.dailymaverick.co.za/article/2016-07-18-amabhungane-west-coast-dune-mining-is-the-tide-turning-on-tormin/#.V43by-t97lV>

Allix Mark Nuclear sector in crisis as SA weighs options *BDLive* 15 July 2016 [Source *Legalbrief Environmental* 19 July 2016] <http://www.bdlive.co.za/business/energy/2016/07/15/nuclear-sector-in-crisis-as-sa-weighs-options>

Pinnock Don "Ivory sales: Fast-track to elephant extinction?" *Daily Maverick* 14 July 2016 [Source *Legalbrief Environmental* 19 July 2016] <http://www.dailymaverick.co.za/article/2016-07-14-ivory-sales-fast-track-to-elephant-extinction/#.V43dL-t97IV>

**Mineral Resources Minister Mosebenzi Zwane has welcomed strides being made to halt illegal mining in Limpopo.**

"This follows efforts by the department, in partnership with the South African Police Service, in issuing an order for illegal chrome mining operations on the R37 between Polokwane and Burgersfort, Limpopo to cease. The operations were taking place at Winterveldt 417 SK, Jaglust 418 SK and Zeekoegat 421 SK farms.

Members of the department's compliance unit and law enforcement agencies raided the illegal mining sites this week, while the local Sheriff served those operations with a court order ceasing all operations immediately.

Criminal cases will be opened against those found to be operating illegally. Law enforcement agencies will further investigate those cases with the aim of bringing to book the perpetrators. Illegal mining is prohibited in terms of the Mineral and Petroleum Resources Development Act and the National Environmental Management Act. The perpetrators were operating without a mining permit, prospecting right or mining right as well as no environmental authorisation.

The department is always ready to assist communities. In terms of the MPRDA, communities can lodge a preferential prospecting or mining right and the department will assist accordingly, in cases where there are no existing applications, permits or rights.

The department will continue to collaborate with law enforcement agencies and other stakeholders to implement measures, such as these, to ultimately eradicate illegal mining." [Press Release Department of Mineral Resources: 19 July 2016]

"Italy's media baron De Benedetti convicted in Olivetti asbestos case" 18 July 2016 [http://en.europeonline-magazine.eu/italys-media-baron-de-benedetti-convicted-in-olivetti-asbestos-case\\_470766.html](http://en.europeonline-magazine.eu/italys-media-baron-de-benedetti-convicted-in-olivetti-asbestos-case_470766.html)

Posterli Tina "Lawsuit Challenges Loopholes in New EPA Rule Exempting Wetlands and Streams From Clean Water Act Protections" *Waterkeeper Alliance* 22 July 2016 <http://waterkeeper.org/lawsuit-challenges-loopholes-new-epa-rule-exempting-wetlands-streams-clean-water-act-protections/>

**General: E-mail requests for water licence copies allowed**

"NGOs and environmentalists have praised the decision of the Department of Water and Sanitation to promote transparency on water licences, says a Beeld report. Christine Redell, a lawyer with the Centre for Environmental Law, saw the new process to obtain copies of water licences as a 'victory' after complaints by several NGOs about cumbersome PAIA applications to the department to get copies of licences was finally heard. The department has now agreed to provide copies of all water licences when a member of the public requests the information via e-mail. Reddell said the next step was to convince

the department to publish all water licences on their website. The report says e-mail requests for copies of water licences can be forwarded to Puseletso Losetso at loselop@dws.gov.za.”

Full Beeld report *Legalbrief Today* 21 July 2016

Munusamy Ranjeni “Public Protector: SA’s massive accountability failure prompts search for another saviour” *Daily Maverick* 15 July 2016

<http://www.dailymaverick.co.za/article/2016-07-15-public-protector-sas-massive-accountability-failure-prompts-search-for-another-saviour/#.V5Ew8-t97IV>

Njoki Joan “CMA launches portal to report corporate fraud” [Kenya] *The Star* 19 July 2016

[http://www.the-star.co.ke/news/2016/07/19/cma-launches-portal-to-report-corporate-fraud\\_c1388320](http://www.the-star.co.ke/news/2016/07/19/cma-launches-portal-to-report-corporate-fraud_c1388320)

## VACANCIES, BURSARIES, FUNDING OPPORTUNITIES, ETC

### **Postdoctoral Research Fellow - Griffith Law School**

Overview: A team of scholars based at the Law Futures Centre and the Griffith Law School are jointly studying the ecological future of Northern Australia as it is opened up for economic development. We seek a post-doctoral researcher to assist in developing and carrying out new research projects on related topics and to help prepare external grant applications to support the research. This project aims to develop legal and governance models and approaches to support the sustainable ecological future of Northern Australia.

This research into the ecological future of the North aims to encourage critique, policy formulation and long-term planning for the *full range* of ecological, social and economic impacts of development in Northern Australia.

This is a fixed term (Three years), full time position based at the Gold Coast Campus.

The Role: You will work closely with the Northern Australia research team at the Griffith Law School / Law Futures Centre. You will assist with or coordinate the writing of scholarly articles, policy papers, and grant applications that bring together the team’s efforts in furthering the agenda of defending the ecological future of Northern Australia. You will have some opportunity to pursue your own related scholarship with access to the resources, intellectual capital and career development opportunities.

You will have day-to-day responsibility for bringing together and supporting researchers with the aim of researching, writing and coordinating papers, grants and policy submissions. Key duties will include project management, liaison with academic and government research partners, conducting research in support of joint writing projects for the team involved in the project, drafting of grant and ethics applications, and dissemination of research findings through publication in peer-reviewed journals and presentation at local, national and international conferences.

The Person: This position has been established to ensure a high level of quality and dedicated effort to delivering on the objectives of the research project. The successful applicant will require excellent oral and written communication skills, significant experience with environmental law and policy, and a PhD in law, or a

relevant social science, including political ecology, environmental planning, anthropology, sociology, economics or psychology. The position is well-suited to a high-performing early career researcher who wishes to rapidly build their research track record.

Salary Range: Research Fellow, Grade 1: \$69,699 - \$81,988 per annum.  
Salary package including 17% employer superannuation contribution: \$81,548 - \$95,926 per annum.

Further Information: Obtain the position description and application requirements by clicking the following link:

[102455\\_PD\\_Postdoctoral\\_Research\\_Fellow.pdf](#)

For position queries, contact Professor Don Anton via email: [d.anton@griffith.edu.au](mailto:d.anton@griffith.edu.au) or on +61 (0) 7 373 58480.

For application queries, contact Ms Christine Lethbridge, HR Officer on [c.lethbridge@griffith.edu.au](mailto:c.lethbridge@griffith.edu.au) or on +61 (0) 7 373 57999.

Closing date: Monday, 8th August 2016 at 5pm AEST

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<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

***The ELA is registered as a Public Benefit Organisation***

[www.elasa.co.za](http://www.elasa.co.za)

***Remember that members of the Environmental Law Association may subscribe to Legalbrief Environmental – discount available.***



## **Environmental Law Association Newsletter 31**

5 August 2016

### **LEGISLATION**

#### **NOTICES**

National Environmental Management Act 107 of 1998 – Gen Not 892 in GG 40188 of 5 August 2016 - Activities identified that may be excluded from requirement to obtain environmental authorisation but that must comply with Dangerous Good Standard- for comment before 5 September 2016

National Environmental Management Act 107 of 1998 – Gen Not 892 in GG 40188 of 5 August 2016 - Adoption of Dangerous Goods Standard – for comment before 5 September 2016

### **PROVINCES**

#### **Free State**

Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - PN 172 in PG 35 of 30 July 2016 - Mangaung Municipality Land Use Planning By-Law

#### **Mpumalanga**

National Environment Management: Biodiversity Act 10 of 2004 – LN 76 in PG 2718 of 5 August 2016 - List of Final approved Tariffs

#### **Western Cape**

Saldanha Bay Industrial Development Zone Licencing Company Act 1 of 2016 – Proc 16 in PG 7657 of 5 August 2016 - commence 5 August 2015

National Nuclear Regulator Act 47 of 1999 – PG 7657 of 5 August 2016 - Application for Nuclear Vessel Licence in terms of section 21(3)

National Nuclear Regulator Act 47 of 1999 – PG 7656 of 29 July 2016 - Application for a Nuclear Installation Site Licence in terms of GN. R.927 of 11 November 2011, Regulations in terms of section 36, read with section 47



## North-West

Local Government Municipal Structures Act 117 of 1998 – 142 in *PG* 7676 of 1 August 2016 – Transitional arrangements for amalgamation Tlokwe and Ventersdorp – Townplanning Schemes

Local Government Municipal Systems Act 32 of 2000 - PN 140 in *PG* 7074 of 28 July 2016 – MSA sec 47 Report Consolidated Performance Report of Municipalities 2014/15

National Environmental Management Act 107 of 1998 – PN 143 in *PG* 7677 of 2 August 2016 - Final draft environmental management framework for the Dr Kenneth Kaunda District Municipality – for comment

National Environmental Management Act 107 of 1998 – PN 144 in *PG* 7677 of 2 August 2016 - Final draft environmental management framework for the Greater Taung Local Municipality – for comment

## CASES

### National

*Land Access Movement of South Africa and Others v Chairperson of the National Council of Provinces and Others* [2016] ZACC 22

“It is declared that Parliament failed to satisfy its obligation to facilitate public involvement in accordance with section 72(1)(a) of the Constitution. 2. The Restitution of Land Rights Amendment Act 15 of 2014 is declared invalid.”

<http://www.saflii.org/za/cases/ZACC/2016/22.html>

### Internasionaal

French Constitutional Court: Décision n° 2016-737 DC du 4 août 2016 – on the principle of non-regression [in French] - <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2016/2016-737-dc/decision-n-2016-737-dc-du-4-aout-2016.147728.html>

## PUBLICATIONS

Leal-Arcas R and Minas S “Mapping out the international and European governance of renewable energy” [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2814110](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2814110)

Ikuomola Adediran, Okunola Rashidi & Akindutire Adeshina” Criminality: Illegal Logging of Woods In Nigeria’s South-West Forest Belt” 2016 *African Journal of Criminology and Justice Studies* 141-153  
<https://www.umes.edu/ajcjs/default.aspx?id=55149>

Overdevest Christine and Zeitlin Jonathan “Experimentalism in Transnational Forest Governance: Implementing EU Forest Law Enforcement Governance and Trade (Flegt) Voluntary Partnership Agreements in Indonesia and Ghana”  
ACCESS EUROPE Research Paper No 2016/02  
[http://papers.ssrn.com/sol3/JELJOUR\\_Results.cfm?form\\_name=journalbrowse&journal\\_id=2781729](http://papers.ssrn.com/sol3/JELJOUR_Results.cfm?form_name=journalbrowse&journal_id=2781729)

### **Chinese Journal of Environmental Law: Call for Submissions**

<http://www.brill.com/products/journal/chinese-journal-environmental-law>

Call for Submissions for the new *Chinese Journal of Environmental Law*, to be published by Brill in collaboration with the Research Institute of Environmental Law, Wuhan University, China.

While there will be some focus on environmental law concerning China, and more generally on Asia, the geographic coverage of the Journal is intended to be unlimited, and its subject matter will be broad. We encourage articles, country reports and book reviews from around the world.

Pre-submission inquiries for contributions can be made to our Managing Editor, Benoit Mayer of the Chinese University of Hong Kong at [bnt.mayer@gmail.com](mailto:bnt.mayer@gmail.com)

We also welcome any questions about the Journal directly to us as chief editors, at [tianbaog@hotmail.com](mailto:tianbaog@hotmail.com) and [ben.boer@sydney.edu.au](mailto:ben.boer@sydney.edu.au)

The *Chinese Journal of Environmental Law* (CJEL) publishes international, comparative, and national research and reviews concerned with environmental law and policy. While CJEL aims to present leading research work from or concerned with China, other Asian regions, and the developing world at large, the journal's geographic coverage is unlimited, and its scope is intentionally broad. It encompasses diverse areas of international, regional and national environmental law, including biodiversity law, climate change law, energy law, environmental assessment law, marine environmental law, natural resources law, planning law and pollution law. It also includes emerging institutional developments such as environmental courts, and innovations in compliance and enforcement.

The Journal invites submissions to the inaugural and following issues:

- Research articles of 6,000 to 10,000 words (notes included)
- Country reports and notes on recent developments of 2,000 to 7,000 words (notes included)
- Book reviews of 750 to 2,000 words

Following an editorial screening, all submissions are subjected to a double-blind peer-review process before an editorial decision is made. While ensuring a high level of review, we strive to communicate an initial editorial decision within 6 to 8 weeks following submission. Selected articles and other contributions will be accessible in “open access” format.

Authors are responsible for formatting the submissions following the Fourth Edition of the Oxford University Standard for Citation of Legal Authorities (OSCOLA), available at: [https://www.law.ox.ac.uk/sites/files/oxlaw/oscola\\_4th\\_edn\\_hart\\_2012.pdf](https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012.pdf)

In addition, authors are requested to capitalize family names (as in “QIN Tianbao” and “Ben BOER”) to avoid confusion. <http://www.editorialmanager.com/cjel/default.aspx>

## BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

IAIA Blog: Lee S “Climate Challenge: Status Quo or Action?”  
<http://www.iaia.org/news-details.php?ID=28>

Völkerrechtsblog: Kron Amanda & Jensen David “From curse to opportunity: Mediation of natural resource conflicts” — 13 July, 2016  
<http://voelkerrechtsblog.org/from-curse-to-opportunity-mediation-of-natural-resource-conflicts/>

Daily Maverick: De Vos “Analysis: A citizen’s guide to electricity generation technology” 28 July 2016 <http://www.dailymaverick.co.za/article/2016-07-28-analysis-a-citizens-guide-to-electricity-generation-technology/#.V6TruOt97IU>

Daily Maverick: Yelland Chris “Analysis: How much will new nuclear electricity cost South Africa?” 2 August 2016 <http://www.dailymaverick.co.za/article/2016-08-02-analysis-how-much-will-new-nuclear-electricity-cost-south-africa/#.V6TtMut97IU>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **UP and ELA Gauteng Regional Event: “Blood Lions” Screening of Documentary**

**Date:** 10 August 2016, 16:30

**Venue:** Law Auditorium, Law Building, University of Pretoria, Hatfield Campus  
No registration required.

Any questions can be addressed to: Melanie Murcott [melmurcott@icloud.com](mailto:melmurcott@icloud.com)

#### **Eastern Cape ELA Regional Event: Peter Kantor: The Marine Spatial Planning Bill and Kenton on Sea Ratepayers Association**

**Date:** 16 August 2016 16:00-16:45

**Venue:** Reading Room, Law Faculty, NMMU

**RSVP:** 10 August 2016 Tanya Wagenaar [Tanya.wagenaar@nmmu.ac.za](mailto:Tanya.wagenaar@nmmu.ac.za)  
<http://www.elasa.co.za/events.html>

#### **ELA Conference and AGM: Our ecosystems under threat: Legal responses: Extension for abstracts**

**Date:** 30 September 2016

**Venue:** Radisson Blu Gautrain Hotel, Sandton Johannesburg

**Extension for closing date for abstracts: 15 August 2016**

**Final date for registration:** 31 August 2016

The call for abstracts and registration details are available on the website:  
<http://www.elasa.co.za/conferencesworkshops.html>

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

### **5th Annual ELA Student Conference: “Environmental Law and Governance Responses in an Era of Rapid Ecological and Socio-Economic Change” Call for Abstracts**

Date: 1 October 2016

Venue: Wits Law School, University of the Witwatersrand

**Closing date for abstracts: 15 August 2016**

Submit abstracts online or send to Prof Tracy Humby – [Tracy-Lynn.Humby@wits.ac.za](mailto:Tracy-Lynn.Humby@wits.ac.za)

No registration fee. But please register for catering purposes:

Registration and more details: <http://www.elasa.co.za/annual-student-conference.html>

### **IAIAsa 2016 – Conference Environmental change and challenges: Resilience, adaptation and sustainability**

Date: 17-19 August 2016

Place: The Boardwalk Port Elizabeth

Registration: <https://iaiasaconference2016.myactiveonline.co.za/CaptureDetails/Registration.aspx>  
[http://eolstoragewe.blob.core.windows.net/wm-698609-msimages/IAIAsa2016\\_2NDCALLFORPRESENTATIONS.pdf](http://eolstoragewe.blob.core.windows.net/wm-698609-msimages/IAIAsa2016_2NDCALLFORPRESENTATIONS.pdf)

### **Call for Papers: The Legal Implications of the State as Custodian**

Conference date: 28 October 2016

Place: Johannesburg (Rosebank)

Abstract closing date: 1 August 2016

Email address for abstracts: [projectskasnwu@gmail.com](mailto:projectskasnwu@gmail.com)

### **North-West University: CEM Courses and information**

#### **• Mine Health and Safety Law for Managers (CEM-08.1.5)**

Dates: 22-26 August 2016 – Potchefstroom

#### **• Environmental Mining Law: The Legal Framework Governing Environmental Management in South African Mining Operations (CEM-02.11)**

Date: 15-19 August 2016

#### **• Social and Heritage Impact Assessment (CEM-05.3)**

Date: 15-19 August 2016

#### **• Implementing Environmental Management Systems (ISO 14001) (CEM-03.1)**

Dates: 15-19 August 2016

#### **• Conservation Law: South African Legislation and Policy Governing Biodiversity Conservation (CEM-02.10)**

Date: 22-26 August 2016

#### **• Implementing an Occupational Health and Safety Management System based on OHSAS 18001 (CEM-08.2.1)**

Date: 22-26 August 2016

#### **• Water Quality Monitoring: Principles, Approaches and Techniques (CEM-06.4.3)**

Date: 29 August 2016 – 2 September 2016

- **Post-decision Environmental Monitoring and Enforcement: An Introduction to the Role and Responsibilities of an Environmental Control Officer (CEM-05.1.5)**

Date: 29 August – 2 September 2017

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

## **International**

### **The World Sustainability Forum 2017: From Words to Action on the Sustainable Development Goals and Climate Change**

Cape Town, Cape Sun Hotel, South Africa

Date: 27 and 28 January 2017

Website: <http://sciforum.net/conference/wsf-6>

Registration: [http://www.exbo.co.za/REG/dynamic\\_forms/generated\\_forms/wsf\\_2017\\_register.php](http://www.exbo.co.za/REG/dynamic_forms/generated_forms/wsf_2017_register.php)

If you need assistance, please email: [Ange.Bukasa@uct.ac.za](mailto:Ange.Bukasa@uct.ac.za).

Submit the abstract not later than 30 September 2016 to [wsf6@mdpi.com](mailto:wsf6@mdpi.com). You will be notified before 15 October 2016.

### **Call for Papers -- Society for Environmental Law and Economics**

Date: Friday 26 and Saturday 27 May 2017

Venue: Worcester College, University of Oxford, UK

Our meeting will be sponsored by the University of Oxford and Notre Dame Law School.

We hope to build upon the great success of past meetings, and continue to build a community of environmental scholars interested in working in the intersection of law, economics, and environmental or natural resource issues. We welcome both theoretical and empirical papers, as well as studies looking at problems at local, national and international levels.

In the spirit of collegiality, the meeting will use a workshop format in which all sessions are plenary. All participants are expected to attend all of the presentations. Our goal is to create a program that includes a variety of disciplinary perspectives, ideally consisting of 20-25 papers over the two-day period.

No funding will be available for travel or lodging expenses. Food and drink will be provided during the workshop and a dinner will be hosted on Friday evening for the speakers.

To submit a paper, please email a Word or PDF file to Josephine van Zeben ([josephine.vanzeben@worc.ox.ac.uk](mailto:josephine.vanzeben@worc.ox.ac.uk)) with the subject line "SELESUBMISSION," by October 15, 2016. We will review all submissions and get back to you by November 15. Late submissions will not be considered except in exceptional circumstances.

Information regarding accommodation, the conference program, and other logistic matters will also be posted on the [SELE blog](#). Inquiries can be send to Josephine van Zeben ([josephine.vanzeben@worc.ox.ac.uk](mailto:josephine.vanzeben@worc.ox.ac.uk)). Please feel free to forward

this call to any colleagues that you feel may be interested but may not be aware of SELE.

### **3rd Annual Future Environmental Law Professors Workshop**

Venue: Elisabeth Haub School of Law at Pace University

Date: September 16, 2016.

More information: <http://www.law.pace.edu/future-environmental-law-professors>

## **NEWS**

Hyde John “Ruling sets asbestos compensation benchmark” *The Law Society Gazette* 1 August 2016 <http://www.lawgazette.co.uk/law/ruling-sets-asbestos-compensation-benchmark/5056948.article> and read also <http://www.clydeco.com/blog/insurance-hub/page/employers-liability-albert-victor-carder-v-university-of-exeter-court-of-ap> [Source: Legalbrief Today 4 August 2016]

Kavilu Shadrack “Conflict rises as Kenya's rapid urbanisation encroaches on Maasai communal land” *Mail&Guardian* 2 August 2016 <http://mgafrica.com/article/2016-08-03-00-conflict-rises-as-kenyas-rapid-urbanisation-encroaches-on-maasai-communal-land/>

Vidal J “Major Amazon dam opposed by tribes fails to get environmental license” *TheGuardian* 5 August 2016 <https://www.theguardian.com/environment/2016/aug/05/major-amazon-dam-brazil-opposed-by-tribes-fails-get-environmental-license>

Timse Tabela and Ntaote Billy “amaBhungane: Nomvula Mokonyane’s alleged interference in Lesotho water project cited as causing delays” *Daily Maverick* 5 August 2016 <http://www.dailymaverick.co.za/article/2016-08-05-amabhungane-nomvula-mokonyanes-alleged-interference-in-lesotho-water-project-cited-as-causing-delays/>

Crowley Kevin “Obed Bapela calls for system to prevent abuse of mining royalties” *BDLive* 4 August 2016 <http://www.bdlive.co.za/business/mining/2016/08/04/obed-bapela-calls-for-system-to-prevent-abuse-of-mining-royalties>

Claassens Aninka “Hope for battle-weary mining community” *BDLive* 20 July 2016

## **VACANCIES, BURSARIES, FUNDING OPPORTUNITIES, ETC**

### **Johannes Kepler University Linz (JKU), Austria: Call for Project Proposals**

We invite researchers to submit project proposals for funding under the JKU LIT program. JKU LIT focuses on excellent, practically-oriented research in all areas of science and technology along the entire innovation chain. The emphasis is on High Risk – High Gain projects. JKU LIT encourages collaboration, particularly with a focus on interdisciplinary research.

For more information see [http://academicpositions.co.uk/ad/johannes-kepler-university-jku/2016/call-for-project-proposals/91392?utm\\_medium=email&utm\\_source=transactional&utm\\_campaign=Job+alerts](http://academicpositions.co.uk/ad/johannes-kepler-university-jku/2016/call-for-project-proposals/91392?utm_medium=email&utm_source=transactional&utm_campaign=Job+alerts)

**Max Planck Institute for Comparative and International Private Law,  
Germany: Postdoctoral Associate (m/f) Position**

Closing date: 31 October 2016

[http://academicpositions.co.uk/ad/max-planck-institute-for-comparative-and-international-private-law/2016/postdoctoral-associate-m-f-position/91405?utm\\_medium=email&utm\\_source=transactional&utm\\_campaign=Job+alerts](http://academicpositions.co.uk/ad/max-planck-institute-for-comparative-and-international-private-law/2016/postdoctoral-associate-m-f-position/91405?utm_medium=email&utm_source=transactional&utm_campaign=Job+alerts)

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<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

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subscribe to Legalbrief Environmental – discount available.***

## **Environmental Law Association Newsletter 32**

19 August 2016

### **LEGISLATION**

#### **POLICIES, STRATEGIES, ETC**

Department of Environmental Affairs - GN 936 in GG 40219 of 19 August 2016 - Draft National Framework for Marine Spatial Planning in South Africa - for comment

### **NOTICES**

Promotion of Access to Information Act 2 of 2000 - GN 925 in GG 40216 of 19 August 2016 - Descriptions submitted in terms of s. 15 (1) by Department of Trade and Industry

Promotion of Access to Information Act 2 of 2000 – Gen Notice 500 in GG 40216 of 19 August 2016 - Descriptions submitted in terms of s. 15 (1) by Presidency

Astronomy Geographic Advantage Act 21 of 2007 - GN 920 in GG 40215 of 18 August 2016 - Notice of public hearings on the proposed Karoo Central Astronomy Advantage Areas Regulations

National Regulator for Compulsory Specifications Act 5 of 2008 - GN R934 in GG 40217 of 19 August 2016 - Compulsory specification for live lobsters (VC 9104) amended with effect from six months after the date of publication

### **PROVINCES**

#### **Northern Cape**

Spatial Planning and Land Use Management Act 16 of 2013 – Gen Notice 77 in PG 2035 of 15 August 2016 - !Kheis Local Municipality - Draft revision and amendment of the Spatial Development Framework (SDF) - for comment



## CASES

### National

*Borbet SA (Pty) Ltd and Others v National Energy Regulator of South Africa and Others* (24364/2016) [2016] ZAGPPHC 702 (16 August 2016)

Energy – electricity – electricity pricing – Electricity Regulation Act  
<http://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZAGPPHC/2016/702.html&query=borbet>

*Organisation Undoing Tax Abuse v National Energy Regulator of South Africa and Others* (24365/2016) [2016] ZAGPPHC 479 (8 April 2016)

Energy – electricity – electricity pricing – Electricity Regulation Act  
<http://www.saflii.org/za/cases/ZAGPPHC/2016/479.html>

## PUBLICATIONS

Townsend D “Taking dignity seriously? A dignity approach to environmental disputes before human rights courts” (2016)

[https://www.academia.edu/14893276/Taking\\_dignity\\_seriously\\_A\\_dignity\\_approach\\_to\\_environmental\\_disputes\\_before\\_human\\_rights\\_courts](https://www.academia.edu/14893276/Taking_dignity_seriously_A_dignity_approach_to_environmental_disputes_before_human_rights_courts)

Dylan McConnell and Mike Sandiford “Winds of Change - an analysis of recent changes in the South Australian electricity market” (Report August 2016)

<http://www.climate-energy-college.net/winds-change>

## BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Legal Planet Blog: Carlson Ann: “Legal Analysis of CAISO Expansion” 15 August 2016 <http://legal-planet.org/2016/08/15/legal-analysis-of-caiso-expansion/>

Twas-Rossa The World Academy of Sciences – Regional Office Sub-Saharan Africa <http://www.twas-rossa.org.za/>

The Conversation: Beguy Donatien “Poor data affects Africa’s ability to make the right policy decisions” 18 August 2016 <http://theconversation.com/poor-data-affects-africas-ability-to-make-the-right-policy-decisions-64064>

The **Legal Journey** for the IUCN World Conservation Congress is online at:  
<http://iucnworldconservationcongress.org/programme/journeys>.

The “Journeys” are the various topical aspects of the WCC, including Environmental Law:

[http://www.iucnworldconservationcongress.org/sites/default/files/wcc\\_environmental\\_law\\_journey\\_v03.pdf](http://www.iucnworldconservationcongress.org/sites/default/files/wcc_environmental_law_journey_v03.pdf)

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **ELA Conference and AGM: Our ecosystems under threat: Legal responses: Extension for abstracts**

Date: 30 September 2016

Venue: Radisson Blu Gautrain Hotel, Sandton Johannesburg

Draft Programme: Attached

Final date for registration: 31 August 2016

The registration details are available on the website:

<http://www.elasa.co.za/conferencesworkshops.html>

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Venue: Wits Law School, University of the Witwatersrand

No registration fee. But please register for catering purposes:

Registration and more details: <http://www.elasa.co.za/annual-student-conference.html>

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Conference date: 28 October 2016

Place: Johannesburg (Rosebank)

Abstract closing date: 1 August 2016

Email address for abstracts: [projectskasnwu@gmail.com](mailto:projectskasnwu@gmail.com)

#### **North-West University: CEM Courses and information**

- **Water Quality Monitoring: Principles, Approaches and Techniques (CEM-06.4.3)**

Date: 29 August 2016 – 2 September 2016 - Potchefstroom

- **Post-decision Environmental Monitoring and Enforcement: An Introduction to the Role and Responsibilities of an Environmental Control Officer (CEM-05.1.5)**

Date: 29 August – 2 September 2017 - Potchefstroom

- **Environmental Law for Environmental Managers (CEM-02.1)**

Dates: 5-10 September 2016 - Johannesburg (Holiday Inn, OR Tambo)

- **Safety, Health, Environmental and Quality (SHEQ) Management (CEM-07.10)**

Dates: 5-16 September 2016 - Potchefstroom

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

- **Integrated Water Resource Management in the Context of South African Legislation (CEM-02.5)**

Date: 12-16 September 2016 - Potchefstroom

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

**UCT: Invitation to apply for doctoral and research master's programmes**

The Faculty of Law invites applications for admission to PhD and Master's by dissertation programmes in the departments of Public, Commercial and Private Law. For details on specific focus areas see

<http://www.lawresearchdegrees.uct.ac.za/lrd/admission>

Online applications supported the following documents will be accepted **here** <http://www.uct.ac.za/apply/applications/forms/> : A brief CV, Transcript (unless they are UCT graduates), Contact details of two academic referees; and A 3-4 page statement of the research topic (the statement of interest form is available on this website <http://www.lawresearchdegrees.uct.ac.za/>

Special funding has been provided for a limited number of scholarships with the aim of advancing disadvantaged persons, and for the purposes of this funding, we seek particularly to attract black South African students.

The final date for applications is 31 August 2016.

For further information click here or contact Patricia Phillips [patricia.phillips@uct.ac.za](mailto:patricia.phillips@uct.ac.za)

UCT is committed to the pursuit of excellence, diversity and redress in achieving its equity targets. For these programmes we seek particularly to attract black South African candidates.

## **International**

**2<sup>nd</sup> International Conference on Energy, Environment and Climate Change**

Date: 5-7 July 2016

Place: Mauritius

Website: <http://www.iceecc.org>

ICEECC 2017 is a multi-disciplinary, peer-reviewed international conference on sustainable energy and environment.

In this context, the Local Organizing Committee of ICEECC 2017 warmly invites you to submit abstract of manuscript, either for oral or poster presentations, and attend the ICEECC 2017 on 5 - 7 July 2017 in Mauritius. The deadline for submission of abstract is 31 August 2016. More information can be found at

<http://www.iceecc.org> or on [secretariat@iceecc.org](mailto:secretariat@iceecc.org)

**The 19<sup>th</sup> Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations**

Venue: Tulane Law School in New Orleans

Date: Friday, November 4, 2016

Conference website is here: <http://www.vermontlaw.edu/Takings2016>

The conference is free of charge to law school faculty and law students.

### **Property in the City - Call for Papers -- UBC Allard School of Law**

Venue: UBC's Allard School of Law in Vancouver

Date: March 3-4, 2017

Call for papers: <http://www.allard.ubc.ca/property-city-call-papers>

### **IAIA17: Impact Assessment's Contribution to the Global Efforts in Addressing Climate Change**

Date: 4-7 April 2017

Place: Montréal, Canada

For more information, <http://conferences.iaia.org/2017/index.php/> #iaia17

Abstracts invited: Paper and poster abstracts for IAIA17 are invited on the conference website under the Submissions menu. Please review the guidelines and policies and then submit your abstract by 31 October 2016.

Student Fee Waiver program: IAIA is pleased to offer a student fee waiver program for IAIA17. This program allows up to 10 students a waived conference registration fee in exchange for providing in-kind services for IAIA. Program details and application instructions are posted online.

Aashukan call for participants: The Indigenous Peoples Section of IAIA is inviting twenty Indigenous participants from around the world to participate in Aashukan, a two-day exchange hosted by the Crees of Northern Quebec, Canada, in their ancestral homelands of Eeyou Istchee in the Cree community of Waskaganish. Aashukan means "bridge" in eastern Cree. The goal of the event is to create a new conversation that reconciles development and the protection of Indigenous culture and lands. It will seek to build bridges between these two imperatives for the benefit of all. Through solicited financial support from a variety of donors, the group hopes to fully fund the travel and participation of the Indigenous participants. Are you interested in being a part of this exchange, either as a participant or as a sponsor? Visit <https://aashukan.com/registration/> to download their application form. Applications are due 10 September. Questions? Event information and contact details are available at <https://aashukan.com/contact/>.

### **EP Knowledge Exchange Forum | Nairobi | 20 September 2016**

The Energy & Environment Partnership (EEP) programme is proud to announce its 4th Knowledge Exchange Forum (KEF) in Nairobi on Tuesday the 20th of September.

The main objectives of the forum are to increase awareness of renewable energy and energy efficiency as poverty reduction interventions, to share lessons between the participants and connecting actors in the renewable energy and energy efficiency sector.

Please find attached the programme of this event.

Registration is now open at our website on <http://eepafrica.info>

## NEWS

### **ELA Members best paper prize and best runner up prize at IAIAsa Conference in Port Elizabeth on 19 August 2016**

Reece Alberts of the Centre for Environmental Management, North-West University (with his co-writer Francois Retief) won the prize for best paper at the IAIAsa Conference on 19 August 2016 in Port Elizabeth. Reece and Francois will also deliver this paper at the ELA Conference on 30 September 2016 for those who could not attend the IAIAsa Conference. Melissa Strydom and Gillian Niven of Bowman Gilfillan were the runners-up with their paper entitled 'Challenges in Changing Regulatory Environment. We are very proud that two environmental law papers made it into the best prize category!

New Kagoshima governor to seek suspension of Sendai reactors 28 July 2016

<http://www.japantimes.co.jp/news/2016/07/28/national/new-kagoshima-governor-seek-suspension-sendai-reactors/>

Rabkin F "Nuclear documents: still waiting" *Business Day* 19 August 2016

[Source: Legalbrief Today 19 August 2016] <http://bit.ly/2bCwtJ1>

"Minister Tina Joemat-Pettersson on diversified energy mix - South Africa is pursuing a diversified energy mix" 17 August 2016 <http://www.gov.za/speeches/south-africa-pursuing-diversified-energy-mix-17-aug-2016-0000>

Pansegrouw Monique "Nkala class action breaks new ground" *BDLive* 18 August 2016 <http://www.bdlive.co.za/opinion/2016/08/18/nkala-class-action-breaks-new-ground>

Felder B "Navajo Nation sues EPA following toxic spill" *Jurist* 17 August 2016

<http://www.jurist.org/paperchase/2016/08/navajo-nation-sues-epa-following-toxic-spill.php>

## **VACANCIES, BURSARIES, FUNDING OPPORTUNITIES, ETC**

### **Right2Protest: Vacancies**

The Centre for Applied Legal Studies (CALS) is a leading human rights centre in the Wits Law School which undertakes research, advocacy and strategic litigation. Together with a number of our colleague organisations, CALS is setting up a project on the Right to Protest and is looking for two dynamic people to join that team. These are fixed-term appointments (Sept 2016 – Dec 2017) with the intention of a longer-term appointment, funding dependent. The Right to Protest team will be housed at, and employed by, CALS but will be accountable to a broader Steering Committee of civil society organisations. We are ideally looking for people who could start as soon as possible.

### **POSITION 1: RIGHT2PROTEST ATTORNEY**

Brief Description

### **Qualifications, skills and experience required:**

An LLB or equivalent qualification

- ☐ Admission as an attorney of the High Court of South Africa, preferably with experience in protest and/or criminal litigation

- ☐ Good oral and written communication skills in English (fluency in other South African languages will be an advantage)
- ☐ Ability to think about the law as an instrument of social justice to advance human rights and reduce poverty
- ☐ Ability to undertake research and produce written reports for publication
- ☐ Initiative (as this position is the first of its kind)

**Key responsibilities:**

- ☐ provide assistance to activists and communities attempting to exercise their right to protest, including bail applications, representation at meetings held in terms of the Regulation of Gatherings Act, legal representation in associated criminal/civil proceedings and telephonic advice;
- ☐ organise and facilitate workshops in order to build knowledge and capacity on protest issues;
- ☐ develop material for use by communities and activists;
- ☐ undertake research in support of advocacy and litigation activities;
- ☐ draft an annual State of Protest Report analysing trends in protest activity;
- ☐ draft submissions on draft legislation and policies relevant to protest;
- ☐ engage with the media, including through press statements, interviews and writing opinion editorials; and
- ☐ build relationships with colleague organisations working on protest issues.

**REMUNERATION:**

Remuneration is commensurate with experience. CALS is a grant-funded institution and the level of remuneration is dependent on available funding.

**TO APPLY:**

Please submit:

1. A cover letter indicating which of the two positions you are interested in, why you want this job as well as the names and contact details of three referees;
2. A detailed CV;
3. An official academic transcript; and
4. A writing sample of max 10 pages

using Wits' online portal at <https://www.wits.ac.za/vacancies/>. Should you experience difficulties with the online application, please contact Ms Zelda Stroud, Human Resources Officer, at [zelda.stroud@wits.ac.za](mailto:zelda.stroud@wits.ac.za).

Please note that we are looking for candidates who wish to pursue a career in social justice in particular rather than just securing a job. We particularly welcome applications from individuals who will contribute to the diversity and transformation of the social justice sector. Please note that only shortlisted candidates will be contacted. The University reserves the right not to appoint if suitable candidates are not found.

Closing Date: 19 August 2016

## **Securing Water for Food: A Grand Challenge for Development 4th Global Call for Innovations**

Are you a scientist, entrepreneur, or a passionate problem solver interested in helping produce more food with less water in developing countries? Do you have a piloted innovation that you seek to share with others, highlight before experts, publicise, and accelerate?

More information: <http://securingwaterforfood.org/apply>

Apply now: <https://swff.forms.fm/securing-water-for-food-a-grand-challenge-for-development-round-4-call-for-concept-notes>

The United States Agency for International Development (USAID), Sweden through the Swedish International Development Cooperation Agency (Sida), the Foreign Ministry of the Kingdom of the Netherlands, and the Government of South Africa has officially opened the Securing Water for Food: A Grand Challenge for Development 4th Global Call for Innovations.

Individual awards are expected to be between \$100,000 USD and \$2 million USD depending on the type of funding requested. The period of performance for individual awards is up to three years; the actual period of performance for each award will be determined at the time of award. We are seeking applications that:

- Promote user-centered design, not technology for the sake of technology.
- Build sustainability into the fabric of the program. All innovations must be sustainable (financial, institutional, environmental, technological, and social).
- Innovations supported by this program must demonstrate direct or strong indirect benefits for the poor and women.
- Securing Water for Food welcomes and encourages high quality applications, especially from women-owned/women-led enterprises and developing country entrepreneurs.
- Have a local presence and develop market-driven partnerships.

This funding competition sources and accelerates innovations that will enable the production of more food with less water or make more water available for food production, processing, and distribution. The three areas that are deemed critical to reducing water scarcity in the food value chain are listed as:

- Improving water efficiency and reusing agricultural wastewater to significantly extend the productivity of limited water resources.
- Effective water capture and storage systems for extending temporal availability of water supply in regions where precipitation is seasonal.
- Management of salinity in water supplies, as it is a major threat to food production.

Apply by 10 October 2016

More information: <http://securingwaterforfood.org/apply> | Apply: <https://swff.forms.fm/securing-water-for-food-a-grand-challenge-for-development-round-4-call-for-concept-notes>



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***The ELA is registered as a Public Benefit Organisation***

[www.elasa.co.za](http://www.elasa.co.za)

***Remember that members of the Environmental Law Association may  
subscribe to Legalbrief Environmental – discount available.***



## **Environmental Law Association Newsletter 34**

26 August 2016

### **LEGISLATION**

#### **NOTICES**

National Water Act 36 of 1998 – Gen Notice 509 in GG 40229 of 26 August 2016 - General authorisation in terms of s. 39 of the Act published and GN 1199 in GG 32805 of 18 December 2009 replaced

National Water Act 36 of 1998 – GN 957 in GG 40229 of 26 August 2016 - Restrictions on the use of water in terms of para. 6 (1) of Schedule 3 to the Act for urban and irrigation purposes from the main stem Orange River and dams within the Orange River system

National Water Act 36 of 1998 – GN 958 in GG 40229 of 26 August 2016 - Restrictions on the use of water in terms of para. 6 (1) of Schedule 3 to the Act for urban, irrigation and industrial (including mining) purposes from the Middelburg Dam

National Water Act 36 of 1998 – GN 959 in GG 40229 of 26 August 2016 - Restrictions on the use of water in terms of para. 6 (1) of Schedule 3 to the Act for urban and irrigation purposes from the Caledon Modder Subsystem

### **PROVINCES**

#### **Eastern Cape**

General Law Amendment Act (Eastern Cape) 3 of 2016 - PN 188 in PG 3723 of 22 August 2016 – commencement to be proclaimed  
Repeals amongst others Interpretation Ordinance 4 of 1911; Cape Local Authorities Gas Ordinance 7 of 1912; Animals Protection Act 20 of 1986 (Ciskei

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 75 in PG 3723 of 22 August 2016 - Mbizana Local Municipality - By-law on Spatial Planning and Land Use Management - Notice of adoption of new Land Use Scheme Regulations

## **Gauteng**

Constitution of the Republic of South Africa, 1996; Rationalisation of Local Government Affairs Act 10 of 1998; Local Government: Municipal Systems Act 32 of 2000 and National Environmental Management: Waste Act 59 of 2008 - LAN 1393 in *PG* 274 of 24 August 2016 - City of Tshwane Metropolitan Municipality - Waste Management By-law, 2016

## **North West**

Constitution of the Republic of South Africa, Local Government: Municipal Systems Act 32 of 2000 and National Environmental Management: Waste Act 59 of 2008 - LAN 145 in *PG* 7682 of 23 August 2016 - Moretele Local Municipality: Waste Management By-law – commencement to be announced

Constitution of the Republic of South Africa, 1996 and National Environmental Management Act 107 of 1998 - LAN 145 in *PG* 7682 of 23 August 2016 - Environmental Management By-laws

Spatial Planning and Land Use Management Act 16 of 2013: Ratlou Local Municipality: Notice of commencement of the Ratlou Municipal Planning Tribunal published (LAN 146 in *PG* 7682 of 23 August 2016) (p103)

## **KwaZulu-Natal**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 116 in *PG* 1721 of 25 August 2016 - Msunduzi Local Municipality - Problem Buildings By-laws, 2016

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and National Environmental Management: Waste Act 59 of 2008v- MN 117 in *PG* 1722 of 25 August 2016 - eThekweni Metropolitan Municipality - Waste Removal By-law, 2016 published and MN 40 in *PG* 4464 of 14 March 1985 and MN 47 in *PG* 6133 of 17 October 2002 repealed with effect from six months from the date of publication or such earlier date as may be determined by the publication of a commencement notice

## **Limpopo**

National Land Transport Act 5 of 2009 - PN 103 in *PG* 2742 of 23 August 2016 - Notice of publication for comment to disestablish and dissolve the Current Limpopo Provincial Regulatory Entity, transfer the functions to the Provincial Regulatory Entity and establish the Limpopo Provincial Regulatory Entity published with effect from 1 November 2016

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 104 in PG 2743 of 26 August 2016 - Makhado Local Municipality - Draft Swimming Pools By-law

National Environmental Management: Protected Areas Act 57 of 2003 – PN 105 in PG 2743 of 26 August 2016 - Notice of intention to declare Ndzalama; Alkantrant and Mogol Dam as nature reserves - for comment

## **Western Cape**

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and National Environmental Management: Air Quality Act 39 of 2004 - LAN 54049 in PG 7662 of 17 August 2016 - City of Cape Town Metropolitan Municipality - Air Quality Management By-law, 2016

National Environmental Management: Integrated Coastal Management Act 24 of 2008 - PN 325 in PG 7663 of 19 August 2016 - Department of Environmental Affairs and Development Planning - Time to submit comments on the Draft Breede River Estuarine Management Plan (EMP) extended until 21 October 2016

## **CASES**

### **National**

*Nkala and Others v Harmony Gold Mining Co Ltd and Others* 2016 (5) SA 240 (GJ)

“Practice - Class action—Certification—Respondents claiming certification should be refused on basis of class definition’s being overbroad, which resulting in unmanageability of class action—Where issues and evidence uniform or applicable to each class member’s claim, concerns of manageability or overbreadth of class action not arising.

Practice - Class action—Certification—Requirement of commonality of issues amongst class members’ claims—Granting of certification not depending on each class member’s case being fully and finally determined once common issues determined in favour of class—As long as applicants showing that determination of common issues allowing cases of individual class members to move forward without duplication of judicial analysis, certification of intended class action would be justified and in interests of justice.

Practice - Class action—Certification—Whether required where Bill of Rights violation claimed to have taken place.

Practice - Class action—Certification—Requirement that class action most suitable means to determine class members’ claims—Whether certification only warranted where factual and legal issues common to all class members outweighing non-common issues.

Damages - Bodily injuries—Claim for general damages—Plaintiff dying after having instituted claim and before *litis contestatio*—Common law developed—Claim for general damages transmitted to deceased's estate.  
 Damages - Bodily injuries—Claim for general damages—Death of defendant after plaintiff's having instituted claim and before *litis contestatio*—Common law developed—Deceased's estate remaining liable for general damages.  
 Delict - Action for damages—Bodily injuries—Claim for general damages—Plaintiff dying after having instituted claim and before *litis contestatio*—Common law developed—Claim for general damages transmitted to deceased's estate.  
 Delict - Action for damages—Bodily injuries—Claim for general damages—Death of defendant after plaintiff's having instituted claim and before *litis contestatio*—Common law developed—Deceased's estate remaining liable for general damages.”

*Minister of Agriculture, Forestry and Fisheries v National Society for the Prevention of Cruelty to Animals* (CCT186/16) [2016] ZACC 26 (25 August 2016)

Summary: Extension of period of suspension of order of invalidity - factors to consider when granting an extension - caution to be exercised in continually extending court orders - urgency and potential prejudice established

## PUBLICATIONS

Kibugi R, Habtezion Senay, Kasimbazi E *et al* “Earth System Governance in Africa: knowledge and capacity needs” 2015 *Current Opinion in Environmental Sustainability* 14:198–205 <http://www.sciencedirect.com/science/article/pii/S1877343515000615>

## BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Washington Post: Harvey C “A new power plant could devastate the world's largest mangrove forest” 17 July 2016 [https://www.washingtonpost.com/news/energy-environment/wp/2016/07/18/a-new-power-plant-could-devastate-the-worlds-largest-mangrove-forest/?utm\\_term=.f815f2c9e4e0](https://www.washingtonpost.com/news/energy-environment/wp/2016/07/18/a-new-power-plant-could-devastate-the-worlds-largest-mangrove-forest/?utm_term=.f815f2c9e4e0)

Prothom Alo: Mahmud I “150 industrial projects around Sundarbans” 9 August 2016 <http://en.prothom-alo.com/bangladesh/news/115689/150-industrial-projects-around-Sundarbans>

The Conversation: Lindsey P “The threat to the world's largest wild animals is much greater than we thought” 21 August 2016 <http://bit.ly/2bbSpZ6>

Podcast: Myanna Dellinger: Interview with Dr. Wil Burns about the loss and damage provisions – or the lack thereof – of the Paris Agreement on Climate Change. <http://theglobalenergyandenvironmentallaw.podbean.com>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### Centre for Environmental Rights: Open Day

Date: 2 September 2016

Place: Second Floor, Springtime Studios, 1 Scott Road, Observatory, 7925, Cape Town

On Friday, 2 September 2016, the CER is hosting its first Open Day to offer a limited number of students a closer view of who we are and the exciting work we do. During their visit to our offices in Observatory, Cape Town, the students will have the opportunity to meet our dedicated team of attorneys and support staff; attend short presentations on our work; ask questions – and learn more – about the opportunities available to students interested in environmental justice.

*Who should attend?*

Students interested in the following topics:

- Using the law to protect the environment for future generations;
- Learning more about the work that the CER does, our programmes, and our milestone achievements;
- Gaining a better understanding of what a typical day as a dedicated environmental rights attorney entails.

*How to apply*

Numbers are limited and booking is essential. If you would like to attend our Open Day, please email your application containing the following information to [lichien@cer.org.za](mailto:lichien@cer.org.za) on or before Monday, 29 August 2016:

1. A cover letter (not more than one page) explaining why you are interested in environmental justice and in attending our Open Day;
2. A brief curriculum vitae (not more than two pages);
3. Five questions you have about the CER.

Applications must include the applicant's name and the reference CER OPEN DAY in the subject line.

For any queries or clarifications, please contact Li-Fen Chien on [lichien@cer.org.za](mailto:lichien@cer.org.za) or 021 447 1647.

About the Centre for Environmental Rights

We are a non-profit environmental rights law clinic that helps communities to defend their Constitutional right to a healthy environment. Our attorneys use the law to strengthen the voices of communities affected by environmental injustice, and pollution and mining, and to hold companies and the state to account for environmental degradation.

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

We first opened our doors in 2010. Today we employ a team of twenty predominantly environmental lawyers and, while we are based in Cape Town, our work extends across the country and we frequently collaborate with other law clinics, environmental NGOs and community-based organisations.

**ELA Conference and AGM: Our ecosystems under threat: Legal responses: Extension for abstracts**

Date: 30 September 2016

Venue: Radisson Blu Gautrain Hotel, Sandton Johannesburg

Draft Programme on the web [www.elasa.co.za](http://www.elasa.co.za)

Final date for registration: 31 August 2016

The registration details are available on the website:

<http://www.elasa.co.za/conferencesworkshops.html>

**5th Annual ELA Student Conference: “Environmental Law and Governance Responses in an Era of Rapid Ecological and Socio-Economic Change” Call for Abstracts**

Date: 1 October 2016

Venue: Wits Law School, University of the Witwatersrand

No registration fee. But please register for catering purposes:

Registration and more details: <http://www.elasa.co.za/annual-student-conference.html>

**Symposium of Contemporary Conservation Practice: Recognizing the value of biodiversity to the economy: First Announcement - Call for Abstracts and Proposals**

Date: 31 October – 4 November 2016

Venue: Fern Hill Conference Centre, Howick, KwaZulu-Natal

All interested are invited to submit proposals for special sessions and workshops, and abstracts for oral and poster presentations for the 2016 Symposium of Contemporary Conservation Practice.

Submission for abstracts of ELA members: 6 September 2016

<http://ocs.conservationssymposium.com/sccp/2016>

Themes and Focus Areas

- Protected area management effectiveness, Management of protected areas and buffer zones & Transboundary conservation
- Conserving in the face of global change
- Ecological processes, Conservation genetics & Threatened species conservation
- Advances in monitoring and surveillance
- Mitigating threats to biodiversity, Wildlife Crime & Invasive alien species
- Valuing biodiversity, Ecosystem goods and services, Resource economics, Biodiversity and livelihoods & Natural resource use
- Land-use planning and development, Securing critical biodiversity areas & Enabling partnerships
- Cultural heritage and conservation history
- Media and communication

- Legal, policy and ethical frameworks, Global / multinational agreements & Wildlife law and animal welfare

#### Important Deadlines

- Registration Closes and Payments Deadline: 14 October 2016
- All Other Payments (Late): 11 November 2016
- Official Opening of Symposium: 13h00 31 October 2016
- Official Closing of Symposium: 13h00 4 November 2016

#### North-West University: CEM Courses and information

- **Safety, Health, Environmental and Quality (SHEQ) Management (CEM-07.10)**  
Dates: 5-16 September 2016 - Potchefstroom
- **Integrated Water Resource Management in the Context of South African Legislation (CEM-02.5)**  
Date: 12-16 September 2016 - Potchefstroom
- **Post-decision Environmental Monitoring and Enforcement: An Introduction to the Role and Responsibilities of an Environmental Control Officer (CEM-05.1.5)**  
Date: 29 August - 2 September 2016 - Potchefstroom
- **Water Quality Monitoring: Principles, Approaches and Techniques (CEM-06.4.3)**  
Date: 29 August - 2 September 2016 - Potchefstroom
- **Environmental Law for Environmental Managers (CEM-02.1)**  
Dates: 5-10 September 2016 - Johannesburg (Holiday Inn, OR Tambo)  
10-15 October 2016 - Johannesburg (Holiday Inn, OR Tambo)
- **Management System Documentation: writing and management of effective procedures (CEM-11.1.1)**  
Date: 19-23 September 2016
- **The Fundamentals in Climate Change Management (CEM-06.9.1)**  
Date: 19-23 September 2016
- **An Introduction to Waste Classification in South Africa: Towards Implementation of the National Environmental Management Waste Act (CEM-06.2.3)**  
Date: 19-20 September 2016
- **Integrated Land Management towards Sustainable Land Use: Rehabilitation and Monitoring (CEM-06.5.3)**  
Date: 26-30 September 2016
- **Essential Air Quality Management (CEM-06.3.2)**  
Date: 26-28 September 2016

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

### **Invitation to present at the 2016 National Biodiversity and Business Indaba (25 & 26 October) - DEADLINE end August**

This is a reminder to submit your expressions of interest to present at the second annual National Biodiversity and Business Indaba which is to be held at Hatch Africa's new head offices in Johannesburg on the 25th and 26th of October, 2016.

At the 2016 Indaba we will present NBBN members and other businesses with a unique opportunity to learn about the biodiversity mainstreaming and related sustainability work underway in South Africa and internationally, and exchange views on the critical issues linked to business and biodiversity.

Submissions are to reach us by the end of August.

This is your opportunity to showcase your recent activities in the area of business and biodiversity / natural capital to an audience composed of businesses, academics, policy-makers, consultants and NGOs. The Indaba will also offer you the opportunity to harness the minds of your peers in tackling the questions and problems your projects may be facing. Take advantage of the different perspectives and the years of training and experience that the Indaba will bring together in one room for these two days!

We are interested in hearing the details of your work – your failures as well as your successes, lessons learnt, and the way forward.

Please email your ideas to Shelley at [shelleyl@ewt.org.za](mailto:shelleyl@ewt.org.za) or Michael at [michaela@ewt.org.za](mailto:michaela@ewt.org.za) by the end of August. We look forward to hearing from you!

## **International**

### **Anthropocene Symposium**

Date: 28 October 2016

Venue: University of Strathclyde, Glasgow

Call for abstracts for a symposium that seeks to critically interrogate the ontological orientation of environmental law and human rights through the Anthropocene framework. The symposium will be held in Glasgow at the University of Strathclyde on 28 October 2016.

Please direct all queries to Louis Kotze [louis.kotze@nwu.ac.za](mailto:louis.kotze@nwu.ac.za) or to Saskia Vermeylen [saskia.vermeylen@strath.ac.uk](mailto:saskia.vermeylen@strath.ac.uk)

### **Wit Conferences: Sustainable Development and Planning 2017 - Call for Papers**

Date: 27 - 29 June, 2017

Venue: Bristol, UK

Web: <http://bit.ly/2bBZwNd>



## NEWS

Get off land, holiday home developer and buyers told *IOL* 22 August 2016  
[Source: Legalbrief Environmental 23 August 2016] <http://www.iol.co.za/news/crime-courts/get-off-land-holiday-home-developer-and-buyers-told-2059828>

### **Legislation: Cabinet sets deadlines for Procurement Bill, energy plans**

“Cabinet expects new preferential procurement regulations to be in force by the end of this month – but as an interim measure, pending the introduction of a ‘radical’ Public Procurement Bill ‘by March 2017’. Among other things, the Bill will lay the foundations for 30% of the public procurement budget to be set aside for small, medium and micro enterprises. According to a media statement on last week’s Cabinet lekgotla, other deadlines include: completing two long-awaited energy-related planning documents ‘by the end of 2016’; and finalising a shareholder ownership model for state-owned company (Soc) reform ‘by November’.”

Read full report *Legalbrief Policy Watch* 23 August 2016

Anetos Pericles Rhinos are among the species a meeting on illegal trade will focus on *BDLive* 16 August 2016

<http://www.bdlive.co.za/national/science/2016/08/16/rhinos-are-among-the-species-a-meeting-on-illegal-trade-will-focus-on>

### **Conservation: Number of penguins hurt in Ngqura oil slick rises**

“In what is now being described as a national disaster, the total number of endangered African penguins found covered in oil following spills in Algoa Bay around the Port of Ngqura has risen to 151. According to a report in *The Herald*, maritime authorities fear this may be the bay’s worst oil disaster in many years, while conservationists are concerned about the impact the spill will have on the region’s already vulnerable penguin populations and other sea life. Stephen van der Spuy, veterinarian and executive director of the Southern African Foundation for the Conservation of Coastal Birds (Sanccob), said there were 90 oiled penguins and 61 abandoned chicks at the rescue centres in Port Elizabeth and Cape St Francis. Captain Neville Noble, port manager for the SA Maritime Safety Authority (Samsa) at Ngqura, said the owners of a ship suspected of having caused the spill were fined R350 000 for spilling oil during a ship-to-ship transfer last Sunday. Noble said aerial surveys showed the oil had been cleaned up.”

Full report in *The Herald* (subscription needed) *Legalbrief Environmental* 23 August 2016

### **Waste: Miners refuse responsibility for radioactive treatment plant**

“East Rand Gold and Uranium’s treatment plant in Gauteng lies abandoned, but according to experts it remains highly radioactive, posing a danger to local residents and scavengers of scrap. A report in *The Times* notes that 400 men and women who worked here claim to have chronic radiation syndrome – which has similar symptoms to the infamous silicosis – as a result of mining operations at the slimes dams. Anglo American sold the plant to its one-time

subsidiary, AngloGold Ashanti, in 1998. Africa's biggest gold miner sold the mine to DRDGold nine years later. 'Before, we would fill up this entire place. Now we are almost less than half of the people who come to this meeting for a report-back on our campaign to get at least compensation. Most of us have died and others are too weak to come here,' says Sipho Shongwe, who is co-ordinating the group of victims, who include beneficiaries of the deceased. The group say that once they got sick they were abandoned by DRDGold, and left to fall back on government grants. However, CEO Neil Pretorius said the mining company had not bought the East Rand Gold and Uranium operation as a going concern – and therefore its employees had not been transferred to DRDGold. Both AngloGold and its former parent, Anglo American, said they could not comment on a possible legal claim as nothing has been brought before them."

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Full report in The Times (subscription needed) 23 August 2016 *Legalbrief Environmental* 23 August 2016

Ensor L "Eskom asks to extend end period for comment on nuclear installations" *BDLive* 26 August 2016

<http://www.bdlive.co.za/business/energy/2016/08/26/eskom-asks-to-extend-end-period-for-comment-on-nuclear-installations>

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[www.elasa.co.za](http://www.elasa.co.za)

***Remember that members of the Environmental Law Association may subscribe to Legalbrief Environmental – discount available.***

## **Environmental Law Association Newsletter 35**

**2 September 2016**

### **LEGISLATION**

#### **BILLS**

Invitation to consultation workshops and to comment on Revised Draft Policy and Bill on Preservation and Development of Agricultural Land - GN 984 in GG 40247 of 2 September 2016

#### **NOTICES**

National Water Act 36 of 1998 – GN 509 in GG 40229 of 26 August 2016 – New General Authorisation for section 21(c) or (i) water uses – with immediate effect – users must comply with the requirements as set out in the Notice -

National Water Act 36 of 1998 – GN 538 in GG 40243 of 2 September 2016 – Revised Authorisation for taking and storing of water in terms of s 39 of the Act - GN 399 in GG 26187 of 26 March 2004 and GN 970 in GG 35909 of 30 November 2012 withdrawn with effect from six months after the date of publication

National Heritage Resources Act 25 of 1999 - GN 968 in GG 40243 of 2 September 2016 - Declaration of the Liliesleaf Farm as a National Heritage Site

Preferential Procurement Policy Framework Act 5 of 2000 – Gen Notice 516 in GG 40243 of 2 September 2016 - Extension of due date for comment on Draft Preferential Procurement Regulations, 2016

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 512 in GG 40236 of 30 August 2016 - Draft Norms and Standards for the management of damage-causing animals in South Africa - for comment

### **PROVINCES**

#### **Free State**

Preferential Procurement Policy Framework Act 5 of 2000 - PN 194 in PG 61 of 2 September 2016 - Draft Preferential Procurement Regulations, 2016 as published under GN 719 in GG 40067 of 14 June 2016 - for comment

## **Gauteng**

Promotion of Access to Information Act 2 of 2000 - PN 709 in *PG* 278 of 31 August 2016 - Promotion of Access to Information Manual: Department of Roads and Transport

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 1412 in *PG* 278 of 31 August 2016 - City of Tshwane - Withdrawal and amendment to the determination of the supply of electricity payable as published under LAN 1042 in *PG* 230 of 29 June 2016 for the period 1 July 2016 to 30 June 2017

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 1447 in *PG* 278 of 31 August 2016 - City of Johannesburg Metropolitan Municipality - Formation of JIT as Service Utility By-laws

## **Northern Cape**

National Environmental Management: Protected Areas Act 57 of 2003 - AK 81 in *PK* 2038 van 29 Augustus 2016 - Verklaring van die Brooks; Glen Lyon; Karoo Gariep; Oranjeriviermond; Rockwood; Sandhoog Natuurreserve en herbeskrywing van die Doornkloof; Goegap; Nababiep; Oorlogskloof; Rolfontein en Witsand Natuurreserve

## **North West**

Constitution of the Republic of South Africa, 1996; National Environmental Management Act 107 of 1998; Local Government: Municipal Systems Act 32 of 2000; Local Government: Municipal Structures Act 117 of 1998; National Environmental Management: Protected Areas Act 57 of 2003; National Environmental Management: Biodiversity Act 10 of 2004; and National Environmental Management: Air Quality Act 39 of 2004 - Moses Kotane Local Municipality - LAN 147 in *PG* 7685 of 30 August 2016 - Environmental By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - Proc 43 in *PG* 7686 of 2 September 2016 - Mahikeng Local Municipality - Fire Service By-laws

## **KwaZulu-Natal**

Local Government: Municipal Structures Act 117 of 1998 - PN 151 in *PG* 1723 of 30 August 2016 - Transitional measures to facilitate integrated development-planning, approval of budgets, the preparation of financial statements, the levying of rates and acting appointments in municipalities affected by the re-

determination of boundaries as published under PN 19 in PG 1594 of 28 January 2016 withdrawn and replaced

## **Limpopo**

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 140 in PG 2745 of 2 September 2016 - Lepelle-Nkumpi Local Municipality - By-law on Spatial Planning and Land Use Management

## **CASES**

### **National**

*The SA Hackney Pony Breeders' Society v Majiet* (131/2015) [2016] ZASCA 108 (31 August 2016)

Review: Whether cross-breed of hackney horse and hackney pony eligible for registration as hackney pony: Interpretation of breeders' society's constitution and by-laws: Application of Animal Improvement Act 62 of 1988. <http://www.saflii.org/za/cases/ZASCA/2016/108.html>

### **International**

*Yuhuang Chemical Inc. Methanol Pla T St. James Parish, Louisiana* Petition No. VI-2015-03 Before The Administrator United States Environmental Protection Agency

New EPA order re: a PSD issue in Louisiana (TELC submitted the petition on behalf of Sierra Club & LEAN)

[http://www.tulane.edu/~telc/assets/agency/8-31-16\\_Yuhuang\\_CAA\\_Title\\_V\\_Petition\\_Order.pdf](http://www.tulane.edu/~telc/assets/agency/8-31-16_Yuhuang_CAA_Title_V_Petition_Order.pdf)

## **PUBLICATIONS**

Kuokkanen Tuomas, Couzens Ed, Honkonen Tuula, Lewis Melissa (eds) *International Environmental Law-making and Diplomacy: Insights and Overviews* (Routledge 2016)

<https://www.routledge.com/International-Environmental-Law-making-and-Diplomacy-Insights-and-Overviews/Kuokkanen-Couzens-Honkonen-Lewis/p/book/9781138851245>

Jegede Ademola Oluborode "Rights away from home : climate induced displacement of indigenous peoples and the extraterritorial application of the Kampala Convention" 2016 *African Human Rights Law Journal* 16(1): 52-82

Adeola Romola "The right not to be arbitrarily displaced under the United Nations Guiding Principles on Internal Displacement" 2016 *African Human Rights Law Journal* 16(1):83-98

Mpanga Phiona Muhwezi "Interpreting the human right to water as a means to advance its enforcement in Uganda" 2016 *African Human Rights Law Journal* (16(1):204-224

Gwanyanya Manson G “Legal formalism and the new Constitution : an analysis of the recent Zimbabwe Supreme Court decision in *Nyamande & Another v Zuva Petroleum*” 2016 *African Human Rights Law Journal* 16(1):283-299

Badenhorst, PJ “*Minister of Mineral Resources v Mawetse (SA) Mining Corporation (Pty) Ltd* 2016 (1) SA 306 (SCA) Prospecting rights under the MPRDA : Public Law Instruments?: recent case law” 2016 *De Jure* 49(1):168-181

Dellinger Myanna “Trophy Hunting Contracts: Unenforceable for Reasons of Public Policy. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2822111](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2822111)

Verchick Rob "Culture, Cognition, and Climate" 2016 *U. of Ill. L. Rev* [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2516887](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2516887)

ENSPOL 4th Policy Brief: “Cost recovery mechanisms of EEO schemes: Energy Saving Policies and Energy Efficiency Obligation Scheme” July 2016 <http://enspol.eu/sites/default/files/4th%20ENSPOL%20Policy%20Brief.pdf>

Kennedy R “Rethinking Reflexive Law for the Information Age” 2016 *George Washington University Energy and Environmental Law Review* 7(2):124 [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2762528](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2762528)

## **BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC**

Centre for Environmental Management Newsletter August – September 2016 <http://bit.ly/2ceL8ME>

The Center for Research Libraries (an international consortium of university, college, and independent research libraries based in Chicago, Illinois (U.S.A.)) is digitizing official gazettes from selected African countries. CRL digitized over 400,000 pages of official gazettes from eleven countries. This content has been made freely accessible, enabling researchers and the public worldwide to consult these critical documents. See <https://dds.crl.edu/search/collection/16>

The Conversation: Izael Pereira Da Silva “Lessons from Kenya about what’s holding back solar technology in Africa” 30 August 2016 <http://bit.ly/2bBVA18>

The Conversation; Bertola Laura “Genetic studies may hold the key to saving west and central Africa’s lions” 31 August 2016 <http://bit.ly/2cgqgbym>

The Conversation: Williams Susan “How a rich uranium mine thrust the Congo into the centre of the Cold War” 1 September 2016 <http://bit.ly/2c99Ldv>

Blog: Verchick Rob "Culture, Cognition, and Climate" <http://www.progressivereform.org/CPRBlog.cfm?idBlog=7A6998CD-C31D-1BE5-0F7ACA876E76959A>

Blog: Dellinger Myanna “Trophy Hunting Contracts: Unenforceable for Reasons of Public Policy” [http://lawprofessors.typepad.com/contractsprof\\_blog/2016/08/trophy-hunting-contracts-unenforceable-for-reasons-of-public-policy.html](http://lawprofessors.typepad.com/contractsprof_blog/2016/08/trophy-hunting-contracts-unenforceable-for-reasons-of-public-policy.html)

Video: “Japan: Nuclear Watch: Doubts about Evacuation Plan” 12 August 2016  
<http://www3.nhk.or.jp/nhkworld/en/news/videos/20160812155321510/>

The Conversation: Williams Susan “The link between uranium from the Congo and Hiroshima: a story of twin tragedies” 24 August 2016 <http://bit.ly/2cc8t1E>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **ELA Conference and AGM: Our ecosystems under threat: Legal responses: Extension for registration**

Date: 30 September 2016

Venue: Radisson Blu Gautrain Hotel, Sandton Johannesburg

Draft Programme on the web [www.elasa.co.za](http://www.elasa.co.za)

**Final date for registration: 20 September 2016**

The registration details are available on the website:

<http://www.elasa.co.za/conferencesworkshops.html>

#### **5th Annual ELA Student Conference: “Environmental Law and Governance Responses in an Era of Rapid Ecological and Socio-Economic Change”**

Venue: Wits Law School, University of the Witwatersrand

No registration fee. But please register for catering purposes:

Registration and more details: <http://www.elasa.co.za/annual-student-conference.html>

#### **Symposium of Contemporary Conservation Practice: Recognizing the value of biodiversity to the economy: First Announcement - Call for Abstracts and Proposals**

Date: 31 October – 4 November 2016

Venue: Fern Hill Conference Centre, Howick, KwaZulu-Natal

All interested are invited to submit proposals for special sessions and workshops, and abstracts for oral and poster presentations for the 2016 Symposium of Contemporary Conservation Practice.

**Submission for abstracts of ELA members: 6 September 2016**

<http://ocs.conservationssymposium.com/sccp/2016>

Themes and Focus Areas

- Protected area management effectiveness, Management of protected areas and buffer zones & Transboundary conservation
- Conserving in the face of global change

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.



- Ecological processes, Conservation genetics & Threatened species conservation
- Advances in monitoring and surveillance
- Mitigating threats to biodiversity, Wildlife Crime & Invasive alien species
- Valuing biodiversity, Ecosystem goods and services, Resource economics, Biodiversity and livelihoods & Natural resource use
- Land-use planning and development, Securing critical biodiversity areas & Enabling partnerships
- Cultural heritage and conservation history
- Media and communication
- Legal, policy and ethical frameworks, Global / multinational agreements & Wildlife law and animal welfare

#### Important Deadlines

- Registration Closes and Payments Deadline: 14 October 2016
- All Other Payments (Late): 11 November 2016
- Official Opening of Symposium: 13h00 31 October 2016
- Official Closing of Symposium: 13h00 4 November 2016

#### **North-West University: CEM Courses and information**

- **Integrated Water Resource Management in the Context of South African Legislation (CEM-02.5)**

Date: 12-16 September 2016 - Potchefstroom

- **Environmental Law for Environmental Managers (CEM-02.1)**

Dates: 10-15 October 2016 - Johannesburg (Holiday Inn, OR Tambo)

- **Management System Documentation: writing and management of effective procedures (CEM-11.1.1)**

Date: 19-23 September 2016

- **The Fundamentals in Climate Change Management (CEM-06.9.1)**

Date: 19-23 September 2016

- **An Introduction to Waste Classification in South Africa: Towards Implementation of the National Environmental Management Waste Act (CEM-06.2.3)**

Date: 19-20 September 2016

- **Integrated Land Management towards Sustainable Land Use: Rehabilitation and Monitoring (CEM-06.5.3)**

Date: 26-30 September 2016

- **Essential Air Quality Management (CEM-06.3.2)**

Date: 26-28 September 2016

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

## International

### **Anthropocene Symposium**

Date: 28 October 2016

Venue: University of Strathclyde, Glasgow

Call for abstracts for a symposium that seeks to critically interrogate the ontological orientation of environmental law and human rights through the Anthropocene framework. The symposium will be held in Glasgow at the University of Strathclyde on 28 October 2016.

Please direct all queries to Louis Kotze [louis.kotze@nwu.ac.za](mailto:louis.kotze@nwu.ac.za) or to Saskia Vermeylen [saskia.vermeylen@strath.ac.uk](mailto:saskia.vermeylen@strath.ac.uk)

### **Invitation to a national stakeholder consultation meeting to prepare for the meetings of the CBD and its Protocols**

I would like to draw your attention to this invitation to participate in the national stakeholder consultation meeting, the objective of which is to prepare for the following meetings of the Convention on Biological Diversity (CBD) and its Protocols which will be held concurrently Cancun, Mexico, from 4 to 17 December 2016:

1. Thirteenth meeting of the Conference of the Parties to the CBD (CBD COP 13);
2. Eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 8);
3. Second meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (COP-MOP 2)

Your participation, as business, in this stakeholder process is important as South Africa's contribution towards these meetings will be informed by this process and decisions will be taken at these meetings on the contribution that business should make to a reduction in global biodiversity loss.

The stakeholder consultation meeting will be held as follows:

Date: Thursday, 13 October 2016

Venue: Environment House, 473 Steve Biko, Arcadia, Pretoria, 0083

Time: 09H00 – 17H00

The agenda and other documentation for the stakeholder consultation meeting will be circulated in due course.

You are requested to confirm availability on or before Friday, 2 September 2016 for logistics purposes.

Edward Netshithothole

Department of Environmental Affairs

Environment House

473 Steve Biko

Arcadia, Pretoria, 0083

E-mail: [Enetshithothole@environment.gov.za](mailto:Enetshithothole@environment.gov.za)

## Private Environmental Governance Symposium

Date: 2-3 March 2017

Place: Washington

The George Washington University Law School, The George Washington School of Business, Vanderbilt University Law School and the Vanderbilt Department of Sociology are planning an interdisciplinary symposium on private environmental governance for March 2 and 3, 2017 in Washington, DC. We are organizing panels around the questions identified below and invite anyone interested in these questions or related questions to contact us by sending a e-mail to Lee Paddock at [lpaddock@law.gwu.edu](mailto:lpaddock@law.gwu.edu) by September 30, 2016. The e-mail should include a short description of research or experience with the private governance issues. The symposium will include scholars from multiple disciplines as well as participants from businesses and non-governmental organizations.

What is private environmental governance?

We think of private environmental governance as occurring when private organizations supplement the traditionally governmental functions of reducing negative externalities, managing common pool resources and producing public goods. Examples include reliance on private standards and certification systems (e.g., the Marine Stewardship Council and Forest Stewardship Council), commodities roundtables (e.g., Green Palm), use of private carbon disclosure and reduction initiatives (e.g., CDP, CERES), development of supply chain contract goals or specifications, associational commitments such as the Consumer Goods Forum's no net deforestation initiative, toxics reduction initiatives by individual retailers sometimes in coordination with advocacy groups (e.g., the Target "Sustainable Product Standard" and the Walmart "Sustainable Chemistry Implementation Guide"), private building standards (e.g., LEED), and many others.

Scholars across many fields have studied private environmental governance at the international level using terms such as non-state market-driven governance, private transnational regulatory organizations, private politics and private regulation. Our goal is to identify common research questions across disciplines, to discuss what we know about the reasons private governance is being pursued and the structure of these programs, to better understand how companies monitor performance of private governance systems, to explore whether and how private governance is or is not contributing to better environmental outcomes, and to examine how linkages between private and public governance systems could produce better outcomes.

The questions that may be addressed at the Symposium include

- ☐ What drives the emergence of private environmental governance initiatives and what forms do they take? What drives companies and other private organizations (such as universities, hospitals and religious organizations) to participate?
- ☐ What are the most common environmental issues addressed by private environmental governance?

- ☐ What environmental problems are most amenable to private governance initiatives?
- ☐ To what extent do private governance initiatives achieve their stated objectives? What other effects do they have?
- ☐ What standards should be used to evaluate the performance of private governance initiatives?
- ☐ How is or how should compliance with private standards monitored—by the firms themselves or by third parties?
- ☐ How is compliance with private standards ensured?
- ☐ To what extent are private governance initiatives accountable and to whom? What role should availability of information to the public have in the accountability equation?
- ☐ To what extent do these initiatives fill gaps, complement, or compete with public governance and public-private hybrids? What are there ways that public and private governance could be mutually supportive?
- ☐ What roles do or could governments play in forming, managing, encouraging, or discouraging private governance initiatives?
- ☐ Do private governance approaches have particular relevance to efforts to reduce greenhouse gas emission, particularly in light of the structure of the Paris Agreement?
- ☐ How might private environmental governance address or aggravate social justice concerns?

### Energy Africa Conference

Date: 27-28 October 2016

Venue: Colorado School of Mines, Colorado USA

Website: <http://energyafricaconference.com/>

General Admission \$ 350.00

Academicians and Non Profit Organizations \$ 260.00

Group Rate (table of 10) \$ 200.00

Students wishing to attend the conference at a discounted rate of \$75 should contact Dr. Luka Powanga directly at [Lpowanga@regis.edu](mailto:Lpowanga@regis.edu)

## NEWS

### Legislation: Committee declares mining resources Bill ‘sound’

“Parliament’s Mineral Resources Committee has decided that President Jacob Zuma had no grounds for concern over the constitutionality of the Mineral Petroleum and Resources Development Amendment Bill. A *Business Day* report says the committee has reaffirmed the disputed contents of the Bill, in the form it was originally passed by Parliament in 2014. The President referred the Bill back to Parliament in January 2015 on both procedural and substantive grounds. Parliament is in the process of tackling the procedural flaws in the original passage of the Bill through the legislature, but the committee has decided that – on the basis of advice from the state and parliamentary law advisers – the original Bill is sound on the substantive issues. These related to the compliance of the Bill with international trade agreements and the inclusion

of the Mining Charter in its definition of the Act. Committee chairperson Sahlulele Luzipo said it believed the President's concerns were not constitutional matters, especially regarding SA's international trade obligations. On the question of the Mining Charter, Luzipo said that, as a tool of transformation, which had to be complied with, the charter could not be excluded from the Bill."

Full Business Day report (subscription needed) *Legalbrief Today* 29 August 2016

Vecchiatto Paul and Burkhardt Paul "SA, mines fight over proposed community revenue share" Chamber of Mines in discussions with Department of Mineral Resources and unions over a Mining Charter review" *Moneyweb* 29 August 2016 [Source: Legalbrief Today 30 August 2016]

<http://www.moneyweb.co.za/news/companies-and-deals/sa-mines-fight-over-proposed-community-revenue-share/>

### **Legislation: State entities urged to 'respect' constitutional principles**

"National Treasury has drawn on the Constitution and the Public Finance Management **Act** to illustrate why Eskom is required to co-operate with reviews aimed at ensuring 'transparency, accountability and sound financial controls in the management of public finances'. According to yesterday's media statement on the issue, efforts to obtain information for Treasury's coal contracts review process have repeatedly 'met (with) resistance'. The statement urges all state entities to 'practise and respect' the constitutional principles of co-operative governance."

Read full report in Legalbrief Policy Watch 30 August 2016

Wasley Andrew and Robbins Josh "FSA: 4,000 major breaches of animal welfare laws at UK abattoirs in two years" *theGuardian* 28 August 2016 [Source: Legalbrief Today 30 August 2016]

<https://www.theguardian.com/environment/2016/aug/28/fsa-4000-breaches-animal-welfare-laws-uk-abattoirs-two-years>

Hannam P "Australian Conservation Foundation loses Federal Court case on Adani coal" *The Sydney Morning Herald* 29 August 2016 [Source: Legalbrief Today 30 August 2016] <http://www.smh.com.au/environment/climate-change/australian-conservation-foundation-loses-federal-court-case-on-adani-coal-20160828-gr3au2.html>

### **Climate Change: NGOs call for SA's emissions targets to be set**

"A group of civil society organisations has submitted a complaint to the Public Protector, saying that the government is dragging its feet in setting targets to limit greenhouse gas emissions, as required by policy. According to a *Business Day* report, the groups claim the government's failure to implement its climate change policy exposes the economy and financial institutions, including pension funds, to 'unnecessary and unacceptable risk'. In terms of the government's 2011 White Paper on the state's response to national climate change, desired emission reduction outcomes needed to have been set within two years. But to date, this has not been done. In July, the national climate change committee indicated that discussion would have to wait for the Integrated Resource Plan. But in an explanation note in August, it appeared there would be no attempt to

set medium and long-term objectives, the organisations said. 'All the signs suggest that they are giving up altogether,' said Richard Worthington, associate researcher to the Alternative Information and Development Centre. It was this that had prompted the approach to the Public Protector, he said."

*Legalbrief Environmental* 30 August 2016

Full Business Day report: Rabkin F "State's tardy approach to emissions under fire" *BDLive* 29 August 2016 <http://www.bdlive.co.za/national/science/2016/08/29/states-tardy-approach-to-emissions-under-fire>

### **Waste: DEA could take legal action against EnviroServ**

"The Department of Environmental Affairs (DEA) says it is not opposed to fining or taking legal action against a multinational company's Durban operation accused of releasing 'toxic air' into the community. According to a report in *The Mercury*, waste disposal powerhouse EnviroServ's Shongweni landfill site had two visits from the department in the past month, following hundreds of complaints since January from residents in Hillcrest, Waterfall, Gillitts and surrounds who accused the company of releasing toxic odours into the area that allegedly left several residents sick. 'The DEA is currently exploring its options,' departmental spokesperson Albi Modise is quoted in the report as saying. 'At this stage DEA is not excluding enforcement action against EnviroServ.'"

Full report in *The Mercury* (subscription needed) *Legalbrief Environmental* 30 August 2016

Sembony G "Africa: Tanzania Plans to Reduce Gas Emissions By 20pc in 2030" *The Citizen* 25 August 2016 <http://allafrica.com/stories/201608250457.html>

### **General: Scientists call for Anthropocene to be recognised**

"The human impact on Earth's chemistry and climate has cut short the 11 700-year-old geological epoch known as the Holocene and ushered in a new one. According to a report in *The Times*, the Anthropocene, or 'new age of man', will start from the mid-20th century if a recommendation by scientists, submitted to the International Geological Congress in Cape Town last weekend, is adopted. That approval process is likely to take at least two years and requires ratification by three other academic bodies, according to the report. But, states the report, after seven years of deliberations, the 35-strong working group has unanimously recognised the Anthropocene as a reality and voted 30 to three, with two abstentions, for the transition to be officially registered. Scientists refer to the period starting from 1950 as the 'great acceleration'. This is when concentrations in the air of carbon dioxide, methane and stratospheric ozone; surface temperatures, ocean acidification, marine fish harvesting; and tropical forest loss, population growth, construction of large dams and international tourism all became evident. 'We are spoiled for choice,' said Jan Zalasiewicz of the University of Leicester. 'There's a whole array of potential signals out there.'"

Full report in *The Times* (subscription needed) *Legalbrief Environmental* 30 August 2016



**Environmental: Major wetlands mining issue in court today**

“Eight years after the Federation for a Sustainable Environment and mining group Exxaro first clashed over wetlands in the catchment area of the Klein-Olifants River near Mooifontein, Mpumalanga, the matter will be heard in court today, says a *Beeld* report. The federation wants the court to declare that Exxaro did not have permission in terms of the National Environmental Management Act and the National Water Act to mine for coal in the wetlands. The environmental organisation seeks stiff administrative penalties and rehabilitation steps. However, Exxaro argues that the Environmental Management Act is not applicable to mines. According to the mine, the Development of Minerals and Petroleum Resources Act afforded it the necessary permissions to mine in the wetland. Wetlands specialists opine that the damage to the wetland would cost R200m to R400m to rehabilitate.”

Full Beeld report *Legalbrief Today* 31 August 2016

**Litigation: Ekurhuleni and Sanral in billboard battle**

“Sanral is at loggerheads with the City of Ekurhuleni over numerous illegal billboards the municipality has approved on bridges and along freeways, particularly along the R21 towards OR Tambo International Airport, says a report in *The Star*. And in what has been described as a bizarre situation, four internal Ekurhuleni departments are at odds with one another over it. In one case, Ekurhuleni's Real Estate Department is opposing the outdoor advertising department that approved a giant 91m<sup>2</sup> billboard on Gillooly's Farm, targeting the busy Gillooly's interchange. The department has requested the Legal Department to interdict the applicants who erected it, in a bid to force them to remove it. The Parks Department is also involved because both legs of the billboard are within the historic Gillooly's Farm and the owners of the billboard should have entered a lease agreement with it. Sanral said there were numerous advertising signs on and along the national roads in the Ekurhuleni metro (approved by the metro) that were in conflict with the Sanral Act and the regulations on outdoor advertising. There are also many illegal signs along the N3, N12 and R21.”

The Star <http://www.iol.co.za/news/south-africa/gauteng/sanral-and-ekurhuleni-in-billboard-battle-2062261> *Legalbrief Today* 31 August 2016

**Environmental: Court action launched against coal power station**

“Earthlife Africa (ELA) launched litigation against Environmental Affairs Minister Edna Molewa over the planned Thabametsi coal power station near Lephalale (Ellisras) yesterday, *Beeld* reports. ELA's Makoma Lekalakale says the organisation is requesting the Gauteng High Court (Pretoria) to set aside conditional approval for the power station in the light of climate change concerns, among other things. Molewa gave developers, Newshelf 1282 (Pty) Ltd, the go-ahead six months ago subject to a climate impact and paleontological study which had to be submitted by this week. Bobby Peek, of environmental NGO groundWork, says the organisation was not allowed any



input to the study. The organisation says SA won't be able to meet its international obligations in terms of COP22 if the construction goes ahead." Full Beeld report *Legalbrief Today* 2 September 2016

Laing Robert "Vanishing Bill in urgent need of resuscitation" *BDLive* 1 September 2016 [Source legalbrief today 2 september 2016]  
<http://www.bdlive.co.za/opinion/columnists/2016/09/01/vanishing-bill-in-urgent-need-of-resuscitation>

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<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

***The ELA is registered as a Public Benefit Organisation***  
[www.elasa.co.za](http://www.elasa.co.za)

***Remember that members of the Environmental Law Association may subscribe to Legalbrief Environmental – discount available.***

## **Environmental Law Association Newsletter 36**

9 September 2016

### **LEGISLATION**

#### **NOTICES**

National Environmental Management Act 107 of 1998 - GN R1006 in GG 40265 of 9 September 2016 - Proposed amendments to Financial Provisioning Regulations, 2015 - for comment

Gas Regulator Levies Act 75 of 2002 and Petroleum Pipelines Levies Act 28 of 2004 - GN 994 in GG 40257 of 8 September 2016 - Proposed levy on the piped-gas and petroleum pipeline industries for 2017/18 - for comment

### **PROVINCES**

#### **Eastern Cape**

Preferential Procurement Policy Framework Act 5 of 2000 – Gen Notice 30 in PG 3729 of 5 September 2016 - Draft Preferential Procurement Regulations, 2016 as published under GN 719 in GG 40067 of 14 June 2016 - for comment

Eastern Cape General Law Amendment Act 11 of 2003 - PN 204 in PG 3729 of 5 September 2016 – commence 5 September 2016

Repeals amongst others: Animal Diseases Act 21 of 1986 (Ciskei); Transkeian Animal Husbandry Improvement Account Act 6 of 1965 (Transkei); Transkei Artificial Insemination of Animals Act 3 of 1968 (Transkei); Animal Disease and Parasites Act 28 of 1978 (Transkei); Historical Monuments Act 10 of 1989 (Ciskei); Animal Slaughter, Meat and Animal Products Hygiene Act 18 of 1981 (Transkei)

#### **KwaZulu Natal**

Preferential Procurement Policy Framework Act 5 of 2000 – Gen Notice 68 in PG 1726 of 8 September 2016 - Draft Preferential Procurement Regulations, 2016 as published under GN 719 in GG 40067 of 14 June 2016 - for comment

Disaster Management Act 57 of 2002 - PN 156 in *PG* 1728 of 9 September 2016 - Extension of the declaration of a KwaZulu-Natal Provincial State of Drought Disaster for a period of one month from 11 September 2016 to 10 October 2016

## **Limpopo**

Preferential Procurement Policy Framework Act 5 of 2000 – Gen Notice 114 in *PG* 2746 of 9 September 2016 - Draft Preferential Procurement Regulations, 2016 as published under GN 719 in GG 40067 of 14 June 2016 - for comment

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 140 in *PG* 2746 of 9 September 2016 - Lepelle-Nkumpi Local Municipality - By-law on Spatial Planning and Land Use Management

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 149 in *PG* 2747 of 9 September 2016 - Ba-Phalaborwa Local Municipality - Spatial Planning and Land Use Management By-law published with effect from a date fixed by the Mayor of the municipality by proclamation in the *Provincial Gazette*

## **Mpumalanga**

Preferential Procurement Policy Framework Act 5 of 2000 – Gen Notice 122 in *PG* 2731 of 9 September 2016 - Draft Preferential Procurement Regulations, 2016 as published under GN 719 in GG 40067 of 14 June 2016 - for comment

## **Northern Cape**

Preferential Procurement Policy Framework Act 5 of 2000 – Gen Notice 91 in *PG* 2040 of 5 September 2016 - Draft Preferential Procurement Regulations, 2016 as published under GN 719 in GG 40067 of 14 June 2016 - for comment

Marine Living Resources Act 18 of 1998 – Gen Notice 93 in *PG* 2041 of 9 September 2016 - Duration of small-scale fishing rights

## **North West**

Preferential Procurement Policy Framework Act 5 of 2000 – Gen Notice 159 in *PG* 7688 of 6 September 2016 - Draft Preferential Procurement Regulations, 2016 as published under GN 719 in GG 40067 of 14 June 2016 - for comment

## Western Cape

Western Cape Community Safety Act 3 of 2013 – Proc 19 in PG 7671 of 2 September 2016 - date of commencement of 3 to 9, 19 to 23, 24 (2) and (3), 29, 30 (2) and 32 - 1 October 2016

Western Cape Community Safety Act 3 of 2013 - PN 347 in PG 7671 of 2 September 2016 = Western Cape Community Safety Regulations, 2016 – commence 1 October 2016

Preferential Procurement Policy Framework Act 5 of 2000 - PN 350 in PG 7672 of 2 September 2016 - Draft Preferential Procurement Regulations, 2016 - comment

## CASES

### National

*Inyako Game Farm (Pty) Ltd v Gelletich Mining Industries Pty Ltd and Others*  
Case Number 51602/2014 High Court Gauteng Division Pretoria Delivered 6 September 2016 attached

Old order mining rights – lapsing of old order rights

Polity.org.za – recent South African case law: <http://www.polity.org.za/page/latest-case-law>

### International

Environmental law Australia Case Studies - most important cases - <http://envlaw.com.au/category/case-studies/>

EU Environment Case law - [http://ec.europa.eu/environment/nature/legislation/caselaw/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/caselaw/index_en.htm)

Environment Court of New Zealand - <https://www.environmentcourt.govt.nz/> or <http://www.nzlii.org/nz/cases/NZEnvC/>

New South Wales Land and Environment Court - <http://www.lec.justice.nsw.gov.au/> or <http://www.lgnsw.org.au/news/land-and-environment-court-reporter>

Supreme Court Library Queensland: Planning and Environment Court: <http://www.sclqld.org.au/caselaw/QPEC>

Queensland Government: Planning and Environment Court Appeals Database (Australia): <http://www.dilgp.qld.gov.au/resources-ilgp/tools/planning-and-environment-court-appeals-database.html>

Environmental Law Reporter – Update of recent case law – USA - <http://elr.info/judicial/cases-update>

Law360: Environmental law cases to watch in 2016 (USA):  
<http://www.law360.com/articles/739257/environmental-cases-to-watch-in-2016>

## **PUBLICATIONS**

2016 Constitutional Court Review (September) downloadable at  
[www.constitutionalcourtreview.co.za](http://www.constitutionalcourtreview.co.za).

Juta Statute Editors: Occupational Health and Safety Act 85 of 1993 and Regulations September 2016 <http://juta.co.za/products/occupational-health-and-safety-act-85-of-1993-and-regulations>

Thornton J SC “Significant UK Environmental Cases 2015/16” 2016 *Journal of Environmental Law* 28 359-379 <http://jel.oxfordjournals.org/content/28/2/359.short?rss=1>

## **BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC**

Environmental Defense Fund Blog: Campos E “Why aviation’s carbon must be capped, and how to do it” 31 August 2016  
<http://blogs.edf.org/climatetalks/2016/08/31/why-aviations-carbon-must-be-capped-and-how-to-do-it/>

Clean Power Plan Blog: Driessen DM “The Role of the Clean Air Act's Goals in Clean Power Plan Litigation” <http://progressivereform.org/CPRBlog.cfm?idBlog=FE59AC7A-DFDD-A617-3B340B34CEFA475D>

Clean Power Plan Blog: Driessen DM “The Clean Power Plan: Unpacking the Generation Shifting Issue” : <http://progressivereform.org/CPRBlog.cfm?idBlog=FE6CF04C-F43B-7277-B8E8B092162DD8C9>

INECE Launches New Website and Newsletter  
<https://inece.org/news/announcements/show/NewsItem-5070>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **ELA Conference and AGM: Our ecosystems under threat: Legal responses: Extension for registration**

Date: 30 September 2016

Venue: Radisson Blu Gautrain Hotel, Sandton Johannesburg

Draft Programme on the web [www.elasa.co.za](http://www.elasa.co.za)

**Final date for registration: 12 September 2016**

The registration details are available on the website:

<http://www.elasa.co.za/conferencesworkshops.html>

#### **5th Annual ELA Student Conference: “Environmental Law and Governance Responses in an Era of Rapid Ecological and Socio-Economic Change”**

Venue: Wits Law School, University of the Witwatersrand

No registration fee. But please register for catering purposes:

Registration and more details: <http://www.elasa.co.za/annual-student-conference.html>

#### **Symposium of Contemporary Conservation Practice: Recognizing the value of biodiversity to the economy: First Announcement - Call for Abstracts and Proposals**

Date: 31 October – 4 November 2016

Venue: Fern Hill Conference Centre, Howick, KwaZulu-Natal

- Registration Closes and Payments Deadline: 14 October 2016
- All Other Payments (Late): 11 November 2016
- Official Opening of Symposium: 13h00 31 October 2016
- Official Closing of Symposium: 13h00 4 November 2016

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

### **North-West University: CEM Courses and information**

- **Environmental Law for Environmental Managers (CEM-02.1)**  
Dates: 10-15 October 2016 - Johannesburg (Holiday Inn, OR Tambo)
- **Management System Documentation: writing and management of effective procedures (CEM-11.1.1)**  
Date: 19-23 September 2016
- **The Fundamentals in Climate Change Management (CEM-06.9.1)**  
Date: 19-23 September 2016
- **An Introduction to Waste Classification in South Africa: Towards Implementation of the National Environmental Management Waste Act (CEM-06.2.3)**  
Date: 19-20 September 2016
- **Integrated Land Management towards Sustainable Land Use: Rehabilitation and Monitoring (CEM-06.5.3)**  
Date: 26-30 September 2016
- **Essential Air Quality Management (CEM-06.3.2)**  
Date: 26-28 September 2016

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

### **2016 Business and Biodiversity Indaba Theme: Transforming risk into opportunity**

25 & 26 October 2016

Hatch Africa Offices, Johannesburg, South Africa

Registration: Submit your registration ASAP, as seats are limited.

Contact: Michael Adams, [michaela@ewt.org.za](mailto:michaela@ewt.org.za).

Early bird registration closes on 30 September and registration closes on 14 October.

## **International**

### **Anthropocene Symposium**

Date: 28 October 2016

Venue: University of Strathclyde, Glasgow

Call for abstracts for a symposium that seeks to critically interrogate the ontological orientation of environmental law and human rights through the Anthropocene framework. The symposium will be held in Glasgow at the University of Strathclyde on 28 October 2016.

Please direct all queries to Louis Kotze [louis.kotze@nwu.ac.za](mailto:louis.kotze@nwu.ac.za) or to Saskia Vermeylen [saskia.vermeylen@strath.ac.uk](mailto:saskia.vermeylen@strath.ac.uk)



## Webinar: Sustainable Financing for Sustainable Energy - Managing Currency Risk

Foreign Exchange Risk ("FX Risk") is a key inhibitor of capital inflows and deal progress for the power sector in Sub-Saharan Africa. It is an issue that has been and will continue to be of interest for African utilities, IPPs, finance ministries, developers and a host of other parties. FX Risk is rising due to volatile and declining commodity prices, uncertain macro-adjustments, and a potential eventual reversal in a record-low hard currency interest rate environment. SEforALL, Power Africa and TCX will partner to conduct a series of webinars on this topic that build upon initial outreach by Power Africa and TCX from a workshop at the 2016 Africa Utility Week.

Time: 3 pm CEST

Register for the first webinar in the series, which will be held on September 14:

<https://unops.webex.com/unops/onstage/g.php?MTID=e33a5d0bbe64c66bf7cef47b4323a1a85>

Presenters: TCX (Harald Hirschhofer), Barclays (Saloshni Pillay), Persistent Energy Capital (Dirk Muench)

Audience: African utility representatives, Regulators, IPPs, DISCOs, Mini-Grid developers, DFIs, MDBs, Ministries of finance etc.

Objectives:

- 1) Increase awareness and understanding of FX Risk issues, concepts and existing risk mitigating solutions with relevant stakeholders
- 2) Point audience to existing FX risk mitigants

## COP21 Paris Climate Change Agreement | The Greening Education Conference, Germany

In December 2015, the world celebrated the international climate change agreement reached at the end of United Nations Climate Change Conference (COP21) held in Paris. This agreement is widely considered to be the turning point for the world as it is the most far-reaching climate commitment made so far by 195-member states of the United Nations.

Against this backdrop, the academic community and other stakeholders from around the world will get-together in Karlsruhe, Germany from the **19<sup>th</sup> to 21<sup>st</sup> of October 2016** to examine the pivotal role of education and training in creating a climate-friendly world. The conference will provide a global platform to exchange views on integrating climate change and environmental sustainability at all levels of education. During the three-day event ([http://eosd.org/en/igee\\_aims.html](http://eosd.org/en/igee_aims.html)), the delegates will share their unique approaches and innovative ideas for preparing students and learners to become responsible leaders and stewards of our planet and transform the world's fossil fuel-driven economy.

This year's global gathering of committed and like-minded delegates from across the globe will be an opportunity to deliberate on how education can be reshaped to address the 21<sup>st</sup> century challenges. Further to sharing knowledge on education for sustainability, the upcoming event also provides an excellent networking opportunity with peers and experts in Europe and beyond. An

optional excursion/ get-together will take place on Saturday the 22<sup>nd</sup> of October 2016.

You are cordially invited to attend this international conference and/ or nominate members of your institution.

For registration and logistic details, we would like to request contacting us via email [mail@eosd.org](mailto:mail@eosd.org) with a copy to [sustainability@etechgermany.net](mailto:sustainability@etechgermany.net) at the earliest.

### **The Sustainability Credentials of Coal and its Role in the UN Sustainable Development Goal: 12th Session of the UNECE Group of Experts on Cleaner Electricity Production from Fossil Fuels**

Date: 26 and 27 October 2016

Venue: Palais des Nations in Geneva

Website: <http://www.unece.org/index.php?id=41973#/>

Full descriptions of the task forces can be found at:

<http://www.unece.org/cleanerelectricityproduction/about.html>

### **Environmental Law Without Courts**

The Environmental, Energy, and Land Use Law program at FSU Law is proud to host *Environmental Law Without Courts*, a conference focusing on ways in which agencies have implemented environmental law largely without court supervision or intervention. While law professors teach environmental law mostly using cases and statutes, much environmental lawmaking is made outside of formal channels. We will explore some of these informal mechanisms, discussing advantages and disadvantages. The conference will take place at FSU Law on Friday, September 16, from 9.30 am to 4.45 pm.

You can join us via livestream, or watch the recording, by clicking

<http://mediasite.capd.fsu.edu/Mediasite/Play/a74c88f7c2c64f209cf4c42437e47b151d> .

More information about the event is available <http://www.law.fsu.edu/news-and-events/2016-environmental-law-without-courts-conference>

## **NEWS**

### **Policy: Water, sanitation master plan delayed**

“A water and sanitation master plan originally expected to have been completed last month will only be available towards the end of the 2018/19 financial year. This was confirmed recently by Water and Sanitation Minister Nomvula Makonyane, who told members of the National Assembly that the plan will include a ‘comprehensive’ water investment strategy to guide water resource and sanitation service management. Meanwhile, there have been no further pronouncements on the draft water pricing strategy released last November for comment. Among other things, the document concerned proposed the introduction of a ‘hybrid’ system of water charges that would provide for the full recovery of all administrative and institutional costs associated with the management, use, conservation and development of SA’s water resources.”

Read full report Legalbrief Policy Watch 7 September 2016

“IUCN Congress boosts support for Indigenous peoples’ rights” ETNews 10 September 2016 <http://www.eturbonews.com/74488/iucn-congress-boosts-support-indigenous-peoples-rights>

Wildberger S “North Dakota pipeline construction suspended by request of US government” *Jurist* 10 September 2016  
<http://www.jurist.org/paperchase/2016/09/north-dakota-pipeline-construction-suspended-by-request-of-us-government.php>

Merlina V “Land as the Center of Social and Ethnic Conflict in Ethiopia” 30 August 2016 <http://www.jurist.org/hotline/2016/08/henok-gabisa-ethnic-conflict.php>

## VACANCIES, FUNDING, OPPORTUNITIES, ETC

### Dean, Faculty of Law, University of Stellenbosch

Ref: RG00/274/0816

The Faculty of Law requires innovative and creative leadership in its teaching programmes, research and social impact, and is committed to excellence and equity.

Visit the Faculty's website at <http://law.sun.ac.za/> for further information

Closing date: 16 September 2016

The advert is available at: [https://sun-e-hr.sun.ac.za/OA\\_HTML/OA.jsp?page=/oracle/apps/irc/candidateSelfService/webui/VisVacDispPG&OAHP=IRC\\_EXT\\_SITE\\_VISITOR\\_APPL&OASF=IRC\\_VIS\\_VAC\\_DISPLAY&akRegionApplicationId=821&transactionid=1160719903&retainAM=N&addBreadcrumb=RP&p\\_svid=22391&p\\_spid=954767&oapc=6&oas=WTsdUO\\_qmTF0h-j-DzpBg](https://sun-e-hr.sun.ac.za/OA_HTML/OA.jsp?page=/oracle/apps/irc/candidateSelfService/webui/VisVacDispPG&OAHP=IRC_EXT_SITE_VISITOR_APPL&OASF=IRC_VIS_VAC_DISPLAY&akRegionApplicationId=821&transactionid=1160719903&retainAM=N&addBreadcrumb=RP&p_svid=22391&p_spid=954767&oapc=6&oas=WTsdUO_qmTF0h-j-DzpBg).

### UCT Mineral Law in Africa: Full time Post-graduate Research Positions 2017

The DST/NRF South African Research Chair: Mineral Law hereby invites applications for postgraduate research positions as of 2017. These positions are available for full-time postgraduate research students (LLM (by research) or PhD) registered at UCT, with a topic in mineral and mining law, as of 2017. Full-time PhD positions are made available for 3 years; full-time LLM positions are made available for 2 years.

Eligibility requirements:

- South African citizenship / permanent residence
- For the LLM positions: Applicants must hold an LLB degree by December 2016; For the PhD positions: Applicants must hold an LLM (research) degree by December 2016.
- Willingness to reside in Cape Town full time.
- Availability to work exclusively at the Chair (see “package” below). Other part-time work is not allowed.
- Applicants must pass the admissions criteria for higher degrees at the UCT’s Faculty of Law, and must complete the apposite application form, found at <http://www.lawresearchdegrees.uct.ac.za/lrd/admission>. This application process is separate from the application process for the

postgraduate researcher positions.

- [See [http://www.lawresearchdegrees.uct.ac.za/sites/default/files/image\\_tool/images/240/PDF-extended%20Ad.pdf](http://www.lawresearchdegrees.uct.ac.za/sites/default/files/image_tool/images/240/PDF-extended%20Ad.pdf) ]
- Excellent fluency and articulation in English (reading, writing and speaking)
- Good computer literacy (including MSWord and Online research tools)

Recommended skills / experience:

- Preference will be given to applicants who completed an advanced property law, mineral/mining law or natural resources law elective as part of their LLB, or who has previously completed a research paper of at least 5000 words in one of these topics.
- Special language skills (French, Portuguese or African language) would be an advantage.

Successful applicants will be required to:

- Live in Cape Town and work full-time at the Chair's offices, from the middle of January until the middle of December, for the duration of the study period.
- Regularly attend and participate in the Chair's research skills development events, short courses, conferences and seminars
- Attend the regular business meetings of the Chair's research group.
- Work towards the deliverables of the Chair for 15 hours p.w.
- Work on their own postgraduate research projects for 25 hours p.w.
- Participate in other activities of the Chair's Research Group.

The research package will include:

- Provision of specialized and individualised training in mineral and mining law, supervision and access to the UCT Law Faculty's excellent research facilities.
- Advanced research skills training.
- Flexible workspace and membership of a vibrant and dynamic community of researchers at the Chair's research group facility in the Law Faculty.
- Use of a laptop computer for the duration of the research position.
- A per annum research bursary of R100 000 (for those registered at UCT as PhD students) or R70 000 (for those registered at UCT as LLM students), subject to the NRF's requirements, paid in two semester installments.
- A per annum salary of R70 000 per annum, paid in monthly installments.

Application procedure:

The following documents must be submitted by email to [mlia@uct.ac.za](mailto:mlia@uct.ac.za) by 1 November 2016.

- A cover letter motivating candidate's suitability for the position and ability to further the goals of the Chair; outlining specific research

interests; and discussing future career plans.

- Curriculum Vitae
- Proof of SA Citizenship / permanent residence
- Proof of registration for postgraduate research degree / application for admission to postgraduate research degree at the UCT Law Faculty.
- Full, official university study record, including proof that degree requirements will be met by December 2016.
- A specimen of the candidate's recent academic writing, e.g. a research paper, dissertation or article.

### **Looking to work for a global agent of change on energy for development**

Practical Action is growing our clean energy access team: we are currently accepting applications for a new post: Senior Energy Access Partnership and Innovation Manager. The position will be part of a vibrant team and will work to further consolidate and enhance Practical Action's role as a change agent, facilitator and broker in the global energy for development space. We are looking for a dynamic individual to join us in forging strong partnerships with a wide range of stakeholders to provide decentralised, pro-poor approaches to energy access provision, market systems support and functioning regulatory and financial services. The role will be UK based but involve substantive travel. Please click here for more information and to apply to this position:

<https://www.blueoctopus.co.uk/search-results/vacancy?energy-access-partnership-and-innovation-manager-&VacID=40695>

### **Interested in a cutting edge discussion on energy access markets, finance business and policies?**

Through the Power for All partnership and campaign, I recently was a guest on the Energy Gang podcast for a special session on renewables in developing countries, with a focus on energy access. The discussion focused barriers to progress on energy access and how these can be resolved- and who needs to get their act together to incentivize rapid growth of renewable energy access industry – please give it a listen at this link:

<http://www.greentechmedia.com/articles/read/Are-We-Making-Global-Energy-Poverty-Worse>

### **50 well-funded postdoctoral opportunities for work on the UN Sustainable Development Goals**

Excellent postdoctoral opportunities here for 'experienced researchers' (holder of doctorate or 4+ years of full-time equivalent research experience) from any discipline interested in research relevant to the sustainable development goals of the UN's 2030 agenda for sustainable development.

The Irish Research Council (IRC) has recently announced details of a major postdoctoral fellowship programme called "CAROLINE - Collaborative Research Fellowships for a Responsive and Innovative Europe" <http://www.research.ie/funding/caroline> . 50 fellowships in total, to be advertised in two batches of 25: the first call is due to open in mid-October 2016 and the second call in May 2017. Fellowships are co-funded by the IRC and the European

Commission (under the Marie Skłodowska-Curie actions programme [http://ec.europa.eu/research/mariecurieactions/index\\_en.htm](http://ec.europa.eu/research/mariecurieactions/index_en.htm) ).

Two types of fellowship:

### **1. International fellowships - 30 fellows**

3 years in duration. Hosted by a research performing organisation (RPO) in Ireland (e.g. a university - full list of eligible RPOs [http://www.research.ie/sites/default/files/eligible\\_heis\\_rpos\\_in\\_ireland.pdf](http://www.research.ie/sites/default/files/eligible_heis_rpos_in_ireland.pdf) ), with an academic mentor. First two years spent with a partner NGO or international organisation (IO) outside Ireland (outward phase) - for eligible countries see [http://www.research.ie/sites/default/files/eligible\\_heis\\_rpos\\_in\\_ireland.pdf](http://www.research.ie/sites/default/files/eligible_heis_rpos_in_ireland.pdf) - Third year with RPO in Ireland (return phase). Additional secondments to NGOs/IOs/SMEs can be proposed during the outward and inward phases, to a maximum of 6 months in each case.

Indicative salary per annum (fellows will be employed by the RPO throughout):

Outward phase (outside Ireland): EUR 59,000 (with family); EUR 53,000 (without family)

Return phase (in Ireland): EUR 60,000 (with family); EUR 55,000 (without family)

Final salary will be determined by the location of the fellow and the associated cost of living co-efficient associated with the country in question.

Eligibility for international fellowship: Researcher can't have been in the country of the partner NGO/IO for more than 12 months in the 3 years prior to recruitment. If NGO/IO is in an eligible [third country \(i.e. outside the EU and 'associated countries'\)](#), the researcher must be a national/resident citizen of an EU Member State or associated country, or continuously active in full-time research in an EU Member State or associated country for 5 years prior to recruitment.

### **2. Irish fellowships - 20 fellows**

2 years in duration. Hosted by RPO in Ireland, with academic mentor. Mandatory main secondment to an NGO or IO in Ireland (between 6 and 12 months). Additional secondments to NGOs/IOs/SMEs (up to 3 months) can be proposed.

Indicative salary per annum (fellows will be employed by the RPO throughout):

Entire fellowship is spent in Ireland: EUR 60,000 (with family); EUR 55,000 (without family)

Eligibility for Irish fellowship: Eligible researchers are those who have not been in Ireland for more than 12 months in the 3 years prior to recruitment.

In the case of both types of fellowship there will be a contribution of EUR 1,752 per annum to the partner NGO/IO to cover overheads. In addition there is an allocation of EUR 9,600 per annum for research, training and networking. These funds will be allocated to the RPO and managed as agreed between the fellow/RPO/NGO/IO.

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<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

***The ELA is registered as a Public Benefit Organisation***  
[www.elasa.co.za](http://www.elasa.co.za)

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## **Environmental Law Association Newsletter 37**

16 September 2016

### **LEGISLATION**

#### **BILLS**

Judicial Matters Amendment Bill, 2016 - GN 588 in GG 40274 of 14 September 2016 - Notice of intention to introduce and explanatory summary - for comment

#### **NOTICES**

Companies and Intellectual Property Commission (CIPC) – Gen Notices 599 & 600 in GG 40281 of 16 September 2016 - Notice to service providers - Request for Information (RFI) for an eFiling Platform for Financial Statements using the eXtensible Business Reporting Language (XBRL) Standard to egress from PDF reporting format to a structured format

Department of Agriculture, Forestry and Fisheries - GN 1016 in GG 40279 of 16 September 2016 - Agricultural Research Council (ARC) - ARC Vision 2050 Discussion Document - for comment

Department of Environmental Affairs – Gen Notice 585 in GG 40269 of 12 September 2016 - Notice of publication for comment of draft Second Biennial Update Report (BUR-2) and draft 5<sup>th</sup> Greenhouse Gas (GHG) Inventory to the United Nations Framework Convention on Climate Change (UNFCCC) [https://www.environment.gov.za/sites/default/files/reports/2ndBUR2000\\_2012\\_draftforpubliccomments.pdf](https://www.environment.gov.za/sites/default/files/reports/2ndBUR2000_2012_draftforpubliccomments.pdf)

Marine Living Resources Act 18 of 1998 - GN 1067 of GG 40286 of 16 September 2016 - Duration of small-scale fishing rights

National Water Act 36 of 1998 - GN 1056 in GG 40279 of 16 September 2016 - Declaration of new water management areas of South Africa

National Water Act 36 of 1998 - GN 1057 in GG 40279 of 16 September 2016 - Restrictions on the use of water in terms of para. 6 (1) of Schedule 3 to the Act for urban, irrigation, industrial and mining purposes in the catchment areas of the dams supplying the Western Cape Water Supply System and from the system

National Water Act 36 of 1998 - GN 1066 in GG 40284 of 16 September 2016 - Restrictions on the use of water in terms of para 6(1) of Schedule 3 to the Act

for irrigation, urban, industrial and mining purposes from the Polokwane water supply system, Mutshedzi, Nzhelele, Nwanedi and Luphephe, Albasini, Vondo, Middle Letaba, Nsami, Flag Boshielo, Tzaneen and Glen Alpine sub-system/dams

Public Finance Management Act 1 of 1999 - GNs 1028 & 1029 in GG 40279 of 16 September 2016 - Borrowing powers of Mhlatuze Water and Umgeni Water

National Nuclear Regulator Act 47 of 1999 – Gen Notice 590 in GG 40279 of 16 September 2016 - Notice of applications by Eskom (Pty) SOC to the National Nuclear Regulator (NNR) for Nuclear Installation Site Licences for Thyspunt and Duynefontyn - for comment

Promotion of Access to Information Act 2 of 2000 - GN 1030 in GG 40279 of 16 September 2016 - Sugar Industry Administration Board: Section 14 manual

Promotion of Access to Information Act 2 of 2000 - GN 1021 in GG 40279 of 16 September 2016 - Descriptions submitted in terms of s. 15 (1) by Mpumalanga Provincial Government: Department of Co-operative Governance and Traditional Affairs

Promotion of Access to Information Act 2 of 2000 - GN 1022 in GG 40279 of 16 September 2016 - Descriptions submitted in terms of s. 15 (1) by Limpopo Provincial Government: Office of the Premier

Promotion of Access to Information Act 2 of 2000 - GN 1023 in GG 40279 of 16 September 2016 - Descriptions submitted in terms of s. 15 (1) by Limpopo Provincial Government: Department of Co-operative Governance, Human Settlements and Traditional Affairs

Promotion of Access to Information Act 2 of 2000 - GN 1025 in GG 40279 of 16 September 2016 - Descriptions submitted in terms of s. 15 (1) by Limpopo Provincial Government: Department of Health

Promotion of Access to Information Act 2 of 2000 - GN 1026 in GG 40279 of 16 September 2016 - Descriptions submitted in terms of s. 15 (1) Limpopo Provincial Government: Department of Agriculture and Rural Development

Mineral and Petroleum Resources Development Act 28 of 2002 - GN 1014 in GG 40277 of 15 September 2016 - Notice of intention to declare an 18-month moratorium on the Transworld Energy and Mineral Resources SA (Pty) Ltd (TEM) application at Xolobeni and against the lodging of any further prospecting or mining applications until such time as the moratorium is lifted - for comment

National Environmental Management: Protected Areas Act 57 of 2003 - GN 1007 in GG 40266 of 12 September 2016 - Notice of declaration of Tyityaba Private Game Reserve published in terms of s. 23 (2) (b) (i), (iii) and (e) of the Act

National Energy Regulator Act 40 of 2004 – Gen Notice 587 in GG 40273 of 13 September 2016 - National Energy Regulator of South Africa (NERSA) - Extension of consultative process and invitation for further public comment on the revision of the Multi-Year Price Determination (MYPD) methodology

National Environmental Management: Waste Act 59 of 2008 - GN 1010 in GG 40270 of 12 September 2016 - Withdrawal of notice requiring the Paper and Packaging Industry, Electrical and Electronic Equipment Industry and Lighting Industry to prepare and submit their industry waste management plans for approval published in GN 915 in GG 40207 of 12 August 2016 in order to pursue further consultation with the relevant industries

National Environmental Management: Waste Act 59 of 2008 - GN 1011 in GG 40270 of 12 September 2016 - Notice of intention to publish notice requiring the Paper and Packaging Industry, Electrical and Electronic Industry and Lighting Industry to prepare and submit industry waste management plans for approval - for comment

Special Economic Zones Act 16 of 2014 - GN 1054 of GG 40279 of 16 September 2016 - Notice regarding the East London Industrial Development Zone

## **PROVINCES**

### **Gauteng**

National Environmental Management Act 107 of 1998 – Gen Notice 1217 in PG 294 of 14 September 2016 0 Notice of approval - Gauteng Environmental Implementation Plan

Preferential Procurement Policy Framework Act 5 of 2000 - Gen Notice 1220 in PG 294 of 14 September 2016 - Draft Preferential Procurement Regulations, 2016 as published under GN 719 in GG 40067 of 14 June 2016 - for comment

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 1557 in PG 294 of 14 September 2016 - Merafong City Local Municipality - Notice of adoption of the Spatial Planning and Land Use Management By-law, 2016

## **KwaZulu Natal**

Constitution of the Republic of South Africa, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - MN 122 in *PG* 1729 of 15 September 2016 - Msunduzi Local Municipality - Spatial Planning and Land Use Management By-law, 2016

## **Limpopo**

Constitution of the Republic of South Africa, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 – Gen Notice 120 in *PG* 2748 of 16 September 2016 - Mopani District Municipality - Notice for Agreement to Establish a District Municipal Planning Tribunal

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 150 in *PG* 2748 of 16 September 2016 - Polokwane Local Municipality - Noise Control By-law

## **North West**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 177 in *PG* 7690 of 13 September 2016 - Declaration of protected environment: Marico Protected Environment

National Environmental Management: Protected Areas Act 57 of 2003 - PNs 178-181 & 183 in *PG* 7690 of 13 September 2016 - Declaration of nature reserves: Molopo Oog Nature Reserve; Rietspruit Rusoord Nature Reserve; Mafikeng Nature Reserve; Molopo Nature Reserve; and Botsalano Nature Reserve

National Environmental Management: Protected Areas Act 57 of 2003 - PN 182 in *PG* 7690 of 13 September 2016 - Intention to declare Erf 9297 (a portion of Erf 428) Mafikeng as part of Mafikeng Nature Reserve - for comment

National Environmental Management: Protected Areas Act 57 of 2003 - PN 184 in *PG* 7690 of 13 September 2016 - Intention to declare Nature Reserves: Molemane Eye Nature Reserve; Boskopdam Nature Reserve; Vaalkopdam Nature Reserve; and Kgaswane Mountain Nature Reserve - for comment

National Environmental Management: Protected Areas Act 57 of 2003 - PN 177 in *PG* 7690 of 13 September 2016 - Declaration of protected environment: Marico Protected Environment

National Environmental Management: Protected Areas Act 57 of 2003 - PNs 178-181 & 183 in PG 7690 of 13 September 2016 - Declaration of nature reserves: Molopo Oog Nature Reserve; Rietspruit Rusoord Nature Reserve; Mafikeng Nature Reserve; Molopo Nature Reserve; and Botsalano Nature Reserve

National Environmental Management: Protected Areas Act 57 of 2003 - PN 182 in PG 7690 of 13 September 2016 - Intention to declare Erf 9297 (a portion of Erf 428) Mafikeng as part of Mafikeng Nature Reserve - for comment

National Environmental Management: Protected Areas Act 57 of 2003 - PN 184 in PG 7690 of 13 September 2016 - Intention to declare Nature Reserves - Molemane Eye Nature Reserve; Boskopdam Nature Reserve; Vaalkopdam Nature Reserve; and Kgaswane Mountain Nature Reserve - for comment

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 157 in PG 7691 of 13 September 2016 - Ratlou Local Municipality: Spatial Planning and Land Use Management By-law of 2016

## **Western Cape**

Disaster Management Act 57 of 2002 - LAN 54119 in PG 7678 of 16 September 2016 - Central Karoo District Municipality - Extension of declaration of a local drought disaster

## **INTERNATIONAL DOCUMENTS**

International Criminal Court Office of the Prosecutor “Policy Paper on Case Selection and Prioritisation” 15 September 2016 [https://www.icc-cpi.int/itemsDocuments/20160915\\_OTP-Policy\\_Case-Selection\\_Eng.pdf](https://www.icc-cpi.int/itemsDocuments/20160915_OTP-Policy_Case-Selection_Eng.pdf)

## **CASES**

### **National**

*Transnet Soc Limited v Total South Africa (Pty) Ltd and Another* (728/2015) [2016] ZASCA 116 (14 September 2016)

“Summary: A contract pertaining to tariffs payable for the transportation of crude oil remains enforceable despite a change in legislative regime that governs the conveyance of petroleum products in South Africa: nothing in the contract incompatible with the relevant legislation.”

<http://www.saflii.org/za/cases/ZASCA/2016/116.html>

## PUBLICATIONS

South Africa's 2nd Biennial Update Report 2016 (September 2016)  
[https://www.environment.gov.za/sites/default/files/reports/2ndBUR2000\\_2012\\_draftforpubliccomments.pdf](https://www.environment.gov.za/sites/default/files/reports/2ndBUR2000_2012_draftforpubliccomments.pdf)  
to be read with

Draft GHG National Inventory Report South Africa 2000 – 2012 (March 2016)  
[https://www.environment.gov.za/sites/default/files/reports/nationalinventoryreport2000-2012\\_draftforpubliccomment.pdf](https://www.environment.gov.za/sites/default/files/reports/nationalinventoryreport2000-2012_draftforpubliccomment.pdf)

Electronic Law Journals, Juta's (2000 to date) (Online)  
<http://juta.co.za/products/8237-electronic-law-journals-jutas-2000-to-date-online>

2016 Special Issue of *Environmental and Planning Law Journal*: Rethinking Australian water law and governance: Successes, challenges and future directions

Drought gives us a preview of our capacity and will to adapt water laws to changing climate. As a result, Australia and California have given us much to think about. This Special Issue led by Cameron Holley and Darren Sinclair, looks at the reforms undertaken in Australia during the Millennium Drought, the lessons to be learned and thoughts on the path forward. [B Cosins University of Idaho College of Law] The Special Issue can be found at: <http://sites.thomsonreuters.com.au/journals/2016/07/29/environmental-and-planning-law-journal-update-july-2016-special-issue-water-law/>

Alam Shawkat, Atapattu Sumudu, Gonzalez Carmen G and Razzaque Jona (eds) *International Environmental Law and the Global South* (Cambridge University Press) Paperback version available  
<http://www.cambridge.org/us/academic/subjects/law/environmental-law/international-environmental-law-and-global-south>

DeCicco John M “Carbon balance effects of U.S. biofuel production and use” 2016 *Climate Change* 1-14 <http://link.springer.com/article/10.1007/s10584-016-1764-4>

“Opportunities for the Development of Unconventional Oil and Gas in Latin America and the Caribbean” (White Paper 2016 arpel)  
<https://arpel.org/library/publication/462/>

### **2017 IUCN Academy of Environmental Law e-Journal Issue 8 Call for Papers**

The editors would like to invite contributions for inclusion in the eighth issue of the IUCNAEL eJournal, which will be published in June 2017.

The Journal is an open access, free to publish, peer reviewed journal. It accepts four different forms of contributions:

- Substantive articles. These articles should add to knowledge and understanding at the global level. They may be on any aspect of domestic or international law, but should be of interest to and accessible to an international audience. Maximum length: 8000 words. Substantive articles are subject to a double blind peer review process before acceptance.

- Country reports. These reports should canvas recent interesting legal and policy developments in members' jurisdictions – preferably developments that have taken place in the past 6-12 months. Maximum length: 3000 words.
- Short Notes/Insight Pieces. Short punchy notes/opinion pieces on preferably controversial topics, the purpose of which is to invoke debate. Maximum length: 1000 words.
- Book Reviews. Book reviews should critically consider texts in the field of environmental law that have been published in the past 6-12 months. Maximum length: 1000 words.

Teaching Articles or short notes. Authors are expected to provide critical analysis and insights regarding good practices in the teaching of the environmental law or capacity building initiatives, which includes the following topics: Blended Learning; Capacity building actions; Case Method; Clinical Legal Education; e-Learning; Evaluation and assessment of student learning; Experiences in joint education projects (national and international); Flipped Learning; Innovative approaches to teach environmental sustainability and justice; Inquiry based teaching; Joint programs; Learning and Teaching Methodologies; Mobile learning: Phones, Tablets...; Moot Court Competitions; Plagiarism; Problem-Based Learning; Scientific methodology or evidence based teaching; Simulations; Teaching Environmental Law from interdisciplinary perspectives; Teaching research nexus; Tutoring and Coaching; University-Industry Collaboration. The maximum length for articles is 8,000 words, the maximum length for short notes is 1000 words.

The full details regarding the length and nature of these contributions are available on the eJournal's website (<http://www.iucnael.org/en/e-journal/>). So too are issues 1 to 7 of the eJournal which should give all a good idea of the nature and form of the different contributions.

We look forward to receiving your contributions and should you have any queries please do not hesitate to contact us ([IUCNAELJournal@gmail.com](mailto:IUCNAELJournal@gmail.com)).

## **BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC**

Shangoni Legal Newsflashes: <http://www.shangoni.co.za/news/>

IEA-RED RES-E-Markets: "Electricity market design and renewable energy deployment" Report <http://iea-reted.org/archives/publications/res-e-markets>

The Conversation: Stremlau John J "Africa is the perfect testing ground for adapting to the Anthropocene epoch" 11 September 2016 <http://bit.ly/2cHcEzv>



## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **ELA Conference and AGM: Our ecosystems under threat: Legal responses: Extension for registration**

Date: 30 September 2016

Venue: Radisson Blu Gautrain Hotel, Sandton Johannesburg

Draft Programme on the web [www.elasa.co.za](http://www.elasa.co.za)

#### **5th Annual ELA Student Conference: “Environmental Law and Governance Responses in an Era of Rapid Ecological and Socio-Economic Change”**

Venue: Wits Law School, University of the Witwatersrand

No registration fee. But please register for catering purposes:

Registration and more details: <http://www.elasa.co.za/annual-student-conference.html>

#### **Symposium of Contemporary Conservation Practice: Recognizing the value of biodiversity to the economy: First Announcement - Call for Abstracts and Proposals**

Date: 31 October – 4 November 2016

Venue: Fern Hill Conference Centre, Howick, KwaZulu-Natal

- Registration Closes and Payments Deadline: 14 October 2016
- All Other Payments (Late): 11 November 2016
- Official Opening of Symposium: 13h00 31 October 2016
- Official Closing of Symposium: 13h00 4 November 2016

#### **North-West University: CEM Courses and information**

##### **• Environmental Law for Environmental Managers (CEM-02.1)**

Dates: 10-15 October 2016 - Johannesburg (Holiday Inn, OR Tambo)

##### **• Integrated Land Management towards Sustainable Land Use: Rehabilitation and Monitoring (CEM-06.5.3)**

Date: 26-30 September 2016

##### **• Essential Air Quality Management (CEM-06.3.2)**

Date: 26-28 September 2016

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

## International

### **Anthropocene Symposium**

Date: 28 October 2016

Venue: University of Strathclyde, Glasgow

Call for abstracts for a symposium that seeks to critically interrogate the ontological orientation of environmental law and human rights through the Anthropocene framework. The symposium will be held in Glasgow at the University of Strathclyde on 28 October 2016.

Please direct all queries to Louis Kotze [louis.kotze@nwu.ac.za](mailto:louis.kotze@nwu.ac.za) or to Saskia Vermeylen [saskia.vermeylen@strath.ac.uk](mailto:saskia.vermeylen@strath.ac.uk)

### **Energy for Sustainability 2017 - Sustainable Cities: Designing Cities and Communities for the Future**

Date: February, 8-10, 2017

Place: Funchal, Madeira, Portugal

<http://www.efs2017.uc.pt>

### **Webinar: Making the most of ERA-Interim Reanalysis for Wind and Solar Power**

Date: Thursday 22 September 2016

What the webinar is about: Reanalyses, reconstructions of the past climate using a blending of observations with a physical model, are very useful tools for filling gaps where there is sparsity of observations. This is particularly true for wind and solar observations, the essential ingredients for the computation of wind and solar resource assessment, respectively. With this webinar first an overview of a very popular reanalysis, ERA-Interim, is provided. This will be followed by assessments of the quality of ERA-Interim when used as surrogate for wind and solar observations. This webinar is organised by the Copernicus Climate Change (C3S) Service European Climatic Energy Mixes (ECEM).

First session 9.30 to 10.30 am (CEST)

Second session 4.30 to 5.30 pm (CEST)

Register: <https://attendee.gotowebinar.com/rt/3700234136798996482>

This webinar occurs several times. Please register for the time that works best for you.

For more information on the European Climatic Energy Mixes (ECEM) Project and webinar session abstracts visit <http://ecem.climate.copernicus.eu/>

### **Webinar: Energy Efficiency for Energy Access: The Role of Social Innovation in Driving Change**

Date: 20 September 2016

7:30 a.m. Eastern Daylight Time | 1:30 p.m. Central European Summer Time

Registration: <https://attendee.gotowebinar.com/register/7076707901579443459>

More information: <https://cleanenergysolutions.org/training/energy-access-social-change>

### **Unitar: Environmental, Human Rights and Humanitarian Law online courses**

- International Environmental Law  
Date: Session: 17 October - 7 November 2016
- Human Rights and Environmental Protection for Sustainable Development  
Date: Sessions: 14 November - 12 December 2016
- International Humanitarian Law: Challenges and Developments  
Date: Session: November - December (TBC)

Registration: <http://hosted.verticalresponse.com/917797/c435ccb3c6/1589512399/81d96cc3fa/>

Web: <http://www.unitar.org/>

### **Call for Proposals: Climate Law and Governance Day**

Place: Marrakech

Date: November 2016

Building on the success of the inaugural Climate Law and Governance Day alongside the UNFCCC COP21 in Paris in December 2015, the CISDL at McGill University, the Lauterpacht Centre for International Law at the University of Cambridge, the Centre for Advanced Legal Studies at the University of Nairobi, the Centre for Enviro Law at the University of Chile, the Ateneo School of Governance, the International Law Association, International Bar Association, Centre for International Governance Innovation and other academic and legal partners have launched a Climate Law and Governance Initiative (CLGI), as a partnership to train and support future generations of climate lawyers for sustainable development. CLGI and its partners will again host Climate Law and Governance Day alongside the UNFCCC COP22 in Marrakech in November 2016.

CLGD brings together a community of international and national leaders and actors responsible for inspiring, innovating and building the capacity of new generations of law-makers and practitioners in global efforts to address climate change and implement the Paris Agreement. Parties, observers and other institutions are currently invited to submit proposals for full partnership, thematic leadership, and session hosting to collaborate in CLGD 2016 and set the climate law research and practice agenda. The Call for proposals can be found online here: <http://www.climatelawgovernance.org/call-for-proposals.html>. [Provided by Andrew Gilder ENS]

### **Special Symposium: Resettlement and Livelihoods**

Date: 20-22 February 2016

Place: Manila, Philippines

First Announcement:

<http://conferences.iaia.org/manila-2017/pdf/First%20Announcement%20Manila.pdf>

## NEWS

Diadla Sifiso “Peace in Xolobeni at least for the next 18 months” *LARC* 15 September 2016 <http://bit.ly/2cT9VTB>

Wheeler A “US Senate amends drinking water act to grant money to Flint” *Jurist* 16 September 2016 <http://www.jurist.org/paperchase/2016/09/us-senate-amends-drinking-water-act-to-grant-money-to-flint.php>

Jordaan Nomahlubi “Russia is not frontrunner in nuclear build programme, nuclear authority asserts” *BDLive* 16 September 2016 <http://www.bdlive.co.za/business/energy/2016/09/16/russia-is-not-frontrunner-in-nuclear-build-programme-nuclear-authority-asserts>

Worthington Richard “Cross-border energy deals ignore climate-change goals” *BDLive* 15 September 2016 <http://www.bdlive.co.za/opinion/2016/09/15/cross-border-energy-deals-ignore-climate-change-goals>

Chilwane Luphert “Illegal miners need official stance” *BDLive* 16 September 2016 <http://www.bdlive.co.za/opinion/2016/09/16/illegal-miners-need-official-stance>

Mabuza Kingdom “Mining companies under fire for damage to environment” *Timeslive* 13 September 2016 <http://www.timeslive.co.za/scitech/2016/09/13/Mining-companies-under-fire-for-damage-to-environment>

“The IUCN Congress concluded its meeting in Hawaii” *IUCN Congress Bulletin Summary* <http://www.iisd.ca/iucn/congress/2016/>

Simeon Louise Maureen “Miners vow support to environmental campaign” *The Philippine Star* 18 September 2016 <http://www.philstar.com/business/2016/09/18/1624779/miners-vow-support-environmental-campaign>

“International Court to Prosecute Environmental Crimes in Major Shift” *VOA News* 15 September 2016

“The International Criminal Court said Thursday that it will start focusing on crimes linked to environmental destruction, the illegal exploitation of natural resources and unlawful dispossession of land.” Read more at <http://www.voanews.com/a/international-court-prosecute-environmental-crimes-major-shift/3511067.html>

Taylor Adam “Is environmental destruction a crime against humanity? The ICC may be about to find out” *Washington Post* 16 September 2016 <https://www.washingtonpost.com/news/worldviews/wp/2016/09/16/is-environmental-destruction-a-crime-against-humanity-the-icc-may-be-about-to-find-out/>

## VACANCIES, FUNDING, OPPORTUNITIES, ETC

### **North-West University: Faculty of Law**

#### **Mahikeng Campus**

- Associate Professor

See [http://nwu.pnet.co.za/index.php?s=advert\\_view&q=11080&x=4272362&i=820&pop=1](http://nwu.pnet.co.za/index.php?s=advert_view&q=11080&x=4272362&i=820&pop=1)

- Senior Lecturer/Lecturer

See [http://nwu.pnet.co.za/index.php?s=advert\\_view&q=11080&x=4272362&i=819&pop=1](http://nwu.pnet.co.za/index.php?s=advert_view&q=11080&x=4272362&i=819&pop=1)

#### **Potchefstroom Campus**

- Associate Professor/Senior Lecturer/Lecturer

See [http://nwu.pnet.co.za/index.php?s=advert\\_view&q=11080&x=4230392&i=847&pop=1](http://nwu.pnet.co.za/index.php?s=advert_view&q=11080&x=4230392&i=847&pop=1)

### **Enter The 2016 CISDL Legal Essay Competition! Climate Change, Sustainable Development and the Law: Governance Challenges and Innovations**

Deadline: 15 October 2016

\* What are the most pressing legal and governance challenges in responding to the threats and opportunities of climate change?

\* How can local and national law be harnessed for the implementation of the 2030 Agenda for Sustainable Development and the UN Framework Convention on Climate Change, especially the new Paris Agreement?

\* Which innovative legal and institutional instruments and practices hold potential to help address these challenges, at national or local levels?

\* How can climate law and governance innovations be implemented across diverse sectors for more sustainable development?

The Centre for International Sustainable Development Law (CISDL), in cooperation with the Lauterpacht Centre for International Law (LCIL) at the University of Cambridge, the Centre for Research on Climate Resilience (CR2) at the University of Chile, and the Centre for Advanced Studies in Environmental Law and Policy (CASELAP) of the University of Nairobi, is delighted to announce this year's student legal essay competition on "Climate Change, Sustainable Development and the Law: Governance Challenges and Innovations"

The legal essay competition is open to students of law and related fields at the undergraduate and graduate level, from all regions of the world. Students from least developed countries are especially encouraged to apply. Papers should be a maximum of 10 pages in length (single-spaced), and address a current international, regional or local legal research or governance challenge relating to climate change and sustainable development, identifying or proposing innovative legal instruments which might provide solutions to the challenge.

The international gold, two silver and three bronze award-winning entries will be announced in a special awards ceremony at the United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties (CoP22) in Marrakesh, Morocco, and will be published internationally by the CISDL in 2017. The best entries will receive a \$300.00 USD prize (Gold Award) and \$200.00 USD prizes (for each of the Silver Award winners).

Applicants should indicate whether they will be present in Marrakesh during CoP22, as all successful finalists will be invited to prepare a brief oral argument based on a hypothetical climate litigation fact pattern provided, for a special moot during Climate Law and Governance Day 2016 on the 11th of November. Please send entries, along with a 200 word biography, to the 'Climate Essay International Jury' at <[climate-essay@cisdl.org](mailto:climate-essay@cisdl.org)> by 5pm EST, 15 of October 2016. Entries will be considered on a rolling basis, so candidates for the award are warmly encouraged to send their applications early. For further details about Climate Law and Governance Day, and international law on climate change, see: [www.cisdl.org](http://www.cisdl.org) and [www.climatelawgovernance.org](http://www.climatelawgovernance.org) [Supplied by Andrew Gilder ENS]

### **Postdoctoral Fellowships at the International Institute for Applied Systems Analysis (IIASA), Laxenburg, Austria**

Postdoctoral Fellowships are available at the International Institute for Applied Systems Analysis (IIASA) for researchers in:

- Natural and Social Sciences
- Mathematical Sciences and Modelling
- Interdisciplinary and Sustainability Sciences
- Integrated Assessment
- Management and Policy

IIASA located in Schloss Laxenburg near Vienna, Austria, provides full funding for a number of postdoctoral researchers each year. Scholars conduct their own research on topics closely related to one or more projects on IIASA's agenda.

#### **Upcoming application deadlines:**

**2016:** 1 October

**2017:** 1 April, 1 October

Postdoctoral positions are of up to 2 years' duration, and can begin up to 6 months after selection.

What is IIASA?

IIASA is an international institute engaged in scientific research that aims to provide support for policymakers on issues of importance in the following global problem areas:

- Energy and Climate Change
- Food and Water
- Poverty and Equity

IIASA's research comes under the following programs:

- Energy
- Transitions to New Technologies
- Advanced Systems Analysis
- Ecosystem Services and Management
- Air Quality and Greenhouse Gases
- Evolution and Ecology
- World Population
- Risk and Resilience
- Water

IIASA has four Futures Initiatives:

- Arctic Futures Initiative
- Tropical Futures Initiative
- Economic Integration within European and Eurasian Space
- Water Futures and Solutions

and three Cross Cutting Activities:

- Accounting for Social Heterogeneity in IIASA Models
- Systemic Risk and Network Dynamics
- Equitable Governance of Common Goods

Who can apply?

Candidates should have their PhD at the time of taking up the appointment and are expected to have a proven record of research accomplishments, and a solid working knowledge of English. The typical period for IIASA-funded postdoctoral support is 12–24 months. Preference will be given to applicants who are nationals of countries where IIASA has a National Member Organization and who have held a doctoral degree for less than 5 years at the application deadline.

Please Note: IIASA does not do lab-type research and as such does not provide any onsite lab-type facilities. Also: The fellowship requires you to be present at IIASA; if you need to stay away from the institute to do your research or expect IIASA to fund field research overseas please do not apply.

Once a proposal has been formulated we encourage communication with the relevant program representatives:

[http://www.iiasa.ac.at/web/home/education/postdoctoralProgram/Apply/Post\\_Doc\\_Program\\_Representatives.en.html](http://www.iiasa.ac.at/web/home/education/postdoctoralProgram/Apply/Post_Doc_Program_Representatives.en.html)

. We suggest to look at the pdf version of the application form, frame the proposed research according to the questions there, and then send an introductory e-mail. This level of personal interaction is vital not only to discuss research ideas and ascertain their relevance to IIASA's scientific agenda but it also allows much more realistic formulation of research plans and expectations on the part of both IIASA and the applicant.

General Questions: [pdocinfo@iiasa.ac.at](mailto:pdocinfo@iiasa.ac.at) and [www.iiasa.ac.at/postdocs](http://www.iiasa.ac.at/postdocs)

### **University of Utrecht, Netherlands - LANDac Postdoc researcher / coordinator in the field of land governance for development**

Field: Natural sciences

<https://www.academictransfer.com/employer/UU/vacancy/35978/lang/en/>

### **Inaugural Haub Visiting Scholar**

(Accepting Nominations & Letters of Interest until Sept 30):

<https://law.pace.edu/sites/default/files/environmental/2017HaubVisitingScholar.pdf>

### **Inaugural Haub Distinguished Professor of Environmental Law**

(accepting letters of interest now)

<http://www.law.pace.edu/sites/default/files/environmental/HaubDistinguishedProfessorPosition.pdf>



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## **Environmental Law Association Newsletter 38**

**23 September 2016**

### **LEGISLATION**

### **NOTICES**

Hazardous Substances Act 15 of 1973 – GN 1075 in GG 40293 of 23 September 2016 - Draft declaration of Group I, Category B, hazardous substances - for comment

Promotion of Access to Information Act 2 of 2000 - GN 1069 in GG 40293 of 23 September 2016 - Descriptions submitted in terms of s. 15 (1) by Provinsiale Regering van Noordwes: Departement van Landelike, Omgewings- en Landbou-ontwikkeling

Promotion of Access to Information Act 2 of 2000 - GN 1078 in GG 40293 of 23 September 2016 - Descriptions submitted in terms of s. 15 (1) by KwaZulu-Natal Provincial Government: Department of Co-operative Governance and Traditional Affairs

Promotion of Access to Information Act 2 of 2000 - GN 1079 in GG 40293 of 23 September 2016 Descriptions submitted in terms of s. 15 (1) by Mpumalanga Provincial Government: Department of Health

Promotion of Access to Information Act 2 of 2000 - GN 1080 in GG 40293 of 23 September 2016 - Descriptions submitted in terms of s. 15 (1) by Eastern Cape Provincial Government: Office of the Premier

Broad-Based Black Economic Empowerment Act 53 of 2003 – Gen Notice 615 in GG 40293 of 23 September 2016 - Determination of the address of the Broad-Based Black Economic Empowerment Commission (B-BBEE Commission)

## **PROVINCES**

### **Eastern Cape**

Nature and Environmental Ordinance 19 of 1974 and National Environmental Management: Protected Areas Act 57 of 2003 - GN 1068 in GG 40288 of 19 September 2016 - Abolition of the Kaapse Grysbok Nature Reserve and withdrawal of the establishment notice as published under Notice 341 of 1992

### **KwaZulu Natal**

KwaZulu-Natal Ithala Development Finance Corporation Act 5 of 2013 – Gen Notice 30 in PG 1731 of 22 September 2016 – commence 22 September 2016

### **Limpopo**

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 155 in PG 2751 of 23 September 2016 - Mopani District Municipality - Notice to establish a District Municipal Planning Tribunal

### **Western Cape**

Public Launch Site Regulations, 2014 - PN 370 in PG 7679 of 16 September 2016 - Amendment notice to the Public Launch Sites and the identified management bodies for each listed site for the Western Cape as published under PN 193 in PG 7410 of 26 June 2015

Wet op Plaaslike Regering: Munisipale Finansiële Bestuur 56 van 2003: Swellendam Munisipaliteit: Grondbeskikkingsbeleid, 2014 gepubliseer (POK 54129 in PK 7680 van 16 September 2016) (bl2)

Western Cape Alcohol-Related Harms Reduction Policy Green Paper published (PN 371 in PG 7681 of 19 September 2016)

Petroleum Agency South Africa – Notice on terms of section 10(1) of the Minerals and Petroleum Resources Development Act 28 of 2002 – Consultation with interested and affected parties regarding the acceptance of an exploration right for petroleum submitted by Sungu Sungu Oil (Pty) Ltd

[Map seems to indicate vicinity/bordering of Tsitsikamma Marine Protected Area]

## INTERNATIONAL DOCUMENTS

**CITES Documents:** Seventeenth meeting of the Conference of the Parties Johannesburg (South Africa), 24 September-05 October 2016  
Documents are available at: <https://cites.org/eng/cop/index.php>

## CASES

### National

*King Country Investment (Pty) Ltd v Cape Town Ziplines (Pty) Ltd and Others* (6661/16) [2016] ZAWCHC 126 (23 September 2016)  
Interdict to prevent zipline business – violation of zoning – unlawful noise nuisance – unlawful invasion of privacy

*South African National Roads Agency Limited v City of Cape Town* (66/2016) [2016] ZASCA 122 (22 September 2016)

“Summary: The South African National Roads Agency Limited and National Roads Act 7 of 1998: Declaration of national road as toll road in terms of s 27 of the Act: Application to review and set aside a) an application by South African National Roads Agency Limited (SANRAL) to Minister of Transport (Minister) for approval of declaration of toll road; and b) decision by the Minister to approve declaration as toll road: delay in bringing review: delay unreasonable but interests of justice nevertheless requiring that condonation be granted: SANRAL’s board had not in fact taken decision to seek Minister’s approval: later attempt to rectify omission invalid: Minister misconstruing function in approving declaration: approval set aside: cross-appeal: claim for interdict in relation to possible future contract: application premature.”

<http://www.saflii.org/za/cases/ZASCA/2016/122.html>

## PUBLICATIONS

Kotzé Louis J 'Global Environmental Constitutionalism in the Anthropocene (Hart Publishing Co 2016) <http://www.bloomsburyprofessional.com/uk/global-environmental-constitutionalism-in-the-anthropocene-9781509907588/>

Jaria i Manzano Jordi, Hunter Serra, Kotzé Louis J (eds) *Energy Governance and Sustainability* (Edward Elgar 2016) <http://www.e-elgar.com/shop/energy-governance-and-sustainability>

Juta Pocket Statutes Local Government: Municipal Systems Act 32 of 2000 & Regulations 3<sup>rd</sup> ed (September 2016) <http://juta.co.za/products/local-government-municipal-systems-act-32-of-2000-jutas-pocket-statutes>

UNEP “Marine Litter Legislation: A Toolkit for Policymakers (United Nations Environment Programme and the Environmental Law Institute 2016) <http://www.unep.org/publications/>

Cushing Lara J *et al* “A Preliminary Environmental Equity Assessment of California’s Cap-and-Trade Program” Research Brief (September 2016 University of California, Berkeley & Others)

[http://dornsife.usc.edu/assets/sites/242/docs/Climate\\_Equity\\_Brief\\_CA\\_Cap\\_and\\_Trade\\_Sept2016\\_FINAL.pdf](http://dornsife.usc.edu/assets/sites/242/docs/Climate_Equity_Brief_CA_Cap_and_Trade_Sept2016_FINAL.pdf)

Leal-Arcas R *et al* *Energy security, trade and the EU: Regional and international perspectives* (Elgar 2016)

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2838428](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2838428)

2016 *Politics and Governance* - special issue on "Climate Governance and the Paris Agreement" <http://www.cogitatiopress.com/ojs/index.php/politicsandgovernance/issue/view/49>

Burke Katie L “Flint Water Crisis Yields Hard Lessons in Science and Ethics” 2016 *American Scientist* May-June 104(3) 134 DOI: 10.1511/2016.120.134

<http://www.americanscientist.org/issues/pub/flint-water-crisis-yields-hard-lessons-in-science-and-ethics>

Thijs Van de Graaf *et al* (eds) *Palgrave Handbook of the International Political Economy of Energy* (2016 Palgrave)

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2841451](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2841451)

IRENA “Solar PV in Africa: Costs and Markets” (September 2016)

<http://www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36&CatID=141&SubcatID=2744>

Cunningham Warren Cara “An American Reset -- Safe Water & A Workable Model of Federalism” 2016 *Duke Environmental Law and Policy Forum* to be published [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2832440](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2832440)

Bierman F “Accountability and legitimacy in earth system governance: A research framework” 2011 *Ecological Economies* 70(11): 1856–1864

## **BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC**

### **The Conversation: Focus on CITES:**

- Harvey B “Explainer: what is CITES and why should we care?” 18 September 2016 <http://bit.ly/2cRmoME>
- Alden Chris “African countries square up for battle over future of ivory trade ban” <http://bit.ly/2cWY6N1>
- Murphree M “The ban on ivory sales has been an abject failure. A rethink is needed” 22 September 2016 <http://bit.ly/2cqW2zs>
- Lunstrum Libby “Why military and market responses are no way to save species from extinction” 22 September 2016 <http://bit.ly/2csTj8Q>

### **Department of Environmental Affairs 24G Research Project | Survey**

The Department of Environmental Affairs is conducting a research project, part of which involves looking at the effectiveness of section 24G of the National Environmental Management Act - the legal provision dealing with the ‘rectification’ of activities that have started without environmental authorisation.

Stakeholders’ views on the topic are very important and are being solicited through this survey.

If you are willing to participate you may complete the survey, **only for consultants**, by clicking on <https://www.surveymonkey.com/r/consultantstakeholders>.

Should you have clients who may be willing to participate, please forward this mail to them and they may complete the **survey for business and industry** at <https://www.surveymonkey.com/r/businessstakeholders>.

If you receive this mail via the IAIAsa database but are neither a consultant nor a business/industry we would respectfully request that you do not attempt to complete the survey. The survey should only take 5 -10 minutes and your responses are completely anonymous. Should you elect to participate please do so by 30 September 2016 as the survey portal will be closed thereafter. Please note that Dr Jenny Hall, an honorary research associate at the University of Cape Town, is undertaking the research for the Department on a voluntary and independent basis and that she may include the results in an academic article. Should you have any questions about this survey, please contact Dr Jenny Hall on 083 377 2333 or at [jhall@envirocounsel.co.za](mailto:jhall@envirocounsel.co.za).

CSIR *Wind and Solar PV Resource Aggregation Study for South Africa* (2016) [http://www.csir.co.za/Energy\\_Centre/wind\\_solarpv.html](http://www.csir.co.za/Energy_Centre/wind_solarpv.html) [supplied by Andrew Gilder ENS]

IAP Conference on Science Advice 28 February – 1 March 2016 Proceedings Hermanus

[http://www.assaf.org.za/reports/FINAL%20for%20WEB%20ASSAF\\_IAP%20A5%20Proceeding%20Book%20Draf4.pdf](http://www.assaf.org.za/reports/FINAL%20for%20WEB%20ASSAF_IAP%20A5%20Proceeding%20Book%20Draf4.pdf)

**Webcast: University of Georgetown:** “Georgetown Environmental Law and Policy Program's Clean Power Plan Oral Advocates Panel Discussion” .

This event will be held at 9 a.m. on Wednesday, 28 September 2016.

If you can't attend, please view the webcast here, which will go live after the event. <http://apps.law.georgetown.edu/webcasts/eventDetail.cfm?eventID=2993>

The Conversation: Nagelkerken Ivan “The silencing of the seas: how our oceans are going quiet” 19 September 2016 <http://bit.ly/2cmQ1Uy>

IISD: High-Level Event: “Leaving No One Behind: Energy for Humanitarian Response and Sustainable Development” held 18 September 2016 at the UN Headquarters, New York <http://www.iisd.ca/energy/humanitarian-response/> and <http://www.iisd.ca/download/pdf/sd/enbplus181num18e.pdf>

Jurist: Blank Laurie R “Cicero, International Law, and the Oil in Iraq” 23 September 2016 <http://www.jurist.org/forum/2016/09/laurie-blank-cicero-oil.php>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **ELA Conference and AGM: Our ecosystems under threat: Legal responses: Extension for registration**

Date: 30 September 2016

Venue: Radisson Blu Gautrain Hotel, Sandton Johannesburg

Draft Programme on the web [www.elasa.co.za](http://www.elasa.co.za)

#### **5th Annual ELA Student Conference: “Environmental Law and Governance Responses in an Era of Rapid Ecological and Socio-Economic Change”**

Venue: Wits Law School, University of the Witwatersrand [Please note that venue might change, if need be]

No registration fee. But please register for catering purposes:

Registration and more details: <http://www.elasa.co.za/annual-student-conference.html>

#### **Imbewu: Environmental & Mine Health and Safety Legal Training Workshop**

Date: 18 October 2016

Venue: Imbewu's Offices, Rosebank, Johannesburg

Time: 08:30-16:30

Contact: Lulu at [lulu@imbewu.co.za](mailto:lulu@imbewu.co.za) or [www.imbewu.co.za](http://www.imbewu.co.za) or 011 214 0660/1

#### **Symposium of Contemporary Conservation Practice: Recognizing the value of biodiversity to the economy**

Date: 31 October – 4 November 2016

Venue: Fern Hill Conference Centre, Howick, KwaZulu-Natal

- Registration Closes and Payments Deadline: 14 October 2016
- All Other Payments (Late): 11 November 2016
- Official Opening of Symposium: 13h00 31 October 2016
- Official Closing of Symposium: 13h00 4 November 2016

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.



**NWU Panel discussion: “The need for a holistic understanding of climate change - critical discussions” AND  
Juta book launch of “Climate Change Governance in South Africa”**

Date: 12 October 2016

Venue: Senate Hall (F1), Potchefstroom Campus, North-West University

Time: 17:30 to 19:30.

This panel will gather academics and specialists of the climate change in order to provide a cross-cutting discussion on this phenomenon, its causes and impacts, may it be locally or internationally as part of the “Global Climate Change Week” hosted by Faculty of Law at the North-West University.

Chaired by Prof Anél du Plessis, this panel will be composed of 4 speakers: Fred Goede (UARM, NWU Vaal Triangle), Roelof Burger, Henk Bouwman (School of Environmental Sciences, NWU) and Andrew Gilder (ENSafrica).

The discussion will be followed by the **Juta Book Launch of *Climate Change Governance in South Africa*** edited by Louis Kotzé, Tracy Humby, Olivia Rumble and Andrew Gilder.

This event, presented by Prof Tracy Humby, School of Law, University of the Witwatersrand, will start at 19:10, same venue.

No RSVP.

**UP Environmental Law 5 day Certificate Courses**

Dates: November 2016; March 2017; August 2017

Venue: University of Pretoria

Registration and enquiries:

Course Coordinator: Mariëtte de Villiers +27 12 434 2571 or

[mariette.devilliers@enterprises.up.ac.za](mailto:mariette.devilliers@enterprises.up.ac.za)

Course leader: Melanie Murcott: +27 12 420 3860 or [melanie.murcott@up.ac.za](mailto:melanie.murcott@up.ac.za)

### North-West University: CEM Courses and information

- **Environmental Health Law and Enforcement for Local Government (CEM-08.1.4)**  
Date: 3-7 October 2016
- **An Introduction to Integrated Waste Management for Municipalities: A Practical Approach (CEM-06.2.5)**  
Date: 3-7 October 2016
- **Environmental Law for Environmental Managers (CEM-02.1) (Saturday - 3 Hour Examination)**  
Dates: 10-15 October 2016 - Johannesburg (Holiday Inn, OR Tambo)
- **Planning Law and the Interface with South African Environmental Legislation (CEM-02.9)**  
Date: 17-21 October 2016
- **Basic Principles of Ecological Rehabilitation and Mine Closure (CEM-06.5.1)**  
Date: 10-14 October 2016
- **Environmental Impact Assessment: A Practical Approach (CEM-05.1)**  
Date: 10-14 October 2016
- **Implementing Environmental Management Systems (ISO 14001) (CEM-03.1)**  
Date: 24-28 October 2016
- **Occupational Health and Safety Law for Managers (CEM-08.1.1a)**  
Date: 24-28 October 2016
- **Environmental Management System ISO 14001 Audit: A Lead Auditor Course Based on ISO 19011 and ISO 17021 (SAATCA Registered) (CEM-04.1.1)**  
*Prerequisites: Environmental Law (CEM-02.1) and EMS (CEM-03.1) Courses*  
Date: 31 October - 4 November 2016
- **Occupational Health and Safety Management System OHSAS 18001 Audit: A Lead Auditor Course based on ISO 19011 and ISO 17021 - (SAATCA Registered) (CEM-04.2.1)**  
*Prerequisites: OHSAS (CEM-08.2.1) and OHS Law (CEM-08.1.1a) Courses*  
Date: 31 October - 4 November 2016

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

## International

### **Formulating Project Proposals for Climate Resilient Development: Designing Green Climate Fund (GCF)**

The University of Twente's Department of Governance and Technology for Sustainability is pleased to announce that registration is now open for the short course 'Formulating Project Proposals for Climate Resilient Development: Designing Green Climate Fund (GCF) Projects'

Dates: 16 weeks online (23 February-to 9 June 2017); 2 weeks residential in the Netherlands (12 to 23 June 2017)

The aim of the course is to develop participants' skills in preparing proposals in the fields of clean energy access, environment and climate change so that they can mobilise climate finance, particularly from the Green Climate Fund, and catalyse clean energy deployment in developing countries.

Participants from backgrounds related to energy, environment and climate change will be admitted, such as: staff from National Designated Authorities (NDAs), staff from Accredited Entities or those seeking accreditation, entrepreneurs, consultants, project developers, government officials, policy advisors, and staff of utility companies and NGOs.

This course has been approved for inclusion on the Nuffic NFP short course list. For more information on this fellowship please visit the Nuffic website:

<http://www.nuffic.nl/nfp>

The NFP fellowship application deadline for this short course is October 26, 2016.

Candidates with their own funding can apply up to January 27, 2017.

The course is delivered in partnership with the UNEP DTU Partnership, Risø, Denmark and Eco Ltd.

More information and an application form can be found on the website:

<http://www.utwente.nl/bms/cstm/education/icrep/>

### **LLM Environmental Governance Law @ NWU Potchefstroom**

This sought-after programme <http://www.nwu.ac.za/p-fl-environmental-law> offers a range of modules presented by established scholars and experts from practice. Compulsory seminars are presented in block sessions in Potchefstroom on alternate Fridays and Saturdays throughout the year. 50% of this LLM degree comprises of research and the writing of a mini-dissertation.

Applications for 2017 close on 31 October 2016.

Minimum admission requirement: LLB or equivalent four year legal qualification. An average of at least 60% in the final year is recommended. An MPhil programme is also offered for non-lawyers.

Read more about the programme <http://www.nwu.ac.za/p-fl-environmental-law> or e-mail [anel.duplessis@nwu.ac.za](mailto:anel.duplessis@nwu.ac.za) the Programme Coordinator, Professor Anél du Plessis. Apply for the programme <http://www.nwu.ac.za/postgrad/how-to-apply> (remember to submit a separate bursary application <http://www.nwu.ac.za/postgraduate-bursaries>) or e-mail us [PC-LLM@nwu.ac.za](mailto:PC-LLM@nwu.ac.za) if you have any enquiries on the application process.

### **Research LLM or LLD @ NWU Potchefstroom**

Offered in all fields of law on a topic of choice, provided the faculty has the requisite supervisory capacity. Candidates must attend compulsory Research Methodology sessions in Potchefstroom during their first year. Both programmes require an oral examination after approval of the research proposal. Thereafter a LLM dissertation or LLD thesis must be submitted. Apart from the above, physical presence in Potchefstroom or even South Africa is not required.

Research LLM: Minimum admission requirement: LLB or equivalent four-year legal qualification. Generally, an average of 65% in LLB IV, as well as 65% for the undergraduate dissertation, will secure admission. Practical experience, research and writing skills are taken into account.

More information: <http://www.nwu.ac.za/masters>

Inquiries: [PC-LLM@nwu.ac.za](mailto:PC-LLM@nwu.ac.za)

LLD: Admission requirements: LLM or equivalent postgraduate legal qualification. A final average mark of at least 65% for the LLM, including the dissertation, is recommended. Practical experience, research and writing skills are taken into account.

Study period: minimum two years, maximum four years.

More information: <http://www.nwu.ac.za/LLD>

Inquiries: [PC-LLD@nwu.ac.za](mailto:PC-LLD@nwu.ac.za)

Applications for 2017 close on 31 October 2016.

Apply <http://www.nwu.ac.za/postgrad/how-to-apply> (remember to submit a separate bursary application <http://www.nwu.ac.za/postgraduate-bursaries> ) or e-mail us [PC-LLM@nwu.ac.za](mailto:PC-LLM@nwu.ac.za) if you have any inquiries on the application process.

### **School of African and Oriental Studies, London: Distance Learning for Development, Environment, Policy and Climate Professionals**

Starting February or June

Changing the future? Make a difference with a postgraduate qualification from SOAS University of London. Single modules, postgraduate diplomas and masters degrees available in:

- Agricultural Economics
- Climate Change & Development
- Environmental Economics
- Environmental Management

See <http://www.soas.ac.uk/cedep/programmes/>

## **Lewis & Clark spring symposium: Call for speakers and papers: food and enviro law: “Food Law in the 21st Century-What’s On Our Plate?”**

Date: 7 April 2017

Venue: Portland, Oregon campus

Lewis & Clark Law School's Environmental, Natural Resources, and Energy Law Program is sponsoring a symposium entitled “Food Law in the 21st Century-What’s On Our Plate?” The symposium will take place on April 7, 2017 at our Portland, Oregon campus.

Although we have already filled several panels for the symposium, we are still looking for a couple of speakers/authors for a panel on labeling issues (we're especially interested in a speaker on the recent federal legislation on GMO labeling), and for a panel on food production and its environmental impacts (including impacts on farmed animals).

We are looking for speakers who could also submit an article to our Environmental Law Review sometime this winter. Please contact Allison LaPlante ([laplante@lclark.edu](mailto:laplante@lclark.edu)) if you are interested in writing and speaking on the Labeling panel, and Tom Buchele ([tbuchele@lclark.edu](mailto:tbuchele@lclark.edu)) if you're interested in the Food Production panel.

## **NEWS**

“President Jacob Zuma opens 17th Conference of Parties, 24 Sept” 23 September 2016 <http://www.gov.za/speeches/convention-international-trade-23-sep-2016-0000>

Drews Carlos “Op-Ed: Calls for greater protection for African elephants could re-open international ivory trade” *Daily Maverick* 23 September 2016 <http://www.dailymaverick.co.za/article/2016-09-23-op-ed-calls-for-greater-protection-for-african-elephants-could-re-open-international-ivory-trade/#.V-ZkqiF97IU>

Mukela John “amaBhungane: Threat to Africa’s elephants a headache for CoP17” *DailyMaverick* 23 September 2016 <http://www.dailymaverick.co.za/article/2016-09-23-amabhungane-threat-to-africas-elephants-a-headache-for-cop17/#.V-ZIDCF97IU>

“CER responds to Chamber of Mines’ criticism of Zero Hour” 21 September 2016 <http://cer.org.za/news/cer-responds-to-chamber-of-mines-criticism-of-zero-hour>

Thome WH “Kenya conservation fraternity warns of dire consequences” *ETN* 18 September 2016 <http://www.eturbonews.com/74709/kenya-conservation-fraternity-warns-dire-consequences>

### **General: Archaeologists to analyse Pondoland site findings**

“An international team of 20 archaeologists, geologists, students and excavators has returned from Pondoland on the Wild Coast where they spent five weeks excavating a site that will yield answers to how hunter-gatherers lived and ate thousands of years ago. According to a Daily Dispatch report, it is hoped the information will fill vital gaps related to human evolution. Led by Arizona State University associate research scientist Dr Erich Fisher, the P5 project, which stands for Pondoland Paleoenvironment, Paleoclimate, Paleoanthropology Project, carted back a ton of neatly bagged soil, charcoal,

plant remains and stone tool artefacts. It will be analysed at the East London Museum. Fisher (38) is quoted in the report as saying: 'These were the ancestors of all the people living in the world today. It gives us a shot at finding really rare records of how people of the period adapted to coastal environments.'" See also <http://www.dispatchlive.co.za/news/2016/09/18/exhuming-mankinds-past/>

Full Daily Dispatch report (subscription needed ) *Legalbrief* 20 September 2016

Safi M and Doshi V "Angry clashes in Karnataka as India's water wars run deep" *TheGuardian* 15 September 2016 [Source Legalbrief Environmental 20 September 2016] <https://www.theguardian.com/global-development/2016/sep/15/india-angry-clashes-karnataka-water-wars-run-deep-tamil-nadu>

Rabkin F "Xolobeni community want veto over mining rights" *BDLive* 22 September 2016 <http://www.bdlive.co.za/national/2016/09/22/xolobeni-community-want-veto-over-mining-rights>

Eachambadi Ram "UN SG calls for increased efforts to protect cultural treasures in combat zones" *Jurist* 23 September 2016 <http://www.jurist.org/paperchase/2016/09/un-sg-calls-for-increased-efforts-to-protect-cultural-treasures-in-combat.php>

Cosgrove J "Germany court: Volkswagen facing over \$8 billion in claims" *Jurist* 22 September 2016 <http://www.jurist.org/paperchase/2016/09/germany-court-volkswagen-facing-over-8-billion-in-claims.php>

Santiago M "UN rights expert urges US to halt North Dakota pipeline construction" *Jurist* 23 September 2016 <http://www.jurist.org/paperchase/2016/09/un-rights-expert-urges-us-to-halt-north-dakota-pipeline-construction.php>

Ensor L "Empire Technology given huge contract for nuclear build programme" *BDLive* 23 September 2016 <http://www.bdlive.co.za/business/energy/2016/09/23/empire-technology-given-huge-contract-for-nuclear-build-programme>

## VACANCIES, FUNDING, OPPORTUNITIES, ETC

### **Centre for Environmental Rights: Attorneys in Mining Programme; Part-time staff in Transparency Programme, etc**

The CER is now recruiting for several positions at the Centre for Environmental Rights. We are looking for one, possibly two, new attorneys in our Mining programme, and for one full-time or possibly two part-time staff to work on our Transparency programme and on grants administration and bookkeeping, respectively.

Joining the CER's Mining programme means working to promote environmental justice in the mining sector by advocating for better environmental laws and improved implementation of laws, litigating on behalf of mining-affected communities and civil society organisations, and supporting activists fighting for environmental justice and the protection of their environmental rights. This year, the Mining programme published a seminal report, *Zero Hour: Poor Governance of Mining and the Violation of Environmental Rights in Mpumalanga*. It jointly hosted the Mining & Environmental Justice Conference for activists, researchers and public interest lawyers, and is litigating on behalf of a coalition of civil society and community organisations to defend strategic water source areas in the Mpumalanga grasslands from being destroyed by coal mining.

The Centre is looking for an attorney (possibly two) to join our Mining programme over the next 2-3 months. These positions are for admitted attorneys with litigation experience with a passion for environmental rights and justice, with a special focus on the impacts of mining on water, air quality, and the health and well-being of mining-affected communities. For one of these positions, we would like at least 3 years post-qualification experience, but will consider less experience for the other position.

Our Transparency programme advocates and litigates for greater transparency in environmental governance and access to understandable information. In particular, we have campaigned for automatically available, online public licence registers, compliance with access to information laws (PAIA) and far greater voluntary disclosure by regulators and companies. In 2014, the CER secured a crucial victory in the Supreme Court of Appeal for the Vaal Environmental Justice Alliance regarding fenceline communities' rights of access to environmental records. In 2015, we published our 4th report on the state of transparency in environmental governance in South Africa, *Signs of Hope?* Joining this programme means to be an integral part of the CER's work – all our other work depends on whether we are able to access information to inform our litigation and advocacy.

We want to fill one full-time or two part-time positions to fulfill two separate tasks: one is to assist us with basic bookkeeping; ensuring compliance with grant contracts, including reporting to funders; and the other keeping track of our requests for records under the Promotion of Access to Information Act for the Transparency programme. For this position or positions we need individuals who are smart, responsible and reliable, meticulous and detail-orientated with

excellent record-keeping skills. These tasks were previously undertaken by one talented staff member who enjoyed the variety, but we can also accommodate two part-time staff. Both positions have the potential to become full-time positions in future.

For more information about these positions, including closing dates for applications in each case, visit our Vacancies page <http://cer.org.za/about/vacancies>

### **Environment and Human Rights Program Director at Human Rights Watch**

The Program Department of Human Rights Watch (“HRW”) is seeking a senior, experienced professional to direct the newly created Environment and Human Rights Program. As vulnerable communities around the world face growing consequences of environmental degradation, pollution, and climate change, the Environment and Human Rights Program will work to protect the rights of people around the globe, especially the poor and marginalized. The Environment and Human Rights Program will initially focus on human rights issues concerning toxic pollution, climate change, and the protection of environmental defenders. This position may be based in one of HRW’s major offices (multiple locations) and reports to the Deputy Executive Director for Program, based in New York. <https://careers.hrw.org/opportunities/>

Join us on  
**Facebook**

<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

***The ELA is registered as a Public Benefit Organisation***

[www.elasa.co.za](http://www.elasa.co.za)

***Remember that members of the Environmental Law Association may subscribe to Legalbrief Environmental – discount available.***



## **Environmental Law Association Newsletter 39**

**30 September 2016**

### **LEGISLATION**

### **NOTICES**

Department of Mineral Resources - GN R1199 in GG 40313 of 30 September 2016 - Mine Health and Safety Inspectorate: Guideline for the Compilation of a Mandatory Code of Practice for Prevention of Fires at Mines published with effect from 28 February 2017

Employment Equity Act 55 of 1998 - GN 1202 in GG 40316 of 30 September 2016 - Draft Code of Good Practice on the Preparation, Implementation and Monitoring of Employment Equity Plans - for comment

Promotion of Access to Information Act 2 of 2000 - GN 1169 in GG 40312 of 30 September 2016 - Descriptions submitted in terms of s. 15 (1) by Free State Provincial Government: Office of the Premier

Promotion of Access to Information Act 2 of 2000 - GN 1170 in GG 40312 of 30 September 2016 - Descriptions submitted in terms of s. 15 (1) by Free State Provincial Government: Department of Co-operative Governance and Traditional Affairs

Promotion of Access to Information Act 2 of 2000 - GN 1171 in GG 40312 of 30 September 2016 - Descriptions submitted in terms of s. 15 (1) by Free State Provincial Government: Department of Agriculture and Rural Development

Promotion of Access to Information Act 2 of 2000 - GN 1173 in GG 40312 of 30 September 2016 - Descriptions submitted in terms of s. 15 (1) by Free State Provincial Government: Department of Economic, Small Business Development, Tourism and Environmental Affairs

Promotion of Access to Information Act 2 of 2000 - GN 1176 in GG 40312 of 30 September 2016 - Descriptions submitted in terms of s. 15 (1) by Free State Provincial Government: Department of Public Works and Infrastructure

Promotion of Access to Information Act 2 of 2000 - GN 1181 in GG 40312 of 30 September 2016 - Descriptions submitted in terms of s. 15 (1) by Free State Provincial Government: Department of Human Settlements

Promotion of Access to Information Act 2 of 2000 - GN 1180 in GG 40312 of 30 September 2016 - Descriptions submitted in terms of s. 15 (1) by Free State Provincial Government: Department of Public Works and Infrastructure

## **PROVINCES**

### **Eastern Cape**

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000, Spatial Planning and Land Use Management Act 16 of 2013 - PN 213 in PG 3738 of 26 September 2016 - Port St Johns Local Municipality - By-law on Municipal Land Use Planning published with effect from the date that the Act comes into operation in the municipal area of the Municipality

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000, Spatial Planning and Land Use Management Act 16 of 2013 - PN 217 in PG 3738 of 26 September 2016 - Umzimvubu Local Municipality: By-law on Spatial Planning and Land Use Management

### **Western Cape**

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000, Western Cape Land Use Planning Act 3 of 2014 - LAN 54147 in PG 7684 of 30 September 2016 - Oudtshoorn Local Municipality - By-law on Municipal Land Use Planning published with effect from the date that the Western Cape Land Use Planning Act 3 of 2014 comes into operation in the municipal area of the Municipality

### **Free State**

Constitution of Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 - PN 228 & 229 in PG 73 of 30 September 2016 - Tswelopele Local Municipality - Notice of promulgation of Standard By-laws: Building Regulations Amendment By-law as published under PN 173 in PG 79 of 9 December 2011; and Informal Settlements Amendment By-law as published under PN 194 in PG 81 of 9 December 2011 and adoption as published under PG 43 of 28 September 2012 published ()

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000: Tswelopele Local Municipality: Adoption of the Standard Water Restrictions By-law as published under PN 192 in PG 84 of 9 December 2011 published (PN 231 in PG 73 of 30 September 2016) (p8)

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 - PN's 232 & 233 in PG 73 of 30 September 2016 - Tswelopele Local Municipality - Water Management By-laws; and Control of Street Vendors, Peddlers or Hawkers By-law

## **Mpumalanga**

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 Spatial Planning and Land Use Management Act 16 of 2013 - LAN 95 in PG 2736 of 30 September 2016 - Nkomazi Local Municipality - Notice of establishment and commencement of a single Municipal Planning Tribunal (MPT)

## **North West**

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 - LAN 161 in PG 7695 of 27 September 2016 - City of Matlosana Local Municipality - Notice of intention to amend the draft Electricity By-Law - for comment

North West Directorate of Entrepreneurial Development in Natural Resources Act, Repeal Act 3 of 2014 (LAN 170 in PG 7695 of 27 September 2016) (p61)  
*Date of commencement:* 1 April 2016

## **INTERNATIONAL DOCUMENTS**

**CITES Documents:** Seventeenth meeting of the Conference of the Parties Johannesburg (South Africa), 24 September-05 October 2016  
Documents are available at: <https://cites.org/eng/cop/index.php>

## **CASES**

### **National**

*Primedia Broadcasting v Speaker* (784/2015) [2016] ZASCA 142 (29 September 2016)

“Summary: Constitutional law: Parliament: The rules and policy adopted by Parliament governing the broadcast of disorder in the Parliamentary Chamber violate the public's right to an open Parliament and are unconstitutional and unlawful. The disruption of the cell phone signal in Parliament during the State of the Nation address was in contravention of the s 4(1) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004 and was unlawful.”

<http://www.saflii.org/za/cases/ZASCA/2016/142.html>

*State Information Technology Agency Soc v Gijima Holdings* (641/2015) [2016] ZASCA 143 (30 September 2016)

“Summary: Promotion of Administrative Justice Act 3 of 2000 (PAJA) : applicability to organ of state seeking to set aside its own decision : legality review not available when PAJA applies.

<http://www.saflii.org/za/cases/ZASCA/2016/143.html>

*Eskom Holdings Limited v Halstead-Cleak* ZASCA 150 (30 September 2016)

Summary: Section 61 of the Consumer Protection Act 68 of 2008 does not create strict liability on the part of a supplier of electricity if the plaintiff is not a consumer vis-à-vis it.

<http://www.saflii.org/za/cases/ZASCA/2016/150.html>

## PUBLICATIONS

Juta Pocket Statutes *Mine Health and Safety Act 29 of 1996 & Regulations* 6<sup>th</sup> ed (September 2016) <http://juta.co.za/products/14891-mine-health-and-safety-act-regulations-jutas-pocket-statutes>

Sink “The Marine Protected Areas Debate: Implications for the proposed Phakisa Marine Protected Areas Network ” 2016 *South African Journal of Science* September DOI: <http://dx.doi.org/10.17159/sajs.2016/a0179>

2016 *The Environmental Forum* recently published a “debate in print” comprising a series of short articles, titled “Can the World Community Handle Environmental Refugees?” The article is available free-of-charge at <http://www.eli.org/sites/default/files/forum/Environmental%20Refugees%20Debate.pdf>

2016 *ESI Bulletin* August with focus on 'Green Shipping'.

[http://esi.nus.edu.sg/docs/default-source/esi-bulletins/revised-7th-draft-esi-v9-3-2016-\(1\).pdf?sfvrsn=2](http://esi.nus.edu.sg/docs/default-source/esi-bulletins/revised-7th-draft-esi-v9-3-2016-(1).pdf?sfvrsn=2)

## BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

IISD COP17 Reporting on Events - 17th Meeting of the Conference of the Parties (CoP17) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Earth Negotiations Bulletin available daily at <http://www.iisd.ca/cites/cop17/>

IISD: Summary of the 18<sup>th</sup> Working Group Meeting of the Climate and Clean Air Coalition to reduce Short-lived Climate Pollutants (CCAC) that met 21-21 September 2016 in Marrakesh Morocco CCAC Bulletin Vol 172 No 30 24 September 2016 available at <http://www.iisd.ca/climate/ccac/18th-working-group/>

The Conversation: Hartmut Winkler “Questions mount over South Africa's planned nuclear power deal” 26 September 2016 <http://bit.ly/2dpgCSo>

IISD Report: 12th Meeting of the Persistent Organic Pollutants Review Committee (POPRC-12) of the Stockholm Convention on POPs - 19-23 September 2016 - Headquarters of the Food and Agriculture Organization of the United Nations (FAO), Rome, Italy <http://www.iisd.ca/chemical/pops/poprc12/>

Georgetown Climate Centre: Clean Power Plan Oral Advocates Panel Discussion: featuring West Virginia Solicitor General Elbert Lin, Tom Lorenzen (attorney for industry petitioners), Sean Donahue (attorney for NGO intervenors supporting EPA) and Morgan Costello from the NY Attorney General's Office. The discussion was moderated by Professor Bill Buzbee. Please find the link below. <http://www.georgetownclimate.org/articles/get-an-insider-s-view-on-the-clean-power-plan-case.html>

The Conversation: Harvey Ross “Conservation decisions must protect the livelihoods of people living in Africa” 28 September 2016 <http://bit.ly/2dgvJKx>

Jurist: Barns G and Talbot A “Australia Spends Billions Causing Untold Damage to Refugees” 28 September 2016 <http://www.jurist.org/hotline/2016/09/Barns-Talbot-australia-refugees.php>

REN21 “East African Renewable Energy and Energy Efficiency Status Report” (2016) <http://www.ren21.net/status-of-renewables/regional-status-reports/#EAC>

IISD: 12th Meeting of the Persistent Organic Pollutants Review Committee of the Stockholm Convention on POPs 2016 ENB 15(240) 26 September 2016 <http://www.iisd.ca/chemical/pops/poprc12/>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **Imbewu: Environmental & Mine Health and Safety Legal Training Workshop**

Date: 18 October 2016

Venue: Imbewu's Offices, Rosebank, Johannesburg

Time: 08:30-16:30

Contact: Lulu at [lulu@imbewu.co.za](mailto:lulu@imbewu.co.za) or [www.imbewu.co.za](http://www.imbewu.co.za) or 011 214 0660/1

#### **NWU and Konrad Adenauer Foundation: The Legal Implications of the State as Custodian**

Date: 28 October 2016

Venue: Crowne Plaza Johannesburg

Registration: <https://goo.gl/forms/4nhZ2Oyp4YmgIfZm1>

No registration fee but registration needed by 20 October 2016 to secure attendance. The registration confirmation is necessary to gain entrance.

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

## **Symposium of Contemporary Conservation Practice: Recognizing the value of biodiversity to the economy**

Date: 31 October – 4 November 2016

Venue: Fern Hill Conference Centre, Howick, KwaZulu-Natal

- Registration Closes and Payments Deadline: 14 October 2016
- All Other Payments (Late): 11 November 2016
- Official Opening of Symposium: 13h00 31 October 2016
- Official Closing of Symposium: 13h00 4 November 2016

## **NWU Panel discussion: “The need for a holistic understanding of climate change - critical discussions” AND**

### **Juta book launch of “Climate Change Governance in South Africa”**

Date: 12 October 2016

Venue: Senate Hall (F1), Potchefstroom Campus, North-West University

Time: 17:30 to 19:30.

This panel will gather academics and specialists of the climate change in order to provide a cross-cutting discussion on this phenomenon, its causes and impacts, may it be locally or internationally as part of the “Global Climate Change Week” hosted by Faculty of Law at the North-West University.

Chaired by Prof Anél du Plessis, this panel will be composed of 4 speakers: Fred Goede (UARM, NWU Vaal Triangle), Roelof Burger, Henk Bouwman (School of Environmental Sciences, NWU) and Andrew Gilder (ENSafrica).

The discussion will be followed by the **Juta Book Launch of *Climate Change Governance in South Africa*** edited by Louis Kotzé, Tracy Humby, Olivia Rumble and Andrew Gilder.

This event, presented by Prof Tracy Humby, School of Law, University of the Witwatersrand, will start at 19:10, same venue.

No RSVP.

## **UP Environmental Law 5 day Certificate Courses**

Dates: November 2016; March 2017; August 2017

Venue: University of Pretoria

Registration and enquiries:

Course Coordinator: Mariëtte de Villiers +27 12 434 2571 or

[mariette.devilliers@enterprises.up.ac.za](mailto:mariette.devilliers@enterprises.up.ac.za)

Course leader: Melanie Murcott: +27 12 420 3860 or [melanie.murcott@up.ac.za](mailto:melanie.murcott@up.ac.za)

## **Urban Drainage and Stormwater Management Facility Designs Workshop, 2016**

Dates: 20–21 October 2016	Protea Hotel Bloemfontein, Free state.
27- 28 October 2016	Protea Hotel, Umhlanga, Durban.
3– 4 November	Hacklebrooke, Johannesburg

For more information contact: [info@glitcorporate.co.za](mailto:info@glitcorporate.co.za)

Phone: +27 11 066 2918 | Fax: 086 219 2507

E - Mail: [judy@glitcorporate.co.za](mailto:judy@glitcorporate.co.za) Web: [www.glitcorporate.co.za](http://www.glitcorporate.co.za)

### North-West University: CEM Courses and information

- **Environmental Law for Environmental Managers (CEM-02.1) (Saturday - 3 Hour Examination)**  
Dates: 10-15 October 2016 - Johannesburg (Holiday Inn, OR Tambo)
- **Planning Law and the Interface with South African Environmental Legislation (CEM-02.9)**  
Date: 17-21 October 2016
- **Basic Principles of Ecological Rehabilitation and Mine Closure (CEM-06.5.1)**  
Date: 10-14 October 2016
- **Environmental Impact Assessment: A Practical Approach (CEM-05.1)**  
Date: 10-14 October 2016
- **Implementing Environmental Management Systems (ISO 14001) (CEM-03.1)**  
Date: 24-28 October 2016
- **Occupational Health and Safety Law for Managers (CEM-08.1.1a)**  
Date: 24-28 October 2016
- **Environmental Management System ISO 14001 Audit: A Lead Auditor Course Based on ISO 19011 and ISO 17021 (SAATCA Registered) (CEM-04.1.1)**  
*Prerequisites: Environmental Law (CEM-02.1) and EMS (CEM-03.1) Courses*  
Date: 31 October - 4 November 2016
- **Occupational Health and Safety Management System OHSAS 18001 Audit: A Lead Auditor Course based on ISO 19011 and ISO 17021 - (SAATCA Registered) (CEM-04.2.1)**  
*Prerequisites: OHSAS (CEM-08.2.1) and OHS Law (CEM-08.1.1a) Courses*  
Date: 31 October - 4 November 2016

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

### International

#### Symposium on Climate Displacement, Migration, and Relocation

Place: Honolulu, HI

Date: - 13-14 December 2016

Deadline or abstracts: 10 October 2016

Submit abstract at: <https://seagrant.uaf.edu/conferences/2016/climate-migration/call.php> or for more information: <https://seagrant.uaf.edu/conferences/2016/climate-migration/index.php>



### **Resilient Cities 2017 – Call for Contributions now open!**

ICLEI - Local Governments for Sustainability is pleased to announce that submissions are now being accepted for Resilient Cities 2017, the 8th Global Forum on Urban Resilience and Adaptation taking place

4 – 6 May 2017 in Bonn, Germany. Our call for contributions will remain open until December, 2016.

Don't miss the chance to shape the next global urban resilience forum!

Don't miss the chance to shape the next global urban resilience forum!

For more information check out our new website: [resilientcities2017.iclei.org](http://resilientcities2017.iclei.org)

### **Consumption, efficiency & limits: eceee 2017 Summer Study on energy efficiency CFP**

Place: Presqu'île de Giens, France

Date: 29 May – 3 June 2017

Beyond lowering energy intensity, increasing productivity and optimising resource use, what are the critical elements and foundations of a sustainable society that addresses sufficiency and limits? This year's Summer Study theme – Consumption, efficiency & limits – explores these themes.

The conference will convene nine panels with over 200 peer-reviewed papers, 50 informal sessions, solutions workshops, evening plenaries and much more!

Held for the first time in 1993, the Summer Study now gathers 450 energy efficiency professionals for five full days. The setting is informal and the vision is shared: to explore and expand the evidence and intricacies of energy efficiency to increase our understanding and knowledge base.

Submit your abstract by 6 October. <http://www.eceee.org/summerstudy/>

For more info contact: [summerstudy@eceee.org](mailto:summerstudy@eceee.org)

## **NEWS**

### **Annual ELA Conference and ELA Student Conference: both a great success**

The Annual Conference of the ELA was held on 30 September 2016 at the Radisson Blu Gautrain Hotel in Sandton. It was attended by approximately 70 delegates representing several continents of the world. The theme of the conference was “Our ecosystems under threat: a legal response” and although not all papers dealt with the specific topic several papers addressed this issue. The conference also addressed practical day to day legal challenges in South Africa.

Due to the student protests, the ELA Student Conference was held at Warburtons Attorneys. The conference was organised by Tracy-Lynn Humby of Wits University and she was lauded for managing to organise the event under difficult circumstances. Catherine Warburton kindly made her facilities available for the student conference at a very short notice. The ELA thanked Catherine Warburton and Warburton Attorneys for making their facilities and staff available to ensure that the students still had the opportunity to present their papers and receive input from all the attendees. The papers of the students dealt with day to day practical legal challenges experienced nationally and



internationally and indicated that the future Environmental Lawyers is already an asset not only to South Africa but also to the rest of the world. Juta was thanked for their continued support and sponsorship of the event.

Anetos Pericles "Cites to vote on fate of elephants and rhinos" *BDLive* 2 October 2016 <http://www.bdlive.co.za/national/2016/10/02/cites-to-vote-on-fate-of-elephants-and-rhinos>

Ensor Linda and Paton Carol "Nuclear proposal delay expected" *BDLive* 28 September 2016 <http://www.bdlive.co.za/business/energy/2016/09/28/nuclear-proposal-delay-expected>

Savides Matthew "Rhino poachers shot dead in KZN" *TimesLive* 30 September 2016 <http://www.timeslive.co.za/scitech/2016/09/30/Rhino-poachers-shot-dead-in-KZN>

### **General: Ekurhuleni clamps down on illegal billboards**

"Ekurhuleni has finally started with the removal of some of the 3 000 illegal billboards and advertising signs along the N12/Albertina Sisulu (formerly R24) freeways, says a report in The Star. This follows complaints from residents, Sanral and some of its own internal departments. Now the municipality is putting out a tender for a company to remove illegal signs. The city will have all unapproved billboards removed and issue a R200 000 fine on those putting up signs illegally. The city last week removed a giant 37.5m<sup>2</sup> billboard illegally erected along the N12/R24 split in Bedfordview. 'The structure was erected without municipal permission along the national road and the city could not trace its owner. It also posed a danger to (motorists) as it was found to be on a shallow and poorly constructed foundation supported by tie ropes,' a city spokesperson said."

Full report in The Star (subscription needed) *Legalbrief Today* 27 September 2016

Chambers Dave "Court order silences the whining ziplines" *TimesLive* 26 September, 2016 <http://www.timeslive.co.za/thetimes/2016/09/26/Court-order-silences-the-whining-ziplines>

### **Environmental: SADC bid to stop ivory sale vote fails**

"The Southern African Development Community's (SADC's) bid to prevent a vote on a proposed ban of domestic ivory sales has been thwarted, says a Business Day report. The move was championed by Namibia, and supported by SA, Botswana and Zimbabwe, but fell flat at the Convention on International Trade in Endangered Species of Wild Fauna and Flora yesterday. In addition, Malawi and Mozambique broke ranks with their regional peers. The US is spearheading the proposal to ban domestic ivory sales, which it believes will curb the scourge threatening elephants. The proposal will go to vote, and parties have until 5 October. A total of 57 parties resisted Namibia's efforts to prevent a vote on the issue, while 31 others – including SA – said the proposal should not go to vote."

Full Business Day report (subscription needed) *Legalbrief Today* 27 September 2016

Yende Sizwe Sama “Zuma's nephews' coal licences under fire” *Fin24* 25 September 2016 [Source: Legalbrief Environmental 27 September 2016] <http://www.fin24.com/Companies/Mining/zumas-nephews-coal-licences-under-fire-20160925-3>

Pieterse Chelsea “No fracking ‘victory’” *News24* 20 September 2016 [Source: Legalbrief Environmental 27 September 2016] <http://www.news24.com/SouthAfrica/News/no-fracking-victory-20160919>

Blenkinsop Philip “EU court rules against Britain over power plant emissions” 22 September 2016 [Source: Legalbrief Environmental 27 September 2016] <http://planetark.org/wen/74786>

Bade Gavin “Inside the DC Circuit: What happened at the Clean Power Plan's court hearing” *DUtility* 28 September 2016 <http://www.utilitydive.com/news/inside-the-dc-circuit-what-happened-at-the-clean-power-plans-court-hearin/427109/>

“UK sued by European Commission for failing to protect porpoises” *Jurist* 1 October 2016 <http://www.jurist.org/paperchase/2016/10/uk-sued-by-european-commission-for-failing-to-protect-porpoises.php> - see also [http://europa.eu/rapid/press-release\\_MEMO-16-3125\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-3125_en.htm)

IISD “OECD Identifies 80.1% Carbon Pricing Gap in Major Economies” <http://energy-l.iisd.org/news/oecd-identifies-80-1-carbon-pricing-gap-in-major-economies/>

IISD “Coalition Calls for Ambitious HFC Amendment to the Montreal Protocol” <http://energy-l.iisd.org/news/coalition-calls-for-ambitious-hfc-amendment-to-the-montreal-protocol/>

### **Environmental: Department snubs abalone poaching request**

“For a second time in a week, the Department of Agriculture, Forestry and Fisheries (DAFF) has snubbed a request by the Western Cape legislature to brief it on the impact of abalone poaching on coastal communities, says a *Cape Argus* report. The Standing Committee on Economic Opportunities, Tourism and Agriculture in the Western Cape Provincial Parliament yesterday immediately resolved to issue a summons in terms of the Western Cape Witnesses Act, which states the provincial parliament and any of its committees may summon any person to appear before it. For the past week, the committee has been dissecting the impact of illegal abalone poaching and its effects on fishing communities, with the Hawks, the SAPS, community based organisations and SARS briefing it on the extent of the problem. However, DAFF – the main custodian responsible for combatting abalone poaching – did not appear. ‘For the second time DAFF gave notice at the very last minute that they would not present themselves to the standing committee, and we have been left with no option but to issue a summons for DAFF to appear at a special committee meeting on 25 October,’ the committee chairperson said.”

Full Cape Argus report (subscription needed) *Legalbrief Today* 30 September 2016

“Two accused in S.African court for 'freeing' penguin” *Daily Maverick* 30 September 2016 <http://www.dailymaverick.co.za/section/wired-world/article/2016-09-30-two-accused-in-s.african-court-for-freeing-penguin/#.VEqxyF97IU>

De Greef K "Grey area: The illicit parrot trade and SA's captive-breeding industry" *Daily Maverick* 30 September 2016 <http://www.dailymaverick.co.za/article/2016-09-30-grey-area-the-illicit-parrot-trade-and-sas-captive-breeding-industry/#.VEpPiF97IU>

Van der Merwe M "Renewables' Big Bang – what comes next?" *Daily Maverick* 29 September 2016 <http://www.dailymaverick.co.za/article/2016-09-29-renewables-big-bang-what-comes-next/#.VEp1iF97IU>

## VACANCIES, FUNDING, OPPORTUNITIES, ETC

### **University of Lapland: Post-doctoral fellowship in Arctic Studies**

Here is one possibility for a post-doctoral researcher who is interested in working with Arctic legal issues. Many of these are obviously within the realm of environmental law.

<http://www.ulapland.fi/news/University-Researcher--Postdoctoral-Researcher-of-Arctic-Law-,-period-1-December-2016-%E2%80%9328-February-2019-/z2sblcaf/eadee59d-588e-4914-9302-e853125be32f>

### **Australia Awards: Scholarships Programme outline**

Australia Awards Scholarships are postgraduate scholarships that lead to an academic qualification from an Australian university. The objective of the Awards is to provide high-quality education and training to talented Africans who will be in a position, on their return home, to make an important contribution to national or regional development.

#### *Degree level*

Master's degree and Short Courses

#### *Deadlines*

Application deadline for Master's level study (2018 intake) is 15 December 2016 and application for short courses (June 2017 and May 2018 intake) closes on 15 January 2017.

#### *Who can apply?*

Hold an undergraduate degree

Be employed in a field relevant to South Africa's national development priorities

Application must be endorsed by employer

Applicants can be from the public sector, civil society organisation and private sector. Satisfactory English proficiency to enable full participation in a training course delivered in English.

Demonstrate a clear vision for how the knowledge gained through the Short Courses will be used to improve policy, practice or reform in their home country.

#### *Fields of Study*

- Agriculture
- Development Studies
- Infrastructure
- Education
- Natural Resources Management
- Governance
- Water and Sanitation

Application process: See [www.australiaawardsafrica.org](http://www.australiaawardsafrica.org)

Documents and links: See [www.australiaawardsafrica.org](http://www.australiaawardsafrica.org)

## **Call for Applications for a Joint Tenure Track Faculty Position in the Faculty of Law and the Porter School of Environmental Studies at Tel Aviv University**

The Buchmann Faculty of Law and the Porter School of Environmental Studies at Tel Aviv University invite applicants to fill a joint tenure-track faculty position in the field of law and environmental studies at the level of Lecturer or Senior Lecturer. Researchers combining the two fields and approaching the combination with any suitable and relevant disciplinary tools and methodologies will be considered.

Positions are available from the beginning of October 2017.

Individuals holding a doctoral degree and doctoral students at advanced stage of the writing of their doctoral dissertation who will receive their doctoral degree before October 2017 are encouraged to apply.

A successful applicant will be expected to develop an innovative, independent research program, and to share our commitment to excellence in undergraduate and graduate education.

Applications should include

- 1) Cover letter
- 2) Curriculum vitae with a full list of publications.
- 3) Research statement (should not exceed three pages and should include past research accomplishments, current projects and future research plans).
- 4) Up to three letters of recommendation to be sent directly by referees.

Applications should be sent by email by Prof. Ron Harris, Dean of the Law Faculty: [harrisr@post.tau.ac.il](mailto:harrisr@post.tau.ac.il) by November 30, 2016.

The position is available to both women and men. It will be filled based on candidates' qualifications and the University's excellence criteria. The University is not committed to fill the position in any given year.

Join us on  
**Facebook**

<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

***The ELA is registered as a Public Benefit Organisation***  
[www.elasa.co.za](http://www.elasa.co.za)

***Remember that members of the Environmental Law Association may subscribe to Legalbrief Environmental – discount available.***

## **Environmental Law Association Newsletter 40**

7 October 2016

### **LEGISLATION**

#### **BILLS**

National Veldfire Amendment Bill, 2016 – Gen Notice 640 in GG 40334 of 7 October 2016 - notice of intention to introduce and explanatory summary - for comment

#### **NOTICES**

Plant Breeders' Rights Act 15 of 1976 - GN 1217 in GG 40334 of 7 October 2016 - Regulations relating to plant breeders' rights amended

National Heritage Resources Act 25 of 1999 - GN 1219 in GG 40334 of 7 October 2016 - Declaration of the Samora Machel Memorial and Crash Site as a National Heritage Site

Promotion of Access to Information Act 2 of 2000 – Gen Notice 641 in GG 40334 of 7 October 2016 - South African Weather Service (SAWS) - Section 14 manual

Mine Health and Safety Inspectorate: Guideline for the compilation of a Mandatory Code of Practice for Prevention of Fires at Mines - GN 1199 in GG 40313 of 30 September 2016

### **PROVINCES**

#### **Eastern Cape**

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000; Spatial Planning and Land Use Management Act 16 of 2013 - PN 223 in PG 3742 of 3 October 2016 - King Sabata Dalindyebo Local Municipality - By-law on Municipal Land Use Planning published with effect from the date that the Act comes into operation in the municipal area of the Municipality

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000; Spatial Planning and Land Use

Management Act 16 of 2013 - PN 224 in PG 3742 of 3 October 2016 - Raymond Mhlaba Local Municipality - By-law on Municipal Land Use Planning published with effect from the date that the Act comes into operation in the municipal area of the Municipality

National Environmental Management: Protected Areas Act 57 of 2003 - PN 225 in PG 3743 of 3 October 2016 - Intention to declare Nature Reserves: Baviaanskloof Nature Reserve and Rupert Nature Reserve - for comment

## **Western Cape**

Draft Western Cape Housing Development Amendment Bill, 2016 - PN 388 in PG 7685 of 5 October 2016 - for comment

## **KwaZulu-Natal**

Disaster Management Act 57 of 2002 - PN 170 in PG 1738 of 7 October 2016 - Extension of the declaration of a KwaZulu-Natal Provincial State of Drought Disaster for a period of one month from 11 October 2016 to 10 November 2016

## **INTERNATIONAL DOCUMENTS**

UNFCCC Paris Agreement – Status of ratification 4 October 2016 - <http://unfccc.int/2860.php>

UNFCCC Paris Agreement - Progress tracker Work programme resulting from the relevant requests contained in decision 1/CP.21 (Information as available by 08/09/2016)  
[http://unfccc.int/files/paris\\_agreement/application/pdf/progress\\_tracker\\_08092016\\_@1500.pdf](http://unfccc.int/files/paris_agreement/application/pdf/progress_tracker_08092016_@1500.pdf)

CITES COP17 Meeting Sandton: Table of proposals and the CoP17 outcomes - [https://cites.org/sites/default/files/eng/cop/17/CITES\\_CoP17\\_DECISIONS.pdf](https://cites.org/sites/default/files/eng/cop/17/CITES_CoP17_DECISIONS.pdf)

## **CASES**

*Minister of Water and Environmental Affairs v Really Useful Investments* (436/2015) [2016] ZASCA 156 (3 October 2016)

Summary: Environmental law – Interpretation and application of the Environment Conservation Act 73 of 1989 (ECA) and the National Environmental Management Act 107 of 1998 (NEMA) – exemption provisions in terms of s 37 of ECA and s 49 of NEMA not applicable to compensation provisions in terms of s 34 of ECA – provisions of s 34 of ECA not applicable to a regulatory directive issued in terms of s 31A of ECA – landowner's particulars of claim accordingly not disclosing a valid cause of action.

<http://www.saflii.org/za/cases/ZASCA/2016/156.html>

## PUBLICATIONS

Humby Tracy, Kotzé Louis, Rumble Olivia, Gilder Andrew (eds) Climate Change Law and Governance in South Africa (October 2016 Juta)  
<http://juta.co.za/products/climate-change-law-and-governance-in-south-africa>

Stevens Clydenia and Ntlama Nomthandazo An overview of South Africa's institutional framework in promoting women's right to development 2016 *Law, Democracy & Development* 20:40-68

Oikonomou Vlasios “Energy Saving Policies and Energy Efficiency Obligation Scheme” *ENSPol* 4th Policy Brief (July 2016)  
<http://enspol.eu/sites/default/files/4th%20ENSPOL%20Policy%20Brief.pdf>

## BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Cosmic Journeys: Earth in a 1000 years  
<https://www.youtube.com/watch?v=V5YdsYJR5Qw&feature=youtu.be>

This edition of Cosmic Journeys explores the still unfolding story of Earth's past and the light it sheds on the science of climate change today. While that story can tell us about the mechanisms that can shape our climate, it's still the unique conditions of our time that will determine sea levels, ice coverage, and temperatures.

The Conversation: *Esler KJ* “Protecting biodiversity: people's buy-in is as important as the science” 2 October 2016 <http://bit.ly/2dITHYp>

Vermont Law School: Substantial and Sustained: COP22 / CMP12 Observer Delegation Blog: Mastor R-A “EU Environment Ministers fast-track ratification of the Paris Agreement” 1 October 2016 <http://vlscop.vermontlaw.edu/> see also <http://www.consilium.europa.eu/en/press/press-releases/2016/09/30-council-speeds-eu-ratification-paris-agreement/>

Asia Pathways: Narula K “Belling the Cat: Financing Solar Renewable Energy Projects” <http://www.asiopathways-adbi.org/2016/09/belling-the-cat-financing-solar-renewable-energy-projects/>

2016 Ibrahim Index of African Governance: <http://mo.ibrahim.foundation/iiag/downloads/>

INECE Online Library <https://www.inece.org/library/>

World Energy Investment 2016: <http://www.iea.org/investment/>

The Conversation: Hunter Luke “Lions are better protected, but loopholes mean threats remain” 6 October 2016 <http://bit.ly/2dEaQZx>

The Conversation: Somerville Keith “The ban on rhino horn sales leaves open the question of conservation funding” 7 October 2016 <http://bit.ly/2cZhEP6>



### **Webinar tape on US Clean Power Plan available**

The Center for Progressive Reform and the Hoover Institute jointly sponsored a webinar on the Clean Power Plan oral argument featuring Kirsten Engel, an adjunct scholar at the Cato Institute, and a lawyer for Oklahoma (which opposes the CPP), and I. The tape of the webinar is available here:

<http://progressivereform.org/articles/webinar-10-16/lib/playback.html>

Daily Maverick: Jeffery Anthea “Botswana has the mining law that South Africa should copy” 6 October 2016 [http://www.dailymaverick.co.za/opinionista/2016-10-06-botswana-has-the-mining-law-that-south-africa-should-copy/#.V\\_fB24997IU](http://www.dailymaverick.co.za/opinionista/2016-10-06-botswana-has-the-mining-law-that-south-africa-should-copy/#.V_fB24997IU)

BDLive: Nehlebova Nataliya “Radioactive episodes in the land of nuclear tests” 7 October 2016 <http://www.bdlive.co.za/life/travel/2016/10/07/radioactive-episodes-in-the-land-of-nuclear-tests>

BDLive: Lenferna Alex “Smart money chooses clean energy over dead-end fuels” 7 October 2016 <http://www.bdlive.co.za/opinion/2016/10/07/smart-money-chooses-clean-energy-over-dead-end-fuels>

## **CONFERENCE/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>**

### **National**

#### **Imbewu: Environmental & Mine Health and Safety Legal Training Workshop**

Date: 18 October 2016

Venue: Imbewu’s Offices, Rosebank, Johannesburg

Time: 08:30-16:30

Contact: Lulu at [lulu@imbewu.co.za](mailto:lulu@imbewu.co.za) or [www.imbewu.co.za](http://www.imbewu.co.za) or 011 214 0660/1

#### **NWU and Konrad Adenauer Foundation: The Legal Implications of the State as Custodian**

Date: 28 October 2016

Venue: Crowne Plaza Johannesburg

Registration: <https://goo.gl/forms/4nhZ2Oyp4YmgIfZm1>

No registration fee but registration needed by 20 October 2016 to secure attendance. The registration confirmation is necessary to gain entrance.

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.



## **Symposium of Contemporary Conservation Practice: Recognizing the value of biodiversity to the economy**

Date: 31 October – 4 November 2016

Venue: Fern Hill Conference Centre, Howick, KwaZulu-Natal

- Registration Closes and Payments Deadline: 14 October 2016
- All Other Payments (Late): 11 November 2016
- Official Opening of Symposium: 13h00 31 October 2016
- Official Closing of Symposium: 13h00 4 November 2016

## **NWU Panel discussion: “The need for a holistic understanding of climate change – critical discussions” AND**

## **Juta book launch of “Climate Change Governance in South Africa”**

Date: 12 October 2016

Venue: Senate Hall (F1), Potchefstroom Campus, North-West University

Time: 17:30 to 19:30.

This panel will gather academics and specialists of the climate change in order to provide a cross-cutting discussion on this phenomenon, its causes and impacts, may it be locally or internationally as part of the “Global Climate Change Week” hosted by Faculty of Law at the North-West University.

Chaired by Prof Anél du Plessis, this panel will be composed of 4 speakers: Fred Goede (UARM, NWU Vaal Triangle), Roelof Burger, Henk Bouwman (School of Environmental Sciences, NWU) and Andrew Gilder (ENSafrica).

The discussion will be followed by the **Juta Book Launch of *Climate Change Governance in South Africa*** edited by Louis Kotzé, Tracy Humby, Olivia Rumble and Andrew Gilder.

This event, presented by Prof Tracy Humby, School of Law, University of the Witwatersrand, will start at 19:10, same venue.

No RSVP.

## **ASSAf Launch of a report on South Africa’s Technical Readiness to Support the Shale Gas Industry**

This report assesses the *status quo* with regard to available technologies in South Africa, linking the findings with the needs of the shale gas industry, and makes important recommendations that would need to be considered if such an industry were to develop.

Date: 12 October 2016

Venue: Crystal/Garnet Room, CSIR International Convention Centre, Pretoria

Time: 13:00-14:30

RSVP: by 7 October 2016 <http://bit.ly/2dbouSi>

## **UP Environmental Law 5 day Certificate Courses**

Dates: November 2016; March 2017; August 2017

Venue: University of Pretoria

Registration and enquiries:

Course Coordinator: Mariëtte de Villiers +27 12 434 2571 or

[mariette.devilliers@enterprises.up.ac.za](mailto:mariette.devilliers@enterprises.up.ac.za)

Course leader: Melanie Murcott: +27 12 420 3860 or [melanie.murcott@up.ac.za](mailto:melanie.murcott@up.ac.za)

### North-West University: CEM Courses and information

- **Planning Law and the Interface with South African Environmental Legislation (CEM-02.9)**

Date: 17-21 October 2016

- **Implementing Environmental Management Systems (ISO 14001) (CEM-03.1)**

Date: 24-28 October 2016

- **Occupational Health and Safety Law for Managers (CEM-08.1.1a)**

Date: 24-28 October 2016

- **Environmental Management System ISO 14001 Audit: A Lead Auditor Course Based on ISO 19011 and ISO 17021 (SAATCA Registered) (CEM-04.1.1)**

*Prerequisites: Environmental Law (CEM-02.1) and EMS (CEM-03.1) Courses*

Date: 31 October – 4 November 2016

- **Occupational Health and Safety Management System OHSAS 18001 Audit: A Lead Auditor Course based on ISO 19011 and ISO 17021 – (SAATCA Registered) (CEM-04.2.1)**

*Prerequisites: OHSAS (CEM-08.2.1) and OHS Law (CEM-08.1.1a) Courses*

Date: 31 October – 4 November 2016

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/ce](http://www.nwu.ac.za/ce)

### South African Energy Law with a Focus on Renewable Energy

Law@work and the Institute of Marine and Environmental Law of the UCT Faculty of Law, in collaboration with leading experts in the field, are pleased to present an introductory course on South African energy law with a particular focus on renewable energy.

This two-day course is designed to give participants an understanding of the new and rapidly developing area of energy law, given the speedy development of potential sources of energy including wind and solar energy. These range from oil and gas law, including the potential of shale gas, nuclear energy to renewable energy sources, such as solar and wind energy. The course will cover commercial law, revenue law, and environmental law as well as related areas and will give participants a basic understanding of the law relating to energy and will provide a broad understanding of the legal environment in which local and international transactions occur.

Course dates: 13 to 14 October 2016

To register, please contact Donnaleen Coue [don.coue@uct.ac.za](mailto:don.coue@uct.ac.za) or call: 021 650 3242

More information: <http://www.lawatwork.uct.ac.za/lw/courses/climate-renewable-energy/>

You are also welcome to visit our website to view other short courses on offer: <http://www.lawatwork.uct.ac.za/lw/courses>

## **Environmental Law and the Extractive Industries**

Law@work, UCT Faculty of Law, in conjunction with the Institute of Marine and Environmental Law, Mineral Law in Africa; and the Center for Comparative Law in Africa, is pleased to present a five-day course on environmental law and the extractive industries.

Africa has the world's largest mineral endowments and foreign direct investment is expected to reach US\$850 billion by 2018. The mining sector holds the potential key to catalyzing the growth of the continent's economies. The environmental footprint of extractive industries is significant. In some countries regulatory controls are in place to prevent, reduce and remedy the potential environmental costs associated with mining operations. Other countries still lag behind. In general, the issue of implementation remains a problem.

The aim of this course is to provide an overview of the broad environmental legal principles that apply to the extractive industries sector. The course will discuss how these principles may impact on rights, licensee obligations, compliance and penalties. The course will also present strategic ways to mitigate economic risks in the context of the legal requirements concerning the environment.

Course dates: 24 to 28 October 2016

To register, please contact Donnaleen Coue [don.coue@uct.ac.za](mailto:don.coue@uct.ac.za) or call on 021 650 3242

More information <http://www.lawatwork.uct.ac.za/lw/courses/environmental-law-explorative-industries/> You are also welcome to visit our website to view other short courses on offer <http://www.lawatwork.uct.ac.za/lw/courses>

## **2017 IUCNAEL Colloquium Stories of the World We Want and the Law and its Pathway**

Date: 29 May – 2 June 2017

Place: Cebu Phillipines

More information will follow later

## **XVI World Water Congress - Cancun in 2017**

A quick reminder that the deadline for submitting abstracts <http://www.worldwatercongress.com/callforp.htm> to the IWRA XVI<sup>th</sup> World Water Congress <http://www.worldwatercongress.com/> is less than 10 days away = 15 October. The deadline for submitting proposals for Special Sessions is 15 November: <http://www.worldwatercongress.com/callforSS.htm>

The Congress, which will take place in Cancun, Mexico, May 29 – June 2, 2017, is the premier global water event welcoming scientists and engineers, lawyers and policy-makers, managers and practitioners, social and political scientists, and professionals from many other water-related disciplines. Details for such submissions are on the Congress website.

As Chair of the International Scientific Committee, I look forward to welcoming you to Cancun and encourage you to review the [thematic structure of the Congress](http://worldwatercongress.com/atctheme.htm) <http://worldwatercongress.com/atctheme.htm> - which is encompassed by the

overall theme of *Bridging Science and Policy*. Please also note that law, policy, and regulations are a critical and welcomed component of the Congress.

### **Webinar: A New Era of Compensatory Mitigation for Impacts on Natural Resources**

Date: 10 October 2016

Time: 12:00-13:00 EST

The Webinar will include coverage of the recent USFWS Endangered Species Act compensatory mitigation notice. It's free of charge, and please share with others you think may be interested. Details on the National Agricultural Law Center website at <http://nationalaglawcenter.org/consortium/webinars/compensatorymitigation/>

## **International**

### **Webinar: Illuminating the Energy Policy Agenda: Electricity Sector Issues Facing the Next Administration**

Register to join us from 12:30-1:30 p.m. ET on Thursday, October 13, for a webinar discussion of key electricity sector issues that will face the next US president.

The next president will take office during a period of rapid market and regulatory change for the U.S. electricity sector. Due to statutory deadlines, pending lawsuits, and agency rulemakings—if not by choice—the next president will tackle energy policy. To prepare policymakers for what promises to be a dynamic period in electricity law and policy, a new paper from the University of North Carolina Center for Climate, Energy, Environment, and Economics; the Harvard Environmental Policy Initiative; and Duke University's Nicholas Institute for Environmental Policy Solutions provides an overview of six key areas of federal policy, and for each area, identifies the decision points—in time or circumstances—that will force the next administration to make choices that shape the future of the grid. For each decision point, the paper, which will be released on October 10, explores the next president's options and the authorities that he or she could deploy.

**Registration:** To attend this online webinar (access code 731 226 294), please register: <http://bit.ly/2dXf7tx>

### **ECOWAS Sustainable Energy Week**

The ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE), the ECOWAS Regional Electricity Regulatory Authority (ERERA) and the West Africa Power Pool (WAPP), are jointly organizing the maiden edition of the ECOWAS Sustainable Energy Week from October 17<sup>th</sup> to 19<sup>th</sup> 2016 in Accra, Ghana. The event is supported by the Austrian Development Cooperation (ADC), the Spanish Agency for international Development Cooperation (AECID), the European Union (EU), the United States Agency for International Development (USAID), the African Development Bank (AfDB), the Global Environmental Facility (GEF), and the International Renewable Energy Agency (IRENA). More information at <http://www.ecreee.org/event/ecowas-sustainable-energy-week>

### **23<sup>rd</sup> Public Interest Environmental Conference: Land Conservation: The worth of the Earth – Save the Date**

Date: 9-11 February 2017

Place: University of Florida, Levin College of Law

More information will be forthcoming at <https://ufpiec.org/>

For more information contact: [zachbrown@ufl.edu](mailto:zachbrown@ufl.edu) or [jamesljohanson@ufl.edu](mailto:jamesljohanson@ufl.edu)

### **UEF Law School's 5<sup>th</sup> annual ENERGY TRANSITIONS conference**

Date: 9 and 10 March 2017

Place: Joensuu, Finland.

UEF Law School, in cooperation with the UEF Centre for Climate Change, Energy and Environmental Law, (CCEEL) is pleased to announce the call for papers for its 2017 international and European energy law and policy conference "Energy Transitions".

The deadline for submission of papers is 17 February 2017.

Both expressions of interest and the papers should be sent to: [energytransitions@uef.fi](mailto:energytransitions@uef.fi)

More information available at [www.koli.fi/en/](http://www.koli.fi/en/).

More information on the conference will be available at a later stage at [www.uef.fi/cceel](http://www.uef.fi/cceel)

### **2016 Takings Conference in New Orleans**

Here is a final notice about the 2016 edition of the Conference on Litigating Takings Challenges to Land Use and Environmental Regulations, which will be held in New Orleans, Louisiana, as a joint venture of Tulane University Law School and Vermont Law School. The conference, scheduled for Friday, November 4, features leading scholars familiar to members of this list – as well as experienced government attorneys and private practitioners.

The conference is free of charge to regular law school faculty and enrolled law students.

More information: <http://www.vermontlaw.edu/news-and-events/events/takings-conference>

### **Call for Applications: PAGE e-learning course on "Green Economy and Trade"**

We are happy to inform you that the pilot edition of the e-learning course "Green Economy and Trade" will take place from 7 November – 16 December 2016.

A large number of fellowships for the course are available for policy-makers and practitioners! The course will be delivered in English.

There is a strong interaction between trade, energy and the environment. Moreover the intersection between trade and environment is not new but more recently got a major boost due to climate change concerns. Significant opportunities exist for developing and developed countries to achieve long-term and sustainable economic development by diversifying their economies and benefitting from the growing global demand for green goods and services. In this context, sustainable trade can serve as an effective means to advance an inclusive green and implement the energy transition.

To meet the learning needs and build capacities of national stakeholders, UNITAR and UNEP are collaborating within the Partnership for Action on Green Economy (PAGE), to deliver the first interactive e-learning course at the nexus of trade and the green economy. The practice-oriented course seeks to provide interested participants from government, business and civil society with an introduction to various approaches to promote and harness opportunities related to sustainable trade.

You can register for the course at: [www.unitar.org/event](http://www.unitar.org/event)

A limited number of fellowships are available for eligible candidates. UNITAR, working in close collaboration with UNEP, will identify and select the participants to be awarded with a fellowship. The fellowship application deadline is 23 October 2016.

For more information on the e-course and the fellowship application process please contact: [page@unitar.org](mailto:page@unitar.org)

### **Webinar “Refining Short-Term Electricity Markets to Enhance Flexibility”**

Date: 26 October 2016,

Time: 11-12am (Europe)

Following the publication of our analysis “Refining Short-Term Electricity Markets to Enhance Flexibility – Stocktaking as well as Options for Reform in the Pentalateral Energy Forum Region” Agora Energiewende offers a webinar where Christian Redl and Dimitri Pescia, both from Agora Energiewende, will present its key findings.

The publication shows how short-term energy markets can be made more flexible – a no-regret option for market design. More flexible energy markets are key to align market operations with increasing shares of wind and solar power. Currently, the rules on the electricity markets in the countries of Central Western Europe differ widely from each other, inhibiting both an optimal use of the flexibility of the electricity system and cross-border electricity trading. The study, produced by CE Delft (the Netherlands) and Microeconomix (France) on behalf of Agora Energiewende, points to the causes and paths to resolving the problem.

The webinar is scheduled for Wednesday, 26 October 2016, from 11am till 12am. It is free of charge, will be held **in** English and includes a Q&A session.

Please use the following link, if you would like to register:

<https://eu42.spreed.com/checkin/jc/846994373> or visit our website for more information, <https://www.agora-energiewende.de/en/topics/-agothem-/Produkt/produkt/309/Refining+Short-Term+Electricity+Markets+to+Enhance+Flexibility/> especially regarding technical

recommendations for your participation.

### **Call for Contributions: Environmental Assessment and Enforcement (IAIA 2017)**

INECE partners are organizing a session on compliance and enforcement in environmental assessment at the upcoming annual conference of the International Association for Impact Assessment (IAIA). This session will bring together international experts in the field of compliance and enforcement as it relates to environmental assessment. Topics of investigation include the



drafting of enforceable conditions, enforcement experience in the field, tools that enable compliance and facilitate monitoring, and efforts to promote compliance. INECE members are encouraged to participate in this session. For those that wish to present a paper or speak at the session, abstracts must be submitted by October 31, 2016.

For 35+ years, IAIA has been holding annual conference events all over the world to promote best practices in impact assessment. The next IAIA conference (IAIA 2017) will be held in Montreal, Canada from April 4-7, 2017.

IAIA organized in 1980 to bring together researchers, practitioners, and users of various types of impact assessment from all parts of the world. IAIA involves people from many disciplines and professions. IAIA members include corporate planners and managers, public interest advocates, government planners and administrators, private consultants and policy analysts, university and college teachers and their students. To find out more about IAIA 2017 or to register, please visit <http://conferences.iaia.org/2017/>

If you have any questions about the session on compliance and enforcement in environmental assessment, please contact Steve Chapman at [Steve.Chapman@ceaa-acee.gc.ca](mailto:Steve.Chapman@ceaa-acee.gc.ca)

<https://www.inece.org/news/announcements/show/NewsItem-5113>

### **New Modalities for facilitating the Implementation of the Sustainable Development Goals (SDGs) at Local Level and Increasing Climate Change Resilience**

You may contact me directly by email via [sofopportunity@gmail.com](mailto:sofopportunity@gmail.com) or [info@seedsofopportunity.org](mailto:info@seedsofopportunity.org) for further details or information on how you can be involved in the programme.

Seeds of Opportunity and Northern Alliance Financing Corporation Ltd (the Implementers) are pleased to announce the launch of the Beneficiary-Led Climate Change Resilience Building Programme (BLCCRBP). Some research indicates that households in Malawi and other developing countries are frequently hit by severe idiosyncratic shocks (i.e. household-level shocks, such as death, injury or unemployment) and covariate shocks (i.e. community shocks, such as natural disasters or epidemics) which result in high income volatility and variance in household consumption, which subsequently increase vulnerability to poverty traps and climate change impacts. Additionally, the funding and financing of most poverty reduction and climate change initiatives is determined in a “top-down” manner hence sometimes fails to consider the multiple stressors which many communities have at local level.

In-order to redress these challenges, the BLCCRBP will create 193 independent revolving loan funds (i.e. one independent revolving loan fund in each of Malawi's 193 constituencies). Using this innovative approach is anticipated to reduce funding constraints at community level and enable each community to shape its development and climate risk management trajectory in keeping with its resources and context. From an academic and policy perspective, the independent revolving loan funds will create adaptable polycentric climate change governance systems as alluded by Elinor Ostrom (Elinor Ostrom was the winner of the 2009 Nobel Prize in Economic Sciences).

Moreover, improving access to financial services and enhancing climate change governance systems are imperative for the attainment of the Sustainable Development Goals (SDGs). In essence the BLCCRBP will not be developing climate risk management initiatives, but instead will be facilitating communities to develop and implement their climate risk management initiatives since the characteristics and vulnerabilities of households and communities vary markedly across space and time, even among seemingly homogeneous populations.

#### Programme Stakeholder Symposiums

The Implementers will be holding stakeholder symposiums at specified times in-order to improve the implementation of the initiative and to engage a diverse spectrum of stakeholders in the fight against climate change. The Implementers are pleased to announce that Grow Movement will be making presentations about their initiatives in Malawi at the first series of symposiums and programme launches. Grow Movement is an international NGO that empowers African entrepreneurs with business skills and creates jobs through knowledge transfer.

Below are the venues and dates for the first series of stakeholder symposiums and programme launches:

8 November 2016: Blantyre: College of Medicine 8:00-13:00

10 November 2016: Lilongwe: Pacific Hotel 8:00-13:00

The Implementers are inviting submission of presentations for the first series of stakeholder symposiums in-order to facilitate a mediated dialogue among scholars and practitioners on a range of pressing climate change issues while exploring the best ways to address them. All presentations should be related to “Constraints and Opportunities for Reducing Malawi’s/Africa’s Climate Change Vulnerabilities” hence should be titled and structured along the lines of “Constraints and Opportunities for Reducing Malawi’s/Africa’s Climate Change Vulnerabilities – Climate and Weather Insurance?; Constraints and Opportunities for Reducing Malawi’s/Africa’s Climate Change Vulnerabilities – The Role of Financial Services Providers; etc.”

An abstract of the presentation should be emailed to [jcrfmw@gmail.com](mailto:jcrfmw@gmail.com). The abstract should be no longer than 500 words and should be submitted by 23 October 2016. Prospective presenters should also indicate the preferred venue for their presentation.

International delegates wishing to attend the stakeholder symposiums and/or make a presentation at the stakeholder symposiums should email the Implementers by 23 October 2016. The Implementers will provide complimentary accommodation to all International delegates.

A detailed concept for the Programme can be accessed from: <http://community.businessfightspoverty.org/profiles/blogs/new-modalities-for-facilitating-the-implementation-of-the> and [www.seedsofopportunity.org](http://www.seedsofopportunity.org)



## NEWS

Hogan A “Paris Agreement on climate change achieves threshold for entry into force” *Jurist* 6 October 2016 <http://www.jurist.org/paperchase/2016/10/paris-agreement-on-climate-change-achieves-threshold-for-entry-into-force.php>

Harris K “Justin Trudeau gives provinces until 2018 to adopt carbon price plan” *CBCNews* 3 October 2016 <http://www.cbc.ca/news/politics/canada-trudeau-climate-change-1.3788825>

### **General: MPs want clarity on energy policy**

“Parliament’s Energy Committee chairperson Fikile Majola has warned it will do its utmost to ensure ‘discipline’ and coherent messaging from the government on energy policy after a decision by Eskom to halt the Independent Power Producer Programme, notes a report in *The Mercury*. Majola said the country needed to demonstrate a commitment to following through on its decisions so investors did not have to second-guess government policy. This, says the report, follows the row over Eskom’s unilateral decision not to enter into further power purchase agreements with independent power producers under the government’s highly-acclaimed renewable energy independent power producer programme. It contradicts determinations by Energy Minister Tina Joemat-Pettersson for the procurement of further generation capacity from renewables. Majola said government stakeholders had been instructed to meet urgently to iron out their differences on the matter.”

Full report in *The Mercury* (subscription needed) *Legalbrief Today* 5 October 2016

IISD “Cities Commit to Climate Actions, World Bank and Partners Launch Urban Sustainability Tool” 4 October 2016 <http://energy-l.iisd.org/news/cities-commit-to-climate-actions-world-bank-and-partners-launch-urban-sustainability-tool/>

### **General: Fishers object to three-year rights**

“Small-scale fishers (SSF) are fuming over the Department of Agriculture, Forestry and Fisheries’ (DAFF) three-year fishing rights’ allocations which were handed out last month, and will appeal the process, says a *Cape Times* report. The fishers claim the three-year rights’ allocations were barely sufficient, and demanded that this be extended to lifelong rights. Most of these fishers are located in the Western Cape. The DAFF released a provincial gazette on fishing rights’ allocation in the Northern Cape on 9 September, stating that small-scale fishing rights will be valid for a period of three years, with an option of these rights being extended for another two years. Masifundise Development Trust (MDT) argued that SSF should be given lifelong rights as their livelihood depend on the sea and what the sea supplies them. A MDT spokesperson said they have submitted comments to DAFF on the draft regulation relating to small-scale fishing. A DAFF spokesperson said fishers have 30 days to object to the rights allocation.”

Full *Cape Times* report (subscription needed) *Legalbrief Today* 7 October 2016

Etheridge Jenna 'Special breed' of SA researchers monitor climate change on sub-Antarctic islands" *News24* 6 October 2016  
<http://www.news24.com/SouthAfrica/News/special-breed-of-sa-researchers-monitor-climate-change-on-sub-antarctic-islands-20161006>

Mokhema Tshepiso "Drought of the century threatens catastrophe for SA's agricultural industry" *TimesLive* 7 October 2016  
<http://www.bdlive.co.za/business/agriculture/2016/10/07/drought-of-the-century-threatens-catastrophe-for-sas-agricultural-industry>

Bryer Keith "Global gas glut will soon trickle into SA" *BDLive* 7 October 2016  
<http://www.bdlive.co.za/opinion/2016/10/07/global-gas-glut-will-soon-trickle-into-sa>

"SA to build gas-to-power port infrastructure for R50.3bn to cut coal use" *BDLive* 4 October 2016  
<http://www.bdlive.co.za/business/energy/2016/10/04/sa-to-build-gas-to-power-port-infrastructure-for-r50.3bn-to-cut-coal-use>

## VACANCIES, FUNDING, OPPORTUNITIES, ETC

**Environmental Law Institute Washington, Employment Opportunities**  
<http://www.eli.org/employment>

**Queen Mary University of London: Research Associate in Energy Law and Policy - QMUL9648**

Department: Centre for Commerical Law Studies

Salary: £29,936-£32,405 (Grade 4)

Reference: QMUL9648

Date posted: 05-Oct-2016

Closing date: 20-Oct-2016

<https://webapps2.is.qmul.ac.uk/jobs/job.action?jobRef=QMUL9648>

Join us on  
**Facebook**

<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

**The ELA is registered as a Public Benefit Organisation**

[www.elasa.co.za](http://www.elasa.co.za)

**Remember that members of the Environmental Law Association may subscribe to Legalbrief Environmental – discount available.**

## **Environmental Law Association Newsletter 41**

14 October 2016

### **LEGISLATION**

#### **NOTICES**

Hazardous Substances Act 15 of 1973 – GN 1242 in GG 40346 of 14 October 2016 - Draft declaration of Group I, Category A hazardous substances - for comment

Hazardous Substances Act 15 of 1973 – GN 1243 in GG 40346 of 14 October 2016 - Draft declaration of Group II hazardous substances - for comment

National Water Act 36 of 1998 - GN 1261 in GG 40346 of 14 October 2016 - Restrictions on the use of water in terms of para. 6 (1) of Schedule 3 to the Act for urban and irrigation purposes from Sehujwane, Marico-Bosveld, Kromellenboog, Swartruggens, Pella, Madikwe, Molatedi, Lindleyspoort and Koster Dams

National Heritage Resources Act 25 of 1999 - Proc 57 in GG 40346 of 14 October 2016 - Declaration of the Castle of Good Hope as a National Heritage Site

Promotion of Access to Information Act 2 of 2000 – Gen Notice 671 in GG 40346 of 14 October 2016 - Descriptions submitted in terms of s. 15 (1) by Limpopo Provincial Government: Department of Transport

Promotion of Access to Information Act 2 of 2000 – Gen Notice 672 in GG 40346 of 14 October 2016 - Descriptions submitted in terms of s. 15 (1) by Department of Agriculture, Forestry and Fisheries

Promotion of Access to Information Act 2 of 2000 – Gen Notice 674 in GG 40346 of 14 October 2016 - Department of Tourism - Section 14 manual

National Health Act 61 of 2003 - GN 1275 in GG 40350 of 13 October 2016 - Procedural Regulations Pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud

## PUBLICATIONS

Ashukem Jean Claude N "Included or Excluded: An Analysis of the Application of the Free, Prior and Informed Consent Principle in Land Grabbing Cases in Cameroon" 2016 *PER* <http://journals.assaf.org.za/index.php/per/issue/view/213>

Powers Melissa "The Past and Future of Energy Law" 2016 *Advocate Magazine* <http://law.lclark.edu/live/news/33979-the-past-and-future-of-energy-law%E2%80%8B>

IRENA "Innovation Outlook: Renewable Mini-grids" (2016) <http://www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36&CatID=141&SubcatID=3745>

European Environment Agency "Transforming the EU power sector: avoiding a carbon lock-in" (2016) <http://www.eea.europa.eu/highlights/decommissioning-fossil-fuel-power-plants>

IEA "Energy Efficiency Market Report 2016" [www.iea.org/eedr16](http://www.iea.org/eedr16)

Monast J *et al* "Illuminating the Energy Policy Agenda: Electricity Sector Issues Facing the Next Administration" Report NI R 16-01 (Duke Nicholas Institute, UNC, Harvard Law School October 2016) [https://nicholasinstitute.duke.edu/sites/default/files/publications/ni\\_r\\_16-01\\_final\\_0.pdf](https://nicholasinstitute.duke.edu/sites/default/files/publications/ni_r_16-01_final_0.pdf)

Academy of Science of South Africa 'South Africa's Technical Readiness to Support the Shale Gas Industry' (2016)  
doi: <http://dx.doi.org/10.17159/assaf.2016/0003>  
Read News release at: <http://www.assaf.org.za/index.php/news/308-major-report-on-south-africa-s-technical-readiness-for-the-shale-gas-industry-released>

Kibel Paul Stanton "Truly a Watershed Event: California's Water Board Proposes Base Flows for the San Joaquin River Tributaries" 2016 *California Water Law Journal* <http://waterlawjournal.com/truly-a-watershed-event-californias-water-board-proposes-base-flows-for-the-san-joaquin-river-tributaries/>

## BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Environmental Law Association Website: 2016 Updated lists of Books, articles according to subject as well as alphabetical, legislation [www.elasa.co.za](http://www.elasa.co.za)

The Conversation: Mwangi T "Better livestock policies in Africa offer a pathway out of poverty" 4 October 2016 <http://bit.ly/2dBAvIV>

### **Summary of the Seventeenth Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora 24 September - 4 October 2016**

"The seventeenth meeting of the Conference of the Parties (CoP17) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) convened in Johannesburg, South Africa from Saturday, 24 September through Tuesday, 4 October 2016.

CoP17 was the largest CITES meeting to date, with more than 3,500 participants representing 152 governments, international organizations, non-governmental organizations and media.

Delegates considered 90 agenda items and 62 species-listing proposals submitted by 64 countries. Some of the resolutions and decisions adopted concern: actions to combat wildlife

trafficking; demand reduction strategies to combat illegal trade in CITES-listed species; provisions on international trade in hunting trophies of species listed in Appendix I or II aimed at enabling better controls of the sustainable and legal origin of those specimens; illegal trade in cheetahs; elephants and trade in ivory; agarwood-producing taxa; and ebonies.” Read more ENS Bulletin 21(97)

8 October 2016 <http://www.iisd.ca/download/pdf/enb2197e.pdf>

Regblog: “Debate on cost-benefit analysis and the Supreme Court” 26 September 2016 <http://www.regblog.org/2016/09/26/debate-cost-benefit-analysis/>

Lawfare Blog: Wirth David A “Is the Paris Agreement on Climate Change a Legitimate Exercise of the Executive Agreement Power?” 29 August 2016 <https://www.lawfareblog.com/paris-agreement-climate-change-legitimate-exercise-executive-agreement-power>

Practical Action: Poor people’s energy outlook 2016 <http://policy.practicalaction.org/ppeo2016>

FERC: Final Environmental Impact Statement of Columbia Gas Project <https://www.ferc.gov/industries/gas/enviro/eis/2016/09-01-16-eis.asp>

US EPA Comments on the Final EIS Statement: <http://biotech.law.lsu.edu/blog/EPA-FERC-EIS-Critique.pdf>

“EPA criticizes FERC on climate considerations in EIS for Shale Production” [Source: Prof EP Richards LSU Law School]

The NEPA Lab+: Colburn J “Bias v. Nepa: What if Informational Tools are Futile?” 8 October 2016 <http://www.nepalab.com/?p=1457>

See also previous comments: <http://www.nepalab.com/?p=1108> and <http://www.nepalab.com/?p=1008> and <http://www.nepalab.com/?p=1411>

Environmental Law Foundation: Current cases in the USA <http://www.envirolaw.org/current>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **NWU and Konrad Adenauer Foundation: The Legal Implications of the State as Custodian**

Date: 28 October 2016

Venue: Crowne Plaza Johannesburg

Registration: <https://goo.gl/forms/4nhZ2Oyp4YmgIfZm1>

No registration fee but registration needed by 20 October 2016 to secure attendance. The registration conformation is necessary to gain entrance.

#### **Imbewu: Environmental & Occupational Health & Safety Legal Training Workshop**

Date: 25 October 2016

Venue: IMBEWU's Offices Rosebank Johannesburg

Time: 08.30am to 16.30pm

Apply before 14 October 2016

Contact: [Lulu@imbewu.co.za](mailto:Lulu@imbewu.co.za) or see [www.imbewu.co.za](http://www.imbewu.co.za) or 011 214 0660/1

#### **2016 Biodiversity & Business Indaba: Theme: Transforming risk into opportunity**

Date: 25-26 October 2016

Venue: Hatch Africa Offices, Johannesburg

Registration: Contact: Michael Adams, [michaela@ewt.org.za](mailto:michaela@ewt.org.za)

Registration closes on 19 October

#### **Symposium of Contemporary Conservation Practice: Recognizing the value of biodiversity to the economy**

Date: 31 October – 4 November 2016

Venue: Fern Hill Conference Centre, Howick, KwaZulu-Natal

- Registration Closes and Payments Deadline: 14 October 2016
- All Other Payments (Late): 11 November 2016
- Official Opening of Symposium: 13h00 31 October 2016
- Official Closing of Symposium: 13h00 4 November 2016

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

## **UP Environmental Law 5 day Certificate Courses**

Dates: November 2016; March 2017; August 2017

Venue: University of Pretoria

Registration and enquiries:

Course Coordinator: Mariëtte de Villiers +27 12 434 2571 or

[mariette.devilliers@enterprises.up.ac.za](mailto:mariette.devilliers@enterprises.up.ac.za)

Course leader: Melanie Murcott: +27 12 420 3860 or [melanie.murcott@up.ac.za](mailto:melanie.murcott@up.ac.za)

## **North-West University: CEM Courses and information**

- **Implementing Environmental Management Systems (ISO 14001) (CEM-03.1)**

Date: 24-28 October 2016

- **Occupational Health and Safety Law for Managers (CEM-08.1.1a)**

Date: 24-28 October 2016

- **Environmental Management System ISO 14001 Audit: A Lead Auditor Course Based on ISO 19011 and ISO 17021 (SAATCA Registered) (CEM-04.1.1)**

*Prerequisites: Environmental Law (CEM-02.1) and EMS (CEM-03.1) Courses*

Date: 31 October - 4 November 2016

- **Occupational Health and Safety Management System OHSAS 18001 Audit: A Lead Auditor Course based on ISO 19011 and ISO 17021 - (SAATCA Registered) (CEM-04.2.1)**

*Prerequisites: OHSAS (CEM-08.2.1) and OHS Law (CEM-08.1.1a) Courses*

Date: 31 October - 4 November 2016

- **Transition from ISO 14001:2004 to ISO 14001:2015 - Environmental Management Systems (CEM-03.6b)**

*Prerequisites: Prior learning and/or experience in ISO 14001:2004*

Date: 7-8 November 2016- Pretoria

- **Handling, Storage and Transportation of Dangerous Goods and Hazardous Substances (CEM-06.1.1a)**

Date: 7-11 November 2016

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

## **Africa Energy Materials – 2017**

The 1st Africa Energy Materials conference (AEM-2017) takes place at the University of Pretoria Conference Centre, South Africa, 28-31 March 2017. The conference aims at identifying and bringing together experts/researchers working within the energy space. There will be prominent plenary and invited speakers and also a free pre-conference training workshop for all attending students.

More information is available at [www.africaem2017.co.za](http://www.africaem2017.co.za)

The conference will have contributions under the themes of:

- Hydrogen and fuel cell technologies



- Energy storage technologies - Electrochemical, Thermal, Chemical, Mechanical, Electrical, Biological e.t.c
- Renewable energy technologies - photovoltaic-Solar, bio, Wind, Hydro etc
- Other energy related materials

AEM-2017 provides a platform for scholars and researchers from the African continent and the rest of the world to present their latest progress and developments in their fields.

The presentations will be amongst others in the following specialised fields:

- Material design
- Synthesis characterisation
- Modifications/functionalisation
- Energy applications

## International

### **2017 IUCNAEL Colloquium: Stories of the World We Want and the Law and its Pathway**

Date: 29 May – 2 June 2017

Place: Cebu Phillipines

More information will follow later

### **Renewable district heating – Small local grids and cooperative utilities**

Date: Wednesday 26 October 2016 at 14:00 - 15:30 GMT

Check your local time on the registration page <https://ises.org/what-we-do/events/webinars/webinar-26-october-2016/>

District heating based on local renewable energy sources is becoming more and more an appealing solution for small communities in search of energy independence and of a stable price for their thermal energy supply. Such solutions often foresee a strong and direct involvement of the customers who could even own, at the same time, their heating grid by constituting a cooperative company to run the business.

Examples of such district heating approach, already quite common in Denmark and Germany, are now spreading quickly around Europe. The webinar will present the most exciting, recent and inspiring stories to show how consumers can take the lead in the transition towards a clean and sustainable future.

Read more about this webinar agenda and the panellist speakers on the ISES website.

Participation in this webinar is open and free-of-charge: Register online: <https://ises.org/what-we-do/events/webinars/webinar-26-october-2016/>

### **IAIA17: Impact Assessment's Contribution to the Global Efforts in Addressing Climate Change**

Date: 4-7 April 2017

Place: Montréal, Canada.

For more information, visit the <http://conferences.iaia.org/2017/index.php>

## **IAIA Special Symposium on Resettlement and Livelihoods**

Date: 20-22 February 2017

Place: Manila, Philippines.

For more information, visit the symposium website <http://conferences.iaia.org/manila-2017/index.php>

The local host and partner for this event is the Asian Development Bank. #iaiasymposium

Abstracts invited through 21 November: The online submission form for paper and poster abstracts is available: <http://conferences.iaia.org/manila-2017/guidelines-and-policies.php> - please review the guidelines and policies and then submit your abstract by 21 November.

Preliminary program and registration coming soon: Stay tuned to <http://conferences.iaia.org/manila-2017/index.php>, as the preliminary program, registration form, accommodation information, and more will be posted in the coming weeks. This event and the related post-symposium training courses will be free-of-charge to participants thanks to the support of ADB, the World Bank, and the University of the Philippines. However, pre-registration by 1 February will be required.

## **28th European Energy Law Seminar**

On 23-24 January 2017 will be organised the 28th European Energy Law Seminar. It will take place in the city of The Hague, The Netherlands.

On the programme: Energy Union and legislative initiatives, energy market design package, impact of Brexit, recent competition cases and EU case law, revision of the renewable energy directive, cross-border infrastructures permitting and financing, evolving roles for TSOs and DSOs, capacity reserve mechanisms, prosumers, intra-EU energy disputes and arbitration.

Full programme and registration details will be announced shortly on the NeVER website: <http://www.never.nl>

Contact details: NeVER secretariat [secretariaat@never.nl](mailto:secretariaat@never.nl) or University of Oslo [catherine.banet@jus.uio.no](mailto:catherine.banet@jus.uio.no)

The organisation committee is composed of: the University of Oslo, Faculty of Law; the University of Groningen, Centre of Energy Law; and the Dutch Energy Law Association.

## **NEWS**

Liebenberg Dries “Anti-fracking groups plea for end to shale gas exploration” *SABCNews* 6 October 2016 [Source Legalbrief Environmental 11 October 2016] <http://www.sabc.co.za/news/a/83600d004e7f7a60b54affef356c78d4/Anti-fracking-groups-plea-for-end-to-shale-gas-exploration-20160610>

“South Africa hasn't protected residents from gold mine pollution: Harvard report” 12 October 2016 <http://www.timeslive.co.za/scitech/2016/10/12/South-Africa-hasnt-protected-residents-from-gold-mine-pollution-Harvard-report>

Felder B “Flint resident sues Michigan Governor over legal defense financing” *Jurist* 14 October 2016 <http://www.jurist.org/paperchase/2016/10/flint-resident-sues-gov-rick-snyder-for-using-tax-payers-money-to-fund-his-defense.php>

“World urged to scrap super greenhouse gases at Rwanda summit” *Timeslive* 13 October, 2016 <http://www.timeslive.co.za/scitech/2016/10/13/World-urged-to-scrap-super-greenhouse-gases-at-Rwanda-summit>

“No criminal charges in EPA-caused Colorado mine waste spill” 13 October 2016 *TimesLive* <http://www.timeslive.co.za/scitech/2016/10/13/No-criminal-charges-in-EPA-caused-Colorado-mine-waste-spill>

IISD “Renewable Energy Makes Inroads Globally, Off-Grid Grows in Africa” <http://energy-l.iisd.org/news/renewable-energy-makes-inroads-globally-off-grid-grows-in-africa/>

### **General: Proposed sand mine in Philippi worries locals**

“The battle rages on over the Philippi Horticultural Area (PHA) as lobby bodies appeal an environmental impact assessment (EIA) on a proposal to convert a section of the land into a silica sand mining site. According to a Cape Times report, the PHA Food and Farming Campaign and the Schaapkraal Civic and Environmental Association lodged an appeal with the Local Government, Environmental Affairs and Development Planning Department last week, after they granted environmental authorisation for the Consol Glass Sand Mine proposal in July. ‘The 55ha proposed silica sand mining site is situated in the PHA and is a seasonal wetland with prolific bird life in winter. The proposed mine will have a lifespan of 30 years, whereafter the land will resemble a hole in the ground filled with toxic water,’ campaign spokesperson Nazeer Sunday said. The groups say the development will force farm owners to sell their land and put the jobs of 6 000 farmworkers at risk. Consol can submit responding statements to the appeal within 30 days, the report states.”

Full Cape Times report (subscription needed) *Legalbrief Today* 11 October 2016

Carrington Damian “UK fracking decision is nothing short of hypocrisy” *TheGuardian* 6 October 2016

<https://www.theguardian.com/environment/2016/oct/06/uk-fracking-decision-is-nothing-short-of-hypocrisy>

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**Facebook**

<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

***The ELA is registered as a Public Benefit Organisation***

[www.elasa.co.za](http://www.elasa.co.za)

***Remember that members of the Environmental Law Association may subscribe to Legalbrief Environmental – discount available.***

## **Environmental Law Association Newsletter 42**

21 October 2016

### **LEGISLATION**

#### **BILLS**

Red Tape Impact Assessment Bill, 2016 [B13-2016]

#### **NOTICES**

Hazardous Substances Act 15 of 1973 - GN 1291 in GG 40359 of 21 October 2016 - Draft declaration of Group II hazardous substances published - comment

Hazardous Substances Act 15 of 1973 - GN 1292 in GG 40359 of 21 October 2016 - Draft declaration of Group I, Category A hazardous substances - for comment

National Energy Regulator Act 40 of 2004 – Gen Notice 679 in GG 40359 of 21 October 2016 - National Energy Regulator of South Africa (NERSA): Regulatory Reporting Manual Volume 1: General Regulatory Reporting Procedures and Administrative Matters: Version 2

### **PROVINCES**

#### **Eastern Cape**

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - PN 229 in PG 3749 of 17 October 2016 - Blue Crane Route Local Municipality - By-law on Spatial Planning and Land Use Management adopted by council on 1 June 2016

Constitution of the Republic of South Africa, 1996, and Local Government: Municipal Systems Act 32 of 2000 - LAN 99 in PG 3749 of 17 October 2016 - Ingquza Hill Local Municipality - Building Regulations By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 100 in PG 3749 of 17 October 2016 - Ingquza Hill Local Municipality - Outdoor Advertising By-law

## **Limpopo**

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 168 in *PG 2758* of 21 October 2016 - Mopani District Municipality - Notice to establish a District Municipal Planning Tribunal

## **North West**

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 and Spatial Planning and Land Use Management Regulations - LANs 178 & 179 in *PG 7700* of 18 October 2016 - Land Use Management and General Matters, 2015 - Moses Kotane Local Municipality - Notice of first appointment and commencement of the Joint Municipal Tribunal between the local municipalities of Moses Kotane Local Municipality; Kgetlengrivier Local Municipality; and Moretele Local Municipality

## **Western Cape**

Disaster Management Act 57 of 2002 - LAN 54173 in *PG 7691* of 21 October 2016 - West Coast District Municipality - Extension of declaration of a local drought disaster

Disaster Management Act 57 of 2002 - LAN 54176 in *PG 7691* of 21 October 2016 - Central Karoo District Municipality - Extension of declaration of a local drought disaster

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54194 in *PG 7692* of 21 October 2016 - Overstrand Local Municipality - By-law Relating to Electricity Supply, 2016

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54195 in *PG 7692* of 21 October 2016 - Overstrand Local Municipality - By-law on Problem Properties, 2016

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54198 in *PG 7693* of 21 October 2016 - Swellendam Local Municipality - Outdoor Advertising and Signage By-law

## CASES

### National

*Cheng Jie Liang v The State* Case No A344/2015 (Western Cape High Court Division) Delivered 1 June 2016 [provided by Stewart Greene] attached

Marine Living Resources Act 18 of 1998 – Nature and Environmental Conservation Ordinance 19 of 1974 (C) – possession of ivory and abalone – splitting of charges – penalty exceeding regional court’s jurisdiction – sentence of imprisonment too harsh – right to remain silent

*Borbert SA (Pty) Ltd v National Energy Regulator of South Africa* Division of the High Court Gauteng Case number 24364/2016 Delivered 16 August 2016

Multiyear price determination – declaration invalid - See also NEWS

<http://www.ee.co.za/wp-content/uploads/2016/10/Judgement-Nersa-Eskom-Borbet-16-Aug-2016.pdf>

Leave to appeal: <http://www.ee.co.za/wp-content/uploads/2016/10/NERSA-application-to-appeal-6-Sep-2016-1.pdf>

### International

Hirji Zahra “Pennsylvania Ruling on Eminent Domain Puts Contentious Pipeline Project on Alert” *Inside Climate News* 18 October 2016

[https://insideclimatenews.org/news/12102016/pennsylvania-ruling-eminant-domain-natural-gas-pipeline-project-mariner-east-sunoco-fracking?utm\\_source=Inside+Climate+News&utm\\_campaign=9dcab73bf9-InsideClimate+News12\\_10\\_2014&utm\\_medium=email&utm\\_term=0\\_29c928ffb5-9dcab73bf9-326466933](https://insideclimatenews.org/news/12102016/pennsylvania-ruling-eminant-domain-natural-gas-pipeline-project-mariner-east-sunoco-fracking?utm_source=Inside+Climate+News&utm_campaign=9dcab73bf9-InsideClimate+News12_10_2014&utm_medium=email&utm_term=0_29c928ffb5-9dcab73bf9-326466933)

## PUBLICATIONS

Watson JEM *et al* “Catastrophic Declines in Wilderness Areas Undermine Global Environment Targets” 2016 *Current Biology*

<http://dx.doi.org/10.1016/j.cub.2016.08.049>

Chase MJ *et al* “Continent-Wide Survey Reveals Massive Decline in African Savannah Elephants” 2016 *PeerJ* <https://doi.org/10.7717/peerj.2354>

Caron A *et al* “African Buffalo Movement and Zoonotic Disease Risk Across Transfrontier Conservation Areas, Southern Africa” 2016 *Emerging Infectious Diseases* 22(2): 277-280

Thomson GR, Fosgate GT and Penrith M-L “Eradication of Transboundary Animal Diseases: Can the Rinderpest Success Story Be Repeated?” 2015 *Transboundary and Emerging Diseases* <http://dx.doi.org/10.1111/tbed.12385>

IRENA “*Renewable Energy in Cities*” (October 2016)

<http://www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36&CatID=141&SubcatID=3748>

Driessen DM “Must the States Discriminate Against Their Own Producers under the Dormant Commerce Clause?” 54 2016 *Houston L Rev* 1

[http://law.syr.edu/uploads/docs/deans-faculty/Driessen\\_MusttheStatesDiscriminateAgainstTheirOwnProducersUndertheDormantCommerceClause.pdf](http://law.syr.edu/uploads/docs/deans-faculty/Driessen_MusttheStatesDiscriminateAgainstTheirOwnProducersUndertheDormantCommerceClause.pdf)

IRENA "Innovation Outlook: Advanced Liquid Biofuels" (October 2016)  
<http://www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36&CatID=141&SubcatID=2741>

## **BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC**

ENS Bulletin: Reporting on twenty-eighth Meeting of the Parties (MOP 28) to the Montreal Protocol on Substances that Deplete the Ozone Layer Kigali, Rwanda October 2016 <http://www.iisd.ca/ozone/resumed-oewg38-mop28/>

### **International Monsanto Tribunal in the Hague – October 2016**

A tribunal has been set up by an international civil society initiative to hold Monsanto accountable for human rights violations, crimes against humanity and ecocide. The tribunal will render an advisory opinion and not really a judgment. [Provided by Odile Lim Tung – Mandela Institute, Wits]  
<http://www.monsanto-tribunal.org/>

UNC School of Law's Center for Climate, Environment, Energy, and Economics (CE3), UNC School of Law's Center for Banking and Finance, and UNC School of Government's Environmental Finance Center: Law, Policy and the Future of Solar Financing White Paper and Webinar (2016)  
<http://www.law.unc.edu/centers/ce3/workshops/solarfinancing/>

### **International Institute for Sustainable Development's SDG Knowledge Hub**

The Hub consolidates its Policy & Practice knowledgebases—and the tens of thousands of published articles contained within them. Focused on the 2030 Agenda for Sustainable Development, and its Sustainable Development Goals, the platform draws on IISD's network of experts to provide real-time information on SDG implementation. <http://sdg.iisd.org/>

IISD: Wagner L "Researchers Estimate Cost to Achieve SDG Target 2.1: End Hunger by 2030" 18 October 2016 <http://sdg.iisd.org/news/researchers-estimate-cost-to-achieve-sdg-target-2-1-end-hunger-by-2030/>

The Conversation: Lixinski Lucas and Williams Sarah "The ICC's Al-Mahdi ruling protects cultural heritage, but didn't go far enough" 18 October 2016 <http://bit.ly/2dPawFY>

IISD: Scanlon J: "CITES COP17 – A COP of "Firsts" and a Turning Point for the World's Wildlife" 20 October 2016 <http://sdg.iisd.org/commentary/guest-articles/cites-cop17-a-cop-of-firsts-and-a-turning-point-for-the-worlds-wildlife/>

IISD: Bisiaux A "Pre-COP 22 Ministerial Discusses Preparations for CMA 1, US\$100 Billion Roadmap" 20 October 2016 <http://sdg.iisd.org/news/pre-cop-22-ministerial-discusses-preparations-for-cma-1-us100-billion-roadmap/>

Lebada AM "OECD Provides Insights in Entrepreneurship, SMEs, Green Bonds" 20 October 2016 <http://sdg.iisd.org/news/oecd-provides-insights-in-entrepreneurship-smes-green-bonds/>



## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

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Registration: <https://goo.gl/forms/4nhZ2Oyp4YmgIfZm1>

No registration fee but registration needed by 20 October 2016 to secure attendance. The registration confirmation is necessary to gain entrance.

#### **Symposium of Contemporary Conservation Practice: Recognizing the value of biodiversity to the economy**

Date: 31 October – 4 November 2016

Venue: Fern Hill Conference Centre, Howick, KwaZulu-Natal

- Registration Closes and Payments Deadline: 14 October 2016
- All Other Payments (Late): 11 November 2016
- Official Opening of Symposium: 13h00 31 October 2016
- Official Closing of Symposium: 13h00 4 November 2016

#### **UP Environmental Law 5 day Certificate Courses**

Dates: November 2016; March 2017; August 2017

Venue: University of Pretoria

Registration and enquiries:

Course Coordinator: Mariëtte de Villiers +27 12 434 2571 or

[mariette.devilliers@enterprises.up.ac.za](mailto:mariette.devilliers@enterprises.up.ac.za)

Course leader: Melanie Murcott: +27 12 420 3860 or [melanie.murcott@up.ac.za](mailto:melanie.murcott@up.ac.za)

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

### **North-West University: CEM Courses and information**

- **Environmental Management System ISO 14001 Audit: A Lead Auditor Course Based on ISO 19011 and ISO 17021 (SAATCA Registered) (CEM-04.1.1)**

*Prerequisites: Environmental Law (CEM-02.1) and EMS (CEM-03.1) Courses*

Date: 31 October - 4 November 2016

- **Occupational Health and Safety Management System OHSAS 18001 Audit: A Lead Auditor Course based on ISO 19011 and ISO 17021 - (SAATCA Registered) (CEM-04.2.1)**

*Prerequisites: OHSAS (CEM-08.2.1) and OHS Law (CEM-08.1.1a) Courses*

Date: 31 October - 4 November 2016

- **Transition from ISO 14001:2004 to ISO 14001:2015 - Environmental Management Systems (CEM-03.6b)**

*Prerequisites: Prior learning and/or experience in ISO 14001:2004*

Date: 7-8 November 2016- Pretoria

- **Handling, Storage and Transportation of Dangerous Goods and Hazardous Substances (CEM-06.1.1a)**

Date: 7-11 November 2016

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

### **Short Courses in Law at Wits University**

Now is the time to start thinking about the future of your career! The Mandela Institute at Wits School of Law offers short courses in many different aspects of law that will add value to your CV and prepare you for the opportunities ahead. The Mandela Institute is accepting applications until 30 November 2016 for the following 2017 first semester short courses:

\*Energy and Climate Change Law

\*International Nuclear Law

\*Law and Sustainability I

\*Law and Sustainability II

Entry requirements, course details and application process can be found on the Short Courses pages of the Mandela Institute website: <http://www.wits.ac.za/mandelainstitute/short-courses/>

Enquiries: Please email [mandela.institute@wits.ac.za](mailto:mandela.institute@wits.ac.za) or phone 011 7178438/8435.

See attached adverts

### **The Definitive Corporate Governance King III and IV: Conversations in Corporate Governance How it applies and How to apply it**

Date: 24-25 November 2016

Venue: Holiday Inn, Sandton

For More information on this event kindly call Michelle on our booking hotline +27 11 056 5278 Fax +27 86 605 8717 or email her [michelle@optimumupgrade.co.za](mailto:michelle@optimumupgrade.co.za)

## International

### US Campaign Advisers to Debate at University of Richmond

On October 25th at 4:00 pm, I will be moderating an environmental debate between the Clinton and Trump campaigns at the University of Richmond School of Law. As far as I know, this is the only event in the country this year in which the two campaigns will debate energy/environmental issues. The event is free and open to the public, but pre-registration is required. The debate will be webcast live at

<http://law.richmond.edu/academics/centers/environmental/index.html>

Tuesday, October 25, 4 p.m. | Moot Courtroom

Online registration required: <https://www.eventbrite.com/e/the-choice-energy-environment-issues-in-the-2016-election-tickets-28400843688>

Environmental Studies and the Environmental Law Society of the University of Richmond School of Law. A live web stream of the event will be available on the Merhige Center website:

<http://law.richmond.edu/academics/centers/environmental/index.html> on 25 October 2016 at 4 pm

## NEWS

EDF “On October 6, 2106 the UN aviation agency adopted an historic global aviation climate agreement” <https://www.edf.org/media/un-aviation-agency-adopts-historic-global-aviation-climate-agreement> and <https://www.edf.org/climate/icaos-market-based-measure> (also indication of which countries have ratified the agreement)

Myburgh Pieter-Louis Gordhan drops Gupta ‘nuclear bomb’ *News24* 15 October 2016 [On mining rehabilitation funds]  
<http://www.news24.com/SouthAfrica/News/breaking-gordhan-drops-gupta-nuclear-bomb-20161015>

Joffe Hilary and Seccombe Allan “Kumba hails rights award as victory for institutions” *BusinessDay* 14 October 2016  
<https://www.businesslive.co.za/bd/companies/mining/2016-10-14-kumba-hails-rights-award-as-victory-for-institutions/>

### ENS: “Violent protests against gold mine in Madagascar indicative of broader increase in community resistance”

“A spokesperson for Chinese company Jiuxing Mines confirmed on 7 October that it would temporarily halt its gold mining operation in Soamahamanina, Itasy Region, where it has faced significant protest against its presence from local residents. On 3 October, police arrested three individuals after protests outside the mine on 22 September turned violent, adding to a number of other arrests. Protesters have demanded Jiuxing terminate operations and relinquish its 40-year licence, alleging destruction of environmentally, archeologically and culturally significant land. They also accused the government of facilitating land expropriation, lacking transparency and inadequate consultation. Locals have denied xenophobia playing a part in the protests. Although there is a well-established settled Chinese migrant community in Madagascar (reportedly the

third largest in Africa), recent reports suggest growing discontent between indigenous Malagasy and new short-term Chinese migrants.” *ENS Africa business in brief* | issue 179 | 2016-10-16

**The IPCC met 17-22 October in Bangkok and reached 12 decisions on the Special Report on Global Warming**

“The 44th session of the Intergovernmental Panel on Climate Change (IPCC-44) convened from 17-21 October 2016, in Bangkok, Thailand, and brought together over 300 participants from 109 countries. The IPCC addressed items including: the outline of the Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty, and the outline of the Methodology Report to refine the 2006 Guidelines on National Greenhouse Gas (GHG) Inventories. The IPCC adopted 12 decisions on the: outline of the Special Report on Global Warming of 1.5°C; IPCC Trust Fund Programme and Budget; admission of observers; Expert Meeting on Mitigation, Sustainability and Climate Stabilization Scenarios; communications and the scoping process; future of the Task Group on Data and Scenario Support for Impact and Climate Analysis (TGICA); review of IPCC communications strategy; review of the IPCC conflict of interest policy; review of the IPCC Scholarship Programme; outline of the Methodology Report to refine the 2006 IPCC Guidelines on National GHG Inventories; and workshop on climate change and cities.” *ENB* 12(677) 23 October 2016

Read more at <http://www.iisd.ca/climate/ipcc44/>

Comrie S “amaBhungane: R587m in six hours – how Eskom paid for Gupta mine” *Daily Maverick* 20 October 2016 <http://www.dailymaverick.co.za/article/2016-10-20-amabhungane-r587m-in-six-hours-how-eskom-paid-for-gupta-mine/#.WYCaY997IU>

Taylor Joanne & Yelland Chris “Appeal stalls RCA clawback of R42bn by Eskom from electricity customers” *Daily Maverick* 20 October 2016 <http://www.dailymaverick.co.za/article/2016-10-20-appeal-stalls-rca-clawback-of-r42bn-by-eskom-from-electricity-customers/#.WYEB4997IU> See also CASES

**VACANCIES, FUNDING, OPPORTUNITIES, ETC**

**University of Johannesburg: Master, Doctoral and Post-Doctoral Full-time Bursaries In Flagship programmes: International Commercial law: 2017**

Closure date for applications: 31 October 2016

Website: [www.uj.ac.za/postgrad](http://www.uj.ac.za/postgrad)

**Vacancies at Nelson Mandela University:**

- **Associate Lecturer / Lecturer: George Campus, Nelson Mandela University: Code 4426 Department of Mercantile Law: Grade 9/8**  
**The core purpose of the abovementioned vacancy is to:** facilitate and administer the learning process of non-legal students in commercial law, to do legal research and to contribute to community engagement. Specialization and/or a keen interest in corporate law is a requirement for the position.
- **Senior Lecturer / Associate Professor / Professor: South Campus, Nelson Mandela University Port Elizabeth: Code 4414 Department Of Mercantile Law: Grade 7/6/5**  
**The core purpose of the abovementioned vacancy is to:** Facilitate the learning process of students at undergraduate and post-graduate level in mercantile law, to do research in any branch of Mercantile Law and contribute to the academic and community engagement.  
For further information, contact Erina Strydom: [Erina.Strydom@nmmu.ac.za](mailto:Erina.Strydom@nmmu.ac.za)

**North-West University: Faculty of Law: Full Professor**

Prerequisites: Doctorate in Law, Publications, Teaching experience for 10 years or more, experience in post-graduate supervision and research leadership  
Contact Prof Flip Schutte: [flip.schutte@nwu.ac.za](mailto:flip.schutte@nwu.ac.za)

Join us on  
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<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

***The ELA is registered as a Public Benefit Organisation***

[www.elasa.co.za](http://www.elasa.co.za)

***Remember that members of the Environmental Law Association may subscribe to Legalbrief Environmental – discount available.***

## **Environmental Law Association Newsletter 43**

28 October 2016

### **LEGISLATION**

#### **NOTICES**

Water Research Act 34 of 1971 - GN 1341 in GG 40375 of 28 October 2016 - Water Research Fund: Water Research Levy increased with effect from 1 July 2016 and rates and charges published with effect from 1 July 2016 to 30 June 2017

National Water Act 36 of 1998 - GN 1340 in GG 40375 of 28 October 2016 - Notice of intention to disestablish Lebalelo Water User Association (LWUA) and incorporate it into Lepelle Northern Water (LNW) in terms of s. 96 (2) of the Act - for comment

National Environmental Management Act 107 of 1998 - GN 1314 in GG 40371 of 26 October 2016 - Amendments to the Financial Provisioning Regulations, 2016

Diplomatic Immunities and Privileges Act 37 of 2001 - GN 1320 in GG 40375 of 28 October 2016 - Notice of the recognition of and the conferring on the African Commission of Nuclear Energy (AFCONE) of certain immunities and privileges

National Energy Regulator Act 40 of 2004 – Gen Notice 697 in GG 40366 of 24 October 2016 - National Energy Regulator of South Africa (NERSA): Eskom's Proposed Critical Peak Day (CPD) tariff application - for comment

### **PROVINCES**

#### **Free State**

Interpretation Act 33 of 1957 and Fire Brigade Services Act 99 of 1987 - PN 258 in PG 82 of 28 October 2016 - Designation of SASOL as a fire station service

Nature Conservation Ordinance 8 of 1969 - PN 259 in PG 83 of 28 October 2016 - Notice of intention to withdraw the declaration of private nature reserves: Stafford's Hill Bird Sanctuary; Viljoenskroon Nature Reserve; and Valsrivier Nature Reserve - for comment

## KwaZulu-Natal

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 125 in PG 1746 of 27 October 2016 - Umzimkhulu Local Municipality - Fire Prevention By-law, 2008

## Limpopo

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 172 in PG 2762 of 28 October 2016 - Sekhukhune District Municipality; Fetakgomo Local Municipality; Greater Tubatse Local Municipality; Makhuduthamaga Local Municipality; Ephraim Mogale Local Municipality; and Elias Motsoaledi Local Municipality - Agreement on the Modalities for the Establishment of the Interim District Municipal Planning Tribunal

## CASES

### National

*Merafong City Local Municipality v AngloGold Ashanti Limited* [2016] ZACC 35

Summary: Collateral or reactive challenge by organ of state - inter governmental dispute - national and local functional areas of competence - exclusive municipal power to levy surcharge on water supply binding nature of administrative action - permissibility of collateral or reactive challenge by organ of state - justification of delay - distinction between declaration of constitutional invalidity and just and equitable remedy

<http://www.saflii.org/za/cases/ZACC/2016/35.html>

## PUBLICATIONS

Townsend Dina Lupin “The Place of Human Dignity in Environmental Adjudication” 2016 *Oslo Law Review* 27-50  
<http://dx.doi.org/10.5617/oslaw3946>

Christine Eriksen & Gregory Simon, The Affluence-Vulnerability Interface: Intersecting scales of risk, privilege and disaster, *Environment and Planning A* (2016), <http://epn.sagepub.com/content/early/2016/09/20/0308518X16669511.abstract>  
Free text: <http://epn.sagepub.com/content/early/2016/09/20/0308518X16669511.full.pdf+html>

WWF “Living Planet Report 2016” [http://wwf.panda.org/wwf\\_news/?282370/Living-Planet-Report-2016](http://wwf.panda.org/wwf_news/?282370/Living-Planet-Report-2016)

“Report of the Special Rapporteur in the field of cultural rights” <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/254/44/PDF/N1625444.pdf?OpenElement>



## BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

The Conversation: Bayliss K “Public, not private, money needed to plug Africa’s water and sanitation gaps” 23 October 2016 <http://bit.ly/2ex4nUm>

IISD: 15th Session of the Committee for the Review of the Implementation of the Convention (CRIC 15) to the UN Convention to Combat Desertification (UNCCD): Summary & Analysis ENB 4(268) <http://www.iisd.ca/desert/cric15/>

IISD: Wiseman V “Transparency and Compliance Update: Annual Reports Give Overview of Party Compliance 27 October 2016 <http://sdg.iisd.org/news/transparency-and-compliance-update-annual-reports-give-overview-of-party-compliance/>

Reports on UNFCCC Reporting

Daily Maverick: De Vos D “Eskom imperils our energy security – It is long past time to Liberate the Grid” 27 October 2016 <http://www.dailymaverick.co.za/article/2016-10-27-eskom-imperils-our-energy-security-it-is-long-past-time-to-liberate-the-grid/#.WBOOnWdV97IU>

Daily Maverick: Bloom K “What’s mine is mine: How the Bapo Ba Mogale got robbed of R800 million” 26 October 2016 <http://www.dailymaverick.co.za/article/2016-10-26-whats-mine-is-mine-how-the-bapo-ba-mogale-got-robbed-of-r800-million/#.WBOoNdV97IU>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### North West Regional ELA and IAIAsa Branches: Seminar & ‘Braai’ Event

Date: 18 November 2016

Venue: North-West University, Potchefstroom Campus, Building E6 (JS Van der Merwe), Room K15

You are kindly invited to attend a seminar and informal get-together of the ELA and IAIAsa North-West branches. The seminar is aimed at the interactive sharing of information and ideas on a number of recent developments and projects in the area of environmental law reform, state of the environment reporting at city-level and aspects concerning the implementation of the Spatial Land-Use Management Act (SPLUMA).

Register for the event online – registration details will soon be available on the IAIAsa website

by 10 November 2016 before 17:00 PM.

For more information please contact Liesl de Swardt at [liesl@environamics.co.za](mailto:liesl@environamics.co.za) / Angela Van der Berg at [angela.vanderberg8@gmail.com](mailto:angela.vanderberg8@gmail.com)

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## **UP Environmental Law 5 day Certificate Courses**

Dates: November 2016; March 2017; August 2017

Venue: University of Pretoria

Registration and enquiries:

Course Coordinator: Mariëtte de Villiers +27 12 434 2571 or

[mariette.devilliers@enterprises.up.ac.za](mailto:mariette.devilliers@enterprises.up.ac.za)

Course leader: Melanie Murcott: +27 12 420 3860 or [melanie.murcott@up.ac.za](mailto:melanie.murcott@up.ac.za)

## **North-West University: CEM Courses and information**

- **Transition from ISO 14001:2004 to ISO 14001:2015 - Environmental Management Systems (CEM-03.6b)**

*Prerequisites: Prior learning and/or experience in ISO 14001:2004*

Date: 7-8 November 2016- Pretoria

- **Handling, Storage and Transportation of Dangerous Goods and Hazardous Substances (CEM-06.1.1a)**

Date: 7-11 November 2016

- **Environmental Law for Environmental Managers**

Date: 21-26 November 2016 – Holiday Inn, Johannesburg Airport

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 /

[ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

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Enquiries: Please email [mandela.institute@wits.ac.za](mailto:mandela.institute@wits.ac.za) or phone 011 7178438/8435.

## **International**

### **IAIA17: Impact Assessment's Contribution to the Global Efforts in Addressing Climate Change – Last date for abstracts 31 October**

Date: 4-7 April 2017

Place: Montréal, Canada

Deadline for abstracts: Monday 31 October 2016 (papers and posters)

This deadline is firm -- no abstracts will be accepted after 23:59 (CST) on 31 October due to strong competition for time slots and in fairness to those who made submissions within the deadline.

For more information, visit the conference website  
<http://conferences.iaia.org/2017/index.php> - #iaia17

**Call for Papers: Northwestern Pritzker School of Law, Searle Center on Law, Regulation, and Economic Growth: First Annual Research Roundtable on Global Climate Change Governance: Geoengineering**

Date: Thursday, May 18, 2017 — Friday, May 19, 2017

Place: Chicago, IL

Submissions due: 1 November 2016

The Searle Center on Law, Regulation, and Economic Growth at Northwestern Pritzker School of Law School is seeking submissions for a workshop focusing on *Global Climate Change Governance and Geoengineering* to be held on May 18-19, 2017 in Chicago, IL. The event is organized by David Dana (Northwestern Pritzker School of Law). The event is co-sponsored by the Buffett Institute for Global Studies at Northwestern University.

We invite scholarly submissions on any theme relevant to this topic, including pieces that address approach the topic from the perspective of (among others) domestic and international law, political economy and public choice, ethics, political and social psychology, and climate science. We are interested in papers addressing a broad range of topics, including (but not limited to):

- ☐ Do governance approaches applied to other areas of scientific research and biotechnology provide relevant guidance?
- ☐ To what extent is it possible to devise effective regulation before the technological subject of that regulation is understood, and if not, is there a way to co-evolve technology and regulation?
- ☐ Given the ethical framework of a precautionary principle, should the development and use of the most potentially dangerous technologies simply be banned?
- ☐ How, if at all, can an effective international accord regarding geo-engineering be achieved and made effective?
- ☐ Does the regime for nuclear weaponry provide lessons?
- ☐ Is there a role for existing international institutions such as the United Nations, or are new ones required?
- ☐ What role will public perception and opinion play in a governance regime for geoengineering?
- ☐ What will be the effects of geoengineering on support and efforts directed at mitigation and adaptation?

All selected participants will be expected to produce a working draft of their paper by May 1, 2017; read the other papers that will be presented in advance of the workshop; and participate in person at our workshop, to be held at Northwestern Pritzker Law School in Chicago, on May 18-19, 2017.

Attendance for this roundtable is by invitation only. Potential attendees who are not submitting a paper can indicate their interest in receiving an invitation by sending a message to: [searlecenter@law.northwestern.edu](mailto:searlecenter@law.northwestern.edu). Consideration for attendance at this small, invitation-only event will be reviewed on a rolling basis until November 1, 2016.

Participants based in the United States will receive a participant fee of \$750.00. International participants will receive a participant fee of \$1,500.00. This participant fee is intended to cover reasonable transportation expenses as no travel reimbursement will be made without prior approval. Government employees and non-US residents may instead elect to be reimbursed for travel expenses up to the participant fee amount. Authors are expected to attend and participate in the full duration of the event.

The Searle Center will also reserve and pay for hotel accommodations for authors for the night of Thursday, May 18, 2017. For those participants who are travelling from the West Coast or from overseas, the Searle Center will also cover hotel accommodations for the night of Wednesday, May 17, 2017 as well. Submission Deadline: Applicants should submit an abstract (maximum 500 words) and C.V. (both in English) to [searlecenter@law.northwestern.edu](mailto:searlecenter@law.northwestern.edu) by November 1, 2016.

Notification Deadline: Authors will be notified of decisions no later than **December 1, 2016**.

The Searle Center and the faculty organizers are grateful for the generous support for this event from the Buffett Institute for Global Studies at Northwestern University.

The Searle Center on Law, Regulation, and Economic Growth at Northwestern University School of Law was established in 2006 to research how government regulation and interpretation of laws and regulations by the courts affect business and economic growth. Information on the Searle Center's activities may be found at: [www.law.northwestern.edu/searlecenter](http://www.law.northwestern.edu/searlecenter).

## NEWS

"Bumper Week of Poacher Arrests in the Kruger with Help from Canine Team"  
*SA People News* 26 October 2016 <http://www.sapeople.com/2016/10/26/bumper-week-poacher-arrests-kruger-help-canine-team/>

"World's largest marine park created in Ross Sea in Antarctica in landmark deal" *The Guardian* 28 October 2016 <https://www.theguardian.com/world/2016/oct/28/worlds-largest-marine-park-created-in-ross-sea-in-antarctica-in-landmark-deal>

Cosgrave J "Michigan judge allows lawsuit over water crisis" 28 October 2016  
*Jurist* <http://www.jurist.org/paperchase/2016/10/michigan-judge-allows-lawsuit-over-water-crisis.php>

Felder B "UN rights expert calls on international community to protect cultural heritage" *Jurist* 27 October 2016 <http://www.jurist.org/paperchase/2016/10/un-rights-expert-calls-on-international-community-to-protect-cultural-heritage.php>

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## **Environmental Law Association Newsletter 44**

4 November 2016

### **BILLS**

Mineral And Petroleum Resources Development Amendment Bill [B15D-2013]  
[http://pmg-assets.s3-website-eu-west-1.amazonaws.com/b\\_15D-2013.pdf](http://pmg-assets.s3-website-eu-west-1.amazonaws.com/b_15D-2013.pdf)

National Veld and Forest Fire Amendment Bill, 2016 [B22-2016]

Draft Implementation of the Rome Statute of the International Criminal Court Act Repeal Bill, 2016 - Gen Notice 747 in GG 40403 of 3 November 2016 - notice of intention to introduce and explanatory summary - for comment

### **LEGISLATION**

#### **NOTICES**

National Heritage Resources Act 25 of 1999 - GN 1357 in GG 40386 of 31 October 2016 - Declaration of the Samora Machel Memorial and Crash Site as a National Heritage Site published in GN 1219 in GG 40334 of 7 October 2016 corrected

Disaster Management Act 57 of 2002 - GN 1363 in GG 40393 of 2 November 2016 - Guideline on Conducting a Comprehensive Risk Assessment, Part 1: Hazard Analysis, Identification and Prioritisation

Disaster Management Act 57 of 2002 - Proc R61 in GG 40394 of 2 November 2016 - Establishment of the Intergovernmental Committee on Disaster Management

National Environmental Management: Protected Areas Act 57 of 2003 – Gen Notice 731 in GG 40402 of 4 November 2016 - Proposed norms and standards for the inclusion of private nature reserves in the register of protected areas of South Africa - for comment

National Health Act 61 of 2003 - GN 1365 in GG 40396 of 2 November 2016 - Procedural Regulations Pertaining to the Functioning of the Office of Health Standards Compliance and Handling of Complaints by the Ombud published and GN 1275 in GG 40350 of 13 October 2016 replaced

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 727 in GG 40398 of 3 November 2016 - Draft distribution maps for certain indigenous species - for comment

National Environmental Management: Air Quality Act 39 of 2004 - GN 1373 in GG 40402 of 4 November 2016 - Notice of intention to declare certain printing industry activities as controlled emitters and to establish emission standards - for comment

Electricity Regulation Act 4 of 2006 - GN R1366 in GG 40401 of 4 November 2016 - Electricity Regulations on New Generation Capacity amended

## **PROVINCES**

### **Western Cape**

Constitution of the Republic of South Africa, Local Government: Municipal Systems Act 32 of 2000 - LAN 54221 in PG 7698 of 4 November 2016 - City of Cape Town Informal Trading By-law - City of Cape Town (Table Bay District): Informal Trading Plan for Halt Road Elsie's River Corridor

## **CASES**

### **National**

*Rural Maintenance (Pty) Limited and Another v Maluti-A-Phofong Local Municipality* (CCT214/15) [2016] ZACC 37 (1 November 2016)

<http://www.saflii.org/za/cases/ZACC/2016/37.html>

Media Summary: Today, the Constitutional Court handed down judgment in an application for leave to appeal against a judgment and order of the Labour Appeal Court which upheld an appeal to it from the Labour Court. The dispute between the parties concerned whether there had been a transfer of business by the applicants, Rural Maintenance (Pty) Ltd and Rural Maintenance Free State (Pty) Ltd (together Rural), to the respondent, Maluti-A-Phofong Local Municipality (Municipality), in terms of section 197 of the Labour Relations Act (LRA). The Labour Court held that there had been a transfer, the Labour Appeal Court held the contrary.

Case Summary: Labour Relations Act 66 of 1995 — section 197 — transfer of a business as a going concern — British Transfer of Undertakings (Protection of Employment) Regulations (TUPE Regulations) — no need shown for reformulation or development of test in terms of section 197 of LRA— leave to appeal refused



*Babaletakis and Another v Minister of Local Government, Environmental Affairs and Development Planning (Western Cape) and Others* (6481/2015) [2016] ZAWCHC 153 (2 November 2016) <http://www.saflii.org/za/cases/ZAWCHC/2016/153.html>

“Application for review and setting aside of the decision by the MEC for Local Government, Environmental Affairs and Development Planning (Western Cape) to reject their jointly submitted appeal in terms of s 44(1)(a) of the Land Use Planning Ordinance (‘LUPO’) against the decision by the Planning and General Appeals Committee of the City of Cape Town to uphold the application for certain departures from the Cape Town zoning scheme regulations, as well as against the consent granted to him by the City to deviate from the restrictions applicable to development along a scenic drive.”

*Minister of Home Affairs and Another v Public Protector of the Republic of South Africa and Another* (76554/2013) [2016] ZAGPPHC 921 (26 October 2016)

“The applicants sought an order reviewing and setting aside the final report by the Public Protector on an investigation into certain alleged conduct of employees of the Department of Home Affairs.”

## PUBLICATIONS

ICLEI “Resilient Cities Report 2016” [http://resilientcities2016.iclei.org/fileadmin/sites/resilient-cities/files/Resilient\\_Cities\\_2016/Documents/Resilient\\_Cities\\_2016\\_Report.pdf](http://resilientcities2016.iclei.org/fileadmin/sites/resilient-cities/files/Resilient_Cities_2016/Documents/Resilient_Cities_2016_Report.pdf)

Hamudi Ismail Majamba “Tanzania’s Oil and Gas Industry: Legal Regime, Management and Access Rights” 2016 *Recht in Afrika* 3–23 <http://www.nomos-elibrary.de/10.5771/2363-6270-2016-1/ria-recht-in-afrika-law-in-africa-droit-en-afrique-jahrgang-19-2016-heft-1>

IRENA *Innovation Outlook: Offshore Wind* (October 2016) <http://www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36&CatID=141&SubcatID=2742>

Roy R “The cost of air pollution in Africa” (OECD Report September 2016) [http://www.oecd-ilibrary.org/development/the-cost-of-air-pollution-in-africa\\_5jlzq77x6f8-en](http://www.oecd-ilibrary.org/development/the-cost-of-air-pollution-in-africa_5jlzq77x6f8-en)

Turton A “Greenfields logic in a Brownfields reality : mining/environmental law” 2016 *Without Prejudice* 16(8) <http://www.withoutprejudice.co.za/free/article/5061/view>

Louw Heinrich and Botha Louis “Of mines and houses: mining law/taxes” 2016 *Without Prejudice* 16(8) <http://www.withoutprejudice.co.za/publication/2016/September/articles>

2016 *Transnational Environmental Law* (TEL) is a special fifth anniversary issue and the content is the result of a competition launched by the journal in 2015 for innovative scholarship on the theme of common but differentiated responsibilities (CBDRs) in the era of transnational law. You can access this anniversary issue without charge until the end of 2016 here: <https://www.cambridge.org/core/journals/transnational-environmental-law/issue/0CA20822D309A7E0B08A2EC59CB3506D>

IEA “Energy, Climate Change and Environment: 2016 Insights” (November 2016) available free for download at <http://www.iea.org/publications/freepublications/publication/ECCE2016.pdf>

Warner Kronk “Everything Old is New Again: Enforcing Tribal Treaty Provisions to Protect Climate Change Threatened Resources” 2016 94 *Nebraska L Rev* 916

Warner Kronk “Looking to the Third Sovereign: Tribal Environmental Ethics as an Alternative Paradigm” 2016 33 *Pace Environmental Law Review* 397

Warner Kronk “Protecting Indigenous Knowledge in the Age of Climate Change” 2015 27 *Georgetown International Environmental Law Review* 585

Warner Kronk “Justice Brandeis and Indian Country: Lessons from the Tribal Environmental Laboratory” 2015 47 *Arizona State Law Journal* 857

Warner Kronk “Indigenous Adaptation in the Face of Climate Change” 2015 31 *Journal of Environmental and Sustainability Law* 129

Warner Kronk “Working to Protect the Seventh Generation: Indigenous Peoples as Agents of Change” 2015 13 *Santa Clara J. of Int’l L* 273

Warner Kronk “Tribes as Innovative Environmental ‘Laboratories’” 2015 86 *Colorado Law Review* 789

Outka Uma “Cities and the Low-Carbon Grid” 2016 46 *Environmental Law* 101

Outka Uma “The Obama Administration’s Clean Air Act Legacy and the UNFCCC” 2016 48 *Case Western Reserve Journal of International Law* 1

Outka Uma “Intrastate Preemption in the Shifting Energy Sector” 2015 86 *Colorado Law Review* 927

Head J “International Law, Agro-Ecological Integrity, and Sovereignty – Proposals for Reform” June 2016 *The Federal Lawyer* 56

## **BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC**

The Conversation: Hare B *et al* “Paris climate agreement enters into force: international experts respond” 3 November 2016 <http://bit.ly/2fmlGUE>

The Conversation: Adelle C “The rubber will hit the road for developing countries at COP22 in Marrakech” 3 November 2016 <http://bit.ly/2fmdrla>

The Conversation: Griffin P “Should oil companies like Exxon be forced to disclose climate change risks?” 3 November 2016 <http://bit.ly/2f8wXqQ>

## **Invitation to contribute to the REN21 Renewables 2017 Global Status Report**

The data collection process for the REN21 *Renewables 2017 Global Status Report* has begun!

Information is being collected on renewable energy, energy efficiency and distributed renewable energy for energy access. Please help us by providing information on country/regional trends, policy and markets.

This year we have a newly designed questionnaire which we hope you will find easy to read and complete. (Instructions are at the end of this email.)

The data collection timeline for GSR 2017 is as follows:

- 11<sup>th</sup> November: deadline for input
- December/January 2017: follow-up communication as necessary
- February 2017: collection of market data on specific renewable energy technologies for specific countries. (We will contact you should this be the case for your country.)

As always, all contributors will be acknowledged in the final report.

Should you have any questions or encounter any problems accessing REN21+ or the GSR 2017 online questionnaire, please email us at [gsr@ren21.net](mailto:gsr@ren21.net).

CEADIR Series webinar: “Climate Change Adaptation Planning for Low-Income Urban Populations” <https://www.climatelinks.org/resources/ceadir-series-climate-change-adaptation-planning-low-income-urban-populations>

ENB 34(1) - 66th Meeting of the International Whaling Commission - Summary & Analysis <http://www.iisd.ca/iwc/66/>

IISD SDG Knowledge Hub: Ledaba AM “World Bank Commission Makes 21 Recommendations to Improve Poverty Measurement” 2 November 2016 <http://sdg.iisd.org/news/world-bank-commission-makes-21-recommendations-to-improve-poverty-measurement/>

IISD SDG Knowledge Hub: Jungcurt S: UNEP, EU and CBD Assess African State of Biodiversity” 3 November 2016 <http://sdg.iisd.org/news/unep-eu-and-cbd-assess-african-state-of-biodiversity/>

For the report see <https://wedocs.unep.org/rest/bitstreams/32269/retrieve>

ANC Congress: Parliamentary Focus: Address by Honourable S Luzipo Chairperson PC on Mineral Resources on the occasion of debating the MPRD Amendment Bill at the National Assembly 1 November 2016 <http://caucus.anc.org.za/show.php?ID=4728>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **Climate Change: Law and Governance in South Africa: Book Launch**

Juta Law cordially invites you to a book launch in *Cape Town - Climate Change: Law and Governance in South Africa*, edited by Tracy Humby, Louis Kotze, Olivia Rumble and Andrew Gilder.

Speakers: Professor Harold Winkler - *African Climate & Development Institute at UCT* and Saliem Fakir: *World Wide Fund*

Date: Thursday, 10 November 2016

Time: 18h00 - 20h00

Venue: Juta and Company, Corner Protea Road, 1st Floor, Sunclare Building, 21 Dreyer Street, Claremont

Parking: On P6 of the Sunclare Building

RSVP: Ingrid Hartog [ihartog@juta.co.za](mailto:ihartog@juta.co.za) or call: 021 659 2461

#### **North West Regional ELA and IAIAsa Branches: Seminar & 'Braai' Event**

Date: 18 November 2016

Venue: North-West University, Potchefstroom Campus, Building E6 (JS Van der Merwe), Room K15

You are kindly invited to attend a seminar and informal get-together of the ELA and IAIAsa North-West branches. The seminar is aimed at the interactive sharing of information and ideas on a number of recent developments and projects in the area of environmental law reform, state of the environment reporting at city-level and aspects concerning the implementation of the Spatial Land-Use Management Act (SPLUMA).

Register for the event online – registration details will soon be available on the IAIAsa website

by 10 November 2016 before 17:00 PM.

For more information please contact Liesl de Swardt at [liesl@environamics.co.za](mailto:liesl@environamics.co.za) / Angela Van der Berg at [angela.vanderberg8@gmail.com](mailto:angela.vanderberg8@gmail.com)

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

## **UP Environmental Law 5 day Certificate Courses**

Dates: November 2016; March 2017; August 2017

Venue: University of Pretoria

Registration and enquiries:

Course Coordinator: Mariëtte de Villiers +27 12 434 2571 or

[mariette.devilliers@enterprises.up.ac.za](mailto:mariette.devilliers@enterprises.up.ac.za)

Course leader: Melanie Murcott: +27 12 420 3860 or [melanie.murcott@up.ac.za](mailto:melanie.murcott@up.ac.za)

## **North-West University: CEM Courses and information**

### **• Environmental Law for Environmental Managers**

Date: 21-26 November 2016 – Holiday Inn, Johannesburg Airport

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

## **Short Courses in Law at Wits University**

Now is the time to start thinking about the future of your career! The Mandela Institute at Wits School of Law offers short courses in many different aspects of law that will add value to your CV and prepare you for the opportunities ahead. The Mandela Institute is accepting applications until 30 November 2016 for the following 2017 first semester short courses:

\*Energy and Climate Change Law

\*International Nuclear Law

\*Law and Sustainability I

\*Law and Sustainability II

Entry requirements, course details and application process can be found on the Short Courses pages of the Mandela Institute website: <http://www.wits.ac.za/mandelainstitute/short-courses/>

Enquiries: Please email [mandela.institute@wits.ac.za](mailto:mandela.institute@wits.ac.za) or phone 011 7178438/8435.

## **International**

### **Online discussion: Light up and Power Africa for Women and Men**

The discussion will take place from 1-15 November 2016.

On the African continent, energy poverty disproportionately affects women and girls. Women and girls are mainly responsible for procuring, purchasing and using cooking fuels. A recent study (<http://genderinpractice.afdb.org/fr/content/girls-spend-40-more-time-chores-boys-un-report-finds>) found that girls spend 40% more time on household chores than boys. In conflict zones, the search for cooking fuels exposes them to violence. Further, women entrepreneurs face more barriers than men in obtaining electricity connections.

Development Finance Institutions (DFIs) traditionally concentrated on large-scale, capital intensive technology projects designed to provide energy for growth in the formal sectors of the economy. Household activities that require energy, such as food processing, water procurement, transportation of water and fuel, largely the domain of women, are generally not considered when donors and governments plan their interventions in the energy sector. In the

past, such gender-blind policies by DFIs unwittingly contributed to widening gender disparities in the sector. Studies ([http://www.undp.org/content/dam/undp/library/gender/Gender%20and%20Environment/PB3\\_Africa\\_Gender-and-Energy.pdf](http://www.undp.org/content/dam/undp/library/gender/Gender%20and%20Environment/PB3_Africa_Gender-and-Energy.pdf)) confirm that failure to consider the different needs of women and men can limit the effectiveness of energy programmes and policies, as well as other development activities that involve energy use. Further, gender stereotypes often lead to women being excluded from discussions about energy plans and policies, resulting in the gender-blind energy planning of policies, financing and execution. Women play a pivotal role in energy production, distribution and utilization, especially in poor communities. Thus, the lack of recognition of their role undermines the effectiveness and sustainability of grid and off-grid energy projects and policies.

The Bank and its partners have set an ambitious target in achieving universal energy access on the continent by 2025, the success of which is dependent on recognizing the gender-defined roles of *energy production, distribution and utilization* on the continent. This discussion will examine current and past experiences with programmes and interventions aimed at addressing gender inequality in the production and distribution of energy. It will capture bottlenecks, gaps, lessons learned from programming in this thematic area and integrate these into guidelines and good practices for more effective interventions in the sector.

Phase 2: Gender Inequality in Energy Production and Distribution (November 1 - 15)

- What roles could women play in the production and distribution of energy in Africa?
- What are the challenges to women's engagement in the production and distribution of energy?
- How can the Bank address such challenges, with specific reference to empowering women entrepreneurs in the production and distribution of energy?
- What have other organizations including Development Finance Institutions (DFIs) done to address these challenges?
- How can we increase the evidence base on the impact of women's successful engagement in the production and distribution of energy?

All contributions submitted during the online discussion will be disseminated to all members and posted online.

You can share your views on any of these questions:

- By joining the discussion forum on the AfDB GiP-CoP platform: <http://genderinpractice.afdb.org/en/user/register>
- By posting your contribution to the *GiP CoP discussion forum* (once registered): <http://genderinpractice.afdb.org/fr/content/phase-2-online-discussion-gender-inequality-production-and-distribution-energy>
- By sending your contribution by email to [genderinpractice@afdb.org](mailto:genderinpractice@afdb.org)



## World Summit on Global Warming, Health and Environmental Resources Management (WSGHE 2017)

Date: 15-20 January 2016

Place: London, UK

Proposal Submission Deadlines for 2016 Summit:

Abstract Submission Deadline: 10th November, 2016

Notification of Acceptance: 17th November, 2016

Full Paper Submission Deadline: 10th December, 2016

Summit Dates: 17th to 20th January, 2017.

Website: <http://wsqhe17.org.uk/cfp.htm>

## NEWS

Herman P “Parliament ratifies Paris climate change agreement” *News24* 1 November 2016 <http://www.news24.com/Green/News/parliament-ratifies-paris-climate-change-agreement-20161101>

Mathews C “SA’s coal habit hurts carbon budget” *BusinessLive* 25 October 2016 [Legalbrief Environmental 1 November 2016]

CER No room for secrecy: Environmental organisations publish minimum requirements for SA’s overdue Integrated Resource Plan for electricity 31 October 2016 <http://cer.org.za/news/no-room-for-secrecy-environmental-organisations-publish-minimum-requirements-for-sas-overdue-integrated-resource-plan-for-electricity>

CER Life After Coal: Debunking myths, fuelling a climate of change 28 October 2016 <http://cer.org.za/news/life-after-coal-debunking-myths-fuelling-a-climate-of-change>

CER “CER calls on Department of Mineral Resources to use statutory powers to verify status of Optimum rehabilitation funds” 27 October 2016 <http://cer.org.za/news/cer-calls-on-department-of-mineral-resources-to-use-statutory-powers-to-verify-status-of-optimum-rehabilitation-funds>

Peyper Liesl “Zwane: Redrafted mining bill sure to pass muster this time” *fin24* 1 November 2016 <http://www.fin24.com/Companies/Mining/zwane-redrafted-mining-bill-sure-to-pass-muster-this-time-20161101> [Source: Legalbrief Today 2 November 2016]

Deklerk Aphiwe “Frustrated De Lille to take Cape Town's 'green power' struggle to court” *TimesLive* 2 November 2016 <http://www.timeslive.co.za/politics/2016/11/02/Frustrated-De-Lille-to-take-Cape-Towns-green-power-struggle-to-court>

## Poverty in Africa Scrutinised

The challenges faced by Africa due to extreme poverty will be scrutinised at the 12<sup>th</sup> Annual Meeting of African Science Academies (AMASA) to be jointly hosted by the Academy of Science of South Africa (ASSAf), the Department of Science and Technology (DST) and the Network of African Science Academies (NASAC) next week. The eradication of poverty in all its forms remains one of the greatest challenges facing humanity. Sub-Saharan Africa which accounts for a large proportion of those living in extreme poverty also faces threats



brought on by climate change, conflict and food insecurity. This year AMASA, under the theme Poverty Reduction, will bring together some 100 stakeholders, including policymakers, scientists (established and young), members of academies of science in Africa and beyond, civil society and others to discuss a topical societal issue through a scientific conference. The theme is tied to the Sustainable Development Goal, Ending Poverty in All its Forms. AMASA will be held at the Garden Court, OR Tambo International Hotel on 7–8 November 2016. Follow us at Twitter: #ASSAf\_Official, #AMASA12, #ASSAf\_poverty

Paul D “Sixth Committee Discusses Transboundary Aquifer Management” *SDG Bulletin* 1 November 2016 <http://sdg.iisd.org/news/sixth-committee-discusses-transboundary-aquifer-management/>

## **VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC**

### **Call for ISMP Mentors for 2017**

IAIAsa has piloted the IAIAsa Student Mentorship Programme (ISMP) during the 2016 academic year, with 10 mentor/mentee pairs. It has proved to be a great success. It is well acknowledged that there is an overproduction of students coming out of the universities all requiring mentoring in order to realise secure employment thereby meeting the National Development Plan objective of significantly reducing unemployment in South Africa.

IAIAsa is currently calling for Mentors for 2017. If you would like to become a mentor please request an application form from [operations@iaiasa.co.za](mailto:operations@iaiasa.co.za)

### **Biodiversity Manager – Gamsberg Project (mining / projects /open-pit / zinc) – Northern Cape**

.The Biodiversity Manager will develop and implement a biodiversity monitoring programme to establish how ecosystems, communities and species could be affected by the project and development of the Gamsberg mine, and how best the developments can be designed, located and managed to avoid negative impacts / results to Biodiversity. The key focus will be to contribute to the overall success and compliance of the project, and ultimately of the operation, taking into consideration that development must be socially, environmentally and economically sustainable.

Key Responsibilities:

1. Perform a key role in coordinating further investigations of identified baseline conditions with relevant specialists, including budgeting, and identification of resources needed by
  - i. Identifying levels of mitigation needed to address impacts and make them acceptable to society and compliant with relevant legislation.
  - ii. Participating in budgeting functions for Environmental including managing the budget and tracking of biodiversity expenses
  - iii. Ensuring that activities move according to predetermined schedules. Devise the project work plans and make revisions as and when need arises

- iv. Communicating effectively with relevant specialists responsible for completing various biodiversity assessments and interventions
  - v. Obtaining all necessary permits and licenses.
  - vi. Ensuring contract close-out, extension or renewal for contractors working in the biodiversity stream.
2. The development and establishment of mitigating guidelines for the significance ratings for impacts to the EMP by:
- i. Taking into account the legal requirements in South Africa
  - ii. Listing all relevant legislation and permit requirements relevant to the development proposals, providing reference to the procedures required to obtain permits and identifying whether the development proposals contravene or oppose the applicable legislation.
  - iii. Taking into account any specific requirements and group standards with regard to Biodiversity
  - iv. Taking into account the higher order or strategic informants of group and local area sustainable development and biodiversity planning
  - v. Taking into account the values that society and affected communities and other stakeholders attach to Biodiversity
  - vi. Using the criteria contained in Section 2 of NEMA and group 'sustainable development' objectives for evaluating the significance of impacts
3. Ensure mitigation measures are implemented, but also the ongoing monitoring and auditing thereof by:
- i. Proposing corrective or adaptive actions in response to monitoring/auditing and clearly stipulate approved actions in the EMP.
  - i. Providing guidelines on financial provision for rehabilitation and/ or management of negative environmental impacts in a transparent and calculated manner
  - ii. Conducting analysis and reports on compliance program effectiveness and metrics.
  - iii. Preparing regular reports on compliance as well as biodiversity activities
4. Contribute to the overall success of the project by contributing to and implementing the Continuous Improvement/VKE Process within the biodiversity field by:
- i. Conducting ongoing operational excellence audits to achieve the overall project and operational strategy.
  - ii. Continuously looking for opportunities to minimize financial exposure and risk in the project
  - iii. Proactively identifying and integrating biodiversity considerations into the planning processes and continuously contributing to sustainable development practices from project execution through to closure

Requirements:

- Postgraduate Education:
- Degree or minimum 4-year related qualification in Environmental Management/ Earth Sciences/ Engineering.

- Further training or exposure in international standards such as ISO 14000, ISO 9000 & OHSAS18000 is an advantage

Experience and skills requirements:

- Minimum 6-8 years' experience in biodiversity risk analysis, compliance and
- Greenfield project experience is a distinct advantage
- Knowledge of environmental/biodiversity policies, legislation (NEMA, NEMBA, and NEMPAA)
- A proven understanding of biodiversity and conservation management policies and legislative frameworks in environmental management
- Demonstrable knowledge of the National Environmental Management Act (107 of 1998), National Environmental Management: Biodiversity Act (10 of 2004), Minerals and Petroleum Resources Development Act (MPRDA) and the Mining and Biodiversity Guideline
- Good organizational, communication, interpersonal and administrative skills
- Ability to work independently and under pressure
- Strong Microsoft skills
- Demonstrable successful experience in stakeholder relations
- Driven and creative thinker with ability to develop actionable programs that integrate soundly with business objectives
- Ability to think quickly, analytically and creatively to accommodate a dynamic communications environment.
- Excellent interpersonal skills; enthusiastic, team player and self-starter; serious commitment to hard work and excellence.

Join us on  
**Facebook**

<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

***The ELA is registered as a Public Benefit Organisation***

[www.elasa.co.za](http://www.elasa.co.za)

***Remember that members of the Environmental Law Association may subscribe to Legalbrief Environmental – discount available.***

## **Environmental Law Association Newsletter 45**

11 November 2016

### **LEGISLATION**

#### **NOTICES**

Occupational Health and Safety Act 85 of 1993 - GN R1402 in GG 40415 of 11 November 2016 - Draft Explosives Regulations, 2014 - for comment

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 749 in GG 40412 of 10 November 2016 - Draft Norms and Standards for the Management of Damage-Causing Animals in South Africa published for comment in Gen Notice 512 in GG 40236 of 30 August 2016 replaced

### **PROVINCES**

#### **Western Cape**

Western Cape Land Use Planning Act 3 of 2014 - Proc 25 in PG 7701 of 8 November 2016 - Date of commencement for Oudtshoorn Local Municipality - 8 November 2016

#### **Kwazulu-Natal**

Disaster Management Act 57 of 2002: eThekweni Metropolitan Municipality: Extension of the declaration of a KwaZulu-Natal Provincial State of Drought Disaster for a period of one month from 11 November 2016 to 10 December 2016 published (GN 1388 in GG 40408 of 7 November 2016)

National Environmental Management: Protected Areas Act 57 of 2003: Notice of intention to request the MEC for Economic Development, Tourism and Environmental Affairs to re-declare certain nature reserves and declare a new nature reserve published for comment (GenN 93 in PG 1753 of 10 November 2016)

#### **Northern Cape**

Spatial Planning and Land Use Management Act 16 of 2013 - MN 44 in PG 2053 of 7 November 2016 - Frances Baard District Municipality - Notice of

establishment of a District Municipal Planning Tribunal and the appointment of officials published with effect from 16 November 2016

## CASES

### National

*Coastal Links Langebaan and Others v Minister of Agriculture, Forestry and Fisheries and Others* (11907/13) [2016] ZAWCHC 150 (31 October 2016)

Fishing rights in Langebaan Lagoon

<http://www.saflii.org/za/cases/ZAWCHC/2016/150.html>

*Pieterse NO v Lephalale Local Municipality* (CCT184/16) [2016] ZACC 40 (10 November 2016)

“Summary: Section 139 of the Town-planning and Townships Ordinance 15 of 1986 — separation of powers — provision is constitutionally invalid Local government exclusive competences — provision authorising provincial government interference — section 155 of the Constitution — all planning falling within the exclusive competence of municipalities”

<http://www.saflii.org/za/cases/ZACC/2016/40.html>

*Department of Transport and Others v Tasima (Pty) Limited* (CCT5/16) [2016] ZACC 39 (9 November 2016)

“Summary: unlawful administrative act — reactive challenge — organ of state — maladministration - validity of government contract — contempt of court — rule of law — delay”

*Mkhabela and Others v S* (A334/15) [2016] ZAGPPHC 936 (8 November 2016)

“The three Appellants were charged on a count of contravening the Riotous Assemblies Act, No 17 of 1956, in that they conspired to commit the offence of illegal hunting of a rhinoceros within a National Park, prohibited by section 46 (1) of the National Environmental Management: Protected Areas Act, No 57 of 2003. Furthermore the Appellants were charged with the unlawful possession of a firearm and ammunition in contravention of respectively section 3 and 90 of the Fire Arms Control Act, No 60 of 2000. The Appellants were represented during the plea and sentence proceedings. All three pleaded guilty to the three counts against them. The court *a quo* convicted them as charged on the basis of the admissions contained in their signed statements in terms of section 112 of the Criminal Procedure Act, No 51 of 1977.”

<http://saflii.org/za/cases/ZAGPPHC/2016/936.html>

## International

*Kelsey Cascadia Rose Juliana et al v the United States of America et al* Case No 6:15-cv-01517-TC Delivered 10 November 2016 US District Court for the District of Oregon Eugene Division

<https://static1.squarespace.com/static/571d109b04426270152febe0/t/5824e85e6a49638292ddd1c9/1478813795912/Order+MTD.Aiken.pdf>

An action as guardian for future generations. “Plaintiffs filed this actions against the United States, President Barack Obama, and numerous executive agencies. Plaintiffs allege defendants have known for more than fifty years that carbon dioxide produced by burning fossil fuels was destabilizing the climate system in a way that would ‘significantly endanger plaintiffs, with the damage persisting for millenia’. Despite that knowledge, plaintiffs aseert defendants, ‘by their exercise of sovereign authority over our country’s atmosphere and fossil fuel resources, ... permitted, encouraged, and otherwise enabled continued exploitation, production, and combustion of fossil fuels, ... deliberately allow[ing] atmospheric CO<sub>2</sub> concentrations to excalate to levels unprecedented in history.” The court found, amongst others, that “a public trust violation (“the right to a climate system capable of sustaining human life”) is a substantive due process violation.”

*In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation* Case No MDL 2672 CRB (JSC) Partial Consent Decree

VW Settlement: <https://www.justice.gov/opa/file/871306/download>

## PUBLICATIONS

State of Urban Safety in South Africa Report 2016 (SACN Report)

<http://www.sacities.net/wp-content/uploads/2016/PDF/SACN-Urban-Safety-2016-Report.pdf>

UNEP “Emissions Gap Report 2016” 7<sup>th</sup> ed (UNEP 2016)

[file:///C:/Users/10063994/Downloads/emission\\_gap\\_report\\_2016.pdf](file:///C:/Users/10063994/Downloads/emission_gap_report_2016.pdf)

WWF “Living Planet Report 2016”

[http://d2ouvy59p0dg6k.cloudfront.net/downloads/summary\\_wwf\\_living\\_planet\\_report\\_2016.pdf](http://d2ouvy59p0dg6k.cloudfront.net/downloads/summary_wwf_living_planet_report_2016.pdf) See

also [http://wwf.panda.org/about\\_our\\_earth/all\\_publications/lpr\\_2016/](http://wwf.panda.org/about_our_earth/all_publications/lpr_2016/)

UNICEF “Clear the air for children” (October 2016)

[http://www.unicef.org/publications/files/UNICEF\\_Clear\\_the\\_Air\\_for\\_Children\\_30\\_Oct\\_2016.pdf](http://www.unicef.org/publications/files/UNICEF_Clear_the_Air_for_Children_30_Oct_2016.pdf)

Sinclair J “How the transition from fossil fuels to renewable energy sources will affect world security” 2016 *Bulletin of Atomic Scientists* <http://ow.ly/TRdG305VTxU>

2016 *Forest Policy and Economics* Virtual Special Volume on The forest-climate nexus in policy and economics (3-months free access)

<http://www.journals.elsevier.com/forest-policy-and-economics/virtual-special-issues/forest-climate-nexus-in-policy-and-economics>

## BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

IISD Reporting Services Coverage COP22: 7-18 November 2016 Marrakesh Morocco <http://www.iisd.ca/climate/cop22/>

Earth Negotiations Video (ENV) for Monday, 7 November 2016, is available at <http://www.iisd.ca/videos/climate/unfccc-cop22-env/monday-7-november-2016/>

ENB coverage of COP 22 is available at <http://www.iisd.ca/climate/cop22/enb/>

IISD SDG Knowledge Hub: Jungcurt S 'Emissions Gap Report: We Are on Track for Warming of 3.2°C' <http://sdg.iisd.org/news/emissions-gap-report-we-are-on-track-for-warming-of-3-2c/>

IISD SDG Knowledge Hub: Wiseman V 'CMA 1 Annotated Agenda, Supplementary COP 22 Agenda, Parties' Views on Paris Agreement Published' 7 November 2016 [links to the relevant documents are provided on this site] <http://sdg.iisd.org/news/cma-1-annotated-agenda-supplementary-cop-22-agenda-parties-views-on-paris-agreement-published/>

IISD SDG Knowledge Hub: Mead L "UNICEF Finds Air Pollution Linked to Deaths of 600,000 Children Annually" 7 November 2016 <http://sdg.iisd.org/news/unicef-finds-air-pollution-linked-to-deaths-of-600000-children-annually/>

IISD SDG Knowledge Hub: Benson C "Localizing the SDGs' Provides Platform for Implementation" 7 November 2016 <http://sdg.iisd.org/news/localizing-the-sdgs-provides-platform-for-implementation/>

### **1st Annual International Technical Workshop on Climate Risk**

Multidisciplinary presentations for this October 2016 Workshop included the following energy-related presentations:

- Quantifying Climate Risk to Powerplant Cooling and Generating Capacity
- Ecological and Infectious Disease Impacts of Hydropower Projects

Breaking News on Hydrofluorocarbons-Mobile Air Conditioning available at: <http://caroleleblanc1.wixsite.com/climateriskworkshops>

Other topics covered include:

- Health, Environment and Societal Impacts,
- Case Studies in Industry and Infrastructure,
- Sustainability and Strategic Planning and
- Climate Education.

University of California Press: 2017 *Case Studies in the Environment* new peer-reviewed journal with slides and teaching notes. "The journal aims to inform students, faculty, educators, professionals, and policymakers on case studies and best practices in the environmental sciences and studies." <http://cse.ucpress.edu/>



## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **North West Regional ELA and IAIAsa Branches: Seminar & 'Braai' Event**

Date: 18 November 2016

Venue: North-West University, Potchefstroom Campus, Building E6 (JS Van der Merwe), Room K15

You are kindly invited to attend a seminar and informal get-together of the ELA and IAIAsa North-West branches. The seminar is aimed at the interactive sharing of information and ideas on a number of recent developments and projects in the area of environmental law reform, state of the environment reporting at city-level and aspects concerning the implementation of the Spatial Land-Use Management Act (SPLUMA).

Register for the event online – registration details will soon be available on the IAIAsa website

by 10 November 2016 before 17:00 PM.

For more information please contact Liesl de Swardt at [liesl@environamics.co.za](mailto:liesl@environamics.co.za) / Angela Van der Berg at [angela.vanderberg8@gmail.com](mailto:angela.vanderberg8@gmail.com)

#### **UP Environmental Law 5 day Certificate Courses**

Dates: November 2016; March 2017; August 2017

Venue: University of Pretoria

Registration and enquiries:

Course Coordinator: Mariëtte de Villiers +27 12 434 2571 or

[mariette.devilliers@enterprises.up.ac.za](mailto:mariette.devilliers@enterprises.up.ac.za)

Course leader: Melanie Murcott: +27 12 420 3860 or [melanie.murcott@up.ac.za](mailto:melanie.murcott@up.ac.za)

#### **North-West University: CEM Courses and information**

- **Environmental Law for Environmental Managers**

Date: 21-26 November 2016 – Holiday Inn, Johannesburg Airport

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

### Short Courses in Law at Wits University

Now is the time to start thinking about the future of your career! The Mandela Institute at Wits School of Law offers short courses in many different aspects of law that will add value to your CV and prepare you for the opportunities ahead. The Mandela Institute is accepting applications until 30 November 2016 for the following 2017 first semester short courses:

\*Energy and Climate Change Law

\*International Nuclear Law

\*Law and Sustainability I

\*Law and Sustainability II

Entry requirements, course details and application process can be found on the Short Courses pages of the Mandela Institute website:  
<http://www.wits.ac.za/mandelainstitute/short-courses/>

Enquiries: Please email [mandela.institute@wits.ac.za](mailto:mandela.institute@wits.ac.za) or phone 011 7178438/8435.

### NEWS

Henderson Roxanne “Ekurhuleni storm even worse than we thought - it's a 'once in 200 years' flash flood” *TimesLive* 11 November, 2016  
<http://www.timeslive.co.za/local/2016/11/11/Ekurhuleni-storm-even-worse-than-we-thought---its-a-once-in-200-years-flash-flood>

Centre for Environmental Rights “New report by CER partner groundWork on destruction of the Highveld by coal mining” 9 November 2016  
<http://cer.org.za/news/new-report-by-cer-partner-groundwork-on-destruction-of-the-highveld-by-coal-mining>

“Donald Trump presidency a 'disaster for the planet', warn climate scientists” *theguardian* 11 November 2016 <https://www.theguardian.com/environment/2016/nov/11/trump-presidency-a-disaster-for-the-planet-climate-change>

Join us on  
**Facebook**

<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

**The ELA is registered as a Public Benefit Organisation**

[www.elasa.co.za](http://www.elasa.co.za)

**Remember that members of the Environmental Law Association may  
subscribe to Legalbrief Environmental – discount available.**

## **Environmental Law Association Newsletter 46**

18 November 2016

### **BILLS**

Mineral and Petroleum Resources Development Amendment Bill [B15D-2013]  
<http://www.gov.za/documents/mineral-and-petroleum-resources-development-amendment-bill-b15d-2013-1-nov-2016-0000>

Protected Disclosures Amendment Bill National Veld and Forest Fire Amendment Bill [B22-2016] <http://www.gov.za/documents/national-veld-and-forest-fire-amendment-bill-b22-2016-3-nov-2016-0000>

Plant Improvement Bill [B8B-2015] <http://www.gov.za/documents/plant-improvement-bill-b8b-2015-1-nov-2016-0000>

Plant Breeders' Rights Bill [B11B-2015] <http://www.gov.za/documents/plant-breeders%E2%80%99-rights-bill-b11b-2015-1-nov-2016-0000>

### **LEGISLATION**

#### **PROVINCES**

##### **Western Cape**

Constitution of the Republic of South Africa, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 54233 in PG 7703 of 18 November 2016 - City of Cape Town Metropolitan Municipality - Amendment to Municipal Planning By-law, 2015

##### **Mpumalanga**

Constitution of the Republic of South Africa, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 121 in PG 2752 of 18 November 2016 - Govan Mbeki Local Municipality - Appointment of members to the Municipal Planning Tribunal

Constitution of the Republic of South Africa, Local Government: Municipal Systems Act 32 of 2000; Spatial Planning and Land Use Management Act 16 of 2013 and Bushbuckridge Land Use Management By-Law 2014 - LAN 122 in PG 2752 of 18 November 2016 - Bushbuckridge Local Municipality - Notice of Draft Land Use Management Scheme - for comment

## PUBLICATIONS

Wiese T *Alternative Dispute Resolution in South Africa: Negotiation, mediation, arbitration and ombudsmen* (Juta 2016)

Abate RS *Climate Justice: Case Studies in Global and Regional Governance Challenges* (ELI Press 2016) <https://www.eli.org/eli-press-books/climate-justice-case-studies-global-and-regional-governance-challenges>

Dernbach J “Sustainable Development in Law Practice: A Lens for Addressing All Legal Problems” [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2836985](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2836985)

Sinden A “A 'Cost-Benefit State'? Reports of Its Birth Have Been Greatly Exaggerated” 2016 *Environmental Law Reporter* [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2869832](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2869832)

Jansen Jaap, Drabik Eleanor and Egenhofer Christian “The Disclosure of Guarantees of Origin: Interactions with the 2030 Climate and Energy Framework” CEPS / ECH Special Report November 2016 <http://www.ceps-ech.eu/publication/disclosure-guarantees-origin-interactions-2030-climate-and-energy-framework>

UNEP “Potential threat to areas of biodiversity importance from current and emerging oil and gas activities in Africa” (June 2016) [https://www.unep-wcmc.org/system/dataset\\_file\\_fields/files/000/000/394/original/African\\_threat\\_mapping\\_270716.pdf?1470046140](https://www.unep-wcmc.org/system/dataset_file_fields/files/000/000/394/original/African_threat_mapping_270716.pdf?1470046140)

2016 *Journal of Human Rights and the Environment* Volume 7 Issue 2 is available – some of the articles are available for download for free for a limited period only <http://bit.ly/2gyaSGV>

PMR “Modeling the Impact on South Africa’s Economy of Introducing a Carbon Tax” (September 2016 World Bank Group) [http://www.treasury.gov.za/comm\\_media/press/2016/2016111001%20-%20Carbon%20Tax%20Modelling%20Report%20Final%20Oct%202016.pdf](http://www.treasury.gov.za/comm_media/press/2016/2016111001%20-%20Carbon%20Tax%20Modelling%20Report%20Final%20Oct%202016.pdf)

## BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

The Conversation: Ryan T and Cameron D “‘Shocking And Scary’: How Trump’s Victory Was Received At The UN Climate Talks In Marrakech” 10 November 2016 <http://bit.ly/2fF83QG>

The Conversation: Shisanya Chris A “COP22 sets the stage for Africa to mobilise support for adaptation plans” 8 November 2016 <http://bit.ly/2fZuWSp>

The Conversation: Sachs A: “Don’t wait for a beautiful leader, South Africa. Rather rely on the Constitution” 16 November 2016 <http://bit.ly/2fddWm2>

IPEEC *Energy Efficiency Magazine for COP 22* (November 2016) [http://www.ipeec.org/upload/publication\\_related\\_language/pdf/551.pdf](http://www.ipeec.org/upload/publication_related_language/pdf/551.pdf)

ENB+ Video on "Research and Development for Climate Solutions" 9 November 2016 <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/research-and-development-for-climate-solutions/?autoplay>

ENB+ Video on "Economic Advantage of Agriculture in Nationally Determined Contributions (NDCs)" 9 November 2016 <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/research-and-development-for-climate-solutions/?autoplay>

ENB+ Video on "Technology Mechanism: Enhancing Climate Technology Development and Transfer" 9 November 2016 <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/technology-mechanism-enhancing-climate-technology-development-and-transfer/?autoplay>

ENB coverage of COP 22 is available at: <http://www.iisd.ca/climate/cop22/enb/>

Earth Negotiations Video (ENV) for Friday, 11 November 2016, is available at: <http://www.iisd.ca/videos/climate/unfccc-cop22-env/friday-11-november-2016/?autoplay>

Earth Negotiations Video (ENV) for Saturday, 12 November 2016, is available at: <http://www.iisd.ca/videos/climate/unfccc-cop22-env/saturday-12-november-2016/?autoplay>

ENB+ Video on "What is Essential for Transparency under the Paris Agreement?" 10 November 2016 <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/what-is-essential-for-transparency-under-the-paris-agreement/?autoplay>

ENB+ Video on "Creating Value from CO2" 10 November 2016 <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/creating-value-from-co2/?autoplay>

ENB+ Video on "Demonstrations of Combining Adaptation and Disaster Risk Management in Development" 12 November 2016 <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/demonstrations-of-combining-adaptation-and-disaster-risk-management-in-development/?autoplay>

ENB+ Video on "Energy Efficiency Improvements with Mitigation Co-Benefits Through Economic Diversification" 16 November 2016 <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/energy-efficiency-improvements-with-mitigation-co-benefits-through-economic-diversification/?autoplay>

ENB+ Video on "Re-framing Food and Agriculture: From Degeneration to Regeneration" 18 November 2016 <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/re-framing-food-and-agriculture-from-degeneration-to-regeneration/?autoplay>

ENB+ Video on "Agriculture and Food Security Action Event" 16 November 2016 <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/agriculture-and-food-security-action-event/?autoplay>

ENB+ Video on "Accelerating Implementation: Transitioning to Low Carbon and Climate Resilient Development Pathways" 16 November 2016 <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/accelerating-implementation-transitioning-to-low-carbon-and-climate-resilient-development-pathways/?autoplay>

IAIAsa Video: Partidário Maria "Resilience and Sustainability" (Keynote IAIA16 Japan 2016) <http://www.iaia.org/videos.php>

IAIAsa Video: “What Is Impact Assessment?” IAIA16 delegates discuss the meaning of impact assessment in Japan 2016 <http://www.iaia.org/videos.php>

Laing K “Carmakers eye favorable regulations under Trump” *Detroit News* 10 November 2017 <http://www.detroitnews.com/story/business/autos/2016/11/10/cafe-standards/93603504/>

ENS Bulletin: Low-Emissions Solutions Conference 14-16 November 2016 Marrakesh Summary of Proceedings 19 November 2016 <http://www.iisd.ca/climate/cop22/low-emissions-solutions/>

IISD: Joining Forces to Achieve SDG15: Delivering on Global Agenda for Forests, Climate and Development 16 November 2016 | Marrakesh, Morocco <http://www.iisd.ca/climate/cop22/achieve-sdg15/>

IISD: 8th High-Level Assembly of the Climate and Clean Air Coalition to Reduce Short-Lived Climate Pollutants (CCAC) 14 November 2016 | Marrakech, Morocco Highlights for Monday, 14 November 2016 <http://www.iisd.ca/climate/ccac/high-level-assembly8/>

IISD: Marrakech Climate Change Conference - November 2016 7-18 November 2016 Marrakech, Morocco Summary Highlights: 7 - 18 November 2016 <http://www.iisd.ca/climate/cop22/enb/>

IISD: Global Gender Climate Alliance (GGCA) Innovation Forum 12-13 November 2016 Marrakech, Morocco 13 November 2016 <http://www.iisd.ca/climate/cop22/global-gender-climate-alliance-forum/>

IISD: Actions on near-term climate mitigation to protect air quality and achieve the Paris climate goals and the SDGs 16 November 2016 Marrakesh, Morocco <http://www.iisd.ca/climate/cop22/ccac-slcp/>

### **IISD: COP22 Wrap-up**

“COP 22 closed on Saturday, 19 November. The meeting rode on the momentum from Paris despite the uncertainty created by the US election outcome. During the closing plenary, developing countries, expressed concern that this momentum was for post-2020 action on climate change, as opposed to pre-2020 action, which requires industrialized nations to take the lead. IISD's video of the event is available at”: <http://www.iisd.ca/videos/climate/unfccc-cop22-env/wrap-up/?autoplay>

Written reports and photographs for this meeting: [www.iisd.ca/climate/cop22/enb/](http://www.iisd.ca/climate/cop22/enb/)

ICT4ER.org: “Blockchain and Sustainable Communities” Workshop <http://ict4er.org/blockchain-and-sustainable-communities-workshop/>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### International

#### **IUCN Academy of Environmental Law: 15<sup>th</sup> Annual Colloquium**

Theme: Stories of the world we want and the law as its pathway

Date: 29 May – 2 June 2017

Venue: Cebu City, Philippines

Call for abstracts: 10 February 2016

Send abstracts to [iucncebu2017@gmail.com](mailto:iucncebu2017@gmail.com)

#### **IUCN Academy of Environmental Law: Workshop: Protecting Nature in Conflicts and Building Peace**

Date: 30 May 2016

Venue: Cebu City, Philippines

Call for abstracts: 16 December 2016 and submission of full paper 1 May 2017

Only 8-10 speakers

Contact: BJ Richardson [B.J.Richardson@utas.edu.au](mailto:B.J.Richardson@utas.edu.au) and Nathalie Herve-Fournereau [nathalie.herve-fournereau@univ-rennes1.fr](mailto:nathalie.herve-fournereau@univ-rennes1.fr)

#### **Sabin Colloquium on Innovative Environmental Law Scholarship**

Venue: Columbia Law School, New York, New York

Date: May 4-5, 2017

This 5<sup>th</sup> Annual Sabin Colloquium will allow junior environmental law scholars to present early-stage work and receive constructive feedback from a panel of senior scholars and from each other. Eligible applicants are pre-tenure professors, fellows, visiting assistant professors, and other junior scholars in similar academic positions. Papers on environmental law, energy law, natural resources law or water law are eligible. No junior scholar may participate in the Colloquium more than twice. The panel will select the proposals for discussion based on the degree of innovation they exhibit, the extent to which they point toward practical solutions to environmental problems, and whether, based on the scholarly and analytical quality of the proposals, they are likely to lead to high-quality work products. To enter, please submit a cover letter, an outline or concept paper of 5 -15 double-spaced pages, and a C.V. to [sabincolloquium@law.columbia.edu](mailto:sabincolloquium@law.columbia.edu) by March 1. If an article has already been drafted, please just submit a summary of no more than 15 pages. Footnotes are not expected. Articles that have already been accepted for publication are not eligible. This event is for early-stage work that can still be significantly shaped by the discussion at the Colloquium. Authors of selected papers will be notified

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by March 30. All Colloquium participants will be expected to participate in the full program (the afternoon and evening of May 4 , and all day on May 5) and to read and comment on each others' proposals. The domestic travel costs of all participants will be reimbursed.

### **Invitation: Winter School on Energy Scenarios 2017**

The organisers of the Winter School on Energy Scenarios cordially invite PhD students and other young researchers to discuss current challenges of how to shape and describe future energy systems.

[http://www.energyscenarios.kit.edu/winter\\_school\\_2017.php](http://www.energyscenarios.kit.edu/winter_school_2017.php)

The ESS Winter School is an advanced, interdisciplinary and interactive course for PhD students who undertake theoretical or applied research on energy scenarios and scientific energy policy-advice.

During the five days of the school students will explore both theoretical and practical aspects of how scenarios may shape and describe future energy systems. Throughout the whole week students will discuss whether theoretical insights can be helpful in practical contexts.

In particular, the ESS Winter school will address the integration of decentralized and renewable energies in context of energy scenarios, the impact that scenarios may have on policy orientation and society, and theoretical methodologies of multi-criteria and quality criteria assessment for energy scenarios. Besides, the school will provide opportunity for PhD students to increase their network connections; to discuss their own research and to learn from experts in field of energy scenarios.

The registration is open until 30th of November. It will be held in Kurhaus Trifels, Germany during 30th January - 03rd February, 2017. Contact Mengzhu Xiao ([Mengzhu.Xiao@dlr.de](mailto:Mengzhu.Xiao@dlr.de)) and Martin Klein ([m.klein@dlr.de](mailto:m.klein@dlr.de)) for registration details.

For more information, please refer to [http://www.energyscenarios.kit.edu/winter\\_school\\_2017.php](http://www.energyscenarios.kit.edu/winter_school_2017.php)

### **Discussion: What does sustainable energy utilization mean for women? and men? (Closing November 30)**

<http://genderinpractice.afdb.org/fr/content/phase-3-online-discussion-gender-inequality-and-sustainable-energy-utilization>

### **Call for papers: Early-Career Scholar Workshop in Environmental Law**

Date: 28 April 2017

Venue: The Faculty of Law of the Chinese University of Hong Kong

This workshop offers a unique opportunity for current doctoral candidates or recent graduates to reflect on their work in progress on various aspects of environmental law and to interact with like-minded colleagues.

Format:

This workshop will gather eight invited authors for a day on the main campus of the Chinese University of Hong Kong. Post-graduate students and members of the Law Faculty of the Chinese University of Hong Kong, as well as members of the Research Institute in Environmental Law in Wuhan University, will also be invited to attend and participate. In order to facilitate interaction among the participants, each author will be expected to

read all the other papers before the workshop. Each paper will be presented by a reporter, designated in advance among the authors, and discussed by the other authors with the view of suggesting possible improvements and ideas for further research to the author. Forty-five minutes will be allocated to the discussion of each paper.

Who can apply?

Applications are invited from any current doctoral student or any young scholar who finished his/her doctorate within the last three years, or, upon justification, anyone in an equivalent situation. Priority will be given to papers addressing aspects of environmental law of interest to a global, Asian or Chinese audience.

Conditions of participation

The workshop participants shall commit:

- To send their full paper, unpublished and not under consideration for publication, strictly no later than 31 March 2017;
- To read the papers of the seven other participants before the workshop and to engage actively in the discussion of the others' papers.

Publication outcome:

The qualifying papers will, upon successful peer-review, be considered for publication in the newly- launched *Chinese Journal of Environmental Law*, published in collaboration by Brill and the Research Institute in Environmental Law in Wuhan University.

Financial support:

The Chinese University of Hong Kong and its Faculty of Law aim to cover all reasonable expenses, including return economy airfare and two-night accommodation, for the invited authors.

Application procedure:

Applications and inquiries should be sent to Professor Benoit Mayer, at <[bmayer@cuhk.edu.hk](mailto:bmayer@cuhk.edu.hk)>, before 15 January 2017. Applications should include a CV as well as an abstract of 250 to 500 words. The outcome of the selection process will be communicated before 31 January 2017.

## NEWS

“South African minister linked to rhino trafficker” *Aljazeera* 13 November 2016

<http://www.aljazeera.com/news/2016/11/exclusive-african-minister-linked-rhino-poaching-161113071410270.html>

“Wildlife trafficking: “It is easier to smuggle rhino horn than drugs” *ETN* 19 November 2016 <http://etn.travel/article/wildlife-trafficking-easier-smuggle-rhino-horn-drugs/>

“Marrakech: Deepening South-South cooperation is driving climate action among developing countries” *Sustainable Development Goals* 14 November 2016 <http://www.un.org/sustainabledevelopment/blog/2016/11/marrakech-deepening-south-south-cooperation-is-driving-climate-action-among-developing-countries/>

Ensor L “The mining charter has entered the home straight, at last” *BusinessDay* 16 November 2016 <http://www.businesslive.co.za/bd/companies/mining/2016-11-16-the-mining-charter-has-entered-the-home-straight-at-last/>

Ensor L “Nuclear briefing to MPs goes secret” *BusinessDay* 15 November 2016  
<http://www.businesslive.co.za/bd/companies/energy/2016-11-15-media-not-welcome-at-departments-briefing-on-nuclear-build-programme/>

SA News: “Decisive action needed to steer SA from despair to hope” 18 November 2016  
<http://www.sanews.gov.za/south-africa/decisive-action-needed-steer-sa-despair-hope>

Morden C “Plan assesses effect of carbon tax on emissions” *BusinessDay* 10 November 2016  
<http://www.businesslive.co.za/bd/national/science-and-environment/2016-11-10-plan-assesses-effect-of-carbon-tax-on-emissions/>

SA News “R1 billion to rehabilitate wetlands” 9 November 2016  
<http://www.sanews.gov.za/south-africa/r1-billion-rehabilitate-wetlands>

## VACANCIES, OPPORTUNITIES, BURSARIES, FUNDING, ETC

### **EOH Legal Services: Environmental Dept: Legal Advisor**

EOH Legal Services, based in Valhalla, Pretoria, offers an exciting position as a Legal Advisor to a candidate with extensive experience and exposure in the field of Environmental Law.

Requirements:

- An extremely good background and understanding of environmental, air quality, waste management, biodiversity, water, mining and administrative law, the interpretation of statutes and co-operative governance.
- The successful candidate will be expected to have a thorough understanding of the mining and heavy industry sectors in order to provide quality advice and opinions.
- Ability to be actively involved with environmental managers, executive personnel and various government sectors.

Qualifications:

- LLB degree
- Admitted as an attorney/advocate
- At least 2 years environmental law experience

The remuneration package is negotiable.

CV's and qualifications can be submitted to [Morne.Viljoen@eoh.co.za](mailto:Morne.Viljoen@eoh.co.za) and Marcia. [Marupen@eoh.co.za](mailto:Marupen@eoh.co.za).

### **EOH Legal Services: Environmental Dept: Legal Intern**

EOH Legal Services, based in Valhalla, Pretoria, offers an exciting position as a Legal Intern to a candidate in the field of Environmental Law.

Requirements and Qualifications:

- LLB degree with Environmental Law as a subject
- Work experience and/or further studies in the field of environmental law will be beneficial
- Candidates must have own transport
- Preference will be given to EE candidates

- The position is available for a period of one year  
The remuneration package is negotiable.

CV's and qualifications can be submitted to [Morne.Viljoen@eoh.co.za](mailto:Morne.Viljoen@eoh.co.za) and Marcia. [Marupen@eoh.co.za](mailto:Marupen@eoh.co.za).

## **Sweden: Swedish Institute Scholarship**

### **Programme outline**

The Swedish Government is offering ten scholarships to talented and ambitious South African students who wish to pursue their Master's degree at a university in Sweden. The Swedish Institute Study Scholarships (SISS) is open to highly qualified students who are citizens of South Africa.

The programme offers an opportunity for aspiring future leaders to develop professionally and academically, to experience the culture in Sweden, and build a long-lasting relationship with Sweden.

### **Degree level**

Master's (two years only)

### **Deadlines**

The call for the SISS for the 2017/2018 academic year is opening on 1 December 2016. The application process has been divided into two application periods. The first application period will be between 1 December 2016 and 16 January 2017. Successful candidates will be notified in late January 2017 and will be asked to submit a detailed application with a motivation letter, a Europass CV and a passport copy, for the second step. The two-step application process aims at offering transparency in the selection process for the second selection round: 1-10 February 2017.

### **Who can apply?**

- Applicants must be South African citizens but may, at the of their application and admission, live outside South Africa,
- Applicants should show an ambition to make a difference by working with issues which contribute to a just and sustainable development in South Africa, in a long-term perspective.
- Priority will be given to applicants who have completed their Bachelor's degree from a South African University,
- Applicants must apply and be accepted to a University in Sweden in a relevant Master's programme,
- Applicants must not have lived for more than two years in Sweden, or hold a Degree from a University in Sweden.

### **Fields of Study**

Priority will be given to students who have chosen programmes that focus on: business, democracy, environment and sustainability, gender studies, human rights, information and communication technologies, law and social studies. For general guidelines on studies in Sweden, please visit [www.studyinsweden.se](http://www.studyinsweden.se)

### **Scholarship benefits and period**

- The scholarship covers both tuition fees and living expenses to the

amount of SEK 9,000 per month. A once-off travel grant of SEK 15,000, upon arrival.

- Scholarship holders are insured by the Swedish State Group Insurance and Personal Insurance against illness and accident during the scholarship period.
- The duration of the scholarship is two years and cannot be extended.

Application process

More information is available on the Swedish Institute website.

<https://eng.si.se/areas-of-operation/scholarships-and-grants/the-swedish-institute-study-scholarships/>

Documents and links

<https://eng.si.se/areas-of-operation/scholarships-and-grants/the-swedish-institute-study-scholarships/>

### **The Max-Planck Institute for the Study of Religious and Ethnic Diversity in Göttingen is offering: Postdoctoral Research and Writing Fellowships**

The new Department of Ethics, Law and Politics, under the direction of Prof. Dr. Ayelet Shachar, is seeking to appoint up to three postdoctoral research fellows with an outstanding academic record. Applicants should have substantive legal or political theory expertise in the fields of citizenship, immigration, borders and the regulation of mobility, the ethics of diversity, and the study of cultural or religious pluralism. The focus is on cutting-edge legal and theoretical puzzles. Excellent track record and promising research agenda are highly valued. We expect the selected postdoctoral researchers to complete a monograph or a series of peer-reviewed articles during the fellowship term. We welcome candidates with advanced degrees (PhD, JSD, or equivalent) in political science, law, and philosophy. The duration of the in-residence fellowship positions will be up to two years. Awards are made on the basis of scholarly excellence and research promise.

The Max Planck Institute offers an excellent research environment for talented postdoctoral fellows. The Institute operates in English and is located in the scenic university town of Göttingen. Fellows-in-residence are expected to devote the majority of their time to their individual research projects, take leadership in organizing international conferences and other academic events, publish their work in leading academic venues, and participate fully in the intellectual life of the Institute. Their projects must relate to one or more of the core themes of the department's research program:

- The legal construction of borders and membership boundaries
- The intersection of states and markets in defining "who belongs"
- The place of "culture" in public law, personal status law, and the regulation of migration

The fellowships are open to all regardless of citizenship. The deadline for receipt of application is 13 May 2016. The envisaged starting date is 1 September 2016 or 1 January 2017.

Applications must be submitted in English and include a cover letter describing the intersection of your work with the department's research themes (up to 500 words), a list of publications and CV, a sample of writing in English (preferably written or published within the past two years), a writing plan/research proposal for the project you wish to undertake during the period of the postdoctoral

fellowship (up to 1000 words), and two letters of recommendation written by scholars who are familiar with your work. Applicants should also send a record of university diplomas and transcripts. Compensation is based on the German public service scale TVöD, level E 13, which is equivalent to approximately EUR 43,000 per year.

The Max Planck Society wishes to increase the participation of women across the sciences. Applications from women are particularly welcome. Following its commitment to an equal opportunities employment policy, the Max Planck Society also especially encourages persons with a disability to submit their applications.

Please apply electronically through the following portal:

[https://s-lotus.gwdg.de/mpg/mpgs/mmg\\_elp\\_postdoc\\_2016.nsf/application](https://s-lotus.gwdg.de/mpg/mpgs/mmg_elp_postdoc_2016.nsf/application)

Letters of recommendation should be submitted by your referees directly to:

[recke@mmg.mpg.de](mailto:recke@mmg.mpg.de)

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## **Environmental Law Association Newsletter 47**

25 November 2016

### **LEGISLATION**

#### **NOTICES**

Marine Living Resources Act 18 of 1998 - GN 1427 in GG 40437 of 22 November 2016 - Regulations published in GN R1111 in GG 19205 of 2 September 1998 amended

Promotion of Access to Information Act 2 of 2000 – Gen Notice 815 in GG 40445 of 25 November 2016 - Limpopo Department of Transport - Section 14 manual

National Energy Act 34 of 2008 - GN 1430 in GG 40445 of 25 November 2016 - Integrated Energy Plan

National Energy Act 34 of 2008 - GN 1431 in GG 40445 of 25 November 2016 - Integrated Resource Plan Update: Assumptions, base case results and observations

National Environmental Management: Waste Act 59 of 2008 - GN 1440 in GG 40447 of 25 November 2016 - Proposed Regulations regarding the Planning and Management of Residue Stockpiles and Residue Deposits Amendment Regulations, 2016 - for comment

### **PROVINCES**

#### **Western Cape**

Disaster Management Act 57 of 2002 - LAN 54253 in PG 7706 of 25 November 2016 - Central Karoo District Municipality - Extension of declaration of a local drought disaster

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000; Spatial Planning and Land Use Management Act 16 of 2003; Western Cape Land Use Planning Act 3 of 2014 and Stellenbosch Land Use Planning By-law, 2015 - LAN 54268 in PG 7706 of 25 November 2016 - Stellenbosch Local Municipality - Notice of intent to review



and amend the Stellenbosch (WC024 Municipal Spatial Development Framework (MSDF), 2013

Constitution of Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000; Spatial Planning and Land Use Management Act 16 of 2003; Western Cape Land Use Planning Act 3 of 2014 and Land Use Planning By-law for George Municipality - LAN 54272 in *PG 7706* of 25 November 2016 - George Local Municipality - Notice of intent to amend the George Spatial Development Framework

Constitution of Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 - LAN 54255 in *PG 7706* of 25 November 2016 - City of Cape Town Informal Trading By-law - City of Cape Town (Table Bay District) - Informal Trading Plan for Langa South Station

Constitution of Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 - LAN 54256 in *PG 7706* of 25 November 2016 - City of Cape Town Informal Trading By-law - City of Cape Town (Table Bay District) - Informal Trading Plan for Ward 56 being Maitland/Kensington and Fractreton

## **Eastern Cape**

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 117 in *PG 3764* of 21 November 2016 - Buffalo City Metropolitan Municipality - Designation of Erf 2246RE, 4th Avenue, Extension Gonubie to be a depot in terms of the National Land Transportation Act 5 of 2009

## **Free State**

Disaster Management Act 57 of 2002 - PN 272 in *PG 91* of 25 November 2016 - Thabo Mofutsanyana; Fezile Dabi; Xhariep; and Lejweleputswa District Municipalities - Declaration of a Provincial State of Drought Disaster

## **Gauteng**

Disaster Management Act 57 of 2002 - LAN 1955 in *PG 380* of 24 November 2016 - West Rand District Municipality - Notice of declaration of Local State of Disaster for the Merafong City Local Municipality

## **Mpumalanga**

Constitution of Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 Bushbuckridge Land Use Management By-Law 2014 and Spatial Planning and Land Use Management Act 16 of 2013: Bushbuckridge Local Municipality - LAN 122 in *PG 2753* of 25 November 2016 - Notice of Draft Land Use Management Scheme - for comment

## CASES

*Rand Water Board v Big Cedar 22 (Pty) Ltd* (1038/15) [2016] ZASCA 177 (25 November 2016)

Summary: Statutory power to lay pipeline across private land – s 24(j) of Act 17 of 1950 – no servitude registered over land in respect of pipeline – property sold to new owners – no right to claim removal of pipeline – court not empowered to order the registration of servitude in respect of pipeline – no claim for compensation by new owner against water board.

<http://www.saflii.org/za/cases/ZASCA/2016/177.html>

*Sable Hills Waterfront Estate v Sable Hills Waterfront Estate Home Owners' Association* (199/2016) 2016 ZASCA 170 (24 November 2016)

Summary: Property development – obligation of members of home owners' association to pay levies – clause in articles of association providing that levies be apportioned equally between owners of stands and units in estate – whether a reference to stands and units as reflected in the survey diagram attached to the township plan or to stands and units as registered in the Deeds Registry – question of construction of articles of association.

<http://www.saflii.org/za/cases/ZASCA/2016/170.html>

*Macassar Land Claims Committee v Maccsand CC* (201/2016) 2016 ZASCA 167 (23 November 2016)

Summary: Restitution of Land Rights Act 22 of 1994 – Land Claims Court – powers – claim for restitution of commonage – mining right in terms of Mineral and Petroleum Resources Development Act 28 of 2002 – whether Land Claims Court has power to order the expropriation of right and its expungement.

<http://www.saflii.org/za/cases/ZASCA/2016/167.html>

*City of Johannesburg v Dladla and Others* 2016 (6) SA 377 (SCA)

“Summary: Local authority – powers and duties when providing temporary accommodation – rules of a shelter providing temporary accommodation in an emergency are not unconstitutional – appeal upheld.

Local authority - Powers and duties—To shelter evicted persons—Rules of shelter—Entry and exit time—Male-only and female-only dormitories—Rules not unconstitutional—Constitution, ss 10, 12, 14, 18 and 21.”

*Educated Risk Investments 165 (Pty) Ltd and Others v Ekurhuleni Metropolitan Municipality and Others* 2016 (6) SA 434 (SCA)

“Local authority - Town planning—Municipality intending to allow building of temporary informal housing on land zoned Residential 1—Objection by neighbouring property owners—No reason for informal housing to be excluded from ambit of applicable town-planning scheme—Moreover, municipality permitted to depart from zoning scheme if to the benefit of community or surrounding areas.

Housing - Right to housing—Informal settlements—Upgrading—Municipality may, pending upgrade, relocate residents to temporary informal housing on township designated Residential 1.”

## PUBLICATIONS

Wynberg R “Making sense of access and benefit sharing in the rooibos industry: Towards a holistic, just and sustainable framing” 2016 *South African Journal of Botany* <http://www.sciencedirect.com/science/article/pii/S0254629916305300>

Butler-Adam John “Resolving fractured debates about fracking? The shale gas industry in South Africa” 2016 *South African Journal of Science* (November/December) <http://sajs.co.za/resolving-fractured-debates-about-fracking-shale-gas-industry-south-africa/john-butler-adam>

Simon Hannah R “Understanding the polarisation of environmental and social activism in South Africa” 2016 *South African Journal of Science* (November/December) <http://sajs.co.za/understanding-polarisation-environmental-and-social-activism-south-africa/hannah-r-simon>

Strydom Sheldon and Savage Michael J “A spatio-temporal analysis of fires in South Africa” 2016 *South African Journal of Science* (November/December) <http://sajs.co.za/spatio-temporal-analysis-fires-south-africa/sheldon-strydom-michael-j-savage>

Werner, Florian A. & Gallo-Orsi, Umberto. 2016. Biodiversity Monitoring for Natural Resource Management — An Introductory Manual. GIZ, Eschborn and Bonn, Germany. DOI: 10.13140/RG.2.1.3141.8488/1 <http://snrd-asia.org/download/biodiversity/Biodiversity-Monitoring-for-Natural-Resource-Management.pdf>

UNEP “The financial system we need – from momentum to transformation ” 2<sup>nd</sup> ed (October 2016) [http://unepinquiry.org/wp-content/uploads/2016/09/The\\_Financial\\_System\\_We\\_Need\\_From\\_Momentum\\_to\\_Transformation.pdf](http://unepinquiry.org/wp-content/uploads/2016/09/The_Financial_System_We_Need_From_Momentum_to_Transformation.pdf) [Source: National Biodiversity and Business Network (NBBN) - November Newsletter]

GCRO “A framework for a green infrastructure planning approach in the Gauteng City-Region” Research Report No 4 (2016) [http://www.gcro.ac.za/media/reports/GCRO\\_Green\\_Assets\\_Report\\_Digital\\_version\\_book.pdf](http://www.gcro.ac.za/media/reports/GCRO_Green_Assets_Report_Digital_version_book.pdf) [Source: National Biodiversity and Business Network (NBBN) - November Newsletter]

WWF “Valuing South Africa's ocean economy” (2016) [http://thegreentimes.co.za/wp-content/uploads/2016/10/wwf\\_oceans\\_facts\\_futures\\_economy\\_report.pdf](http://thegreentimes.co.za/wp-content/uploads/2016/10/wwf_oceans_facts_futures_economy_report.pdf) [Source: National Biodiversity and Business Network (NBBN) - November Newsletter]

Wei D “Unlocking Climate Finance to Build Resilience” *The NBI's We Mean Business Newsletter* (1) November 2016 <http://piv.nbi.org.za/Documents/SFU/Newsletter%20Documents/November%202016/Unlocking%20Climate%20Finance%20to%20Build%20Resilience%20-%20David%20Wei.pdf> [Source: National Biodiversity and Business Network (NBBN) - November Newsletter]

Feeny Emma and Chagutah Tigere “The Longest Lean Season’: How urgent action is needed to counter the impacts of the El Niño drought in Southern Africa” (Oxfam November 2016) <https://www.oxfam.org/en/research/longest-lean-season>

## **BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC**

The Conversation: Jones JPG “A ‘sapphire rush’ has sent at least 45,000 miners into Madagascar’s protected rainforests” 21 November 2016 <http://bit.ly/2gibkrw> [provided by Ed Couzens]

The Conversation: Fig David “Vietnam cancels nuclear reactor deal: a lesson for South Africa” 23 November 2016 <http://bit.ly/2gsz3VT>

The Conversation: Wichmann J “Africa has an air pollution problem but lacks the data to tackle it” 24 November 2016 <http://bit.ly/2gLPNIc>

2016 Biodiversity & Business Indaba Theme: Transforming risk into opportunity 25 & 26 October 2016: Presentations <https://www.ewt.org.za/BUSINESSDEVELOPMENT/indaba.html> [Source: National Biodiversity and Business Network (NBBN) - November Newsletter]

Convention on Biological Diversity: Business and Biodiversity Pledge – open for signature: <https://www.cbd.int/business/pledges.shtml> [Source: National Biodiversity and Business Network (NBBN) - November Newsletter]

SANBI “Mainstreaming biodiversity into land-use regulation and management at the municipal scale” <http://www.sanbi.org/news/mainstreaming-biodiversity-land-use-regulation-and-management-municipal-scale> [Source: National Biodiversity and Business Network (NBBN) - November Newsletter]

IISSD: Elena Kosolapova “Adaptation and Loss and Damage Update: Focus on Linkages between Disaster Risk and Poverty, Health-Climate Nexus” 23 November 2016 <http://sdg.iisd.org/news/adaptation-and-loss-and-damage-update-focus-on-linkages-between-disaster-risk-and-poverty-health-climate-nexus/>

IISD: Hoff H “The International Responsibility Dimension of the SDGs: Tracking Germany’s External Footprints” 23 November 2016 <http://sdg.iisd.org/commentary/guest-articles/the-international-responsibility-dimension-of-the-sdgs-tracking-germanys-external-footprints/>

IISD: Jungcurt S “COP 22 Agriculture and Climate Update: Improving Food Systems’ Resilience while Mitigating Climate Change” 23 November 2016 <http://sdg.iisd.org/news/cop-22-agriculture-and-climate-update-improving-food-systems-resilience-while-mitigating-climate-change/>

ENB+ Video on "Joining Forces to Achieve SDG15: Delivering on the Global Agenda for Forests, Climate and Development" <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/joining-forces-to-achieve-sdg15-delivering-on-the-global-agenda-for-forests-climate-and-development/?autoplay>

Daily Maverick: Turton A: "Op-Ed: Are the poor invisible casualties of contaminated water?" 22 November 2016 <http://www.dailymaverick.co.za/article/2016-11-22-op-ed-are-the-poor-invisible-casualties-of-contaminated-water/#.WDq-BNV97IU>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### International

#### **2nd Tarragona International Environmental Law Colloquium (TIEC) - 'Longing for Justice in a Climate-Changed World: From Theory to Practice'**

Jointly organized by the Tarragona Centre of Environmental Law Studies (CEDAT-URV) and the Tarragona Environmental Law Students Association (AAEDAT), will be held on 18-19 May 2017 at the Faculty of Legal Sciences of the Rovira i Virgili University, in Tarragona, Spain.

This second edition aims to provide PhD students, postgraduate students and academics in general a forum in which to present and discuss their research and works-in-progress. In addition, the 2nd TIEC seeks to create a friendly environment for meeting and interacting with fellow students and colleagues that share an interest for environmental law.

For further information, please visit our website: <https://tiecolloquium.wordpress.com/>

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Deadline for abstracts submission is 10 February 2017.

Twitter: #TIEColloquium

#### **2017 AEDCEE Conference: Alternative Energy in Developing Countries and Emerging Economies**

May 25-26, 2017

Pullman Bangkok King Power Hotel

Bangkok, Thailand

<http://mis.sci.tsu.ac.th/2017aedcee/>

## NEWS

### **Legislation: Contentious whistle-blower Bill passed by ANC**

"Opposition parliamentarians claim that criminalising false disclosures of corruption will deter whistle-blowers from coming forward, says a Business Day report. The Protected Disclosures Amendment Bill is aimed at protecting individuals who are aware of corrupt activities when they approach the authorities with information. Whistle-blowers have faced intimidation, dismissal

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

and threats to their lives due to a lack of protection. 'False whistle-blowers can be subjected to disciplinary processes and could be sanctioned or fined,' DA MP Werner Horn told the National Assembly. 'We will be the first country to criminalise false disclosures that have been made innocently and unknowingly,' Horn said. The EFF's Sam Matias called the Bill a 'lost opportunity' for the ANC to regain the trust of South Africans who have witnessed corruption occur with impunity. He called the criminalising of false disclosures 'a secrecy Bill by other means'. However, ANC members passed the Bill. The ANC's Mathole Motshekga said the Bill enjoyed overwhelming support because of its provisions aimed at protecting whistle-blowers as well as businesses' reputations. 'We need to strike the balance between rights and responsibilities of whistle-blowers in the draft amendment. With this in mind it is important to impose penalties for any false disclosures,' said Motshekga."

Full Business Day report (subscription needed) *Legalbrief Today* 23 November 2016

### **Policy: Energy planning consultation process launched**

"Energy Minister Tina Joemat-Pettersson yesterday launched a stakeholder consultation process on two long-awaited energy planning documents. However, by late afternoon only presentations on key points of the draft revised integrated energy plan (IEP) and an integrated resource plan (IRP) assumptions and base case update had materialised. Neither explicitly mentioned the delay in government's proposed nuclear build programme reported by Fin24. Calling for input on 'any other scenarios' and matters 'relevant' to the process of developing the IRP and IEP further, the Minister's statement also alluded to a draft framework exploring 'future possible options for the development of a gas market'; and 'supporting sector plans' providing a 'more detailed sensitivity analysis of different demand growth profiles and supply-side options for ... electricity generation and liquid fuels supply'. This does tend to suggest that, while the revised draft IEP covers 'demand for all energy forms across all ... economic sectors at a high level', considerably more work is needed before government can provide prospective investors with a complete picture."

Read full report *LEgalbrief Policy Watch* 23 November 2016

Chabane T "Unilateral changes in mining charter worry the industry" *BusinessDay* 18 November 2016 <http://www.businesslive.co.za/bd/business-and-economy/2016-11-18-unilateral-changes-in-mining-charter-worry-the-industry/>

Secombe Allan "Frustration over Mining Charter" *BusinessDay* 24 November 2016 <http://bit.ly/2gsslzp>

"Drought cripples SADC poor" *News24* 27 November 2016 <http://www.news24.com/SouthAfrica/News/drought-cripples-sadc-poor-20161126>

"Nigeria: Shell in Court Over Niger Delta Oil Spill Claims" *AllAfrica* 22 November 2016 <http://allafrica.com/stories/201611221058.html>

Magubane Khulekani “Punishing false whistleblowing will stifle reports, MPs say” *BusinessDay* 23 November 2016 <https://www.businesslive.co.za/bd/national/2016-11-23-punishing-false-whistleblowing-will-stifle-reports-mps-say/> see also <http://www.iol.co.za/news/crime-courts/scopa-asks-hawks-to-probe-threats-against-whistle-blower-2091916>

Wiseman V “Paris Agreement reaches 113 Parties” <http://sdq.iisd.org/news/paris-agreement-reaches-113-parties/>

Chambers Dave and Hyman Aron “Fishy find as detectives net abalone worth R6.5m on deserted farm” *TimesLive* 25 November, 2016 <http://www.timeslive.co.za/scitech/2016/11/25/Fishy-find-as-detectives-net-abalone-worth-R6.5m-on-deserted-farm>

Mathews Charlotte “Karoo shale would create fewer jobs than farming or tourism, official report shows” *BusinessDay* 25 November 2016 <http://www.businesslive.co.za/bd/business-and-economy/2016-11-25-karoo-shale-would-create-fewer-jobs-than-farming-or-tourism-official-report-shows/>

## **VACANCIES, OPPORTUNITIES, BURSARIES, FUNDING, ETC**

### **North-West University, Faculty of Law: Lecturer/Senior Lecturer/Associate Professor**

Responsibilities: Teaching-learning, Research, Administration

Subject fields: Knowledge and experience of Civil Procedure; Law of Evidence

Minimum requirements: Lecturer: An LLM in any subject field in Law;

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Admission as attorney or advocate; At least five years’ experience in legal practice (three years for Lecturer); Publications in accredited journals (for Associate Professor)

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Enquiries: Prof. PJW Schutte, 018 299 1949

Closing Date: 30 November 2016

Commencement Of Duties: 1 February 2017, or as soon as possible thereafter

The University subscribes to and applies the principles of the Employment Equity Act and is committed to transformation. All applications will be processed in terms of the Protection of Personal Information Act.

### **Deputy Director Natural Resource and Heritage Management: Cradle of Human Kind**

Apply before 28 November 2016

<http://professionaljobcentre.gpg.gov.za/Public/VacancySpec.aspx?VDEPT=Department%20of%20Economic%20Development&VREF=REFS-002282&VCENT=124%20Main%20Street> [Source: National Biodiversity and Business Network (NBBN) - November Newsletter]



### **Vedanta Resources - Biodiversity Manager**

Looking for candidates with at an MSc level in subject related to biodiversity management, biodiversity background, preferably at least 10 years management experience, including BMS and BAP implementation.

Contact Vedanta Resources South Africa [info@vedantaresources.co.za](mailto:info@vedantaresources.co.za) [Source: National Biodiversity and Business Network (NBBN) - November Newsletter]

### **PWC: Sustainability Consultant – EU&M**

[https://krb-](https://krb-xjobs.brassring.com/tgwebhost/jobdetails.aspx?jobId=988416&SiteId=5939&PartnerId=30056&Codes=GBR)

[xjobs.brassring.com/tgwebhost/jobdetails.aspx?jobId=988416&SiteId=5939&PartnerId=30056&Codes=GBR](https://krb-xjobs.brassring.com/tgwebhost/jobdetails.aspx?jobId=988416&SiteId=5939&PartnerId=30056&Codes=GBR) Indeed

[Source: National Biodiversity and Business Network (NBBN) - November Newsletter]

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## **Environmental Law Association Newsletter 48**

1 December 2016

### **BILLS**

Plant Health (Phytosanitary) Bill, 2016 - GN 1489 in GG 40467 of 2 December 2016 - notice of intention to introduce and explanatory summary - for comment

### **LEGISLATION**

#### **NOTICES**

National Environmental Management: Biodiversity Act 10 of 2004 - GN 1483 in GG 40464 of 2 December 2016 - Draft Biodiversity Management Plan for Cape Mountain Zebra (*Equus zebra zebra*) - for comment

Electricity Regulation Act 4 of 2006 - GN 1482 in GG 40464 of 2 December 2016 - Draft Licensing Exemption and Registration Notice - for comment

National Environmental Management: Waste Act 59 of 2008 - GN R1493 in GG 40470 of 2 December 2016 - Amendments to the Waste Tyre Regulations, 2016 published and the Waste Tyre Regulations, 2009

### **PROVINCES**

#### **Western Cape**

Promotion of Access to Information Act 2 of 2000 - LAN 54276 in PG 7707 of 28 November 2016 - Laingsburg Local Municipality: Manual on the Promotion of Access to Information

Nature and Environmental Conservation Ordinance 19 of 1974 - PN 425 in PG 7708 of 2 December 2016 - Hunting season, daily bag limits and hunting by the use of prohibited hunting methods, 2017

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54286 in PG 7708 of 2 December 2016 - Overstrand Local Municipality - Invitation for comments with regard to revision of the By-law on Municipal Land Use Planning, 2016 and the Zoning Scheme, 2013

## Free State

National Environmental Management: Protected Areas Act 57 of 2003 - PN 289 in PG 96 of 2 December 2016 - Notice of intention to amend the declaration of the Seekoeivlei Nature Reserve - for comment

## Gauteng

Disaster Management Act 57 of 2002 - PN 1597 in PG 392 of 1 December 2016 - City of Johannesburg Metropolitan Municipality; City of Tshwane Metropolitan Municipality; Ekurhuleni Metropolitan Municipality; Emfuleni Local Municipality; and Lesedi Local Municipality - Declaration of a Provincial State of Floods Disaster

## KwaZulu-Natal

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 129 in PG 1763 of 1 December 2016 - eThekweni Municipality - Sewage Disposal By-law, 2015

Disaster Management Act 57 of 2002 - PN 206 in PG 1765 of 1 December 2016 - eThekweni Metropolitan Municipality - Extension of the declaration of a KwaZulu-Natal Provincial State of Drought Disaster for a period of one month from 11 December 2016 to 10 January 2017

## Limpopo

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 184 in PG 2769 of 25 November 2016 - Polokwane Local Municipality - Street Trading By-law published and Street Trading By-law adopted by Council Resolution dated 31/03/2010 repealed

## CASES

*Lawyers for Human Rights v Minister in the Presidency and Others* [2016] ZACC 45

“Summary: appeal against costs order only — general costs rule in constitutional litigation — exceptional circumstances — inquiry on the appropriateness of the proceedings — abuse of process — — High Court’s discretion to award costs award of costs in a constitutional matter raises a constitutional issue — leave to appeal granted — High Court exercised its discretion judicially — no basis to interfere with High Court’s exercise of a discretion”

Court warns against abuse of *Biowatch* principle [Source: Legalbrief Today 2 December 2016]

<http://www.saflii.org/za/cases/ZACC/2016/45.html>

*Mobile Telephone Networks v Beekmans NO* (1139/2015) [2016] ZASCA 188 (1 December 2016)

“Summary: Local authority: building plans: national building regulations: temporary building: must be determined by objective assessment of its nature and purpose: cellular communications base station and mast not a temporary building: building plans wrongly approved.”

<http://www.saflii.org/za/cases/ZASCA/2016/188.html>

*Louistef v Snyders NO* [2016] ZASCA 182 (29 November 2016)

Summary: Petroleum Products Act 120 of 1977: sale of site licence issued in terms of s 2D of the Act: whether site licence constituted a merchantable merx: held to be a valid agreement of sale.

<http://www.saflii.org/za/cases/ZASCA/2016/182.html>

## PUBLICATIONS

Scholes R, Lochner P, Schreiner G, Snyman-Van der Walt L and de Jager M (eds) “Shale Gas Development in the Central Karoo: A Scientific Assessment of the Opportunities and Risks” (November 2016) CSIR/IU/021MH/EXP/2016/003/A [http://seasgd.csir.co.za/wp-content/uploads/2016/11/SGD-Scientific-Assessment-Binder1\\_LOW-RES\\_INCL-ADDENDA\\_21Nov2016.pdf](http://seasgd.csir.co.za/wp-content/uploads/2016/11/SGD-Scientific-Assessment-Binder1_LOW-RES_INCL-ADDENDA_21Nov2016.pdf)

Centre for Environmental Rights (CER) “Full Disclosure: The Truth about Corporate Environmental Compliance in South Africa” (November 2016) <http://fulldisclosure.cer.org.za/>

Davies L and Luman V “Incomplete Integration: Water, Drought, and Electricity Planning in the West” 2016 *Journal of Environmental Law & Litigation* Vol 31 167-214 <https://ssrn.com/abstract=2869581>

UNESCO “Action for Climate Empowerment: Guidelines for accelerating solutions through education, training and public awareness” (November 2016) <http://unesdoc.unesco.org/images/0024/002464/246435e.pdf>

UNESCO “Planet: Education for environmental sustainability and green growth” (November 2016) <http://unesdoc.unesco.org/images/0024/002464/246429E.pdf>

Davies L and Luman V “The Role of Natural Gas in the Clean Power Plan” 2016 *John Marshall Law Review* Vol 49 325-375 <https://ssrn.com/abstract=2869910>

Carson M and Peterson G (eds) “Arctic Resilience Report” (Stockholm Environment Institute and Stockholm Resilience Centre Stockholm Arctic Council 2016) <http://www.arctic-council.org/arr> and <https://www.sei-international.org/mediamanager/documents/Publications/ArcticResilienceReport-2016.pdf>

## **BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC**

The Conversation: Brown B and Nuberg “Africa’s agriculture projects are growing inequality, not food” 29 November 2016 <http://bit.ly/2fR1sUs>

The Conversation: Winkler H South Africa’s new energy plan has sparked strong emotions. Here’s why” 26 November 2016 <http://bit.ly/2gVAyfX>

The Conversation: Muller Mike “South Africa’s water sector: a case study in state capture” 1 December 2016 <http://bit.ly/2gGF12W>

IISD: Wiseman V “Transparency and Compliance Update: Technical Work on Enhanced Paris Agreement Framework Begins” 28 November 2016 <http://sdg.iisd.org/news/transparency-and-compliance-update-technical-work-on-enhanced-paris-agreement-framework-begins/>

The Guardian Video: ‘Obama’s complicated legacy on climate change’ 30 November 2016 <https://www.theguardian.com/environment/video/2016/nov/30/obama-climate-change-legacy-global-warming-video>

## **CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>**

### **National**

#### **KAS-DROP-COP22-Expert Roundtable**

Date: Thursday, 8 December 2016

Time: 08.30-13.30

Venue: KAS South Africa Offices in 60 Hume Road, Dunkeld 2196, Johannesburg

The Konrad-Adenauer-Foundation (KAS) in cooperation with the Development and Rule of Law Programme (DROP) at Stellenbosch University is delighted to invite you to an Expert-Roundtable-Discussion on ‘The Agreement of the UN Climate Change Conference (COP22) in Marrakesh: Challenges and Opportunities for Southern Africa’. We have the honour that the Head of Mission from the Embassy of Morocco will address the participants together with a keynote speech by a participant of COP22.

Please find attached the invitation by our country director Dr Holger Dix and the final programme of the event. We are sorry for the late invitation but would be looking forward to have you on board for this international expert roundtable. Please let Ms Tebello Mohale ([info.johannesburg@kas.de](mailto:info.johannesburg@kas.de)) know until Tuesday, 6 December 2016 if you would be available.

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

## **Environmental Law and the Extractive Industries**

Sign Up For UCT's Environmental Law and the Extractive Industries Offered by UCT Law@work, in conjunction with the Institute of Marine and Environmental Law, Mineral Law in Africa, and the Center for Comparative Law in Africa.

Africa has the world's largest mineral endowments and foreign direct investment is expected to reach US\$850 billion by 2018. The mining sector holds the potential key to catalysing the growth of the continent's economies. The environmental footprint of extractive industries is significant. In some countries regulatory controls are in place to prevent, reduce and remedy the potential environmental costs associated with mining operations, but other countries still lag behind. In general, implementation remains a problem.

Course Covers: environmental legal principles applicable to extractive industries; how these principles may impact on rights, licensee obligations, compliance and penalties; plus strategic ways to mitigate economic risks in the context of the legal requirements concerning the environment.

Course date: 13 to 17 February 2017

Enquire about 10% discount for bookings of 6 to 10 people

To register: contact Don Coue [don.coue@uct.ac.za](mailto:don.coue@uct.ac.za) or call: 021 650 3242

More info: <http://www.lawatwork.uct.ac.za/lw/courses/environmental-law-explorative-industries/>

## **NWU: CEM Courses 2017**

- **Environmental Management System Transition (CEM-03.7.1)**  
Dates: 20-21 February (Potchefstroom)  
19-20 April 2017 (Pretoria)  
4-5 May 2017 (Cape Town)  
8-9 June 2017 (Durban)
- **The fundamentals of environmental management (CEM-01.1.1)**  
Date: 27 February-3 March 2017
- **Safety, Health, Environmental and Quality Management Systems (CEM-03.5.3)**  
Date: 27 February -10 March 2017
- **Environmental law (CEM-02.1.1)**  
Dates: 6-11 March 2017
- **Environmental Management Systems (CEM-03.1.1)**  
Date: 27-31 March 2017
- **Occupational Health and Safety Management Systems (CEM-03.2.1)**  
Dates: 27-31 March 2017

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

## **IAIAsa: Inspiring Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems**

Date: 16-18 August 2016

Venue: ATKV Goudini Spa, Western Cape

### **International**

#### **GGKP Webinar on Growing Renewable Energy through Voluntary Markets**

Date: 12 December 2016

Time: 09:00-10:30 (San Francisco time) [Check your local time here](#)

Register here: <http://bit.ly/2fVFksc>

### **NEWS**

#### **Environmental: Landmark decision saves Melrose trees**

“The Provincial Heritage Resources Authority of Gauteng appeals committee has ruled that trees can be regarded as heritage property, says a report in The Star. In October, the iHlathi Melrose-Birdhaven Conservancy lodged a complaint with the police about the illegal demolition of a house in Melrose Street. The Melrose Ratepayers’ Association also opposed the cluster-like development at the corner of Melrose Street and Jameson Avenue, Melrose. The house was more than 60 years old and therefore fell under the protection of the National Heritage Resources Act. iHlathi chairperson Markus Scheuermaier said: ‘The decision made by the appeals committee protecting the trees represents a significant precedent. It has confirmed trees, and not only houses, do fall under the National Heritage Resources Act and the “context” of a neighbourhood matters as much as its buildings. Johannesburg, and Gauteng as a whole, can only benefit from this decision, which will help preserve important urban forest.’”

Full report in The Star (subscription needed) *Legalbrief Today* 30 November 2016

Wong JC and Levin S “North Dakota governor orders evacuation of Standing Rock protest site” *TheGuardian* 29 November 2016 <https://www.theguardian.com/us-news/2016/nov/28/north-dakota-access-pipeline-evacuation-order-standing-rock>

#### **Renewable Energy and the Rehabilitation of Mines**

“Promethium Carbon, in collaboration with the British High Commission and Harmony Gold, have developed a toolkit which looks at combining renewable energy generation with the rehabilitation of mining-impacted land in order to uplift local communities.”

Source: *DNA Economics Newsletter* 24 November 2016 and *Imbewu Monthly Sustainability Legal Newsletter & Legislation Update* (November 2016)

ISS Today “Africa pushes for a 2017 ban on nuclear weapons” *Daily Maverick* 1 December 2016 <http://www.dailymaverick.co.za/article/2016-12-01-iss-today-africa-pushes-for-a-2017-ban-on-nuclear-weapons/#.WEHbHtV97IU>



Gilmour C “Op-Ed: A clear and present danger of Kariba Dam collapse” *Daily Maverick* 30 November 2016 <http://www.dailymaverick.co.za/article/2016-11-30-op-ed-a-clear-and-present-danger-of-kariba-dam-collapse/#.WEHbpdV97IU>

Yelland C “Analysis: The Draft 2016 Integrated Resource Plan – lightweight, superficial and downright dangerous” *Daily Maverick* 30 November 2016 <http://www.dailymaverick.co.za/article/2016-11-30-analysis-the-draft-2016-integrated-resource-plan-lightweight-superficial-and-downright-dangerous/#.WEHcMdV97IU>

ISS Today “Land privatisation and climate change are costing rural Kenyans” *Daily Maverick* 30 November 2016 <http://www.dailymaverick.co.za/article/2016-11-30-iss-today-land-privatisation-and-climate-change-are-costing-rural-kenyans/#.WEHcrdV97IU>

Business Day TV: Mineral and Petroleum Resources Development Act to provide certainty 1 December 2016 [https://www.youtube.com/watch?v=8iTzbtX\\_LCI](https://www.youtube.com/watch?v=8iTzbtX_LCI)

Paton C “Nuclear secrets revealed” *BusinessDay* 30 November 2016 <https://www.businesslive.co.za/bd/national/2016-11-30-nuclear-secrets-revealed/>

Shanker D “Ready for Some Good Environment News? It’s About Coal” *Bloomberg* 30 November 2016 <https://www.bloomberg.com/news/articles/2016-11-30/ready-for-some-good-news-on-the-environment>

Harvey F “Four of world's biggest cities to ban diesel cars from their centres” *The Guardian* 2 December 2016 <https://www.theguardian.com/environment/2016/dec/02/four-of-worlds-biggest-cities-to-ban-diesel-cars-from-their-centres>

Milman O “Quitting UN climate change body could be Trump's quickest exit from Paris deal” *The Guardian* 2 December 2016 <https://www.theguardian.com/environment/2016/dec/02/trump-break-from-paris-climate-deal-unfccc-exit>

Philips T ‘Joy as China shelves plans to dam 'angry river'” *The Guardian* 2 December 2016 <https://www.theguardian.com/world/2016/dec/02/joy-as-china-shelves-plans-to-dam-angry-river>

## **VACANCIES, OPPORTUNITIES, BURSARIES, FUNDING, ETC**

### **NMU: Senior Lecturer/Associate Professor/Professor**

South Campus, Nelson Mandela University, Port Elizabeth - Department of Mercantile Law, has the following vacancies Senior Lecturer/Associate Professor/Professor.

The core purpose of the abovementioned vacancy is to:

Facilitate the learning process of students at undergraduate and post-graduate level in mercantile law, to do research in any branch of Mercantile Law and contribute to the academic and community engagement.

For more information: <http://nmmu.erecruit.co.za/candidateapp/Jobs/Browse.aspx>

## **Environmental Law Graduate Fellow Positions at Pace University's Haub Environmental Law Program**

Pace University's Elisabeth Haub School of Law is pleased to announce that it will hire several environmental law graduate fellows for the 2017-18 academic year. Fellows earn an LLM in Environmental Law while working part time within the Haub Environmental Law Program or one of its centers. Fellows receive a full tuition waiver as well as a modest stipend to help cover living costs.

Please forward these postings widely to interested, qualified students and recent graduates. Fellowships begin this summer and run a full calendar year. Applications are due by March 1, 2017.

### **Available Positions:**

The *Environmental Law Graduate Fellow* works with environmental faculty and staff undertaking research, including the bench brief for the National Environmental Law Moot Court Competition, developing and implementing new projects, and other duties as assigned.

The *Global Environmental Law Graduate Fellow* works with faculty and staff of the Global Center for Environmental Legal Studies on various research, project development, and event planning in connection with our partnerships with the International Union for Conservation of Nature (IUCN) and other international organizations.

The *Energy and Climate Law Graduate/EASE Fellow* works with faculty and staff of the Pace Energy and Climate Center and Earthjustice on equitable access to renewable energy and other research.

The *Land Use Law Graduate Fellow* works with faculty and staff of the Land Use Law Center on a wide range of issues related to land use and sustainable development law.

The *Food and Agriculture Law Graduate Fellow* works with faculty and staff of the Food and Beverage Law Clinic and the Pace-NRDC Food Law Initiative on various research, program development and communication initiatives.

### **How to apply:**

Further details on each position, and information on how to apply, can be found online at <http://law.pace.edu/environmental-graduate-research-fellows>.

Note that applicants must apply concurrently to the Environmental LLM program at the Elisabeth Haub School of Law, and be accepted into the program, before being considered for a fellowship.

Join us on  
**Facebook**

<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>

***The ELA is registered as a Public Benefit Organisation***

[www.elasa.co.za](http://www.elasa.co.za)

***Remember that members of the Environmental Law Association may subscribe to Legalbrief Environmental – discount available.***

## **Environmental Law Association Newsletter 49**

9 December 2016

### **BILLS**

Border Management Authority Bill, 2016 [B9A-2016]

### **LEGISLATION**

### **PROVINCES**

#### **Mpumalanga**

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 128 in *PG* 2758 of 5 December 2016 - Steve Tshwete Local Municipality - Notice of the commencement of the Steve Tshwete Municipal Planning Tribunal and appointment of members

Local Government: Municipal Systems Act 32 of 2000; Constitution of the Republic of South Africa, 1996 and National Environmental Management: Air Quality Act 39 of 2004 - PN 109 in *PG* 2760 of 9 December 2016 - Emalahleni Local Municipality - Air Quality Management By-law, 2015

### **CASES**

#### **National**

*National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Another* (CCT1/16) [2016] ZACC 46 (8 December 2016)

“Summary: animal welfare - private prosecution - juristic persons - NSPCA - Societies for the Prevention of Cruelty to Animals Act - Animals Protection Act - Criminal Procedure Act - National Prosecuting Authority Act”

*Westwood Insurance Brokers (Pty) Ltd v Ethekewini Municipality* (8221/16) [2016] ZAKZDHC 46 (8 December 2016)

“[1] The applicant Westwood Insurance Brokers (Westwood) applied to interdict Ethekewini Municipality (Ethekewini) the first respondent from awarding a tender to the fourth respondent, NC South West Brokers CC (South West). It sought to interdict South West from implementing the

tender. The tender was for 'water loss insurance for underground water leaks of individual dwelling units (WS 6678)'. Only Ethekeini opposed the application."

## International

*Standing Rock Sioux Trial v US Army Corps of Engineers* US District Court for the District of Columbia 27 July 2016 – Complaint for Declaratory and Injunctive Relief <https://www.documentcloud.org/documents/3112181-Standing-Rock-Sioux-Complaint.html>

*Standing Rock Sioux Trial v US Army Corps of Engineers* US District Court for the District of Columbia Civil Action No 16-1534 (JEB) 9 September 2016 <https://www.documentcloud.org/documents/3111278-Judge-s-Order-Denying-Motion.html>

see also for background on these cases:

- <https://www.justice.gov/opa/pr/joint-statement-department-justice-department-army-and-department-interior-regarding-standing->
- <http://unsr.vtaulicorpuz.org/site/index.php/es/declaraciones-comunicados/162-north-dakota-pipeline>
- <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20868&LangID=E>
- <http://standwithstandingrock.net/tribes-ask-international-human-rights-commission-stop-violence-water-protectors-standing-rock/>
- [https://www.army.mil/article/179095/army\\_will\\_not\\_grant\\_easement\\_for\\_dakota\\_access\\_pipeline\\_crossing](https://www.army.mil/article/179095/army_will_not_grant_easement_for_dakota_access_pipeline_crossing)
- <http://www.nepalab.com/?p=1479>

*Murray Energy v McCarthy* (ND WVA) Civil Action No 5:14-CV-39 17 October 2016 [https://ecf.wvnd.uscourts.gov/cgi-bin/show\\_public\\_doc?2014cv0039-293](https://ecf.wvnd.uscourts.gov/cgi-bin/show_public_doc?2014cv0039-293)

'This civil action was filed on March 24, 2014, by Murray Energy Corporation and a number of its subsidiary or affiliated companies seeking declaratory and injunctive relief for the EPA's alleged failure to perform its duties required under 42 USC 7621, which requires the EPA to "conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provision of [the Clear Air Act] and applicable implementation plans, including where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement.'

*Flaherty v. Royal Caribbean Cruises, Ltd* 2016 WL 1158289 (S.D. Fla. 2016)

Involving slip and fall injuries sustained by a cruise passenger who participated in shore excursion featuring a walk up Dunn's River Falls in Jamaica while holding hands with another hiker

<http://www.law360.com/cases/5582d3bf9570fc3808000003>

<http://www.lexislegalnews.com/articles/4788/negligence-claims-against-cruise-line-for-broken-leg-dismissed-without-prejudice>

## INTERNATIONAL

IISD: UN Biodiversity Conference December 2016: <http://www.iisd.ca/biodiv/cop13/enb/>

First African Soil Seminar ‘Soil restoration for achieving the 2063 and 2030 Agendas in Africa: Linking global ambitions to local needs’: 28-30 November 2016, Kenya Outcomes and Summary: <http://globalsoilweek.org/outcomes>

IISD: Budapest Water Summit 28-30 November 2016: <http://www.iisd.ca/water/bws/2016/>

IISD: Mead L: UN Organizations Address Sustainable, Resilient Cities” 6 December 2016 <http://sdg.iisd.org/news/un-organizations-address-sustainable-resilient-cities/>

IISD: Wahlén CB “HLM2 Side Event Reviews Progress on Transparency, Development Assistance” 6 December 2016 <http://sdg.iisd.org/news/hlm2-side-event-reviews-progress-on-transparency-development-assistance/>

IISD: Mead L “UN Peacekeeping Operations to Reduce Environmental Impact” 6 December 2016 <http://sdg.iisd.org/news/un-peacekeeping-operations-to-reduce-environmental-impact/>

New York Times: Lee CJ and Pearce A “How Trump Can Influence Climate Change” 6 December 2016 <http://www.nytimes.com/interactive/2016/12/08/us/trump-climate-change.html>

## PUBLICATIONS

2016 *Canadian Journal of International Law* (free access until end December 2016)

- Blanchard Catherine “Evolution or Revolution? Evaluating the Territorial State-Based Regime of International Law in the Context of the Physical Disappearance of Territory Due to Climate Change and Sea-Level Rise” DOI: <https://doi.org/10.1017/cyl.2016.4> <http://bit.ly/2h2jmVZ>

“Tools for Energy Efficiency in Buildings; A Guide for Policy-Makers and Experts” (Copenhagen Centre on Energy Efficiency 2016) <http://www.energyefficiencycentre.org/publications>

Risky Business “From Risk to Return: Investing in a Clean Energy Economy” (2016) <http://riskybusiness.org/fromrisktoreturn/>

## BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

US Army: “Army will not grant easement for Dakota Access Pipeline crossing” 4 December 2016

[https://www.army.mil/article/179095/army\\_will\\_not\\_grant\\_easement\\_for\\_dakota\\_access\\_pipeline\\_crossing](https://www.army.mil/article/179095/army_will_not_grant_easement_for_dakota_access_pipeline_crossing) see also <http://standwithstandingrock.net/standing-rock-sioux-tribes-statement-u-s-army-corps-engineers-decision-not-grant-easement/>

The Conversation: Lyons Kristen How the pursuit of carbon and fossil fuels harms vulnerable communities 4 December 2016 <http://bit.ly/2gFD9tw>

The Conversation: Turton S “Africa should be worried about the expanding tropics” 8 December 2016 <http://bit.ly/2hejy1G>

Miami Herald: Farber D and Verchick R “About that octopus in the parking garage” 4 December 2016 <http://www.miamiherald.com/opinion/op-ed/article119396843.html>

Global Wind Energy Outlook 2016 <http://www.gwec.net/publications/global-wind-energy-outlook/global-wind-energy-outlook-2016/>

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **Hydraulic Fracturing in the Karoo**

Juta Law cordially invites you to the launch of *Hydraulic Fracturing in the Karoo: Critical Legal and Environmental Perspectives*, Jan Glazewski and Surina Esterhuysen (Editors)

*Hydraulic Fracturing in the Karoo: Critical Legal and Environmental Perspectives* explores a broad-ranging set of questions related to proposed hydraulic fracturing or 'fracking' in the Karoo. The book is multidisciplinary, with contributors including natural scientists, social scientists, and academics from the humanities, all concerned with the ways in which scientific facts and debates about fracking have been framed and given meaning.

The book emphasises the need for collaboration between the natural and social sciences and the responsibilities of those charged with the implementation and governance of the fracking enterprise if South Africa hopes to effectively manage fracking at all.

Date: 13 December 2016

Time: 17h30 for 18h00

Venue: Quad, Level 3, Wilfred & Jules Kramer Building, Middle Campus, University of Cape Town

RSVP: Ingrid Hartog: [ihartog@juta.co.za](mailto:ihartog@juta.co.za) or call - 021 659 2461

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- **Environmental Management System Transition (CEM-03.7.1)**  
Dates: 20-21 February (Potchefstroom)  
19-20 April 2017 (Pretoria)  
4-5 May 2017 (Cape Town)  
8-9 June 2017 (Durban)
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Date: 27 February-3 March 2017
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Date: 27 February -10 March 2017
- **Environmental law (CEM-02.1.1)**  
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Date: 27-31 March 2017
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A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

## **International**

### **IEA Webinar Invitation: “20 Years of Carbon Capture and Storage – Accelerating Future Deployment”**

Monday 12 December 2016, 13:00-14:00 CET

The International Energy Agency has recently published a [report](#) entitled “20 Years of Carbon Capture and Storage – Accelerating Future Deployment”.

Over 20 years of practical experience has demonstrated that CCS technologies are available, and that CO<sub>2</sub> can be safely and permanently stored in deep geological formations. The Sleipner CCS project in Norway, which started in 1996, has removed almost 17 Mt of CO<sub>2</sub> from the atmosphere.

This IEA report highlights the critical role that carbon capture and storage technologies can play in meeting the climate goals set out in the Paris Agreement. The report reviews progress with CCS technologies over the past two decades and examines their role in limiting gains in global temperature to 2°C or less. The report then stresses the need to enact adequate policies and drivers to accelerate CCS deployment going forward.

Please register for the webinar through the following link:  
<https://attendee.gotowebinar.com/register/6443513451246471425>

### **Application period open to MDP in Environmental Policy and Law / University of Eastern Finland**

We are now accepting applications for the University of Eastern Finland's two-year Master's Degree Programme in Environmental Policy and Law.  
<http://www.uef.fi/en/web/envlawandpolicy/how-to-apply>



The Master's Degree Programme is a unique multidisciplinary two-year programme taught in English at the University of Eastern Finland <http://www.uef.fi/en/etusivu> . The programme combines group teaching and independent research, bridging theory and practice, with the objective of providing participants with strong professional skills in environmental law and policy.

Courses offered include:

- Climate Change Law and Policy
- International Environmental Law
- EU Environmental Law
- International Energy Law and Policy
- EU Energy Law and Policy
- Global Environmental Politics
- Environmental and Social Impact Assessment
- Mining, Environment and Society
- Contemporary Issues in Environmental Policy
- WTO: Clean Energy, Environment and Natural Resources
- Forests and International Law

Study and application essentials:

- Two-year Master's degree programme (120 ECTS) with interactive study methods.
- Two alternative majors: 1) Environmental and Climate Change Law; and 2) Natural Resource Governance.
- Minimum admission criteria: Appropriate Bachelor's degree or equivalent university degree and proof of English language proficiency.
- Application period: 1 December 2016 – 13 January 2017.
- Tuition fees: There are no tuition fees for students from EU/EEA countries. For non-EU/EEA students, tuition fee is €8,000 per year. Scholarships are available to cover tuition for non-EU/EEA students.

More information, detailed admission criteria and information on available courses are available <http://www.uef.fi/en/web/envlawandpolicy>

For more information, contact: [envirolawpol@uef.fi](mailto:envirolawpol@uef.fi)

### **Highlights from Energy, Climate Change and Environment: 2016 Insights**

A technical webinar

Tuesday, December 13, 2016

14:30-15:30 CET (Paris time)

Register at the following link: <https://attendee.gotowebinar.com/register/996151316819769348>.

You will receive a confirmation email with information on how to join.

The publication is available free for download at

<http://www.iea.org/publications/freepublications/publication/ECCE2016.pdf>

### **Global Wind Energy Outlook 2016**

15 December 2016

9:00 a.m. Eastern Standard Time | 3:00 p.m. Central European Time

Register now: <https://attendee.gotowebinar.com/register/3547101855880090627>

Get more information: <https://cleanenergysolutions.org/training/global-wind-energy-outlook-2016>

The Clean Energy Solutions Center, in partnership with the Global Wind Energy Council (GWEC), is hosting a no-cost webinar on the recently released Global Wind Energy Outlook 2016 (See Blogs).

The new Global Wind Energy Outlook 2016 (GWEO) presents three visions of the future of the global wind energy industry out to 2020, 2030 and up to 2050. The scenarios compare the International Energy Agency's (IEA's) central scenario from its World Energy Outlook with the IEA's 450 Scenario and the GWEC Moderate and Advanced scenarios developed especially for this report. The results show how the global wind industry will deliver in terms of global electricity supply, CO2 emissions savings, employment, cost reductions and investment. These four supply-side scenarios are then compared with two different scenarios for the development of electricity demand.

The report features a preface from the International Renewable Energy Agency's Adnan Amin; a chapter on The Future of Wind; figures for ten regions worldwide out to 2020, 2030 and 2050; and much more.

What you will learn:

- How much of the global electricity demand will wind power cover out to 2020, 2030 and 2050?
- How much CO2 will be avoided by wind power?
- How many people will be employed globally by the sector?
- What type of cost reductions and investment rates will be in place by 2020 and 2030?
- Projections about the future of wind power.

The presentations will be followed by an interactive question and answer session with the audience

## NEWS

### **Litigation: Silicosis lawyer turns sights on Sasol**

“Flush from winning a key round in litigation against the gold-mining industry on behalf of victims of silicosis this year, lawyer Richard Spoor is set to launch a similar case next year, also at the Gauteng High Court (Johannesburg), says a *Business Times* report. The case involves 22 former coal miners who say they contracted lung diseases after working at petrochemicals giant Sasol. ‘We are very confident. This is a winnable case,’ Spoor said. ‘Sasol runs better coal mines in terms of health and safety (than other coal-mining houses). That is why we are targeting it. The others could be even worse,’ he said. ‘We have the 22 people with good cases, no controversies. They have all worked on different collieries owned by Sasol.’ The two types of disease the former employees have are coal workers’ pneumoconiosis, also known as black lung disease, and chronic obstructive pulmonary disease. According to *Business Times*, Spoor argues in court papers that coal dust is a noxious substance which, if inhaled in significant quantities, causes lung disease. In its papers, Sasol said some of the

mineworkers had waited more than three years to decide to sue the company after finding out they were ill, and could not now legitimately claim anything. Sasol had made sure the miners knew how to use the protective equipment given to them, the company said.” Full Business Times report subscription needed) *Legalbrief Today* 5 December 2016

Ferreira E “No conclusive data on feasibility of nuclear: Treasury” *Business News / IOL* 2 December 2016 <http://www.iol.co.za/business/news/no-conclusive-data-on-feasibility-of-nuclear-treasury-2095323>

### **Litigation: Development set aside over environmental concerns**

“A multimillion-rand housing, office and shopping centre development planned for an environmentally sensitive area of Port Alfred has been stymied. A *Daily Dispatch* report says the Eastern Cape High Court (Grahamstown) has set aside Transnet and Ndlambe Municipality’s joint decision to sell off the environmentally sensitive area in the centre of the seaside town for the multimillion-rand development. Mark Shelton and Jonathan Cambell took on Transnet, the Ndlambe Municipality and the would-be developers of the project near the environmentally sensitive wetland area of Port Alfred. The two said in court papers the area was far too environmentally sensitive for development. The proposed development is flanked by the Kowie River and includes a small wetland area – which the PA River Development Company claimed in court papers would be protected. Transnet had owned part of the land in question while the Ndlambe Municipality owned the rest. Judge Thamie Beshe declared as void and unlawful the agreement of sale between the municipality and the developers. The municipality had admitted that the correct procedures were not followed. The judge said no money had changed hands since the decision in 2002 and the land had not yet been transferred to the PA River Development Company, which would suffer no prejudice as a result of the decisions being set aside.”

Full Daily Dispatch report (subscription needed) *Legalbrief Today* 7 December 2016

“Seychelles protecting 30% of its waters through historic debt-for-nature deal” *ETN* 8 December 2016 <http://etn.travel/article/seychelles-protecting-30-waters-historic-debt-nature-deal/>

Warren Dick “Public Protector finds nothing untoward in BHP/Eskom dealings” *Moneyweb* 7 December 2016 <http://www.moneyweb.co.za/news/industry/public-protector-finds-nothing-untoward-in-bhpeskom-dealings/>

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[www.elasa.co.za](http://www.elasa.co.za)

**Remember that members of the Environmental Law Association may subscribe to *Legalbrief Environmental* – discount available.**

## **Environmental Law Association Newsletter 50**

15 December 2016

**This is the last newsletter for 2016.**

**The ELA Secretariat wishes all its members a peaceful festive season and a prosperous 2017!**

### **LEGISLATION**

#### **NOTICES**

Promotion of Access to Information Act – GN 1561 in GG 40496 of 15 December 2016 - Manual: Department of Human Settlements

Electricity Regulation Act 4 of 2006 – GN R1557 in GG 40494 of 14 December 2016 - Nuclear Programme: Determination

National Environmental Management: Waste Act 59 of 2008 – GN 1555 in GG 40490 of 12 December 2016 - Intention to require any person or category of persons who transport waste for gain to register – for comment

National Environmental Management: Waste Act 59 of 2008 – GN 1556 in GG 40490 of 12 December 2016 - Regulations: Waste information: Amendment – for comment

### **PUBLICATIONS**

Muir A “The *Le Sueur* case and a local government's constitutional right to govern: case notes” 2015 *SA Public Law* 556-579

Blackmore A “Legal and public trust considerations for the Ndumo Game Reserve and South Africa-Mozambique border, following the migration of the Usuthu River” 2015 *SA Public law* 347-378

Okpaluba C “Judicial review of executive power: legality, rationality and reasonableness” 2015 *SA Public Law* 379-405

De Villiers J-H “Animal rights theory, animal welfarism and the 'new welfarist' amalgamation: a critical perspective” 2015 *SA Public Law* 406-433

Humby T and Krause R "Unravelling the mare's nest? The Constitutional Court interprets the duty to exhaust internal remedies in the mining setting: case notes" 2015 *SA Public Law* 302-316

Badenhorst PJ "Prospecting rights under the MPRDA : Public Law Instruments?: recent case law - Minister of Mineral Resources v Mawetse (SA) Mining Corporation (Pty) Ltd 2016 (1) SA 306 (SCA) 2016 *De Jure* 167-181

Crowther T *et al* "Quantifying global soil carbon losses in response to warming" December 2016 *Nature*  
<http://www.nature.com/nature/journal/v540/n7631/full/nature20150.html>

## **BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC**

Paris Agreement and Trump

"The Congressional Research Service (CRS) maintains the Paris Agreement is an executive agreement. Because it entered into force on Nov. 4, 2016, Trump would not have the right to withdraw from the deal until Nov. 4, 2019, under Article 28 of the agreement.

Congressional researchers noted this week that any party that withdraws from the UNFCCC would also be considered to have withdrawn from the Paris Agreement, under the same clause. The fact that the UNFCCC was approved by the Senate "makes the withdrawal procedure under domestic law less straightforward," CRS stated, and potentially subject to a legal challenge if Trump acts unilaterally. Trump would likely need the approval of two-thirds of the Senate to do so, according to CRS." -- Hess Hannah "Ebell offers energy and environment agenda to next Congress" *E&E News* 8 December 2016 [Source: E Burleson Envlawprof list]

ENB+ Video on "Fossil Fuel Subsidies and Climate Change: Early Action and Implementation" 15 November 2016 <http://www.iisd.ca/videos/climate/unfccc-cop22-side-events/fossil-fuel-subsidies-and-climate-change-early-action-and-implementation/>

ENB+ Video on "Global Commons: Solutions for a Crowded Planet" 5 December 2016 <http://www.iisd.ca/videos/biodiv/cbd-cop13-side-events/global-commons-solutions-for-a-crowded-planet/>

ENB+ Video on "Launch of the UNDP Managed - Biodiversity and Ecosystem Services (BES-Net) Web-Portal" <http://www.iisd.ca/videos/biodiv/cbd-cop13-side-events/launch-of-the-undp-managed-biodiversity-and-ecosystem-services-bes-net-web-portal/?autoplay>

ENB+ Video on "Towards a Modular Approach to Reporting Against the Aichi Biodiversity Targets and Sustainable Development Goals" <http://www.iisd.ca/videos/biodiv/cbd-cop13-side-events/towards-modular-approach-to-reporting-against-the-aichi-biodiversity-targets-and-sustainable-development-goals/?autoplay>

ENB+ Video on "GEF Investments and Donor Coordination to Address the Poaching and Illegal Wildlife Trade Crisis" <http://www.iisd.ca/videos/biodiv/cbd-cop13-side-events/gef-investments-and-donor-coordination-to-address-the-poaching-and-illegal-wildlife-trade-crisis/?autoplay>

The Conversation: Fitchett J and Hoogendoorn G “Climate change could leave South African tourism high and dry” 5 December 2016 <http://bit.ly/2hd8XpY>

Conservation Action Trust: Cruise Adam “Ivory trading nations exposed” 28 November 2016 <http://conservationaction.co.za/media-articles/ivory-trading-nations-exposed/>

New York Times: Innes M: “Great Barrier Reef hit by worst coral die-off on record, scientists say” 29 November 2016 <http://www.nytimes.com/2016/11/29/world/australia/great-barrier-reef-coral-bleaching.html> See also Robertson J “Adani coal mine: green groups fume over plan for \$1b federal loan” *The Guardian* 3 December 2016 <https://www.theguardian.com/business/2016/dec/03/adani-coal-mine-green-groups-fume-over-plan-for-1b-federal-loan>

2016 Biodiversity & Business Indaba Proceedings “Theme: Transforming risk into opportunity” 25 & 26 October 2016 Proceedings <https://www.ewt.org.za/businessdevelopment/indaba.html>

Huffington Post: Kalibata A “Africa’s Smallholder Farmers Among The Most Hurt By Climate Change” 25 November 2016 [http://www.huffingtonpost.com/dr-agnes-kalibata/africas-smallholder-farme\\_b\\_13222494.html](http://www.huffingtonpost.com/dr-agnes-kalibata/africas-smallholder-farme_b_13222494.html)

## CONFERENCES/SEMINARS/TRAINING/WORKSHOPS<sup>1</sup>

### National

#### **Imbewu: Environmental & Occupational Health & Safety Legal Training Workshop**

Date: 31 January 2017

Venue: IMBEWU’s Offices – Rosebank, Johannesburg

Time: 08.30am to 17.00pm

Contact: [www.imbewu.co.za](http://www.imbewu.co.za) or Lulu at [lulu@imbewu.co.za](mailto:lulu@imbewu.co.za) or 011 214 0660/1

#### **NWU: CEM Courses 2017**

- **Environmental Management System Transition (CEM-03.7.1)**  
Dates: 20-21 February (Potchefstroom)  
19-20 April 2017 (Pretoria)  
4-5 May 2017 (Cape Town)  
8-9 June 2017 (Durban)
- **The fundamentals of environmental management (CEM-01.1.1)**  
Date: 27 February-3 March 2017

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<sup>1</sup> Courses/conferences/workshops etc advertised on the ELA Newsletter do not imply endorsement by the ELA. The information is disseminated as it is one of the aims of the ELA to make information on environmental events/issues generally available.

- **Safety, Health, Environmental and Quality Management Systems (CEM-03.5.3)**  
Date: 27 February -10 March 2017
- **Environmental law (CEM-02.1.1)**  
Dates: 6-11 March 2017
- **Environmental Management Systems (CEM-03.1.1)**  
Date: 27-31 March 2017
- **Occupational Health and Safety Management Systems (CEM-03.2.1)**  
Dates: 27-31 March 2017

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: Ms Theresa Bowen (018) 299 2714 / [ceminfo@nwu.ac.za](mailto:ceminfo@nwu.ac.za) / [www.nwu.ac.za/cem](http://www.nwu.ac.za/cem)

## International

### **Webinar Growing smart villages: Energy and agriculture for development**

Join the Low Carbon Energy for Development Network and Smart Villages on Monday, 19 December 2016

9am EST / 2pm UK (GMT)

Register: <https://attendee.gotowebinar.com/register/1728485434542705924>

### **28th European Energy Law Seminar (EELS)**

Registration website: <http://www.never.nl/site/>

Date: 23-24 January 2017

Place: The seminar will find place at the hotel Hampshire Babylon, The Hague, The Netherlands (30 min. from Schiphol airport).

Organisers: The EELS-seminar is a cooperation between the Dutch energy law Association, the Energy Law Centre of the University of Groningen and the Energy Law Department of the Scandinavian Institute of Maritime Law, University of Oslo.

On the programme: review of recent EU case law, impacts of Brexit, winter package and electricity market design, cross-border infrastructures, future roles of DSOs and TSOs, capacity market mechanisms, renewable energy investments, cross-border projects, recast of the renewable energy Directive, prosumers, security of gas supply, future role of gas.

We hope to see you there for once again some fruitful discussions around EU energy law topics with other European colleagues.

Do not hesitate to take contact if you have any questions ([catherine.banet@jus.uio.no](mailto:catherine.banet@jus.uio.no)).

### **World Bioenergy Association (WBA) would like to invite you to World Bioenergy Day: Biomass and bioenergy markets**

When: 18th January 2017

Where: Trade Fair Graz, Austria (5th Central European Biomass Conference)

At the World Bioenergy Day speakers from all continents will emphasize the importance of bioenergy in the global energy scenario. They will inform on the



need for reducing fossil fuel use and the role bioenergy will play in a future sustainable energy society.

Speakers will highlight the growth of investments in bioenergy projects, interesting technologies and their development. Business and research developments will also be a big part of the program.

Download the program here: <http://bit.ly/2gCSTPa>

More information available here: <https://t.co/cdMsnUQ50g>

Register here: <http://www.cebc.at/en/registration/>

For more information, contact us at [info@worldbioenergy.org](mailto:info@worldbioenergy.org)

## NEWS

### **Local government: Xolobeni impasse continues**

“The Department of Mineral Resources (DMR) said last week it was committed to engaging all stakeholders affected by the Xolobeni mining and titanium project amid tensions that have divided the Eastern Cape village for years. A Cape Times report notes that the DMR statement comes a week after allegations by anti-mining lobby group the Amadiba Crisis Committee (ACC) that it had pushed for mining in Xolobeni at a meeting held at the Wild Coast Sun near the village. The meeting, held last week, was led by the Xolobeni task team and focused on mapping a way forward on police investigations into violence and the 18-month moratorium on mining issued by Mineral Resources Minister Mosebenzi Zwane in September. The violence which has wrecked the community was linked to the brutal killing of anti-mining activist Sikhosphi Bazooka Rhadebe in March. The ACC said last week that 15 community leaders had walked out of the meeting. ‘The DMR wants to have a committee to bulldoze a process that can end in mining of our land, no matter the bloodshed. DMR wants a house without foundation. As ACC we will not be a part of that,’ it said, according to the report.”

Full Cape Times report (subscription needed) *Legalbrief Environmental* 6 December 2016

“Boswell takes fight over R15m sale of circus elephants to court” *The Citizen* 10 December 2016 <http://citizen.co.za/news/news-national/1371479/boswell-takes-fight-over-r15m-sale-of-circus-elephants-to-court/> [Source Legalbrief Today 12 December 2016]

### **Waste: Giant landfill at the centre of a legal stand-off**

“The FG landfill between Johannesburg and Pretoria is at the centre of a legal stand-off amid fears that, should it be closed, huge amounts of waste in SA’s economic heartland will be left on the streets. According to a report in The Times, it has also emerged that the giant landfill has received hundreds of tons of treated hazardous waste that was delisted by the Department of Environmental Affairs four years ago. The delisting of this waste, a potentially carcinogenic sludge produced by mining companies, is the subject of a separate legal battle. The FG landfill, operated by JSE-listed waste disposal firm Interwaste, receives 60 000 tons of waste a month. Local residents have raised concerns about the site’s odour, and earlier this year the Gauteng

Department of Agriculture and Rural Development issued a compliance notice to Interwaste, claiming it had no valid licence to operate the site. Interwaste has applied for a legal review to have the compliance order set aside. 'This will have disastrous consequences not only for Interwaste but for the fleets of industrial and municipal roleplayers,' the company said. 'Two municipalities that dispose of waste at the FG site will, at least for the short term, be without a disposal site, causing them to leave their waste around Johannesburg and Ekurhuleni to the detriment of their residents.'"

Full report in The Times (subscription needed) *Legalbrief Environmental* 13 December 2016

Barbree J "Botswana sells fracking rights in national park" *TheGuardian* 2 December 2016 <https://www.theguardian.com/environment/2015/dec/02/botswana-sells-fracking-rights-in-national-park>

Matthews C "Survey finds that South Africans are in favour of renewables" *BDLive* 15 December 2016 <https://www.businesslive.co.za/bd/business-and-economy/2016-12-15-survey-finds-that-south-africans-are-in-favour-of-renewables/>

## VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

### **Locum tenens: Rhodes University**

Rhodes University is seeking your help in finding a sabbatical leave replacement to teach Administrative Law to final year LLB students in 2017 at Rhodes University, Grahamstown. The lecturer who were going to do it just pulled out due to personal reasons. If you are interested or available or know of a possible PhD student, retired person, someone on sabbatical etc that we can approach for either a 6-month period in the beginning of the year or a 6-month period at the end of the year, please contact me as soon as possible: Prof Helena van Coller [h.vancoller@ru.ac.za](mailto:h.vancoller@ru.ac.za) 082 382 4575 We will contact the person in relation to accommodation, payment and further details.

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