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# ELA NEWSLETTER 1

5 January 2018

## LEGISLATION

### Bills

Marine Spatial Planning Bill [B9A-2017](#) / [B9B-2017](#)

### Notices

South African Human Rights Commission Act 40 of 2013 - GN 1483 in GG 41362 of 29 December 2017 – Repeal of Complaint handling procedures

Animal Identification Act 6 of 2002 – GN 1456 in GG 41350 of 22 December 2017 – Amendment of Regulations

Petroleum Products Act 120 of 1977 - GN R1 in GG 41365 of 2 January 2018 - Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 3 January 2018 and GN R1351 in GG 41301 of 5 December 2017

Petroleum Products Act 120 of 1977 - GN R2 in GG 41365 of 2 January 2018 - Amendment of regulations in respect of petroleum products published with effect from 3 January 2018

Petroleum Products Act 120 of 1977 - GN R3 in GG 41365 of 2 January 2018 - Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 3 January 2018

## PROVINCES

### KwaZulu-Natal

Local Government: Municipal Systems Act 32 of 2000 – Gen Notice 48 in PG 1910 of 21 December 2017 - Standard Draft By-laws

Local Government: Municipal Systems Act 32 of 2000 – MN 132 in PG 1913 of 28 December 2017 - Newcastle Local Municipality - Notice of commencement of the Spatial Planning and Land Use Management By-law, 2017

## Mpumalanga

Local Government: Municipal Structures Act 117 of 1998 - PN 3 in PG 2887 of 05 January 2018 - Ehlanzeni District Municipality - Municipal Health Services By-laws

## PUBLICATIONS

IUCN "[IUCN Review Protocol for Biodiversity Net Gain](#)" (2017) [Source: National Biodiversity and Business Network (NBBN) - December Newsletter]

Heinberg Richard and Fridley David [Our Renewable Future](#) (Post Carbon Institute 2016)

Dernbach John "Sustainable Development in Law Practice: A Lens for Addressing All Legal Problems" 2017 [Denver University Law Review 95\(123\)](#)

## BLOGS, DISCUSSIONS, VIDEOS, ETC

Science: Lakshmi Supriya "[Ecosystems could once bounce back from wildfires. Now, they're being wiped out for good](#)" 19 December 2017

South African Judicial Education Institute: African Perspective on Environmental Law – [Workshop presentations](#)

Science: Voosen Paul "[The deep Pacific is a climate time capsule from the 'little ice age,' 19th century ship records show](#)" 19 December 2017

EJIL Talk: Savaresi Annalisa, Cismas Ioana and Hartmann Jacques "[The Philippines Human Rights Commission and the 'Carbon Majors' Petition](#)" 22 December 2017

Natural Justice: Jonas Harry "[Conserved Areas at the Convention on Biological Diversity](#)" 22 December 2017

The Conversation: Cilliers Jakkie "[What needs to be done to make Africa politically stable](#)" 4 January 2017

The Conversation: Hamann Ralph "[Developing countries need to wake up to the risks of new technologies](#)" 4 January 2017

Risky Business: From risk to return Investing in a clean energy economy Click [here](#)

EJIL: "[The Philippines Human Rights Commission and the 'Carbon Majors' Petition](#)" 22 December 2017

IUCN "[Global database on biodiversity offset policies](#) launched: Preliminary analysis shows progress in biodiversity-rich mining countries" 3 November 2017 [Source: National Biodiversity and Business Network (NBBN) - December Newsletter]

Global Inventory of Biodiversity Offset Policies: Click [here](#)

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### NWU - Centre for Environmental Management Courses 2018

- **CEM-02.1.6: Environmental law - natural resource/conservation management**  
Dates: 19 - 23 February 2018
- **CEM-03.7.1: Environmental management system transition**  
Dates: 27 - 28 February 2018
- **CEM-03.7.1.1: Environmental management system transition for auditors**  
Date: 1 March 2018
- **CEM-02.1.1: Environmental law**  
Dates: 12 - 16 March 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

#### CBSS Workshop: Integrated Water Resource Management, the National Water Act, and Water Use Authorisations

On 24 March 2017, the Minister of Water and Sanitation published new *Regulations regarding the Procedural Requirements for water use license applications and Appeals* in GN R267. Considering the extensive requirements in this new Regulation, CBSS has updated its popular three-day training workshop on *Integrated Water Resource Management, the National Water Act, and Water Use Authorisations*, and will be presenting it at the following Venues:

Dates: 13-15 February 2018

Venue: Cape Town (Intaka Island, Century City)

Date: 15 February 2018

Venue: Refresher course: Cape Town

Dates: 13-15 March 2018

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)

Date: 15 March 2018

Venue: Refresher course, Pretoria

Please click on these links for the [course description](#) and [registration form](#).

Seating is limited, so please register without delay should you be interested in attending. Please note that discounts are available for *bona fide* students, bookings for three or more attendees from the same organisation, and for early bird registration (15 January 2018 for the Cape Town course and 15 February 2018 for the Pretoria course), with payment finalised before the dates indicated. More details regarding these discounts are available on our [website](#). Please note: If you have previously attended this Course, and would like a refresher to get acquainted with the requirements of the new WULA-Regulations of March 2017, you can attend only the THIRD day of the course, at a reduced rate.

Contact for additional information: Glaudin Kruger (Course Coordinator)

Tel: 028 316 2905 / [email](#)

## NEWS

### National

Mngadi Mxolisi “2 Capetonians bust for being in possession of 'possible' uncut diamonds” [News24](#) 24 December 2017

Ledwaba Lucas “The mine that stole Christmas” [fin24](#) 24 December 2017

### International

Stokstad Erik “African swine fever outbreak alarms wildlife biologists and veterinarians” [Science](#) 20 December 2017

Vaughan Adam “Is this the future? Dutch plan vast windfarm island in North Sea” [The Guardian](#) 29 December 2017

Tairo Apolinari “Hydropower station raise alarm on wildlife conservation in Tanzania” [eTN](#) 31 December 2017

Herzfeld John “New York City Drinking Water to Remain Unfiltered” [Bloomberg Environment](#) 29 December 2017

## VACANCIES, BURSARIES, FINANCIAL OPPORTUNITIES, ETC.

### National

#### **Risk Officer Limpro Recruitment Consultants**

Brits, North West

Click [here](#)

#### **Natural Justice Executive Officer**

Location: Cape Town with frequent international travel

Closing date: 31 January 2018

Click [here](#)

### International

#### **OPEC - Organization of the Petroleum Exporting Countries: General Legal Counsel, Vienna**

Expertise: International energy law; international trade law, etc.

Closing date: 15 January 2018

Click [here](#)

#### **Namati 2018 Global Advocacy Fellowship, Washington (12 week programme)**

Place: Washington DC

Click [here](#)

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

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## ELA NEWSLETTER 2

12 January 2018

### LEGISLATION

#### Notices

National Water Act 36 of 1998 - GN 15 in GG 41381 of 12 January 2018 - Breede-Gouritz and Berg-Olifants Water Management Areas: Limiting the use of water in terms of para. 6 (1) of Schedule 3 to the Act for urban, irrigation and industrial (including mining) purposes

National Environmental Management: Waste Act 59 of 2008 - GN 14 in GG 41380 of 12 January 2018 - [Proposed Waste Exclusion Regulations, 2017](#) - for comment

### PROVINCES

#### Limpopo

National Environmental Management: Biodiversity Act 10 of 2004 - PN 6 in PG 2874 of 12 January 2018 - Notice of intention to publish Bioregional plans - for comment

### CASES

#### National

[\*Quantum Leap Investments 639 \(Pty\) Ltd and Another v Minister of water and Sanitation and Others\*](#) (391/2017) [2017] ZAGPPHC 816 (20 December 2017)

"[1] The erection of weirs by the second applicant, Haasfontein Beleggings (Pty) Ltd in the Water River and Kolspruit and thus preventing the flow of water to the fifth respondent, Springbokdraai Boerdery (Pty) Ltd followed by a complaint lodged by the latter with the Department of Water and Sanitation and subsequent directive issued by the Department in terms of which: (a) second applicant was directed to cease all water use activity with immediate effect and provide proof of cessation to the Department within five working days upon receipt of the directive; (b) to appoint independent environmental consultant to assess the impact and compile rehabilitation plan to be submitted to the Department within 30 days of approval and (c) to implement all the recommendations contained in the submitted

rehabilitation plan in all the areas affected by erected walls, prompted the present application.”

## International

*Grid Reliability and Resilience Pricing and Grid Resilience in Regional Transmission Organizations and Independent System Operators* Accession Number 20180108-3061 162 FERC ¶ 61,012 United States of America Federal Energy Regulatory Commission 8 January 2018

Click here to find the [order](#)

“Order terminating rulemaking proceeding, initiating new proceedings, & establishing additional procedures re Grid Reliability & Resilience Pricing under RM18-1 et al.”

*City of New York vs BP P.L.C. Chevron Corporation; ConocoPhillips; Exxon Mobil Corporation; and Royal Dutch Shell PLC* Case No 18 cv 182 [Complaint filed](#) 9 January 2018 in the United States District Court Southern District of New York Case

Case against oil companies responsible for climate change – New York City’s [statement](#)

## PUBLICATIONS

Pienaar Alecia “Overview of air quality regulatory developments” 2017 *De Rebus* December 38-40

Neergheen-Bhujun Vidushi *et al* “Biodiversity, drug discovery, and the future of global health: Introducing the biodiversity to biomedicine consortium, a call to action” 2017 2 [Journal of Global Health](#)

**Call for Papers: 2017 Yearbook of International Environmental Law Volume 28**

Theme: The Challenge of Marine Environment and the Blue Economy

Read more [here](#)

## BLOGS, DISCUSSIONS, VIDEOS, ETC

[GroundUp](#): Payne Suné “What national government is doing about Cape Town’s water crisis” 12 January 2018

[GroundUp](#): Clark Christopher “Murder and corruption in the mining town the world forgot” 11 January 2018

[NPO](#): Conway Marian “Lawsuits as Environmental Battleground: A Corporate Trade Group Gets Busy” 3 January 2018

[The Jurist](#): Offay Lindsay “Supreme Court hears arguments in two original jurisdiction cases concerning water disputes” 9 January 2018

[Climate Law Blog](#): “January 2018 Updates to the Climate Case Charts” 8 January 2018

[Climate Law Blog](#): Adler D “Irish High Court recognizes a right to an environment, but finds that environmental group lacks standing to make climate change claims in airport runway case” 12 December 2017

[Climate Law Blog](#): Wentz Jessica “Santa Cruz joins other municipalities suing fossil fuel companies for damages caused by climate change” 8 January 2018

[State of the Planet](#): “Climate change will displace millions of people. Where will they go?” 4 January 2018

Global Young Academy Position Statement: “Biodiversity Conservation: Molecular Diversity and Biomedical Discoveries” 3 January 2018  
<https://globalyoungacademy.net/wp-content/uploads/2018/01/Bio2Bio-Statement-Final.pdf>

[Global Young Academy](#) website: Biodiversity for Survival via Biomedicine (Bio2Bio)

[The Conversation](#): Chapman Alex “Climate change is triggering a migrant crisis in Vietnam” 9 January 2018

[The Conversation](#): Conway Declan “New dams in Africa could add risk to power supplies down the line” 11 January 2018

[Amnesty International Australia](#): “Facing Prison for Protecting Cambodia’s Natural Treasures” 9 January 2018

[TED talk](#): Njabo Kevin “How are we going to stop the African brain drain?” 10 January 2018

[Environmental Data and Governance Initiative](#) “The First 100 Days and Counting Series” January 2018

In the first report of its kind, EDGI has conducted an in-depth analysis of the Environmental Protection Agency (EPA) under Administrator Scott Pruitt and the early days of the Trump administration.

[Los Angeles Times](#): Blumm Michael C “The Trump administration is redefining the 'public' in 'public lands'” 12 January 2018

[Climate Principles for Enterprises](#): Discerning legal obligations to tackle climate change

The Principles will be officially launched on 18 January 2018 in Amsterdam, the Netherlands. The Principles were drafted by eminent legal scholars around the world and may be endorsed.

[IISD SDG Knowledge Hub](#): Mead Leila “UNEP, WHO Launch Partnership on Environmental Health” 11 January 2018

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Dates: 13-15 March 2018

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)

Date: 15 March 2018

Venue: Refresher course, Pretoria

[Course description](#) and [registration form](#).

[Website](#).

Contact for additional information: Glaudin Kruger (Course Coordinator)

Tel: 028 316 2905 / [email](#)

### International

#### Webinar: WISIONS "Stronger Together: Why Networks of Energy Access Practitioners Matter"

Date: 18 January 2018

Time: 3:00 PM - 4:20 PM SAST

To register, please visit this [link](#)

#### e-Course on Climate Change Diplomacy: Negotiating Effectively under the UNFCCC

Dates: 26 February - 22 April 2018

This online course will develop participants' understanding of the climate change policy framework, by building an appreciation of the science, causes and impacts of climate change, the history of the policy making process and the UNFCCC framework, and will also consider the pertinent challenges currently facing international decision makers in making progress with what is currently on the

negotiating table and how to prepare for COP24. More information at <https://www.unitar.org/event/full-catalog/climate-change-diplomacy-negotiating-effectively-under-unfccc-13>

## NEWS

### National

#### **General: Strong opposition to Cape Town drought tax**

“The City of Cape Town is experiencing a major push-back over its proposed temporary drought tax, a report in *Die Burger* notes. More than 45 000 comments had been received by yesterday. The public consultation process ends on Friday. The city council adopted a resolution on 5 December that residential properties worth more than R400 000 and commercial properties worth more than R50 000 should be charged an additional rate of 10% of the property value as a drought levy. The Greater Cape Town Civic Alliance has requested an extension of the public consultation deadline. The alliance’s chairperson, Philip Bam, says the process is unlawful and unreasonable as it took place over the festive season when businesses were closed and many residents were on holiday. The levy would be effective until at least 30 June 2021 if approved. It aims to collect revenue of more than R1bn per year to deliver emergency water measures.”

Full report in *Die Burger* (subscription needed) *Legalbrief Today* 9 January 2018

#### **General: Central water management agency mooted**

“The Department of Water and Sanitation has gazetted plans to form a national central management agency for catchment areas and to scrap the current nine regional authorities, Beeld reports. The nine authorities were established by the National Water Act of 1998. Departmental spokesperson Sputnik Ratau says the move is to ensure a sustainable water management system. Five of the established six authorities are ‘dysfunctional’. ‘The establishment of a single action will drastically change the functions of the department’s regional offices,’ Ratau added. Water law expert Marika van der Walt believes the move will be set aside by the courts if it is taken on review. She says section 5(3) of the Act makes provision for nine authorities and the department’s own strategic plan is based on nine authorities. ‘It is unclear why the department believes it is entitled to ignore the Act and its own strategy.’ Full Beeld report (subscription needed)” *Legalbrief Today* 12 January 2018

Lewis Pete “Silicosis case: we’re close to a settlement, say lawyers for both sides” [GroundUp](#) 10 January 2018

Chirume Joseph “Sewage spill spoils children’s holidays” [GroundUp](#) 9 January 2018

Yeld John “Setback for giant West Coast mine project” [GroundUp](#) 9 January 2018

Zietsman Gabi “Cleanup of water-sucking alien plants on Knysna River underway” [Traveller24](#) 13 January 2018

## International

“On the boil: five climate lawsuits to watch in 2018” [Reuters](#) 28 December 2017

“UK plans to eliminate avoidable plastic waste by 2042” [News24](#) 13 January 2018

“Senegal in crackdown on timber trafficking after massacre” [News24](#) 10 January 2018 [Source: Legalbrief Today 12 January 2018]

## VACANCIES, BURSARIES, FINANCIAL OPPORTUNITIES, ETC.

### National

#### **Ground Truth Aquatic Ecologist/Conservation Biologist - Vacancy**

Closing Date: 10 February 2018

Based in Hilton, KwaZulu-Natal

GroundTruth is an award winning, multidisciplinary environmental and engineering consulting company. We have a team of leading scientists and engineers, with a particular focus around water resources and environmental studies.

These studies include; Environmental Assessments & Management Planning, Impact Monitoring, Rehabilitation and Biodiversity Conservation Planning. Minimum requirements for the above vacancy:

- Demonstrated academic excellence
- Excellent and demonstrable communication and report writing skills in English
- Excellent computer literacy
- Excellent interpersonal and teamwork skills
- GIS skills and experience
- A commitment to career development in the environmental sector
- An articulated interest and passion for environmental issues
- An ability to work independently with minimal supervision
- A valid driver's license
- Minimally a Masters' degree in Natural Sciences- incorporating courses in Aquatic Ecology, Zoology, Entomology, Hydrology, Conservation Biology and Vegetation Ecology Advantageous requirements:
  - SASS 5 Accreditation
  - Pr Sci Nat Registration
  - Field-based research, experience & publication record
  - Good project management skills

A competitive remuneration package will be offered based on work experience & knowledge

Interested candidates to please [email](#) a detailed CV (with references) and motivational letter by the 10th February 2018

If you have not been contacted, within 30 days of the closing date please consider your application unsuccessful.

## **International**

### **World Bank Summer Internship for post-graduate students**

Place: United States

Fields: Economics, finance, human development (public health, education, nutrition, population), social science (anthropology, sociology), agriculture, environment, private sector development, and other related fields

Closing date: 31 January 2018

More information click [here](#)

[Source: DHET]

### **Swedish Institute Study Scholarship: Master's 2018**

Place: Sweden

Fields: Environmental Technology / Sustainable development; Nanotechnology and Engineering

Closing date: 15 January 2018

Fields:

More information click [here](#)

[Source: DHET]

### **Australia Awards 2018: Short Courses**

Place: Australia

Fields: Agricultural productivity, Extractives and Public Policy

Closing date: 15 January 2018

More information click [here](#)

[Source: DHET]

### **Russian Government: Bachelor's, Master's and PhD**

Place: Russia

Fields: Various

Closing date: 12 February 2018

More information click [here](#)

[Source: DHET]

### **Stipendium Hungaricum 2018: Bachelor's, Master's and PhD**

Location: Hungary

Fields: Various

Closing date: 16 February 2018

More information click [here](#)

[Source: DHET]

### **Chinese Government Scholarship (2018): Bachelor's, Master's and PhD**

Place: China

Fields: Various

Closing date: 7 March 2018

More information click [here](#)

[Source: DHET]

**New Zealand Development Scholarship 2019: Master;s and PhD**

Place: New Zealand

Fields: Subjects that can improve the social and economic development of your country. Priority sectors: Agricultural development and Renewable energy

Closing date: Apply from 1 February to 14 March 2018

More information click [here](#)

[Source: DHET]

**Embassy of France in South Africa Masters Scholarships 2018-2019**

Place: France

Fields: All disciplines will be considered. Preference is given to the fields of science and technology (eg. Energy, transport, environment and biodiversity, social and political sciences, space and earth science, materials & nuclear physics and chemistry, as well as food security).

Closing date: 20 March 2018

More information click [here](#)

[Source: DHET]

**Fulbright Foreign Student Programme (2019): Master's and PhD**

Place: United States

Fields: Various

Closing date: 22 April 2018

More information click [here](#)

[Source: DHET]

**Kader Asmal Fellowship Programme (2018): Master's**

Place: Ireland

Fields: Business Management; Agriculture, Food Science & Nutrition; Public Administration and Human Rights Law

Closing date: 20 February 2017

More information click [here](#)

[Source: DHET]

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[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

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## **ELA NEWSLETTER 3**

19 January 2018

### **BILL**

Public Investment Corporation Amendment Bill, 2018 [B1-2018]

Draft Public Audit Amendment Bill, 2017 (Gen Notice 9 in GG 41386 of 19 January 2018) - for comment

### **LEGISLATION**

#### **Notices**

Occupational Health and Safety Act 85 of 1993 - GN R29 in GG 41387 of 19 January 2018 - Draft Asbestos Abatement Regulations, 2018 - for comment

National Water Act 36 of 1998 - GN 28 in GG 41386 of 19 January 2018 - Mzimvubu-Tsitsikamma Water Management Area (WMA 7): Limiting the use of water in terms of para. 6 (1) of Schedule 3 to the Act for domestic, industrial and agricultural purposes

### **PROVINCES**

#### **Limpopo**

National Environmental Management: Biodiversity Act 10 of 2004 - PN 7 in PG 2875 of 19 January 2018 - Notice of intention to publish Bioregional plans - for comment

National Environmental Management: Biodiversity Act 10 of 2004 - PN 8 in PG 2875 of 19 January 2018 - Notice of intention to publish Bioregional plans - for comment and PN 6 in PG 2874 of 12 January 2018 withdrawn

#### **KwaZulu Natal**

Spatial Planning and Land Use Management Act 16 of 2013 - MN 1 in PG 1916 of 18 January 2018 - Okhahlamba Local Municipality: Appointment of members to the Municipal Planning Tribunal

## Western Cape

National Environmental Management: Protected Areas Act 57 of 2003 - PNs 1-3 in PG 7859 of 12 January 2018 - Declaration of Nature Reserves - Declaration of Witzands Nature Reserve; Uitkamp Wetland Nature Reserve; and Tygerberg Nature Reserve

Disaster Management Act 57 of 2002 - LAN 55197 in PG 7859 of 12 January 2018 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of disaster as a result of devastating fires in the Imizamo-Yethu informal settlement situated in Hout Bay for a further one-month period from 25 January 2018 until 25 February 2018

Disaster Management Act 57 of 2002 - LAN 55198 in PG 7859 of 12 January - City of Cape Town Metropolitan Municipality - Extension of declaration of a local state of drought disaster from 17 January 2018 until 17 February 2018

Disaster Management Act 57 of 2002 - LAN 55199 in PG 7859 of 12 January 2018 - Swartland Local Municipality - Extension of declaration of a local state of disaster as a result of a devastating fire at the Swartland Hospital in Malmesbury

Disaster Management Act 57 of 2002 - LAN 55204 in PG 7859 of 12 January 2018 - Stellenbosch Local Municipality - Extension of declaration of a local state of drought disaster from 20 January 2018 to 20 February 2018

Disaster Management Act 57 of 2002 - LAN 55207 in PG 7859 of 12 January 2018 - Witzenberg Local Municipality - Extension of declaration of a local state of drought disaster from 28 December 2017 up to 28 January 2018

National Heritage Resources Act 25 of 1999 - PN 4 in PG 7860 of 12 January 2018 - Heritage Western Cape - Draft Regulations relating to the Consultation Process for Listing Heritage Resources in the Heritage Register and for the Designation of Heritage Areas, 2018 - for comment

## CASES

### National

*Parkscape v MTO Forestry (Pty) Ltd and Another* 2018 (1) SA 263 (WCC)

Administrative law — Administrative action — Review — When competent — Action taken in contractual context — Execution of policy — External effect — Right to be heard.

Environmental law - Protection of the environment — Environmental management — National park — Eradication of undesirable species — Felling of exotic trees under commercial contract — Decision of South African National Parks to consent to accelerated felling of plantation on Table Mountain — Constituting reviewable exercise of public power — Public consultation required — National Environmental Management: Protected Areas Act 57 of 2003, s 55.

State — Contracts by — Decision under — Reviewable if constituting exercise of public, as opposed to private, power — Decision of state to

permit lessee to proceed with accelerated felling of trees in national park held to constitute reviewable exercise of public power. [Source Juta online]

## PUBLICATIONS

R Wyngaard; and N Copley (eds) [NGO Matters: Governance for Nonprofit Boards](#) (Juta December 2017)

2017 [Without Prejudice](#) Focus on Mining

Leal-Arcas Rafael “[Trade redemption: How trade agreements can help decarbonize the economy](#)” in De Luca A and Lubello V (eds) *Renewable Energy and the European Energy Market: European and International Legal Perspectives* (Wolters Kluwer, also Published as Queen Mary School of Law Legal Studies Research Paper No. 271/2018 (January 14, 2018))

## BLOGS, DISCUSSIONS, VIDEOS, ETC

[Science](#): Hiar Colin “At Trump’s EPA, once-public chemical safety reviews go dark” 10 January 2018

[Science](#): Pennisi Elizabeth “Light pollution may promote the spread of West Nile virus” 9 January 2018

[Science](#): Dengler Roni “U.S. rivers are getting saltier, potentially compromising drinking water” 8 January 2018

[Energy Mix](#) A website with news on climate change, energy issues and solutions

[eTN](#): “Ocean floors sinking under weight of melting glaciers” 14 January 2018

[LandUseProfBlog](#): Nolon John R “Low Carbon Land Use: Paris, Pittsburgh, and the IPCC: Post 3: Carbon Emissions: The Land Use Connection” 10 January 2018

[LandUseProfBlog](#): Nolon John R “Low Carbon Land Use: Paris, Pittsburgh, and the IPCC: Post 4: Shaping Human Settlements” 17 January 2018

[United Nations Information Portal](#): Multilateral Environmental Agreements

[American Bar Association](#): Reibstein Rick “Can Our Children Trust Us with Their Future? Juliana Is a Reminder That the Government’s Purpose Is to Be a Guardian for Future Generations” 18 January 2018

[Natural Justice](#): Odhiambo Edna “Pathways to Harmonizing Human Rights and Biodiversity Conservation” 18 January 2018

[GroundUp](#): Clark Christopher “The forgotten mining town where rape is ‘normal’” 16 January 2018

[The Conversation](#): Beevers Lindsay “Will the weather get worse in 2018? What the experts say” 11 January 2018

UNDP SDGs: “[State of sustainable development](#)” (January 2018) [Youtube](#) video

- In search of water - Somalia – the [story](#)
- United for a clean city – Peru – the [story](#)
- Lights on in Lebanon – the [story](#)
- Opening the tap – Nepal – the [story](#)

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **Webber Wentzel Annual Mining Indaba Cocktail Function**

Date: 6 February 2018

Time: 17:00-20:00

Venue: Webber Wentzel, Heerengracht Street, Convention Tower, Cape Town City Centre, Foreshore. For directions, click [here](#)

To RSVP click [here](#)

#### **9th Annual Women in Mining Conference**

Dates: 21-23 February 2018

Venue: Indaba Hotel, Fourways

[Reservations](#)

[Website](#)

Contact person: Zakhele Mntambo Tel: 011 326 2501

#### **NWU - Centre for Environmental Management Courses 2018**

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Dates: 13-15 March 2018

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)

Date: 15 March 2018

Venue: Refresher course, Pretoria

[Course description](#) and [registration form](#).

[Website](#).

Contact for additional information: Glaudin Kruger (Course Coordinator)  
Tel: 028 316 2905 / [email](#)

## International

### Call for Applications for E-waste Academy Managers Edition (EWAM 2018)

The United Nations University (UNU) is pleased to announce that the next E-waste Academy - Manager's Edition (EWAM), will take place in Bangkok, Thailand from 7th - 11th May 2018. This will be the 6th edition of the EWAM, first held in 2012, and which has since developed into a very unique platform and network of over 100 key policy makers and SME entrepreneurs in the e-waste field globally. Having taken place previously in Africa, Latin America and Russia, we are very glad to organise the first EWAM in Asia.

The EWAM is specially relevant for policy makers, small and medium e-waste recycling business owners and entrepreneurs working in the e-waste domain in the region.

More information on the past academies can be found online [here](#).

Applications are to be made online:

For [policy makers](#) at:

For [SME recyclers](#) at:

The application deadline is 31st January 2018, with selected applicants to be notified by end of February.

For questions or clarifications, please contact [Deepali](#) or [Federico](#).

## NEWS

### National

Paul Herman "Water crisis: De Lille's powers limited, tariffs to be introduced" [News24](#) 19 January 2018

"Government restricts groundwater use in parts of the Cape" [TimesLive](#) 17 January 2018

Van der Merwe Marelise "Water crisis: Curve balls and chaos at Cape Town council meeting reveal political games" [DailyMaverick](#) 19 January 2018

Davis Rebecca "#CapeWaterGate: As fake news flows, real photos show drought's effect on dams" [DailyMaverick](#) 17 January 2018

Van der Merwe Marelise "Eastern Cape Drought: Rapidly overtaking the Cape Town crisis" [DailyMaverick](#) 17 January 2018

Carnie Tony "SANParks plans to shoo Zim cattle out of Mapungubwe National Park" [DailyMaverick](#) 19 January 2018

De Greef Kimon "Rising seas from warming climate threaten major cities in Africa" [News24](#) 19 January 2018

"Worst-case global warming scenarios not credible: Study" [News24](#) 19 January 2018

Nompendulo Ngubane "KZN town without water for three years" [GroundUp](#) 15 January 2018

“Watch: Mining’s upbeat data is not the whole story” [BusinessLive](#) 17 January 2018

## International

“Swakopmund to adopt plastic bag abolishment by-law” [Lela](#) 12 Jan 2018

“At Last, Communities Impacted by Canadian Corporations Overseas Will Be Heard: Government Creates Human Rights Watchdog” [Cision](#) 17 January 2017

Nilsen Thomas “Norway’s government goes green, keeps Lofoten free of oil drilling” [Barents Observer](#) 14 January 2018

“EU Suspends Funding in Kenya Linked to Human Rights Violations” Human rights abuses leads to suspension of Water Towers Programme’ [Natural Justice](#) 18 January 2018

Carrington Damien “2017 was the hottest year on record without El Niño boost” [theGuardian](#) 18 January 2018

Elliot Larry “Donald Trump is hampering fight against climate change, WEF warns” [theGuardian](#) 18 January 2018

“Climate sensitivity study suggests narrower range of potential outcomes” [theGuardian](#) 18 January 2018

Holmes Oliver “Thai police arrest notorious wildlife trafficking suspect” [theGuardian](#) 20 January 2018

*Holmes à Court* Simon “NSW’s largest windfarm highlights power of community investment” [theGuardian](#) 19 January 2018

Vaughan Adam “UK green energy investment halves after policy changes” [theGuardian](#) 16 January 2018

## VACANCIES, BURSARIES, FINANCIAL OPPORTUNITIES, ETC.

### National

#### **British High Commission: Compliance Manager – 04/19 PTA**

Amongst other: safety, health and environmental compliance

Closing date: 29 January 2018

More [information](#)

#### **Ekurhuleni Municipality: Head of Department: Waste and Environment Management**

Closing date: 1 February 2018

More [information](#)

#### **Company Secretary: Atlantic Seaboard**

Closing date: 29 January 2018

More [information](#)

#### **Junior Attorney Position (JHB)**

Closing date: 12 February 2018

More [information](#)

**Environmental, Occupation Health & Safety Specialist: Victoria & Albert, Western Cape**

Closing date: 2 February 2018

More [information](#)

**Junior Litigation Attorney, Belville**

Closing date: 19 February 2018

More [information](#)

**Risk Officer: Tumaini Consulting**

More [information](#)

**Anglo American Platinum, Mogalakwena Complex: Permit Compliance Coordinator: Band 6**

More [information](#)

**Admitted Attorney: Internship (Agric/Enviro/IP) South African Sugar Association**

Mount Edgecombe, ZA

More [information](#)

**Mineral Rights Principal**

More [information](#)

**Legal Counsel –Mining, Kimberley**

Closing date: 12 March 2018

More [information](#)

**Legal job offers in Kimberley, Northern Cape**

More [information](#)

**International**

**Ashinaga Africa Initiative 2018: Bachelor's (for orphaned students)**

Place: Various countries around the world

Closing date: 25 February 2018

More [information](#)

**VLIR-UOS Scholarships Master's**

Place: Belgium

Topics: Human Settlements, Governance & Development, Globalization & Development, Cultural Anthropology & Development Studies, Water Resources Engineering, Sustainable Territorial Development

Closing date: 1 February 2018

More [information](#)

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[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

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## ELA NEWSLETTER 4

26 January 2018

### LEGISLATION

#### Notices

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 19 in GG 41393 of 23 January 2018 - Non -detriment finding assessment for *Panthera leo* (African lion) – for implementation

Constitution of the Republic of South Africa, 1996 - Proc 3 in GG 41403 of 25 January 2018 - Establishment and terms of reference of Judicial Commission of Inquiry to inquire into allegations of state capture, corruption and fraud in the public sector including organs of state

South African Civil Aviation Authority Levies Act 41 of 1998 - GN R53 in GG 41400 of 26 January 2018 - Determination made by the South African Civil Aviation Authority to impose a fuel levy on the sale of aviation fuel published in GN R1665 in GG 19612 of 14 December 1998 amended with effect from 1 April 2018

National Heritage Resources Act 25 of 1999 – Gen Notice 21 in GG 41399 of 26 January 2018 - Notice of publication for comment of draft regulations pertaining to the provisions of ss. 9(2), 9(3)(c), 13(1)(a), 13(1)(b), 13(2)(d), 24(f), 30(4) and 39 of the Act

National Energy Regulator Act 40 of 2004 - GN 55 in GG 41402 of 25 January 2018 - National Energy Regulator of South Africa (NERSA): Notice of Eskom's third Multi-Year Price Determination (MYPD3) Regulatory Clearing Account (RCA) Year 2 (2014/15), Year 3 (2015/16) and Year 4 (2016/17) applications and indicative timelines for the determination process - for comment

### PROVINCES

#### Western Cape

National Heritage Resources Act 25 of 1999 - PN 6 in PG 7862 of 12 January 2018 - Heritage Western Cape - Retraction of PN 176 in PG 7827 of 22 September 2017 and Declaration of a Provincial Heritage Site - The Auwal Masjied, Erf 2836 and 2839, 39 Dorp Street in Cape Town

Disaster Management Act 57 of 2002 - PN 8 in *PG 7864* of 19 January 2018 - Extension of the declaration of a provincial state of drought disaster in the Western Cape for one month from 24 January 2018 to 23 February 2018

Constitution of the Republic of South Africa and Local Government: Municipal Systems Act 32 of 2000 - LAN 55209 in *PG 7864* of 19 January 2018 - Municipal Land Use Planning By-law - Cederberg Local Municipality - Adoption of the Spatial Development Framework, (2017-2022)

Disaster Management Act 57 of 2002 - LAN 55211 in *PG 7864* of 19 January 2018 - Drakenstein Local Municipality - Extension of the declaration of a local state of drought disaster (hydrological and agricultural)

Disaster Management Act 57 of 2002 - LAN 55212 in *PG 7864* of 19 January 2018 - Swartland Local Municipality - Extension of the declaration of a local state of disaster as a result of a devastating fire at the Swartland Hospital in Malmesbury for one month from 24 January 2018 to 23 February 2018

## **Eastern Cape**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 7 in *PG 3986* of 22 January 2018 - Intention to declare Nature Reserves and Protected Environments: Indalo and Buffalo Kloof Protected Environments; Kromensee and Collywobbles Nature Reserves and Sand River Private Nature Reserve - for comment

## **CASES**

### **International**

[\*National Association of Manufacturers v. Department of Defense\*](#) Case No 16-299 United States Court of Appeals for the 6<sup>th</sup> Circuit delivered 22 January 2018  
“[Holding](#): Because the Waters of the United States Rule – a definition of the statutory term ‘waters of the United States’ proffered by the Environmental Protection Agency and the Army Corps of Engineers in a 2015 regulation – falls outside the ambit of Section 1369(b)(1) of the Clean Water Act, challenges to the rule must be filed in federal district courts.”

## **BLOGS, DISCUSSIONS, VIDEOS, ETC**

[News24](#): Pitt Christina “Cape Town water crisis: WWF helps you understand the basics” 19 January 2018

[NYAS](#) Podcast: “Rethinking Climate Change” 5 January 2018

[DailyMaverick](#): Lepodise Orateng “Rhino Poaching: Incidents decrease but officials’ involvement hampers progress” 25 January 2018

[DailyMaverick](#): Halsey Richard “Op-Ed: Political interference in electricity planning must stop” 26 January 2018

[theGuardian](#): Carrington Damian “Air pollution will damage UK health for ‘many years’, court told” 25 January 2018

[theGuardian](#): Adam Vaughan “Communities offered £1m a year to host nuclear waste dump” 25 January 2018

[theGuardian](#): John Abraham “In 2017, the oceans were by far the hottest ever recorded” 26 January 2018

[theGuardian](#): Fiona Harvey “‘Blended’ finance is key to achieving global sustainability goals, says report” 23 January 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **Webber Wentzel Seminar Invitation: The future of a changing mining industry in Africa**

Date: 5 February 2018

Venue: Webber Wentzel Offices: 15th Floor, Convention Tower, Heerengracht, Foreshore, Cape Town

Time: 15:00 for 15:30-17:00 followed by canapés

[Registration](#)

#### **Biodiversity Offsets Training**

Dates: 13 -15 February 2018

Place: Wartburg, KwaZulu Natal

SANBI with support from the INR is presenting a 2.5 day [Biodiversity Offsets Training](#) event from 13 - 15 February 2018.

There is no registration fee. Delegates are responsible for all their own travel and accommodation costs and must be available for all three days.

RSVP: [Dr Nontutuzelo Pearl Gola](#) (Tel: 033 3460796) (Cell: 078 4171462)

Email: by no later than 2 February 2018 indicating food preferences.

#### **DWS Section 21 (C) and (I) Water Use Authorisation Training**

Dates 27 **and** 28 February 2018 (Please *choose one* of the two dates as it will be a repeat of the same session to accommodate more people).

Venue: Roodeplaat Training Centre

Time: 9h00 – 15h00

DWS Sub-Directorate In-stream Water Use will be hosting two separate sessions of section 21 (c) or (i) water use authorisation training at Roodeplaat on 27 and 28 February 2018.

The training sessions are open to all DWS staff and external stakeholders, so please distribute as wide as possible.

Training is for free

Training Agenda – click [here](#)

Please [RSVP before 20 February 2018](#) for catering purposes!

## NWU - Centre for Environmental Management Courses 2018

- **CEM-02.1.6: Environmental law - natural resource/conservation management**  
Dates: 19 - 23 February 2018
- **CEM-03.7.1: Environmental management system transition**  
Dates: 27 - 28 February 2018
- **CEM-03.7.1.1: Environmental management system transition for auditors**  
Date: 1 March 2018
- **CEM-02.1.1: Environmental law**  
Dates: 12 - 16 March 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

## CBSS Workshop: Integrated Water Resource Management, the National Water Act, and Water Use Authorisations

Dates: 13-15 February 2018

Venue: Cape Town (Intaka Island, Century City)

Date: 15 February 2018

Venue: Refresher course: Cape Town

Dates: 13-15 March 2018

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)

Date: 15 March 2018

Venue: Refresher course, Pretoria

[Course description](#) and [registration form](#).

[Website](#).

Contact for additional information: Glaudin Kruger (Course Coordinator)

Tel: 028 316 2905 / [email](#)

## International

### Master's Degree Programme in Environmental Policy and Law / University of Eastern Finland

Closing date for applications: 31 January 2018

The Master's Degree Programme is a unique multidisciplinary two-year programme taught in English at the [University of Eastern Finland](#). 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.

Study and application essentials:

- Two-year Master's degree programme (120 ECTS) with interactive study methods.
- Annual intake: 20 students
- 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 November 2017 – 31 January 2018.

- Tuition fees: There are no tuition fees for students from the European Union (EU) and the European Economic Area (EEA) or Switzerland. For citizens outside EU/EEA or Switzerland, tuition fee is €8,000 per year. We offer a generous scholarship system for non-EU/EEA students to cover tuition fees. Scholarships are easy to apply together with the online application.

More information, detailed admission criteria and application process explained step-by-step available [here](#).

[Email](#) for more information.

## NEWS

### National

Walton Gregory and Van Schie Kristen “Panic and blame as Cape Town braces for water shut-off” [Mail&Guardian](#) 25 January 2018

Davis Becky and Ding Lillian “China's waste import ban upends global recycling industry” [Mail&Guardian](#) 21 January 2018

Whittles Govan “Researchers warn 'purified' Cape Town sea water will be contaminated” [Mail&Guardian](#) 18 January 2018

Masinga Lindi “Chamber welcomes terms of reference for #StateCaptureInquiry” [IOL News](#) 26 January 2018

### International

#### **Environmental: US Supreme Court decides on water jurisdiction**

“The US Supreme Court has ruled unanimously in *National Association of Manufacturers v Department of Defense* that cases litigating the Clean Water Act should be heard by federal district courts. According to a *Jurist* report, at issue is the Obama-era Clean Water Rule, which expanded the definition of ‘waters of the US’ to include intermittent streams, wetlands and floodplains previously considered to be under the states’ jurisdiction. In a number of disputes, parties filed lawsuits in both federal appeals courts and district courts, leading to the question of who had jurisdiction over the Water of the US (WOTUS) rule. In February 2016, the US Court of Appeals for the Sixth Circuit ruled that it, and not lower federal district courts, had the authority to be the first court to hear the lawsuits from industry groups. The government argued that the scope of 33 USC § 1369(b)(1), and its seven actions which were reviewable directly to the court of appeals, applied to this case as it fell under either Subsection (E) or Subsection (F) of the Act. But the industry groups involved, led by the National Association of Manufacturers (NAM), say that under the Clean Water Act, lower district courts should first hear the challenges, which can then be appealed to the Supreme Court. The Supreme Court resolved the issue in favour of NAM, stating, ‘Ultimately, the Government’s policy arguments do not obscure what the statutory language makes clear: Sub-paragraphs (E) and (F) do not grant courts of appeals exclusive jurisdiction to review the WOTUS Rule.’”

[Full Jurist report](#) *Legalbrief Today* 24 January 2018

Collins Dan “Peru passes law allowing roads through pristine Amazon rainforest” [theGuardian](#) 22 January 2018 [Source *Legalbrief Today* 24 January 2018]

Vaughan Adam “Blow to fracking firms as UK insists on financial checks” [theGuardian](#) 25 January 2018

Tomlinson Akira “Supreme Court agrees to hear frog habitat case” [theJurist](#) 22 January 2018

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## **ELA NEWSLETTER 5**

2 February 2018

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### **LEGISLATION**

#### **Notices**

#### **SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS ACT 169 OF 1993**

National Council for Societies for the Prevention of Cruelty to Animals: Rules amended (BN 11 in GG 41419 of 2 February 2018)

#### **NATIONAL HERITAGE RESOURCES ACT 25 OF 1999**

Declaration of the Waaihoek Wesleyan Mission Church (also referred to as the Wesleyan School) as a National Heritage Site published (GN 63 in GG 41419 of 2 February 2018) (p15)

Declaration of the Noordkapperpunt Stone-Walled Fish Traps as a National Heritage Site published (GN 64 in GG 41419 of 2 February 2018)

#### **NATIONAL HEALTH ACT 61 OF 2003**

Norms and Standards Regulations Applicable to Different Categories of Health Establishments, 2017 published with effect from 12 months after publication (GN 67 in GG 41419 of 2 February 2018)

### **PROVINCES**

#### **Western Cape**

Constitution of the Republic of South Africa, 1996: Mossel Bay Local Municipality: Integrated Zoning Scheme By-law published (LAN 55215 in PG 7865 of 19 January 2018) (p2)

Disaster Management Act 57 of 2002: Extension of declaration of a provincial state of disaster as a result of the magnitude and severity of the fires and storms

in the Western Cape for one month from 1 February 2018 to 28 February 2018 published (PN 11 in *PG* 7866 of 26 January 2018) (p51)

City of Cape Town Water By-law, 2010: City of Cape Town Metropolitan Municipality: Notice of implementation of level 6B water restrictions published with effect from 1 February 2018 (LAN 55219 in *PG* 7866 of 26 January 2018)

## **Eastern Cape**

Disaster Management Act 57 of 2002: Joe Gqabi District Municipality: Extension of declaration of a local state of disaster due to veld fires published (PN 8 in *PG* 3987 of 26 January 2018)

## **Free State**

Free State Nature Conservation Ordinance 8 of 1969: Notice of withdrawal of the declarations of private nature reserves: Stafford's Hill Bird Sanctuary; Viljoenskroon Nature Reserve; and Valsrivier Nature Reserve published (PN 225 in *PG* 110 of 2 February 2018)

## **Gauteng**

Spatial Planning and Land Use Management Act 16 of 2013: Emfuleni Local Municipality: Spatial Planning and Land Use Management By-Law, 2018 published (Proc 4 in *PG* 15 of 31 January 2018)

## **Limpopo**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000: Greater Letaba Local Municipality: Spatial Planning and Land Use By-law, 2017 published and previous by-laws repealed (PN 13 in *PG* 2878 of 2 February 2018)

## **INTERNATIONAL**

Secretariat of the Convention on Biological Diversity "Guidelines for an Integrated Approach in the Development and Implementation of National, Subnational and Local Biodiversity Strategies and Action Plans" (2017)

[UNDG](#) "Guidelines to Support Country Reporting on the Sustainable Development Goals" (2017)

[UNDP](#) "Institutional and Coordination Mechanisms: Guidance Note on Facilitating Integration and Coherence for SDG Implementation" (December 2017)

DESA/DSD United Nations "[Handbook for preparation of Voluntary National Reviews](#)" Draft Unedit Version January 2018

## CASES

### National

*City of Cape Town v Really Useful Investments 219 (Pty) Ltd* (21106/2014) [2018] ZAWCHC 6 (2 February 2018)

Houtbay Stormwater Management By-Law of 2005 – section 31A directive  
- Environment Conservation Act 73 of 1989 – encroachment on floodplain of a river – rehabilitation of freshwater ecosystems – National Water Act 36 of 1998 – enforcement of section 31A directive

*City of Cape Town and Another v Da Cruz and Another* (A313/17) [2018] ZAWCHC 5 (2 February 2018)

National Building Regulations and Building Standards Act 103 of 1977 – approval of plans – zoning

“82. The fact of the matter is that already from the decision in *Walele* in 2008 it was made clear by the Constitutional Court that in giving effect to their duties in terms of s 7(1)(b), local authorities are required to strike a balance between the rights of the owner of the subject property for which building plan approval is sought, and the rights of the owners of neighbouring properties. This cannot be done by the simple expedient of having regard only for the building plans under consideration, in isolation, and without any regard for what exists, and what might reasonably be anticipated is likely to be put up in the future, on neighbouring properties. And whether or not a proposed building will disfigure an area, be unsightly or objectionable, or derogate from the value of adjoining properties requires a judgment call that can only properly be made if it has regard for the area concerned and the neighbouring buildings in it.”

*ABET Inspection Engineering (Pty) Ltd v The Petroleum Oil and Gas Corporation of South Africa and Another* (A280/2017) [2018] ZAWCHC 7 (1 February 2018)

“[1] The appellant has come on appeal from the judgment of Holderness AJ dismissing its application for the review and setting aside of the decision by PetroSA (the first respondent) to accept the tender of Vumela (the second respondent) for the provision of quality control and approved inspection authority services at certain of PetroSA’s installations with effect from the end of August 2016.”

*Glencore Operations South Africa (Pty) Ltd v Mnguni and Others* (LCC105/2017) [2018] ZALCC 2 (23 January 2018)

“[3] The applicant alleges that despite its best efforts to persuade the respondents to relocate from the land they presently occupy and resettle in an area where it had identified suitable alternative accommodation, they refuse to do so. According to the applicant, the respondents’ continued presence on the mining area threatens not only a very costly disruption of its mining operations, with associated adverse economic consequences for the local community, but also pose a risk to their health and safety.”

## International

*Hawai'i Wildlife Fund vs County of Maui* [Case: 15-17447](#) United States Court of Appeals for the Ninth Circuit 1 February 2018

“The panel affirmed the district court’s summary judgment rulings that the County of Maui violated the Clean Water Act when it discharged pollutants from its wells into the Pacific Ocean, and further finding that the County had fair notice of its violations. The panel concluded that the County’s four discrete wells were ‘point sources’ from which the County discharged ‘pollutants’ in the form of treated effluent into groundwater, through which the pollutants then entered a ‘navigable water,’ the Pacific Ocean. The wells therefore were subject to National Pollutant Discharge Elimination System regulation. Agreeing with other circuits, the panel held that the Clean Water Act does not require that the point source itself convey the pollutants directly into the navigable water. The panel held that the County was liable under the Act because it discharged pollutants from a point source, the pollutants were fairly traceable from the point source to a navigable water such that the discharge was the functional equivalent of a discharge into the navigable water, and the pollutant levels reaching navigable water were more than *de minimis*.” [Summary to case]

## PUBLICATIONS

Mills Anthony and Hunter Roland “Restoration of wetlands on the Agulhas Plain is unlikely to generate peat” 2018 [South African Journal of Science](#) 114(1/2)

Lloyd Philip “Soil algae and cyanobacteria on gold mine tailings material: Comments on Seiderer et al. (2017)” 2018 [South African Journal of Science](#) 114(1/2)

Murcott Melanie “Transformative Environmental Constitutionalism’s Response to the Setting Aside of South Africa’s Moratorium on Rhino Horn Trade” 2017, 6, 84 [Humanities](#)

Murcott Melanie “Introducing Transformative Environmental Constitutionalism in South Africa in Daly Erin, Kotzé Louis J and Caiphas Soyapi (eds) [New Frontiers in Environmental Constitutionalism](#) (UNEP May 2017) 280-294

Kidd Michael “Transformative constitutionalism and the interface between environmental justice, human rights and sustainable development” in Daly Erin, Kotzé Louis J and Caiphas Soyapi (eds) [New Frontiers in Environmental Constitutionalism](#) (UNEP May 2017) 117-125

Feris Loretta “Loss of Sense of Place as Displacement – New Frontiers for Environmental Rights” in Daly Erin, Kotzé Louis J and Caiphas Soyapi (eds) [New Frontiers in Environmental Constitutionalism](#) (UNEP May 2017) 126-134

Villavicencio Calzadilla Paola and Kotzé Louis J “Environmental constitutionalism and the ecocentric rights paradigm: the rights of nature in Ecuador and Bolivia” in Daly Erin, Kotzé Louis J and Caiphas Soyapi (eds) [New Frontiers in Environmental Constitutionalism](#) (UNEP May 2017) 126-134

Du Plessis Anél “South Africa’s Constitutional Environmental Right and the Pursuit of a Country Where ‘Well-being’ Thrives” in Daly Erin, Kotzé Louis J and Caiphas Soyapi (eds) [New Frontiers in Environmental Constitutionalism](#) (UNEP May 2017) 250-262

Lubbe WD “Access to justice in light of the Atabong case: a means to ensure the realization of article 24 of the Banjul Charter?” in Daly Erin, Kotzé Louis J and Caiphas Soyapi (eds) [New Frontiers in Environmental Constitutionalism](#) (UNEP May 2017) 263-269

Soyapi Caiphas “The emerging transnationality of environmental rights” in Daly Erin, Kotzé Louis J and Caiphas Soyapi (eds) [New Frontiers in Environmental Constitutionalism](#) (UNEP May 2017) 270-279

Barnard Michelle “Climate change mitigation in the African Union - differentiated responsibilities in the progressive realisation of human rights” in Daly Erin, Kotzé Louis J and Caiphas Soyapi (eds) [New Frontiers in Environmental Constitutionalism](#) (UNEP May 2017) 319-328

Belinskij A, Kotzé LJ and Fuo O “Domestic Manifestations of International Law’s Right to Water: A Comparative Analysis of Emerging Rights Obligations in Finland and South Africa” 2017 25(2) *African Journal of International and Comparative Law* 261-292

Kidd Michael “Water rights and permitting: a South African approach” in Alistair Rieu-Clarke; Andrew Allen & Sarah Hendry (eds) *Routledge Handbook of Water Law and Policy* (Routledge 2017) 38-50

Kidd Michael “Environmental Law” 2015 *Annual Survey of South Africa Law* (published 2017)

Kidd Michael “Climate change, groundwater and the law: Exploring the connections in South Africa” 2017 42 (6) *Water International* 678-690

Kotzé LJ and Villavicencio Calzadilla P “Somewhere between Rhetoric and Reality: Environmental Constitutionalism and the Rights of Nature in Ecuador” 2017 6(3) *Transnational Environmental Law* 401-433

Toxopeüs M and Kotzé LJ “Promoting Environmental Justice through Civil-Based Instruments in South Africa” 2017 13(1) *Law Environment and Development* 49-72

Venter F and Kotzé LJ “The Methodology of Environmental Constitutional Comparison” in Philippopoulos-Mihalopoulos A and Brooks V (eds) *Handbook on Research Methods in Environmental Law* (Edward Elgar UK 2017) 237-264

Kotzé LJ “Global Environmental Constitutionalism in the Anthropocene” in Kotzé LJ (ed) *Environmental Law and Governance for the Anthropocene* (Hart Publishing 2017) 189-218

Kotzé LJ “Six Constitutional Elements to Guide the Implementation of Environmental Constitutionalism In The Anthropocene” in James May and Erin

Daly (eds) *Implementing Environmental Constitutionalism: Current Global Challenges* (Cambridge University Press, Cambridge 2017)

Kotzé LJ “The Status and Content of a Right to a Healthy Environment in International Law” in John Knox and Ramin Pejan (eds) *The Human Right to a Healthy Environment* (Cambridge University Press, Cambridge 2017)

Kotzé LJ “Conceptualising Global Environmental Constitutionalism in a Regional Context: Perspectives from Asia and Europe” in Suami T, Peters A, Kumm M and Vanoverbeke D (eds) *Global Constitutionalism from European and East Asian Perspectives* (Cambridge University Press, Cambridge 2017)

French D and Kotzé LJ (eds) *Sustainable Development Goals: Law, Theory and Implementation* (Edward Elgar Publishing, United Kingdom, 2018)

Trouwborst Arie, Lewis Melissa, Burnham Dawn, Dickman Amy, Hinks Amy, Hodgetts Timothy, Macdonald Ewan A & Macdonald David “International Law and Lions (*Panthera leo*): Understanding and Improving the Contribution of Wildlife Treaties to the Conservation and Sustainable Use of an Iconic Carnivore” 2017 21 *Nature Conservation* 83-128

Trouwborst Arie, Blackmore Andrew, Boitani Luigi, Bowman Michael, Caddell Richard, Chapron Guillaume, Cliquet An, Couzens Ed, Epstein Yaffa, Fernández-Galiano Eladio, Fleurke Floor, Gardner Royal, Hunter Luke, Jacobsen Kim, Krofel Miha, Lewis Melissa, Vincente López-Bao Jose, Macdonald David, Redpath Stephen, Wandesforde-Smith Geoffrey & Linnell John DC “International Wildlife Law: Understanding and Enhancing its Role in Conservation” 2017 67(9) *BioScience* 784-790

Lewis Melissa “Migratory Waterbird Conservation at the Flyway Level: Distilling the Added Value of AEWA in Relation to the Ramsar Convention” 2016 *Pace Environmental Law Review* 1-86

Lewis Melissa & Trouwborst Arie “Agreements under the Convention on the Conservation of Migratory Species of Wild Animals” in Fitzmaurice M, Tanzi A & Papantoniou A (eds) *Elgar Encyclopedia of Environmental Law Vol V: Multilateral Environmental Treaties* (Cheltenham & Northampton: Edward Elgar 2017) 35-48

Lewis Melissa & Trouwborst Arie “Bonn Convention on the Conservation of Migratory Species of Wild Animals 1979” in Fitzmaurice M, Tanzi A & Papantoniou A (eds) *Elgar Encyclopedia of Environmental Law Vol V: Multilateral Environmental Treaties* (Cheltenham & Northampton: Edward Elgar 2017) 25-34

Lewis Melissa, Honkonen Tuula & Romppanen Seita (eds) *International Environmental Law-making and Diplomacy Review 2016* (Joensuu: University of Eastern Finland 2017)

Couzens Ed, Honkonen Tuula & Lewis Melissa (eds) *International Environmental Law-making and Diplomacy Review 2015* (Joensuu: University of Eastern Finland 2017)

Villaviciencio Calzadilla Paola, Mauger Romain and Du Plessis Anél “Climate change communication in Higher Education Institutions: The case of the North-

West University in South Africa” in Leal Filho Water, Manolas Evangelos, Azul Anabela Marisa, Azeiteiro Ulisses M and McGhie Henry (eds) *Handbook of Climate Change Communication: Vol 3* (Springer 2018) 241-256

Department of Defense (USA) “Climate-Related Risk to DoD Infrastructure Initial Vulnerability Assessment Survey (SLVAS) Report” January 2018 accessible [here](#)

Angula HN, Stuart-Hill G, Ward D, Matongo G, Diggle RW and Naidoo R “Local Perceptions of Trophy Hunting on Communal Lands in Namibia” 2018 218 [Biological Conservation](#) 26-31

McNutt JW, Stein AB, Boggs McNutt L and Jordan NR “Living on the Edge: Characteristics of Human-Wildlife Conflict in a Traditional Livestock Community in Botswana” 2017 44(7) [Wildlife Research](#) 546-557.

## **BLOGS, DISCUSSIONS, VIDEOS, ETC**

[GroundUp](#): O'Toole Sean “Water crisis: Are bigger dams the answer?” 2 February 2018

[GroundUp](#): Chirume Joseph “Drought: Eastern Cape towns facing Day Zero” 31 January 2018

[GroundUp](#): “City’s model shows how we can avoid Day Zero” 30 January 2018

[GroundUp](#): Hendricks A “Hundreds protest against City over water crisis” 29 January 2018

[The Conversation](#): Winkler Hartmut “Why decommissioning South Africa's Koeberg nuclear plant won't be easy” 25 January 2018

[ACP MEAs programme](#) Fourth quarter of 2017:

The ‘newsletter provides quarterly updates on the programme on capacity building related to multilateral environment agreements in African, Caribbean, and Pacific countries. With a focus on institutional and national capacity building for the synergistic implementation of certain MEAs, the programme combats biodiversity loss and promotes the sound management of chemicals and waste.’

[The New York Times](#): Zimmer Carl “The Famine Ended 70 Years Ago, but Dutch Genes Still Bear Scars” 31 January 2018

[New York Times](#): Davenport Coral “Trump’s Environmental Rollbacks Were Fast. It Could Get Messy in Court” 31 January 2018

[New York Times](#): Popovich Nadja, Albeck-Ripka Livia and Kendra Pierre-Louis “67 Environmental rules on the way out under Trump” 31 January 2018

[Land Use Prof Blog](#): Nolon John R “Low Carbon Land Use: Paris, Pittsburgh, and the IPCC: Post 5: Shaping Human Settlements” 31 January 2018

[The Conversation](#): Blake Megan “Capitalism has coopted the language of food – costing the world millions of meals” 1 February 2018

[The Conversation](#): Cowie Blair “How South Africa is keeping its worst invader - famine weed - at bay” 1 February 2018

[The Conversation](#): Bacher Sven “A novel approach could help manage the impact of invasive species” 29 January 2018

[The Jurist](#): Brown Tate “UN rights expert: US must reverse dismantling of Bears Ears National Monument” 31 January 2018

[The Jurist](#): Tomlinson Akira “Environmentalists sue Trump administration over Mexican wolf” 31 January 2018

[The Jurist](#): Moore Raven “France court overturns ban on breeding whales in captivity” 30 January 2018

[The Jurist](#): Eachambadi Ram “Colombia citizens file first ever climate change litigation in Latin America” 30 January 2018

[The Jurist](#): Koltonowski Austin “EPA upholds restrictions on Alaska pebble mine project” 29 January 2018

[Daily Maverick](#): Eberhard Anton & Lovins Amory “South Africa’s Electricity Choice (Part 2): Renewable Energy is a win-win” 2 February 2018

[Daily Maverick](#): Bloom Kevin & Wales-Smith Sasha “Stealing the Crust: How the Bakgatla Ba Kgafela were robbed of their inheritance” 1 February 2018

[Daily Maverick](#): Du Plessis Carien “Chief Justice Mogoeng Mogoeng: ‘Feel free to mock judges, but don’t threaten us with violence’” 31 January 2018

[Mail & Guardian](#): Obura David “A rare glimpse into the world of the Red Sea’s dolphins and whales” 30 January 2018

[The Conversation](#): Pieterse Marius “Cape Town water crisis: crossing state and party lines isn't the answer” 31 January 2018

[The Conversation](#): Eberhard Anton “Five facts that prove South Africa’s nuclear power plan should die” 31 January 2018

[The Conversation](#): Pichergu Lorien “Are seismic surveys driving penguins from their feeding grounds?” 31 January 2018

[Science](#): Pennisi Elizabeth “Large beetles are shrinking, thanks to climate change” 30 January 2018

Proceedings of Conference available: Wildlife-Friendly Beef: Working towards a Win-Win Solution for Livestock Agriculture & Wildlife Conservation in Ngamiland: [Proceedings](#) and [complete agenda and PDFs](#) of presentations.

[IISD SDG Knowledge Hub](#): Jungcurt Stefan “UNIDO, World Bank and GIZ Develop Framework for Eco-Industrial Parks” 30 January 2018

[IISD SDG Knowledge Hub](#): Risse Nathalie “Netherlands Conducts Audit for National SDG Preparedness” 30 January 2018

[The Guardian](#): Gell Fiona “Who’s driving the future of conservation? Ordinary people” 2 February 2018

[The Guardian](#): Nuccitelli Dana “Natural gas killed coal – now renewables and batteries are taking over” 29 January 2018

[The Guardian](#): Milman Oliver “Air pollution: black, Hispanic and poor students most at risk from toxins – study” 1 February 2018

[The Guardian](#): “Met Office warns of global temperature rise exceeding 1.5C limit” 31 January 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **Webber Wentzel Seminar Invitation: The future of a changing mining industry in Africa**

Date: 5 February 2018

Venue: Webber Wentzel Offices: 15th Floor, Convention Tower, Heerengracht, Foreshore, Cape Town

Time: 15:00 for 15:30-17:00 followed by canapés

[Registration](#)

#### **Biodiversity Offsets Training**

Dates: 13 -15 February 2018

Place: Wartburg, KwaZulu Natal

SANBI with support from the INR is presenting a 2.5 day [Biodiversity Offsets Training](#) event from 13 - 15 February 2018.

There is no registration fee. Delegates are responsible for all their own travel and accommodation costs and must be available for all three days.

RSVP: [Dr Nontutuzelo Pearl Gola](#) (Tel: 033 3460796) (Cell: 078 4171462)

Email: by no later than 2 February 2018 indicating food preferences.

#### **DWS Section 21 (C) and (I) Water Use Authorisation Training**

Dates 27 **and** 28 February 2018 (Please *choose one* of the two dates as it will be a repeat of the same session to accommodate more people).

Venue: Roodeplaat Training Centre

Time: 9h00 – 15h00

DWS Sub-Directorate In-stream Water Use will be hosting two separate sessions of section 21 (c) or (i) water use authorisation training at Roodeplaat on 27 and 28 February 2018.

The training sessions are open to all DWS staff and external stakeholders, so please distribute as wide as possible.

Training is for free

Training Agenda – click [here](#)

Please [RSVP before 20 February 2018](#) for catering purposes!

## NWU - Centre for Environmental Management Courses 2018

- **CEM-02.1.6: Environmental law - natural resource/conservation management**  
Dates: 19 - 23 February 2018
- **CEM-03.7.1: Environmental management system transition**  
Dates: 27 - 28 February 2018
- **CEM-03.7.1.1: Environmental management system transition for auditors**  
Date: 1 March 2018
- **CEM-02.1.1: Environmental law**  
Dates: 12 - 16 March 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

## CBSS Workshops: Integrated Water Resource Management, the National Water Act, and Water Use Authorisations

Dates: 13-15 February 2018

Venue: Cape Town (Intaka Island, Century City)

Date: 15 February 2018

Venue: Refresher course: Cape Town

Dates: 13-15 March 2018

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)

Date: 15 March 2018 (Refresher course, Pretoria)

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)

Dates: 15–17 May 2018 (registration 15 April 2018)

Place: Durban

Date: 17 May 2018 (Refresher course)

Venue: Durban

[Course description](#) and [registration form](#).

[Website](#).

Contact for additional information: Glaudin Kruger (Course Coordinator)

Tel: 028 316 2905 / [email](#)

## International

### Local Renewables Conference 2018: 24-26 October 2018 in Freiburg and Basel

Dates: 24-26 October 2018

Places: Freiburg, Germany and Basel, Switzerland

The [City of Freiburg](#), the [City of Basel](#) and [ICLEI Europe](#) are pleased to invite you to the Local Renewables Conference 2018. The conference will take place on 24-26 October 2018, in Freiburg (Germany) and Basel (Switzerland).

Rising global energy needs remain a major challenge, with cities and regions being central players in making energy more secure, clean and sustainable. To transform from a linear to a circular economy there is a growing need to take advantage of renewable resources, including energy. The conference will address the following key issues:

- How can we ensure that global energy goals, including the 2015 Paris Agreement and the UN Sustainable Development Goals will be reached?

- What is the potential of the circularity of local renewables?
- What transformation is needed in cities for shifting to a circular economy? And how will circular economy shape transformation?
- How can we manage the transformation from a linear to a circular economy?
- What investments are needed and what are the financing options?
- How can relevant stakeholders, such as citizens, public authorities and the private sector be engaged in the urban transformation?

Join leading and learning cities, policy-makers from European and national governments, businesses, and research and finance institutions for the 9th edition of the Local Renewables Series. It will build on the success of previous conferences and will showcase practical and innovative examples of how to reduce energy and resource use, and make ideal use of energy sources and other resources in the region.

More [information](#), [contact](#) or follow us on twitter [@LR\\_Series](#) #LocalRenewables

### Live streamed: FSU Spring 2018 Distinguished Environmental and Land Use Law Lecture

Prof. Tom Merrill: The Supreme Court's Regulatory Takings Doctrine: Common-Law Constitutionalism Runs Aground

Date: Wednesday, February 7 2018

Time: from 3:30 – 4:30 pm (Florida US time)

The lecture will be [live-streamed](#) online.

## NEWS

### National

Bludla Siphelele “#MiningIndaba: SA mining industry pledges to work with govt to revive economy” [IOL Business Report](#) 1 February 2018 [Source: Legalbrief 2 February 2018]

Alfreds Duncan “Battle looms over Cape Town green waste tender” [Mail & Guardian](#) 31 January 2018

Madikizela Bonani “#WorldWetlandsDay: Cities cannot be resilient without integrating healthy wetlands in infrastructure asset management, planning” [BizCommunity](#) 2 February 2018

“Why we must protect South Africa's water source areas now” [Centre for Environmental Rights](#) 26 January 2018

### International

Stokstad Erik “China moves to protect coastal wetlands used by migratory birds” [Science](#) 30 January 2018

Sobczyk Nick “Half of U.S. military facilities vulnerable to extreme weather and climate risks” [Science](#) 30 January 2018

Wang Y “UNEP and WTO Announce Initiative to Align Trade with Sustainable Development” [IISD SDG Knowledge Hub](#) 30 January 2018

Carrington Damian “Global use of mosquito nets for fishing 'endangering humans and wildlife'” [The Guardian](#) 31 January 2018

“January becomes hottest month ever recorded in New Zealand” [the Guardian](#) 2 February 2018

Neslen Arthur “Green Brexit is impossible to guarantee, EU is warned” [the Guardian](#) 2 February 2018

Elgot Jessica “VW scandal: emissions cheats could face criminal charges” [the Guardian](#) 2 February 2018

## **VACANCIES, BURSARIES, FINANCIAL OPPORTUNITIES, ETC**

### **International**

#### **Six PH.D. Scholarship positions in Environmental Law**

Chinese Government Scholarship for Doctoral Program (PhD) Students, Commencing September 2018, at the Research Institute of Environmental Law, Wuhan University, People’s Republic of China

Wuhan University is ranked in the top ten universities in China. Its [Research Institute of Environmental Law](#) (RIEL) is the foremost environmental law research institute in the country. The university’s high educational quality and beautiful campus on East Lake attract more than 2,000 international students a year to study in the university’s various disciplines.

#### *Eligibility of applicants*

Applicants must:

1. Intend to take the doctoral program full time.
2. Be of non-Chinese nationality.
3. Be under 40 years of age.
4. Hold a Bachelor of Laws or JD degree, as well as a Master’s degree in law (in relation to the latter requirement, equivalent experience may be demonstrated instead).
5. Produce an English-language qualification proving a high level of competence in the language (e.g. IELTS 7.0 or TOEFL 95, at a minimum). This requirement is waived for applicants educated in countries where the language of instruction is English.

#### *Duration and program of study*

The scholarship will support doctoral students for three years, and, in exceptional circumstances, for up to four years. The doctoral program includes a compulsory taught component in the first year, including a course on legal research methodology.

*Language of instruction:* The language of instruction is English.

#### *Scholarship coverage*

The Chinese Government Scholarship covers the following items:

1. Tuition fee.
2. Accommodation.
3. Living allowance of 3,500 RMB (approximately US\$520) per month.
4. Medical insurance.

#### *Application pre-approval procedure*

Prior to submitting any documents to the university, applicants are first to contact Professor Alexander Zahar (contact information below) at the Research Institute of Environmental Law to discuss their interest in the scholarship.

*Applicants must receive Professor Zahar's express permission before submitting any application documents to the university under this program.*

As these positions are specifically for advanced research in environmental law, persons without a law degree should not seek pre-approval.

Once approval to apply has been given, Professor Zahar will give directions to applicants on how to submit their application to the university. Applicants should be aware that if they are shortlisted they will be interviewed by a specially appointed panel of legal experts.

The DEADLINE for completed applications to be submitted to the university is *15 March 2018*. Therefore, applicants must contact Professor Zahar *well before this deadline*.

Professor Alexander Zahar Luojia Distinguished Professor, and Assistant Director [email](#)

Research Institute of Environmental Law Wuhan University

Wuhan 430072, Hubei Province People's Republic of China

**Fellowships, doctoral positions and post-doctoral positions at the Max Planck Institute for Social Anthropology in Halle (Saale) Germany**

- Dissertation writing-up fellowships at the Law and Anthropology Department at the Max Planck Institute for Social Anthropology in Halle (Saale) in Germany  
More [information](#)
- 5 positions for doctoral students at the Law and Anthropology Department at the Max Planck Institute for Social Anthropology in Halle (Saale) in Germany  
More [information](#)
- 3 PostDoc positions at the Law and Anthropology Department at the Max Planck Institute for Social Anthropology in Halle (Saale) in Germany  
More [information](#)

Members of the Environmental Law Association may subscribe to

[Legalbrief Environmental](#)

and the

[South African Journal of Environmental Law and Policy](#).

Discount available for ELA members.

## ELA NEWSLETTER 6

9 February 2018

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### POLICIES

Department of Agriculture, Forestry and Fisheries (DAFF) - GN 84 in GG 41432 of 9 February 2018 - [draft Conservation Agriculture policy](#) - for comment and notice of consultation workshops - [Template](#) for comments

### LEGISLATION

#### Notices

Commissions Act 8 of 1947 - GN 105 in GG 41436 of 9 February 2018 - Provisions of the Act declared to be applicable to the Judicial Commission of Inquiry into allegations of state capture, corruption and fraud in the Public Sector including Organs of State established in terms of Proc 3 in GG 41403 of 25 January 2018 and Regulations of the Judicial Commission of Inquiry into allegations of state capture, corruption and fraud in the Public Sector including Organs of State

Petroleum Products Act 120 of 1977 - GN R79 in GG 41426 of 6 February 2018 - Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 7 February 2018

Petroleum Products Act 120 of 1977 - GN R80 in GG 41426 of 6 February 2018 - Amendment of regulations in respect of petroleum products published with effect from 7 February 2018

Petroleum Products Act 120 of 1977 - GN R81 in GG 41426 of 6 February 2018 - Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 7 February 2018

National Environmental Management Act 107 of 1998 - [GN 104 of GG 41434 of 8 February 2018](#) - Appointment of the Environmental Assessment Practitioners Association of South Africa as the Single Registration Authority published in terms of s. 24H of the Act and commencement of Section 24H Registration Authority Regulations, 2016, except reg. 14 which takes effect in 24 months

National Environmental Management Act 107 of 1998 - [GN 86 in GG 41432 of 9 February 2018](#) - Proposed National Guideline on Minimum Information Requirements for Preparing Environmental Impact Assessments for Mining Activities that Require Environmental Authorisation - for comment

## **PROVINCES**

### **Western Cape**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 55221 in *PG* 7867 of 26 January 2018 - Langeberg Local Municipality - Standard By-law relating to Electricity Supply published and LAN 20115 in *PG* 6205 of 11 February 2005 repealed

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 55222 in *PG* 7868 of 31 January 2018 - Hessequa Local Municipality: Draft Integrated Zoning Scheme By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 55228 in *PG* 7871 of 30 January 2018 - Stellenbosch Local Municipality - Electricity Supply By-law

Disaster Management Act 57 of 2002 - LAN 55229 in *PG* 7874 of 2 February 2018 - Swartland Local Municipality - Extension of declaration of a local state of drought disaster from 8 February 2018 to 9 March 2018

### **Eastern Cape**

Disaster Management Act 57 of 2002 - LAN 20 in *PG* 3994 of 7 February 2018 - Kouga Local Municipality (EC108 - Renewal of declaration of a local state of disaster due to prevailing drought conditions

### **North West**

Spatial Planning and Land Use Management Act 16 of 2013 - PN 19 in *PG* 7847 of 6 February 2018 - JB Marks Local Municipality - Notice of establishment and commencement of a Municipal Planning Tribunal

### **Gauteng**

Promotion of Access to Information Act 2 of 2000 - (PN 111 in *PG* 24 of 7 February 2018 - Gauteng Provincial Government Department of Economic Development ('the GDED'): Manual on the Promotion of Access to Information for the 2018/2019 financial year

### **KwaZulu Natal**

KwaZulu-Natal Umzimkhulu Alignment Act 9 of 2017 - Notice 5 in *PG* 1923 of 7 February 2018 – commence 7 February 2018 – Repeals, amongst others, Cape Local Authorities Gas Ordinance 7 of 1912; Agricultural Societies Loans Ordinance 23 of 1918; Poor Relief and Charitable Institutions Ordinance 4 of 1919; Poor Relief and Charitable Institutions Amendment Ordinance, 1924;

Cremation Ordinance 6 of 1926; Land Expropriation (Provincial Administration) Ordinance 9 of 1939; City of Port Elizabeth Trackless Tram Private Ordinance 11 of 1941; Problem Animal Control Ordinance 26 of 1957; Local Authorities (Development according to Community) Ordinance 6 of 1963; Public Resorts Ordinance 20 of 1971; Division of Kaffraria Establishment Ordinance 10 of 1974; Nature and Environmental Conservation Ordinance 19 of 1974; Dog Tax Ordinance 19 of 1978; Nature Reserve Validation Ordinance 3 of 1982; Land Use Planning Ordinance 15 of 1985; Prohibition of Dog Races Ordinance 11 of 1986; Proclamation made in terms of the Authority of the Governor General of the Union of South Africa, Proc 142 of 15 November 1910, Proclamation made in terms of s. 25 (1) of the Native Administration Act, 1927, Proclamation made in terms of s. 4 of the Native Trust and Land Act, Proc R293 of 16 November 1962, Proclamation made in terms of s. 25 (1) of the Bantu Administration Act, 1927, Regulations relating to Township Establishment and Land Use (made in terms of s. 66 (1) of the Black Communities Development Act, 1984, Proc 153 of 31 October 1994; ss. 1, 2(7), (7)*bis*, (7)*ter* and (8) of the Black Administration Act 38 of 1927; Seashore Act 21 of 1935; Advertising on Roads and Ribbon Development Act 21 of 1940; Animals Protection Act 71 of 1962; Removal of Restrictions Act 84 of 1967; Physical Planning Act 88 of 1967; Mountain Catchment Areas Act 63 of 1970; Transkeian Animal Husbandry Improvement Account Act 6 of 1965; Transkeian Artificial Insemination of Animals Act 3 of 1968; Animal Diseases and Parasites Act 28 of 1978; Agricultural Pests Act 33 of 1978; Plant Improvement Act 14 of 1979; Animal Slaughter; Meat and Animal Products Hygiene Act 18 of 1981; Health Laws (Amendment) Act (Transkei) 25 of 1985; Environmental Conservation Decree 9 of 1992; Regulation of Development in Rural Areas Act (Eastern Cape) 8 of 1997; Gambling and Betting Amendment Act (Eastern Cape) 9 of 1997; Adjustments Appropriation Act (Eastern Cape) 1 of 1998; Interim Appropriation Act (Eastern Cape) 2 of 1998; Second Adjustments Appropriation Act (Eastern Cape) 3 of 1998; Appropriation Act (Eastern Cape) 4 of 1998; Consumer Affairs (Unfair Business Practices) Act (Eastern Cape) 5 of 1998; Gambling and Betting Amendment Act (Eastern Cape) 6 of 1998; Eastern Cape Schools Education Act 1 of 1999; Adjustments Appropriation Act (Eastern Cape) 2 of 1999; Road Traffic Act (Eastern Cape) 3 of 1999; Appropriation Act (Eastern Cape) 4 of 1999; Gambling and Betting Amendment Act (Eastern Cape) 5 of 1999; Finance and Administration Act 7 of 1999; Agricultural Development Act 8 of 1999; Eastern Cape Rural Finance Corporation Act 9 of 1999; Eastern Cape Provincial Health Act 10 of 1999; Passenger Transportation (Interim Provisions) Act (Eastern Cape) 11 of 1999; Gambling and Betting Amendment Act (Eastern Cape) 3 of 2000; Appropriation Act 4 of 2000; Determination of Types of Municipalities Act 5 of 2000; Eastern Cape Land Disposal Act 7 of 2000; Provincial Tender Board Amendment Act (Eastern Cape) 1 of 2001; Adjustments Appropriation Act (Eastern Cape) 2 of 2001; Appropriation Act (Eastern Cape) 4 of 2001; Promotion of Youth Affairs Amendment Act 5 of 2001; Application of Health Standards in Traditional Circumcision Act 6 of 2001; Meat Safety Act 7 of 2001; Animal Identification Act 8 of 2001; Livestock Improvement Act 10 of 2002; Eastern Cape Tourism Board (Extension of Term of Office of Members) 5 of 2003; Eastern Cape Tourism Act 8 of 2003; Eastern Cape Heritage Resources Act 9 of 2003; Exhumations Act (Eastern Cape) 4 of 2004

## Mpumalanga

Ehlanzeni District Municipality - PN 11 in PG 2894 of 9 February 2018 - Municipal Health Service By-laws: Correction notice to PN 3 in PG 2887

## INTERNATIONAL

Draft Abidjan Declaration on “The Bamako Convention: A platform for a Pollution Free Africa” 30 January 2018 Click [here](#) for original document

## CASES

### International

*Certain Activities carried out by Nicaragua in the Border Area (Costa Rica V. Nicaragua) Compensation owed by the Republic of Nicaragua to the Republic of Costa Rica* [ICJ](#) 2 February 2018

Summary: “Claim for compensation for environmental damage. Such a claim not previously adjudicated by the Court - Damage to environment compensable under international law - Compensation may include indemnification for impairment or loss of environmental goods and services and payment for restoration □ Methodology for valuation - Ecosystem services approach advanced by Costa Rica - Replacement cost approach advanced by Nicaragua - Neither approach followed exclusively by the Court - No specific method of valuation for purposes of compensation for environmental damage prescribed by international law

The Court to be guided by principles and rules applicable to compensation. Question of impairment or loss of certain environmental goods and services - The Court to determine the existence of damage and a causal link before establishing compensation due - Compensation claimed for six categories of goods and services - Impairment or loss of natural hazards mitigation and soil formation/erosion control not demonstrated - Four other categories of environmental goods and services, namely, trees, other raw materials, gas regulation and air quality services, and biodiversity, having been impaired or lost as a direct consequence of Nicaragua’s activities - Valuation of damage - Valuations proposed by Parties not accepted by the Court - The Court adopts overall assessment of impairment or loss of goods and services - Removal of trees causing most significant damage to area - Affected area is a wetland protected under Ramsar Convention - Capacity of damaged area for natural regeneration - Not possible to establish single recovery period - Amount awarded for impairment or loss of environmental goods and services - Amount awarded for restoration measures.”

## PUBLICATIONS

Fuo Oliver “Intrusion into the autonomy of South African local government: Advancing the minority judgment in the *Merafong City* case” 2017 *De Jure* 324-345

Lim Tung OJ “Rethinking Environment Impact Assessment and Precaution in Mauritius” 2017 *Journal of African Law* 2017 61(2):227-251

Lim Tung OJ “Towards a Regional Energy Framework for African SIDS: Prospects and Challenges” 2017 *Journal of World Energy Law and Business*, 10(3): 220-234

Lim Tung OJ “A Comparative Analysis of the South African and Burkinabe Experiences with Genetically Modified Crop Regulation” 2017 *Law and Politics in Africa, Asia and Latin America/Verfassung und Recht in Ubersee* 50(1):3-29

Scott Andrew, Worrall Leah and Patel Sejal “Aligning energy development and climate objectives in Nationally Determined Contributions” [Working Paper](#) Climate and Development Knowledge Network (January 2018)

2018 7(1) [Global Journal of Comparative Law](#)

- Kotzé Louis J and French Duncan “The Anthropocentric Ontology of International Environmental Law and the Sustainable Development Goals: Towards an Ecocentric Rule of Law in the Anthropocene” 5–36
- Olawuyi Damilola S and Olusegun Olaitan O “Achieving the United Nations Sustainable Development Goals on Biological Diversity in Nigeria: Current Issues and Future Directions” 37–60
- Magallanes Catherine J Iorns “Improving the Global Environmental Rule of Law by Upholding Indigenous Rights: Examples from Aotearoa New Zealand” 61–90
- Ugochukwu Basil “Litigating the Impacts of Climate Change: The Challenge of Legal Polycentricity” 91-114
- Tok Mohammed Evren, Olawuyi Damilola S and 'Alessandro Cristina D “Advancing Clean Technology Entrepreneurship in the Middle East and North African (MENA) Region: Law, Education and Policy Imperatives” 115-133
- Nwapi Chilenye “Mineral Resource Policy Harmonisation in West Africa” 134-168
- Cordonier Segger Marie-Claire; Holmgren Peter and Wardell D Andrew “Financing Sustainable Landscapes through Innovative International Economic Law and Governance Instruments” 169-205

[IPEEC](#) “Supporting energy efficiency progress in major economies: Annual Report 2017”

Molari Massimiliano *et al* “CO<sub>2</sub> leakage alters biogeochemical and ecological functions of submarine sands” 2018 *Science Advances* 4(2) [DOI: 10.1126/sciadv.aao2040](#)

Jacobson Mark Z *et al* “Matching demand with supply at low cost in 139 countries among 20 world regions with 100% intermittent wind, water, and sunlight (WWS) for all purposes” 2018 *Renewable Energy*  
<https://doi.org/10.1016/j.renene.2018.02.009>

Olszynski Martin *et al* “Strengthening Canada’s Environmental Assessment and Regulatory Processes: Recommendations and Model Legislation for Sustainability” [Working Paper](#) 18 August 2017

[Yale Center for Environmental Law & Policy](#) *et al* “2018 Environmental Performance Index: Global metrics for the environment: Ranking country performance on high-priority environmental issues” Executive summary  
South Africa ranks 142<sup>nd</sup> of 180 countries in the world, 21<sup>st</sup> of 46 Sub-Saharan countries. Click [here](#) for website

## **BLOGS, DISCUSSIONS, VIDEOS, ETC**

[The Conversation](#): Muller Mike, Burchi Stefano and Robyn Stein “South Africa needs good water management – not new water laws” 6 February 2018

[The Conversation](#): Slaughter Andrew “What southern Africa can learn from other countries about adapting to drought” 4 February 2018

[The Conversation](#): Van Zyl Werner “Desalination: global examples show how Cape Town could up its game” 8 February 2018

[The Conversation](#): Pretorius Joelien “Why treating water scarcity as a security issue is a bad idea” 5 February 2018

[GroundUp](#): Hendricks Ashraf and Gontsana Mary-Anne “Drought: the silence of the city councillors” 9 February 2018

[GroundUp](#): Marongo Mluleki “Clean air vs industrial development: Durban court case explained” 8 February 2018

[GroundUp](#): Maregele Barbara “Bonteheuwel school grounds used as illegal dumping site” 8 February 2018

[GroundUp](#): Ngubane Nompandolo “Generations of Shackville residents abandoned by government” 7 February 2018

[Daily Maverick](#): Morris Michael “The SA mining industry can do much more than merely survive” 9 February 2018

[Timeslive](#): Masweneng Kgaugelo “Let the community decide, demands the alternative mining indaba” 8 February 2018

[ISSD UN-Bulletin](#): 28<sup>th</sup> UN-Water Meeting 1-2 February 2018 – Rome, Italy

[The Conversation](#): Somerville Keith “Rhino poaching in South Africa has dipped but corruption hinders progress” 8 February 2018

[MIT Climate CoLab](#) - an online crowdsourcing platform of over 100,000 members from around the world, sourcing innovative proposals on how to address climate change.

[IEA](#) *Energy Efficiency Indicators Database* (free download)

2018 IUCN's [70<sup>th</sup> anniversary webpage](#)

[IUCN corporate brochure](#) contains useful information on the IUCN

[Energy Mix](#): Gates Philip "Offshore Wind Could Hit Price Parity in UK by 2025, Grow Five-Fold By 2030" 26 January 2018

[The Conversation](#): Jjuuko Margaret "How a radio series about Lake Victoria's troubles missed the mark" 5 February 2018

[IISD ENB](#): 9<sup>th</sup> Session of the World Urban Forum (WUF9) Cities 2030, Cities for All: Implementing the New Urban Agenda 7-13 February 2018 | Kuala Lumpur, Malaysia

[IISD SDG Knowledge Hub](#): Ledaba Ana Maria "Middle Income Countries Voice Needs in UN Development System Reform" 8 February 2018

[IISD SDG Knowledge Hub](#): Ledaba Ana Maria "Civil Society Brings Input on Development System Reform" 8 February 2018

[IISD SDG Knowledge Hub](#): Gorden-Harper Gabriel "EEA Report Analyzes Environmental Impacts of Aviation and Shipping" 6 February 2017

[IISD SDG Knowledge Hub](#): Mwagni Wangu "Australia Launches Guidelines for Water Data Management Policy" 6 February 2018

[The Conversation](#): Karlstrom Leif "More bad news for dinosaurs: Chicxulub meteorite impact triggered global volcanic eruptions on the ocean floor" 8 February 2018

[The Conversation](#): Whittaker Ian "Falcon Heavy: SpaceX stages an amazing launch – but what about the environmental impact?" 7 February 2018

[Clean Technica](#): Hanley Steve "New Mark Z. Jacobson Study Draws A Roadmap To 100% Renewable Energy" 8 February 2018

[Land Use Prof Blog](#): Nolon JR "Low Carbon Land Use: Paris, Pittsburgh, and the IPCC: Post 6: The Land Use Stabilization Wedge: Transportation" 7 February 2018

[Science](#): Reese April "Disturbing losses of protective ozone near Earth's equator may be tied to short-lived chemicals" 6 February 2018

[Daily Maverick](#): Heywood Mark "SECTION27's challenge to corporate citizens – invest in social justice activism" 9 February 2018

[TimesLive](#): Somerville Keith "Rhino poaching in South Africa has dipped but corruption hinders progress" 9 February 2018

[Mail & Guardian](#): Whittles Govan "Ancient water could solve modern crisis in Cape Town" 9 February 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **IAIAsa Gauteng/ IAP2SA | Branch Event | Open Dialogue and Round Table Discussion | Public Participation**

Theme: Professional open dialogue and round table discussion on the dynamic and rapid changing nature of public consultation and engagement by civil society within the field of environmental management

Tuesday 20 February 2018

Time: 08h30 (registration) until 12h00 (finger lunch)

Venue: Aurecon Lynnwood Ridge Offices 4 Daventry Street, Lynnwood Manor, Tshwane

[The invitation is available here](#)

To register for the IAIAsa GP Branch event, use the [link](#) before 13:00 Monday 19 February 2018

#### **DWS Section 21 I and (I) Water Use Authorisation Training**

Dates 27 **and** 28 February 2018 (Please *choose one* of the two dates as it will be a repeat of the same session to accommodate more people).

Venue: Roodeplaat Training Centre

Time: 9h00 – 15h00

DWS Sub-Directorate In-stream Water Use will be hosting two separate sessions of section 21 I or (i) water use authorisation training at Roodeplaat on 27 and 28 February 2018.

The training sessions are open to all DWS staff and external stakeholders, so please distribute as wide as possible.

Training is for free

Training Agenda – click [here](#)

Please [RSVP before 20 February 2018](#) for catering purposes!

#### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-02.1.6: Environmental law – natural resource/conservation management**

Dates: 19 – 23 February 2018

- **CEM-03.7.1: Environmental management system transition**

Dates: 27 – 28 February 2018

- **CEM-03.7.1.1: Environmental management system transition for auditors**

Date: 1 March 2018

- **CEM-02.1.1: Environmental law**

Dates: 12 – 16 March 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

## **CBSS Workshops: Integrated Water Resource Management, the National Water Act, and Water Use Authorisations**

Dates: 13-15 March 2018

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)

Date: 15 March 2018 (Refresher course, Pretoria)

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)

Dates: 15–17 May 2018 (registration 15 April 2018)

Place: Durban

Date: 17 May 2018 (Refresher course)

Venue: Durban

[Course description](#) and [registration form](#).

[Website](#).

Contact for additional information: Glaudin Kruger (Course Coordinator)

Tel: 028 316 2905 / [email](#)

## **International**

### **Green Talks: LIVE | Taxing Energy Use: Reforming energy tax systems to achieve environmental goals**

Date: 14 February 2017

Time: at 17:00 (Paris time) / 11:00 EST

Duration: 1 hour (Presentation of 20-30 minutes followed by Q&A)

With almost no emissions from energy use priced at levels required to keep global temperature increases below 2 degrees Celsius, there is still considerable scope, and an urgent need, to improve the use of taxation to reduce pollution and combat climate change.

How do energy and carbon taxes differ across countries, different fuels and sectors? What should be done to reduce emissions and reach global climate goals at minimum cost?

Join environmental tax economists from the OECD Centre for Tax Policy and Administration to discuss the key findings from the upcoming OECD publication, [Taxing Energy Use 2018](#), which measures the magnitude and coverage of energy and carbon taxes in 42 OECD and G20 countries and provides a first appreciation of changes in energy and carbon taxes over time.

To register for the free online webinar:

1. Go to the [online registration](#).
2. Click on “Register” and enter the requested information. There is no password required for registration.
3. Click “Submit”.

### **Consumers at the Heart of the Energy System? Deadline March 1<sup>st</sup>**

The British Institute of Energy Economics' (BIEE) 12<sup>th</sup> Research Conference will take place in Oxford on 18-19 September 2018.

The Call for Papers is open for energy academics, professionals and practitioners in the policy, industry, financial, analyst, consulting and media communities to submit their proposals for an opportunity to speak in the conference parallel sessions. Call for [abstracts](#)

Submission Deadline March 1<sup>st</sup> 2018.

The 2018 conference will focus on the changing role of the consumer in the energy system, regarded by many in the industry as one of the big transitional issues of the coming decade, and we invite submissions aligned to this theme.

### **INECE Discussion Series: Connecting Environmental and Social Impact Assessment with Compliance and Enforcement**

The first INECE Discussion Series of 2018 will begin on April 17, focusing on the relationship between environmental and social impact assessment (ESIA), and compliance and enforcement. ESIA provides essential data for establishing benchmarks, understanding risks, and setting limits in environmental licenses and permits. ESIA is also essential to enhance development outcomes, assess and manage potential risks, and strengthen social acceptance and support to a project.

Moreover, the terms of the licenses and permits resulting from ESIA's must be monitored to gauge compliance, identify violations, and assign appropriate penalties for environmental harms. If the environmental obligations are not complied with and/or enforced, the licensing program will not have the expected environmental outcomes. Effective ESIA and compliance and enforcement are thus mutually re-enforcing.

INECE will explore this relationship through a series of four 75-minute webinar-based discussions. Each session will feature a 30 minute introductory presentation by one or two experts in the field, followed by 45 minutes of moderated discussion among participants.

These sessions are open to all INECE affiliates. Future Discussion Series will be a benefit reserved for Institutional, Associate, and Individual Members. For more information, please visit the [Become a Member](#) page.

The presentation portion of the webinars will be recorded and posted on the INECE website.

Schedule and Topics

#### **1. ESIA and Enforcement at the National Level**

Date: Tuesday, April 17, 9:00 am – 10:15 am EST

Speaker: Gunnar Baldwin, Jr., Senior Environmental Consultant; Davis Jones, Senior Environmental Consultant, Inter-American Development Bank

Description: This session will review the legal, social, and institutional frameworks related to ESIA and enforcement at the national / domestic level. Case studies will demonstrate best practices in fostering compliance with the terms of permits, and supporting enforcement through effective licensing and permitting.

To register for the first session, please click [here](#):

#### **2. ESIA and Enforcement in Transboundary and Regional Contexts**

Date: Tuesday, May 1, 9:00 am – 10:15 am EST

Speakers: Peter King, Head of Secretariat, Asian Environmental Compliance and Enforcement Network; Speaker TBD, Brazilian Institute of Environment and Renewable Natural Resources (IBAMA)

Description: This session will review ESIA and enforcement challenges in contexts where environmental threats cross borders, or where multiple authorities share jurisdiction. Case studies from the Mekong River Delta and Amazon River will inform discussion on approaches for effective regional governance.

To register for the second session, please click [here](#):

### **3. ESIA's, Public Participation, and Environmental Compliance**

Date: Tuesday, May 15, 9:00 am – 10:15 am EST

Speakers: Caroline Giffon Wee, Social Sustainability Consultant, Inter-American Development Bank; Peter King, Head of Secretariat, Asian Environmental Compliance and Enforcement Network

Description: The “social” element of ESIA's takes into account the effect of development projects on nearby communities. Meaningful consultation of stakeholders is essential for communities to understand project's impacts, for the project team to consider stakeholder perspectives in project design and implementation and for the public to hold permittees accountable for non-compliance. This session will highlight good practice principles and elements of what is understood by “meaningful” in the engagement with stakeholders in the ESIA process. To register for the third session, please click [here](#):

### **George Washington Law: Symposium on The Public Trust Doctrine in the 21<sup>st</sup> Century (also webcast)**

Dates: 15-16 March 2018

Time: 12:30 (eastern time)

The agenda for the Symposium can be viewed [here](#) and you can register to attend the event [here](#). If you would like to watch a live stream of the symposium, it will be available [here](#).

## **NEWS**

### **National**

#### **Legislation: Agricultural Land Bill to be reworked**

“In the light of concerns about the constitutionality of a revised draft Preservation and Development of Agricultural Land Bill released last September for comment, it will be reworked and is therefore unlikely to be tabled in Parliament next month as originally planned. The overarching objective of the proposed new statute is to discourage or prohibit land use changes aimed at developing high-value farm land for non-agricultural purposes. Provision is nevertheless made for the facilitation of concurrent land uses on agricultural land without jeopardising long-term food security. With that in mind, ‘mitigating measures’ are mooted for counteracting agricultural land loss and the impact of non-agricultural developments.”

Read full report in Policy Watch Legalbrief Today 8 February 2018

Maromo Jonisayi “Eskom’s bid to purchase additional renewable energy gets go-ahead” [IOL](#) 2 February 2018 [Source: *Legalbrief Environmental* 6 February 2018]

#### **Local government: Durban extends mandatory water restrictions**

“It would take a drought of unprecedented proportions for Durban to experience a looming Day Zero water crisis similar to that of Cape Town. According to a Sunday Tribune report, experts argue KZN has the largest water catchment area in SA, the southern Drakensberg. But with climate change one cannot rule out unexpected situations and Umgeni Water is not taking any chances. Last week, Umgeni Water announced an extension of mandatory water restrictions in 80% of Durban and all of Pietermaritzburg for a year. ‘It is incumbent on consumers to use water sparingly and reduce consumption by 15%,’ said Umgeni water

spokesperson Shami Harichunder. Harichunder said collectively the amount of water in the Mgeni system, which includes five major dams, stands at 57% of the total holding capacity, which was well below the 75% level required to meet the full demand of consumers. He said the greatest concern was the level of water in Albert Falls dam, the largest in Umgeni Water's operational area. Albert Falls level has dropped below 30% of capacity, Harichunder said."

Full Sunday Tribune report (subscription needed) *Legalbrief Environmental* 6 February 2018

### **Waste: East London plant to recycle plastic into industrial solvents**

"A new R290m factory that will turn plastic waste into industrial solvents such as oils and waxes, using a unique new chemical solution, is being built in East London. A report in The Herald notes that production at the plant will avoid incineration and generation of greenhouse gases and will instead be based on a three-stage environmentally friendly chemical process, according to the Clariter production team. The factory will be the first globally to showcase the methodology which has been developed over the past decade by a multinational team at a pilot plant in Poland. The vision is that the development will preface a global roll-out of Clariter plants 'with East London as thought leader'. China – until now the biggest importer of recyclable waste – is no longer importing a wide range of paper, textiles and plastic. SA had until now exported hundreds of tons of plastic waste a year to China, Clariter SA managing director Vuyo Sikwebu said last week. 'The challenge is to find new and creative means to minimise the abuse of our natural resources,' the report quotes her as saying. The new plant is a joint investment between Clariter and the Industrial Development Corporation and is due to start operations in July."

Full report in The Herald (subscription needed) *Legalbrief Environmental* 6 February 2018

"#CapeWaterCrisis highlights city's rich-poor divide" [News24](#) 5 February 2018

Lali Vincent "Raw sewage swamps houses in Kraaifontein" [GroundUp](#) 6 February 2018

Chirume Joseph "It's business as usual for some in drought-stricken Kouga" [GroundUp](#) 6 February 2018

Carnie Tony "Blast, stench lead to arrests in two Cape Town 'abalone' houses" [Daily Maverick](#) 9 February 2018

Carnie Tony "Abalone Poaching: 'Hong Kong sucking up mountain of poached SA seafood'" [Daily Maverick](#) 9 February 2018

Dzonzi Thembisile "Tsogo Sun plans to build desalination plant to supply its Cape Town hotels" [TimesLive](#) 8 February 2018

"Axing fossil fuel subsidies scant help on climate: Study" [News24](#) 9 February 2018

Nkanjeni Unathi "SAA apologises for 'unintended' promotion of canned lion industry" [News24](#) 9 February 2018

Zietsman Gabi "Blood Lions applauds hunting club's stance on canned lion hunting" [News24](#) 5 February 2018

## International

Ogden Lesley Evans “Canada’s new environmental review plan gets a lukewarm reception” [Science](#) 9 February 2018

Hiar Corbin “Under fire by U.S. politicians, World Health Organization defends its claim that an herbicide causes cancer” [Science](#) (E&E News) 7 February 2018

Tairo Apolinari “Assassination of famous US wildlife anti-poaching czar shocks East African conservation fraternity” [eTN](#) 7 February 2018

Benson Wahlén Catherine “Bamako COP Affirms Commitment to Pollution-Free Africa” [SDG Knowledge Hub](#) 6 February 2018

Slobe Eric “Ohio AG files lawsuit against DuPont over river pollution” [The Jurist](#) 9 February 2018

Tomlinson Akira “Environmental groups appeal decision in Norway Arctic drilling lawsuit” [The Jurist](#) 5 February 2018

“China's activity on reclaimed reef threatens to raise regional tensions” [Mail & Guardian](#) 6 February 2018

“Australia tourism industry under climate change threat – study” [News24](#) 8 February 2018

“California governor scales back plan for giant water project” [News24](#) 8 February 2018

## National

### **University of Pretoria Faculty of Law: Department of Private Law**

Senior Lecturer / Associate Professor / Professor (Two Posts)

Closing date: 15 February 2018

Click [here](#)

### **University of Johannesburg: Faculty of Law**

Senior lecturer: Mercantile Law

Closing date: 18 February 2018

Click [here](#)

### **University of Johannesburg Faculty of Law**

Professor/Associate Professor of Private Law 5 year contract

Closing date: 18 February 2018

Click [here](#)

### **University of Johannesburg: Faculty of Law**

Professor/ Associate Professor: 5 Year Contract

Fields of specialisation: Labour Law, Law of Contract, Procedural Law or Cyberlaw

Click [here](#)

**University of Johannesburg: Faculty of Law**

Senior Lecturer: Private Law, Social Security Law, Procedural Law and/or Cyber Law

Click [here](#)

**University of the Western Cape: Dean Faculty of Law**

Closing date: 28 February 2018

Click [here](#)

**Manager Land and Rights (Distribution Division) North West Rustenburg Eskom Holdings Limited**

Qualification(s): National Higher Diploma/B Tech or B Degree Geomatics (Surveying), Environmental Management, Law, Town and Regional Planning Experience: • Technical Experience in Land & Rights Environment • 5 Years

Click [here](#)

**NMMU: Lecturer / Senior Lecturer - Public Law**

Closing date: 23 February 2018

Click [here](#)

**Maritime law graduate Internship**

Umhlanga, KwaZulu-Natal

Seeking a law graduate that is looking for work experience.

Click [here](#)

**Rhodes University: Professor/Associate Professor/Senior Lecturer/Lecturer at Law Department**

Click [here](#)

**Intern - Programme Management [Temporary] Unpaid**

United Nations Environment Programme Pretoria, Gauteng

Click [here](#)

**International****UCLA Law-Sonke Health & Human Rights Fellowship**

Applications are currently open until 15 February 2018 for the *UCLA Law-Sonke Health & Human Rights Fellowship*. UCLA Law-Sonke Fellows receive a full-tuition grant to enroll in the LL.M program, valued at approximately USD60, 000. While living expenses are not included or guaranteed, Sonke assists fellows with identifying funds for their studies, often securing at least a portion of living, studying, and travel expenses for their academic year. The fellowship is open to African legal professionals and law graduates holding an LL.B. degree from a South African law school. Strong applicants will also demonstrate a commitment to health, human rights, gender equality or related issues, evidenced by past work or volunteer experience. Note that non-South Africans must also hold a South African work permit. Previously disadvantaged and South African candidates will be given preference.

Applicants must complete the following:

- the online application for UCLA Law's LL.M. programme; and
- the supplementary application for Sonke Gender Justice for the UCLA Law – Sonke Health & Human Rights Fellowship.

The application fee for UCLA Law is \$85, but applicants may apply to UCLA Law for a fee waiver. You can [email](#) UCLA Law on for questions about UCLA Law's online LL.M application procedure or fee waiver. You can also [email](#) Vic Telesino at should you have any queries related to the fee waiver.

**Lecturer in Human Rights University College London, School of Public Policy**

Closing date: 11 February 2018

Click [here](#)

Members of the Environmental Law Association may subscribe to

[Legalbrief Environmental](#)

and the

[South African Journal of Environmental Law and Policy.](#)

Discount available for ELA members.

## **ELA NEWSLETTER 7**

16 February 2018

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### **BILL**

Draft Economic Regulation of Transport Bill, 2018 - GN 106 in GG 41437 of 12 February 2018 - for comment

### **LEGISLATION**

#### **Notices**

Department of Agriculture, Forestry and Fisheries - GN 108 in GG 41440 of 13 February 2018 - Revised Draft Livestock Identification and Traceability System in South Africa (LITS SA) – for comment

National Water Act 36 of 1998 - GN 126 in GG 41445 of 16 February 2018 - Proposed reserve determination of water resources for the Mvoti to Umzimkulu Catchments - for comment

National Environmental Management Act 107 of 1998 - GN 113 in GG 41445 of 16 February 2018 - Procedure to be followed in applying for environmental authorisation for large scale electricity transmission and distribution development activities identified in terms of s. 24 (2) (a) of the Act

National Environmental Management Act 107 of 1998 - GN 114 in GG 41445 of 16 February 2018 - Procedure to be followed in applying for environmental authorisation for large scale wind and solar photovoltaic energy development activities identified in terms of s. 24(2)(a) of the Act

National Heritage Resources Act 25 of 1999 - GN 109 in GG 41445 of 16 February 2018 - South African Heritage Resources Agency: Declaration of the Great Place at Mqhekezweni as a National Heritage Site

Disaster Management Act 57 of 2002 - GN 107 in GG 41439 of 13 February 2018 - Reclassification of the ongoing drought occurring in at least three provinces from provincial disasters to a national disaster

National Environmental Management: Biodiversity Act 10 of 2004 - GN 112 in GG 41445 of 16 February 2018 - Draft Alien and Invasive Species Regulations, 2017 - for comment

National Environmental Management: Biodiversity Act 10 of 2004 - GN 115 in GG 41445 of 16 February 2018 - Draft amendments to the Alien and Invasive Species lists - for comment

National Environmental Management: Integrated Coastal Management Act 24 of 2008 - GN 116 in GG 41445 of 16 February 2018 - draft Buffalo River Mouth Estuarine Management Plan (EMP) – for comment

## **PROVINCES**

### **Western Cape**

Disaster Management Act 57 of 2002 - LAN 55241 in *PG 7879* of 9 February 2018 - Stellenbosch Local Municipality - Extension of declaration of a local state of drought disaster from 20 February 2018 up to 20 March 2018

Disaster Management Act 57 of 2002 - LAN 55248 in *PG 7879* of 9 February 2018 - City of Cape Town Metropolitan Municipality - Extension of declaration of a local state of drought disaster from 18 February 2018 until 18 March 2018

Disaster Management Act 57 of 2002 - LAN 55249 in *PG 7879* of 9 February 2018 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of disaster as a result of devastating fires in the Imizamo-Yethu informal settlement situated in Hout Bay for a further one-month period from 26 February 2018 until 26 March 2018

Local Government: Municipal Systems Act 32 of 2000 - LAN 55252 in *PG 7879* of 9 February 2018 - Drakenstein Local Municipality - Annual Spatial Development Framework (SDF) Amendment Report – for comment

Disaster Management Act 57 of 2002 - LAN 55256 in *PG 7879* of 9 February 2018 - Witzenberg Local Municipality - Extension of declaration of a local state of drought disaster from 29 January 2018 up to 28 February 2018

Local Government: Municipal Systems Act 32 of 2000 - LAN 55258 in *PG 7879* of 9 February 2018 - Langeberg Local Municipality - Notice of intention to adopt the proposed draft amendments to the existing Municipal Land Use Planning By-laws - for comment

Local Government: Municipal Systems Act 32 of 2000 - LAN 55264 in *PG 7879* of 9 February 2018 - City of Cape Town Water By-law, 2010 - City of Cape Town Metropolitan Municipality - Notice regarding the resale of municipal water, ground (spring/borehole/wellpoint) and surface (river/stream/vlei/etc.) water use, and non-residential restrooms/toilets/bathroom facilities (including office blocks/institutions/clubs and related)

## **Eastern Cape**

Eastern Cape Parks and Tourism Agency Bill, 2018 - PN 22 in *PG* 3997 of 12 February 2018 and explanatory memorandum - for comment

## **North West**

Local Government Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - Proc 5 in *PG* 7850 of 13 February 2018 - Spatial Planning and Land Use Management By-law, 2016 - Moretele Local Municipality - Approval and adoption of the Land Use Scheme, 2016

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 14 in *PG* 7850 of 13 February 2018 - Tswaing Local Municipality - Appointment of members to the Municipal Planning Tribunal

## **KwaZulu Natal**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 10 in *PG* 1926 of 15 February 2018 - Re-declaration of the uKhahlamba Drakensberg Park World Heritage Site as a Nature Reserve

Local Government Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - MN 6 in *PG* 1926 of 15 February 2018 - Inkosi Langalibalele Local Municipality - Appointment of members to the Municipal Planning Tribunal

## **Mpumalanga**

Local Government Municipal Systems Act 32 of 2000, Spatial Planning and Land Use Management Act 16 of 2013 and Spatial Planning and Land Use Management By-law, 2016 - PN 12 in *PG* 2898 of 16 February 2018 - Thaba Chweu Local Municipality - Notice of draft Land Use Scheme, 2018 - for comment

## **CASES**

### **National**

*ABET Inspection Engineering (Pty) Ltd v The Petroleum Oil and Gas Corporation of South Africa and Another* (A280/2017) [2018] ZAWCHC 7 (1 February 2018)

“[1] The appellant has come on appeal from the judgment of Holderness AJ dismissing its application for the review and setting aside of the decision by PetroSA (the first respondent) to accept the tender of Vumela (the second respondent) for the provision of quality control and approved inspection authority services at certain of PetroSA’s installations with effect from the end of August 2016. The appeal to the full court was brought with the leave of the judge at first instance.”

*Glencore Operations South Africa (Pty) Ltd v Mnguni and Others* (LCC105/2017) [2018] ZALCC 2 (23 January 2018)

Application for eviction in terms of ESTA – relocation of communities to prevent harm when coal mining occurs – harm of community substantially more than financial loss of mine – eviction order not granted

## International

*Bobbie Gunderson, et al. v. Alliance for the Great Lakes, Inc., et al* [Case Number 46S03-1706-PL-00423](#) Indiana Supreme Court 14 February 2018

“Dispute over beach walking along the Great Lakes shoreline in Indiana – public has access to the shore”

Read [summary](#) of the case.

## PUBLICATIONS

Knobel Johan C "The Harpy Eagle and the Amazon rainforest in Brazilian federal law – thoughts on environmental law and the conservation of birds of prey and their habitat" 2017 50 *De Jure*

<http://dx.doi.org/10.17159/2225-7160/2017/v50n2a1>

Galperin J ““Trust Me, I’m A Pragmatist: A Partially Pragmatic Critique of Pragmatic Activism.” Click [here](#) or [here](#)

Diffenbaugh Noah S, Singh Deepti & Mankin Justin S “Unprecedented climate events: Historical changes, aspirational targets, and national commitments” 2018 4(2) [Sciences Advances](#) DOI: 10.1126/sciadv.aao3354

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

Environmental Assessment Practitioners Association of South Africa: [Website](#)

[Edeos](#) “Explainer Video about Climate Change and Extractive Industries” 2017

The [Conversation](#): Odume Nelson “Africa needs to invest more in its water professionals” 12 February 2018

The Global Energy and Environment [Podcast](#): Van Rossum Maya “The Green Amendment - Securing our right to a healthy environment” 11 February 2018

[GroundUp](#): Ntongana Thembela “Two years later, still no arrests for murder of Xolobeni activist” 16 February 2018

[GroundUp](#): Chirume Joseph “Addo residents sick of sewage spills” 15 February 2018

[GroundUp](#): Clark Christopher “Developers accused of “capturing” Sea Point ratepayers association” 15 February 2018

[Daily Maverick](#): Van der Merwe Marelise “A civil engineer’s view: What Cape Town could do with its stormwater” 16 February 2018

[Daily Maverick](#): Eberhard Anton & Lovins Amory “South Africa’s Electricity Choice, Part 3: Decentralised power generation is the pathway to ‘energy democracy’” 15 February 2018

[Daily Maverick](#): Poplak Richard “Africa Mining Indaba: Rewards to those who reap in the windfall cycle” 12 February 2018

[Daily Maverick](#): Mkhize Sifiso “Op-Ed: Desalination is the key to our future water safety” 13 February 2018

[Daily Maverick](#): Norwook-Young Jason “#CapeWaterGate: The figures prove that Capetonians are saving water” 13 February 2018

[The Jurist](#): Offutt Lindsay “Settlement reached with Shell Chemicals over Clear Air Act violations” 13 February 2018

[The Guardian](#): Harvey Fiona “Ammonia emissions rise in UK, as other air pollutant levels fall” 16 February 2018

[The Guardian](#): Sample Ian “Cleaning products a big source of urban air pollution, say scientists” 15 February 2018

[Mail & Guardian](#): Hood Marlowe “For global water crisis, climate may be the last straw” 13 February 2018

[The Conversation](#): Østigård Terje “How big land deals add stress to the River Nile” 11 February 2018

[The Conversation](#): Bourblanc Magalie “Cape Town should serve as a wake up call for managing water in South Africa” 13 February 2018

[The Conversation](#): Mash Bob “How Cape Town's water crisis could make people sick” 14 February 2018

[Science](#): Langin Katie “Millions of Americans drink potentially unsafe tap water. How does your county stack up?” 12 February 2018

## **CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES**

### **National**

#### **IAIAsa Gauteng/ IAP2SA | Branch Event | Open Dialogue and Round Table Discussion | Public Participation**

Theme: Professional open dialogue and round table discussion on the dynamic and rapid changing nature of public consultation and engagement by civil society within the field of environmental management

Tuesday 20 February 2018

Time: 08h30 (registration) until 12h00 (finger lunch)

Venue: Aurecon Lynnwood Ridge Offices 4 Daventry Street, Lynnwood Manor, Tshwane

[The invitation is available here](#)

To register for the IAIAsa GP Branch event, use the [link](#) before 13:00 Monday 19 February 2018

#### **CBSS Workshops: Integrated Water Resource Management, the National Water Act, and Water Use Authorisations**

Dates: 13-15 March 2018

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)

Date: 15 March 2018 (Refresher course, Pretoria)

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)  
Dates: 15–17 May 2018 (registration 15 April 2018)  
Place: Durban  
Date: 17 May 2018 (Refresher course)  
Venue: Durban  
[Course description](#) and [registration form](#).  
[Website](#).  
Contact for additional information: Glaudin Kruger (Course Coordinator)  
Tel: 028 316 2905 / [email](#)

### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-03.7.1: Environmental management system transition**  
Dates: 27 – 28 February 2018
- **CEM-03.7.1.1: Environmental management system transition for auditors**  
Date: 1 March 2018
- **CEM-02.1.1: Environmental law**  
Dates: 12 – 16 March 2018
- **CEM-01.1.1 Fundamentals of environmental management:**  
Dates: 5 - 9 March 2018 (Potchefstroom)
- **CEM-02.1.1 Environmental law (Master class)**  
Dates: 12 - 16 March 2018 (Gauteng)
- **CEM-03.7.2 Occupational health and safety transition**  
Dates: 26-27 March 2018 (Potchefstroom)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

### **13<sup>th</sup> Southern African Energy Efficiency Confederation Conference**

Dates: 13 - 14 November 2018

Venue: Emperors Palace, Ekurhuleni, Gauteng

Registration: click [here](#)

For more details: click [here](#)

### **TIPS and the Green Economy Coalition (GEC): Electricity beyond the grid**

Date: Thursday 22 February 2018

Time: 9h30 – 13h00

Venue: TIPS Boardroom, 234 Lange St, Nieuw Muckleneuk, Pretoria

#### **AGENDA**

9:30 - 9:45: Opening and Welcome

9:45 - 12:00: Presentation and discussion of research findings

- Regional integration in Southern Africa - A platform for electricity sustainability: Gaylor Montmasson-Clair and Bhavna Deonarain (TIPS)
- South African municipalities and renewable energy - New roles and opportunities: Louise Scholtz (WWF-SA)
- Tea
- Energy empowerment - A community-based approach to the ownership and delivery of renewable energy: Tasneem Essop (representing EDI)

- From user to prosumer - Energy interventions at the firm level: Julie Wells and Ndivhuho Raphulu (NCPC-SA)

12:00 - 13:00

- Panel discussion with presenters, facilitated by Minnesh Bipath (SANEDI)

13:00: Lunch

## BACKGROUND

South Africa's electricity sector is in the midst of a multifaceted transformation. Renewable energy technologies are aggressively entering the market at both the utility- and small-scale levels. Private sector players and prosumers are equally reshuffling the cards of electricity generation. The national grid is oscillating between supply problems and overcapacity while South Africa's neighbours are targeting self-reliance. With the ongoing problems experienced by Eskom, the country's vertically-integrated national power utility, would the solutions to South Africa's electricity issues lie elsewhere? Would deeper regional integration represent a sustainable solution to South Africa's woes? Should municipalities rather play a larger role in South Africa's electricity sector? How should users, be they households or firms, position themselves? The Development Dialogue will share research undertaken on some of these issues and consider the linkages between these different levels of interventions as well as their

RSVP by [email](#)

## International

### **'Future cities: governing low-carbon energy transitions'**

*Supervisors: Dr Chris Foulds and Dr Rosie Robison, [Global Sustainability Institute](#), Anglia Ruskin University, Cambridge, UK.*

*Start date: September 2018, fully funded (annual stipend + fee waiver + additional study expenses) for 3 years.*

*Application deadline: 5<sup>th</sup> March, details of how to apply [here](#).*

This fully funded PhD explores the critical conditions for enabling *local* low-carbon energy transitions, particularly through networks of city local authorities (LAs) across Europe. It is in partnership with [Energy Cities](#) – the European Association of LAs in Energy Transition – which is a network organisation with a membership of 1,000+ LAs over 30+ countries.

Despite growing recognition in policy circles that cities represent a fruitful means of addressing energy challenges, research is often dominated by studies on national/international policy or, at least, specific cities in isolation. This PhD thus focuses on questions surrounding the roles, capacities, activities and networks of LA energy policymakers, including (but not limited to):

- What is deemed as 'policy success' in energy transitions, and how does that influence how success is subsequently sought?
- What communities of practice exist in this space and how exactly do they operate?
- Which LAs are recognised as leaders and on what terms of reference is that judgement made?
- What are LAs imagining the energy transition to look like?
- What sort of evidence is used in the formulation of local energy policies, and why? What are regarded as 'credible' local indicators?
- How do the local, national and international/European agendas interact as part of delivering multi-level governance?

- How do LAs work together in tackling the energy transition, particularly in terms of collaborating internationally? Role of Brexit?

Energy Cities will provide access to its LA network and allow the PhD researcher to undertake ethnography on one or more of its projects. Additional funding has also been allocated to cover expenses for an extended stay at Energy Cities' offices. It is through this that participant observation and interview data will be collected, with subsequent insights/recommendations being disseminated to European LAs. Findings will also feed into ARU's work on the EU platform for energy-related social sciences and humanities ([Shape Energy](#)).

The successful candidate will likely have experience of qualitative research methods and hold a relevant social science Masters.

Further information:

- This PhD opportunity is part of ARU's wider Vice Chancellor PhD Studentship programme. More details can be found [here](#).
- Prospective applicants are strongly encouraged to contact Chris ([chris.foulds@anglia.ac.uk](mailto:chris.foulds@anglia.ac.uk)) and Rosie ([rosie.robison@anglia.ac.uk](mailto:rosie.robison@anglia.ac.uk)) to discuss the PhD opportunity further.
- The annual stipend (paid quarterly) will track RCUK levels across the three years, which is set to be £14,777/year for 2018-2019.
- *Only EU/UK nationals are eligible to apply.*

### **Environments Summer Academy 2018**

**GESA 2018:** the sixth Global Environments Summer Academy, to be held in collaboration with the Environmental Change Institute and the Interdisciplinary Centre for Conservation Science of the University of Oxford

Academy convenors will select 18-21 activists, professionals or students from around the world whom they believe have the capacity to become environmental leaders who impact academia, civil society, the private sector and government. We invite applications from candidates in the arts and humanities, natural sciences and social sciences – as well as those working in advocacy, law, media or policy – who focus on the relationship between environment and society. Applicants should be fluent in English and have at least a Master's degree, although we make exceptions for individuals with undergraduate degrees who have significant experience in relevant fields.

Dates: 25 July and 11 August 2018

No bursaries available

One month left to apply

### **Vermont Law School Summer Session: Animal Welfare Law**

Term Three: Monday through Thursday, July 9–19, 1-4 pm

Professor Don Baur, Dr. Heather Rally, and Delcianna Winders

This class will focus on the ethical questions and legal challenges revolving around captive wild and their exploitation for human entertainment. Public views about such uses of animals are rapidly changing, as evidenced by recent developments including Ringling Bros. shuttering its after a decade of falling ticket sales, SeaWorld ending orca breeding after falling profits and stock prices, the National Institutes of Health ending its support of biomedical research on chimpanzees, and the enactment of laws prohibiting keeping cetaceans in captivity. A unique aspect of the class will be to combine traditional principles of "animal welfare" laws and advocacy with laws typically applied in the "wildlife

conservation” context, such as the Endangered Species and Marine Mammal Protection Act. Through a survey approach, this class will examine the role of law in understanding and reforming the relationship between humans and animals and improving the condition of animals used for profit and entertainment. Registration and additional information: <https://www.vermontlaw.edu/summer>

## NEWS

### National

#### **Environmental: Municipality ordered to fix sewerage system**

“The Gauteng High Court (Johannesburg) has ordered the Emfuleni Municipality to ensure its sewerage plants are operational and raw sewerage is not pumped into the Vaal River, Beeld reports. The Save the Vaal organisation brought the application following the municipality's failure to comply with the National Water Act and Environmental Management Act. Measurements taken on 9 February show between 6 000 and 3 000 units of E.coli per 100ml water were pumped into the Vaal River on that day due to non-functioning municipal infrastructure. The court ordered the municipality to do the necessary repairs within a week or to supply Save the Vaal and the court with a thorough report on the problems. Municipal Manager Dithabe Nkoane was ordered to ensure compliance by all the municipality's officials, employees and contractors. Other deadlines for maintenance and repairs are also listed in the court order, says the report. The municipality was ordered to pay the costs.”

Full Beeld report (subscription needed) *Legalbrief* 14 February 2018

Dawood Zainul “Probe into storage depot after wetland concerns” [IOL](#) 16 February 2018

Gontsana Mary-Anne “No water, no business, say Khayelitsha businesses” [GroundUp](#) 13 February 2018

Lewis Pete “Mines report progress in preventing deadly silicosis” [GroundUp](#) 12 February 2018

Ensor Linda “Lynne Brown 'helped' Guptas get coal deal” [TimesLive](#) 14 February 2018

### International

Beer Mitchell “Canadian Wind, Biomass Beat Natural Gas for Most Affordable Carbon Reductions” [The Energy Mix](#) 16 February 2018

“Utility-Scale Batteries Encroaching on Gas-Power Markets in U.S.” [IEEFA](#) 13 February 2018

Watts Jonathan “Kenya's 'Erin Brockovich' defies harassment to bring anti-pollution case to courts” [The Guardian](#) 14 February 2018

Steinmetz Juergen T “Former Seychelles tourism minister St.Ange to India: Stay away from our Aldabra Group of islands” [eTN](#) 15 February 2018

## VACANCIES, BURSARIES, OPPORTUNITIES, ETC

### National

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

Closing date: 20 February 2018

More information [here](#)

#### **Nelson Mandela University - Lecturer/Senior Lecturer**

Core Job Purpose: Administer learning in under-graduate modules, do research, contribute to community engagement and be involved in the University's core functions.

##### Key Performance Areas

- Facilitate teaching and learning, specifically in Public Law modules, including Constitutional Law and Administrative Law
- Assume responsibility for course materials, lectures, and assessment
- Contribute to programme management and curriculum development
- Research supervision
- Perform research, publish in peer reviewed journals
- Perform administrative duties and contribute to the achievement of the Faculty's strategic plan

##### Core Competencies:

Sound knowledge in the theory and application of Public Law. Experience in facilitating learning.

Ability to design course material and contribute to knowledge creation through research.

Strong communication, administrative and interpersonal skills.

Ability to interact with stakeholders.

Lecturer level: Ability to supervise with Under-graduate and Master's students

Senior Lecturer level: Ability to supervise Under-graduate, Master's and Doctoral students.

##### Minimum Requirements

###### Senior Lecturer Level:

An LL.D or PHD in a sub-discipline in Public Law or equivalent

At least 5 years' experience in a teaching, learning and research environment

Record of accepted peer-reviewed publications

###### Lecturer Level:

An LL.M in a sub-discipline in Public Law or equivalent

At least 3 years' experience in a teaching, learning and research environment

Apply [online](#) before 23 February 2016

#### **Private Learning Institution East London: Commerce Lecturer (Faculty of Commerce, Law & Humanities)**

See [here](#) for more information

#### **East London: Lecturer for National Diploma in Policing and National Certificate in Traffic Management**

See [here](#) for more information

## **International**

### **Earthjustice position in New York City**

Earthjustice is seeking a staff attorney with substantial community lawyering experience to join its Northeast regional office in New York City. Filling the position will build our capacity to represent communities in New York, New Jersey, and Pennsylvania that face negative disproportionate environmental burdens.

Earthjustice is the nation's premier nonprofit environmental law organization. We take on the biggest, most precedent-setting cases across the country. We wield the power of law and the strength of partnership to protect people's health; to preserve magnificent places and wildlife; to advance clean energy; and to combat climate change. We partner with thousands of groups, supporters, individuals and communities to engage the critical environmental issues of our time, and bring about positive change. We are here because the earth needs a good lawyer.

Founded in 1971, Earthjustice has a distinguished track record of achieving significant, lasting environmental protections. We achieve this by hiring talented and dedicated attorneys who share a passion for justice and a healthy environment. Our headquarters are in San Francisco with nine offices across the U.S.

The Healthy Communities program is at the heart of Earthjustice's mission to defend the right of all people to a healthy environment. This program encompasses work on clean air, clean water, toxic chemicals, pesticides, and waste facilities, as well as related domestic and international issues. The attorney selected for this position will focus on local enforcement litigation and other legal advocacy driven by the concerns of communities and partners within our region. The staff attorney would be located in New York City.

Responsibilities:

- Help expand our place-based engagement, work and partnerships with community-based groups.
- Conduct factual investigations and develop legal theories for possible advocacy or litigation work; draft pleadings and briefs; and otherwise manage new and existing cases in state or federal courts and administrative tribunals.
- Advise other regional office lawyers in the conduct of effective community-based legal work.
- Supervise the work of more junior lawyers, interns, and litigation assistants.
- Manage relationships with outside co-counsel, clients, and coalition partners.
- Coordinate community-based environmental health work with national strategies and litigation in other program areas.
- Integrate communications and legislative advocacy into litigation and other legal strategies.
- Support ongoing office work to build a diverse, equitable, and inclusive workplace.

Qualifications:

- Lawyer with at least six years of litigation experience, who is admitted, or will seek admission, to the NYS bar.
- Experience working with or representing community or grassroots groups.

- Experience in administrative and pre-trial proceedings; evidentiary hearings; and appellate litigation.
- Good research, analysis, writing, and oral advocacy skills.
- A commitment to public interest work and a passion for environmental justice.
- Ability to work both independently and in collaboration with others.
- Aware of and sensitive to the needs and concerns of individuals from diverse cultures, backgrounds, and orientations.
- Interest in contributing to the creation of a diverse, equitable, and inclusive work culture that encourages and celebrates differences.

We offer a mission- and employee-focused work environment and a competitive compensation package, including excellent benefits. Earthjustice is an equal opportunity employer and highly values diversity. Women and people of color are strongly encouraged to apply.

To Apply:

Using the Jobvite application tool, please submit:

- Resume.
- One- or two-page cover letter that addresses at least the following subjects: (1) why you are drawn to Earthjustice's mission and whether there are particular legal, environmental, or justice issues that inspire you; and (2) aspects of your background that demonstrate competence to work with diverse clients and colleagues.
- Writing sample, preferably a legal brief or memorandum that primarily reflects your work.
- List of three references.

Click here to apply. Applications will be reviewed on a rolling basis until the position is filled. Please reach out to [jobs@earthjustice.org](mailto:jobs@earthjustice.org) if you are having technical difficulties submitting your application. No phone calls, drop-ins, or hard copies.

Earthjustice is driven by a passion for justice, partnership and excellence. Our core values lead us to seek a broad range of perspectives and backgrounds to achieve our mission and to maintain an inclusive environment where all staff are valued and respected. As an equal opportunity employer, we are committed to employment practices that ensure that employees and applicants for employment are provided with equal opportunities without regard to race, color, national origin, ancestry, sex, age, religion, physical or mental disability, medical condition, veteran status, marital status, pregnancy, sexual orientation, gender identity, gender expression, genetic information or any other factor that is not related to the position.

Members of the Environmental Law Association may subscribe to  
[Legalbrief Environmental](#)  
 and the  
[South African Journal of Environmental Law and Policy](#).  
 Discount available for ELA members.

## **ELA NEWSLETTER 8**

23 February 2018

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### **POLICY**

Department of Planning, Monitoring and Evaluation - National Planning Commission - [Discussion Paper on Energy](#) - for comment by 4 April 2018

### **PLANS**

SA National Parks - Revised Park Management Plan for Kruger National Park – for comment by 9 March 2018

### **LEGISLATION**

#### **Notices**

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 - GN 146 in GG 41462 of 23 February 2018 - Proposed amendments to regulations relating to the registration of fertilizers, farm feeds, agricultural remedies, stock remedies, sterilizing plants and pest control operators, appeals and imports – for comment

National Water Act 36 of 1998 - GN 141 in GG 41456 of 23 February 2018 - Instruction to Irrigation Boards and Water Users Associations to install water measuring devices for water taken for irrigation purposes and to monitor compliance to regulations requiring that the taking of water for irrigation purposes be measured, recorded and reported

### **PROVINCES**

#### **Western Cape**

Local Government: Municipal Systems Act 32 of 2000 - Land Use Planning By-law - Matzikama Local Municipality - LAN 55277 in PG 7881 of 16 February 2018  
- Appointment of members to the Municipal Planning Tribunal

## **Eastern Cape**

Disaster Management Act 57 of 2002 - PN 26 in *PG* 3999 of 19 February 2018 - Declaration of a provincial state of drought disaster for the Amathole and Sarah Baartman District Municipalities and the Nelson Mandela Metropolitan Municipality

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 26 in *PG* 3999 of 19 February 2018 - Buffalo City Metropolitan Municipality - Notice of approved members to the Municipal Planning Tribunal

Spatial Planning and Land Use Management Act 16 of 2013 - PN 24 in *PG* 3999 of 19 February 2018 - OR Tambo District Municipality - Agreement for the establishment of District Municipal Planning Tribunal (DMPT)

## **Free State**

Spatial Planning and Land Use Management Act 16 of 2013 - PN 235 in *PG* 117 of 23 February 2018 - Ngwathe Local Municipality - Appointment of members to the Municipal Planning Tribunal

## **Limpopo**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 22 in *PG* 2883 of 23 February 2018 - Intention to declare respective land parcels as nature reserves - Letaba Ranch, De Hoop Dam, Nungu Farm and Moepel Nature Reserve - for comment

Local Government: Municipal Systems Act 32 of 2000 - PN 23 in *PG* 2883 of 23 February 2018 - Annual municipal performance report 2015/2016

## **KwaZulu Natal**

Disaster Management Act 57 of 2002 - PN 11 in *PG* 1927 of 16 February 2018 - Declaration of a provincial state of disaster as a result of the unprecedented storms, floods and fires

KwaZulu-Natal Heritage Act 4 of 2008 - PN 13 in *PG* 1928 of 22 February 2018 - Amafa/Heritage - Tariff Schedule 2018-2019 published with effect from 1 April 2018 and notice of intention to amend the schedule to the Act

Spatial Planning and Land Use Management Act 16 of 2013 - MN 7 in *PG* 1928 of 22 February 2018 - Greater Kokstad Local Municipality - Appointment of members to the Municipal Planning Tribunal

Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - MN 8 in *PG* 1928 of 22 February 2018 - Ulundi Local Municipality - Notice of commencement of the Spatial Planning and Land Use Management By-law, 2017

## Gauteng

Disaster Management Act 57 of 2002 - LAN 307 in PG 43 of 21 February 2018 - City of Johannesburg Metropolitan Municipality - Declaration of a local state of disaster due to severe weather conditions including a tornado that occurred in parts of the jurisdictional area

## CASES

### National

*S v Okah* [2018] ZACC 3

“Summary: Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004 — section 15(1) — extra territorial jurisdiction — specified offence — South African courts have jurisdiction to try terrorist acts committed abroad, beyond the financing of terrorism

Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004 — section 1(4) — exemption to the definition of terrorist activity — international humanitarian law — indiscriminate bombings violate international humanitarian law and do not qualify for exemption

Criminal Procedure Act 51 of 1977 — section 317 — special entries — irregularities should be refused only when the application is in bad faith, frivolous or absurd, or because granting the application would amount to an abuse of court process.”

“[5] The High Court found that Mr Okah – who did not testify in his own defence – was the leader of the Movement for the Emancipation of the Niger Delta (MEND), an umbrella organisation of militant resistance groups in the southern states of Nigeria. MEND represents individuals who believe that the government of Nigeria, with the connivance of international oil companies, is generating vast sums of money from the oil extracted from the Niger Delta, while affording no benefit to the impoverished local inhabitants and simultaneously degrading their environment.

[6] In 2007, Mr Okah was arrested and prosecuted by the federal government of Nigeria on charges of treason and gun-running. However, in 2009, that government implemented an amnesty to restore peace in the Niger Delta. Mr Okah accepted the Nigerian government’s offer of amnesty and was later released.”

*Eskom Holdings Limited v Grundy* (AR380/2017) [2018] ZAKZPHC 1 (16 February 2018)

Request to remove Eskom powerlines and equipment in order to farm

*Inter-waste (Pty) Ltd v Petlane NO and Others* Case No 44773/2016 Gauteng High Court Pretoria Delivered 13 February 2018

Waste management licence – non-compliance with conditions – environmental management inspector issued compliance order as licence expired – court set compliance order aside

## International

*Commission v Poland* Case number C-441/17 [Opinion](#) delivered 20 February 2018

“The forestry management decisions taken by Poland concerning the Natura 2000 Puszcza Białowieska site infringe EU law.”

Also read [summary](#)

*The Queen v Secretary of State for Environment, Food and Defendants Rural Affairs and Others* [2018] [EWHC](#) 315 (Admin)

The UK plan for tackling roadside nitrogen dioxide concentrations is fatally flawed. Read [here](#) for a summary of the case

## PUBLICATIONS

Andrews, P, Davis, D and Masengu, T (eds) *A Warrior for Justice: Essays in Honour of Dikgang Moseneke* ([Juta](#) 2018)

2018 [Ecology and Society](#): Practicing Panarchy: Assessing Legal Flexibility, Ecological Resilience, and Adaptive Governance in U.S. Regional Water Systems Experiencing Climate Change

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

UN Special Rapporteur on Human Rights: Knox John ‘Reports to the UN Human Rights Council’ to be delivered on 2 March 2017. The reports are available [here](#)

[Bulletin of Atomic Energy](#): Jassby Daniel “ITER is a showcase ... for the drawbacks of fusion energy” 14 February 2018

[Energy Mix](#): Beer Michell “Troubled global oil market could be headed for the next price crash” 18 February 2018

[Bloomberg](#) New Energy Finance: 2018 Factbook: Sustainable Energy in America Executive Summary

[Energy Mix](#): Mendelsohn Mike “Denver project breaks down ‘disincentive barriers’ to low-income community solar” 23 February 2018

[Science](#): Erik Stokstad “European court backs opponents of logging in primeval Polish forest” 20 February 2019

[The Guardian](#): Gardiner Beth “Is your wood stove choking you? How indoor fires are suffocating cities” 22 February 2018

[The Guardian](#): Juliette Jowit “Half of world’s oceans now fished industrially, maps reveal” 22 February 2018

[The Guardian](#): White Tom “Climate change ‘will push European cities towards breaking point’” 21 February 2018

[The Guardian](#): Carrington Damian “Debt for dolphins: Seychelles creates huge marine parks in world-first finance scheme” 21 February 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **CBSS Workshops: Integrated Water Resource Management, the National Water Act, and Water Use Authorisations**

Dates: 13-15 March 2018

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)

Date: 15 March 2018 (Refresher course, Pretoria)

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station)

Dates: 15–17 May 2018 (registration 15 April 2018)

Place: Durban

Date: 17 May 2018 (Refresher course)

Venue: Durban

[Course description](#) and [registration form](#).

[Website](#).

Contact for additional information: Glaudin Kruger (Course Coordinator)

Tel: 028 316 2905 / [email](#)

#### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-03.7.1.1: Environmental management system transition for auditors**

Date: 1 March 2018

- **CEM-02.1.1: Environmental law**

Dates: 12 – 16 March 2018

- **CEM-01.1.1 Fundamentals of environmental management:**

Dates: 5 - 9 March 2018 (Potchefstroom)

- **CEM-02.1.1 Environmental law (Master class)**

Dates: 12 - 16 March 2018 (Gauteng)

- **CEM-03.7.2 Occupational health and safety transition**

Dates: 26-27 March 2018 (Potchefstroom)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

### NEWS

#### National

Spies Derrick “Mineral resources committee concerned over Optimum Mine impasse” [News24](#) 24 February 2018

Mowlana Saara “DEA calls for public comment on Buffalo River Estuarine Management Plan” [News24](#) 22 February 2018

#### International

Neslen Arthur “Monsanto demands Avaaz hands over all of its campaign data” [The Guardian](#) 23 February 2018

Oltermann Philip “German court delays ruling on city bans for heavily polluting diesel cars” [The Guardian](#) 22 February 2019

Northey Hannah "Trump slams 'totally disastrous' Paris pact, touts coal" [E&E News Reporter](#) 23 February 2018

## VACANCIES, BURSARIES, OPPORTUNITIES, ETC

### National

**Stellenbosch University: Lecturer - Public Law**

Closing date: 19 March 2018

Click [here](#)

**Stellenbosch University: Lecturer – Mercantile law**

Closing date: 19 March 2018

Click [here](#)

**City of Cape Town: Senior Legal Advisor**

Closing date: 2 March 2018

More information [here](#)

**Environmental Officer (Usuthu: Piet Retief Office)**

Piet Retief, Mpumalanga

Permanent

UCMA Job Advertisement - Inkomati-Usuthu

Click [here](#)

**Compliance Assistant**

Johannesburg, Gauteng

Click [here](#)

**Candidate Attorney**

Leap Recruitment - City of Cape Town, Western Cape

Click [here](#)

### International

**Earth Justice President**

San Francisco, CA

More information [here](#)

**Vermont Law School: Assistant Clinical Professor Position - Farm and Energy Initiative, LLM Fellowship, and Summer Energy Clinic Opportunities**

We are reopening our search for a clinical assistant professor position with our new Farm and Energy Initiative which is a joint project of our Center for Agriculture and Food Systems and our Institute for Energy and the Environment. We are very excited about this opportunity to collaborate between our two centers and we would greatly appreciate you sharing this position with your former students or colleagues who may be interested in applying. Applications will be reviewed on a rolling basis. The online position description and application form can be found [here](#).

- *LLM Fellow*

We also are currently accepting applications for a Global Energy Fellow with the Institute for Energy and the Environment. The Global Energy Fellow would work with us for 2 years while also pursuing an LLM in Energy Law. The fellow would lead student research and assist faculty on one of our projects such as the Farm and Energy Initiative, our energy clinic's community solar development work, or our clean transportation project. More information including application instructions can be found [here](#).

- *Summer Energy Clinic Opportunities*

Finally, we also have some openings for students from other law or masters programs in our summer Energy Clinic. Our summer energy clinic operates from May 29<sup>th</sup> through August 3<sup>rd</sup> and allows students to get hand-on experience in a transactional law clinic that is focused on building legal and business models for community solar and micro-hydro development. The clinic is currently working across the New England states with a particular interest in exploring how to bring the benefits of clean energy to low income and underserved communities. We have greatly enjoyed the participation of students from other law schools during past summers and invite students from other programs to participate. Students can participate for up to 6 credits during the summer term and the clinic is designed to allow students to take other summer energy or environmental courses in addition to the clinic. Interested students should email me with any questions or [send](#) a cover letter, resume and unofficial copy of graduate transcripts. We will review applications on a rolling basis beginning 4/2/18. More information on our summer environmental program and the summer energy clinic can be found [here](#).

**IIED: Researcher on energy access**

IIED is recruiting for a researcher to support senior researchers on the delivery of a range of partnerships and research projects on energy access: more information [here](#)

This will cover a range of sub-topics such as energy and economic development; designing energy services for impact; gender; marginalised groups and inclusion; market-based approaches to off-grid energy; policy and regulatory reform; and climate change and energy access in Least Developed Countries.

Closing date: 12pm Monday, 19 March 2018

For any enquiries about the role: [email](#)

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## ELA NEWSLETTER 9

2 March 2018

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### POLICY

Department of Transport - GN 151 in [GG](#) 41469 of 28 February 2018 - Revised White Paper on National Transport Policy (RWPNTTP) and notice of consultation workshops – for comment

Department of Transport - GN 192 in [GG](#) 41479 of 2 March 2018 - Draft Roads Policy for South Africa - for comment

### BILLS BEFORE PARLIAMENT

Agricultural Product Standards Amendment Bill [B21 of 2017]

National Environmental Management Laws Amendment Bill [B14 of 2017]

Marine Spatial Planning Bill [B9 of 2017]

National Forests Amendment Bill [B11 of 2016]

[Source: Imbewu Monthly Sustainability Legal Newsletter & Legislation Update February 2018]

### LEGISLATION

#### Notices

Constitution of the Republic of South Africa, 1996 - Department of Justice and Constitutional Development: Extension of comment period on proposed amendment to the Constitution redetermining the geographical areas of the provinces of the Eastern Cape, KwaZulu-Natal, the North West and the Northern Cape published for comment in GN 1310 in [GG](#) 41276 of 24 November 2017 from 28 February 2018 to 31 March 2018

National Water Act 36 of 1998 - GN 189 in [GG](#) 41473 of 2 March 2018 - Reserve determination of water resources for the Olifants-Doorn catchments

National Environmental Management Act 107 of 1998 - GN 162 in [GG](#) 41473 of 2 March 2018 - Draft Generic Environmental Management Programme (EMPr) for the Development and Expansion for Overhead Electricity Transmission and Distribution Infrastructure - for comment

National Environmental Management Act 107 of 1998 - GN 163 in GG 41473 of 2 March 2018 - Draft Generic Environmental Management Programme (EMPr) for the Development and Expansion of Substation Infrastructure for the Transmission and Distribution of Electricity - for comment

National Environmental Management Act 107 of 1998 - GN 164 in GG 41473 of 2 March 2018 - Gauteng Provincial Environmental Management Framework Standard, 2018 (GPEMF Standard, 2018) and Appendices - with effect from 60 days from date of publication

National Nuclear Regulator Act 47 of 1999 – Gen Notice 92 in GG 41473 of 2 March 2018 - Fees for nuclear authorisations payable to the Regulator for the period 1 April 2017 to 31 March 2018

South African Weather Service Act 8 of 2001 - GN R148 in GG 41464 of 27 February 2018 - Proposed regulations regarding fees for the provision of aviation meteorological services - for comment

National Regulator for Compulsory Specifications Act 5 of 2008 - GN 172 in GG 41473 of 2 March 2018 - Proposed compulsory specification for polymer film for damp-proofing and waterproofing in buildings - for comment

National Regulator for Compulsory Specifications Act 5 of 2008 - GN 173 in GG 41473 of 2 March 2018 - Compulsory Specification for Hydraulic Brake and Clutch Fluid VC 8013 amended with effect from six months after publication

## **PROVINCES**

### **Western Cape**

Disaster Management Act 57 of 2002 - PN 23 in *PG 7882* of 21 February 2018 - Extension of the declaration of a provincial state of drought disaster in the Western Cape for one month from 24 February 2018 to 23 March 2018

Disaster Management Act 57 of 2002 - PN 24 in *PG 7883* of 23 February 2018 - Extension of declaration of a provincial state of disaster as a result of the magnitude and severity of the fires and storms in the Western Cape for one month from 1 March 2018 to 31 March 2018

Disaster Management Act 57 of 2002 - LAN 55301 in *PG 7883* of 23 February 2018 - Stellenbosch Local Municipality - Extension of declaration of a local state of drought disaster from 20 March 2018 to 20 April 2018

Local Government: Municipal Systems Act 32 of 2000 and Western Cape Land Use Planning Act 3 of 2014 - LAN 55292 in *PG 7883* of 23 February 2018 - Drakenstein Local Municipality - Notice of intention to adopt new Zoning Scheme and draft Zoning Scheme By-law - for comment

## **Eastern Cape**

Eastern Cape General Law Amendment Act 4 of 2017 - PN 32 in *PG* 4003 of 26 February 2018 – commence 26 February 2018 - repeals: Cultural Institutions Decree 23 of 1990 (Ciskei), Pounds Act 43 of 1984 (Ciskei) and Pounds Ordinance 18 of 1938

Disaster Management Act 57 of 2002 - PN 26 in *PG* 3999 of 19 February 2018 - Declaration of a provincial state of drought disaster for the Amathole and Sarah Baartman District Municipalities and the Nelson Mandela Metropolitan Municipality

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 26 in *PG* 3999 of 19 February 2018 - Buffalo City Metropolitan Municipality - Notice of approved members to the Municipal Planning Tribunal

## **KwaZulu Natal**

Spatial Planning and Land Use Management Act 16 of 2013 - MN 13 in *PG* 1931 of 1 March 2018 - Greater Kokstad Local Municipality - Spatial Planning and Land Use Management Amendment By-law, 2017

Spatial Planning and Land Use Management Act 16 of 2013 - MN 14 in *PG* 1932 of 1 March 2018 - eThekweni Local Municipality - Notice of Draft Spatial Development Framework 2018-2019 - for comment

## **Mpumalanga**

Local Government: Municipal Systems Act 32 of 2000 - PN 18 in *PG* 2903 of 2 March 2018 - Mpumalanga Province Consolidated Annual Municipal Performance Report for the 2015/16 financial year

## **Gauteng**

Draft Gauteng Industry Transformation Regulatory Authority Bill, 2018 - PN 200 in *PG* 49 of 27 February 2018 - for comment

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 399 in *PG* 52 of 28 February 2018 - City of Johannesburg Metropolitan Municipality - Notice of two draft policies - 'Nodal review' and 'Inclusionary Housing Incentives, Regulations and Mechanisms' - for comment

## **CASES**

### **National**

*Van der Westhuizen v Burger* 2018 (2) SA 87 (SCA)

“Provocation as a defense to the *actio de feris*

The *actio de feris* imposes strict liability on the owner of wild or dangerous animals brought on or into a public place, or a place to which members of the public have access to, for damages caused by such animals. Here the

plaintiff relied on the *actio* to claim damages for injuries he sustained when, during a visit to the defendant's farm, he fell down while running from an attack by defendant's 'undomesticated' ostrich. The Supreme Court of Appeal considered the owner's defense that the plaintiff had provoked the attack." [Source: Juta legislation Update]

*State Information Technology Agency Soc Ltd v Gijima Holdings (Pty) Ltd* 2018 (2) SA 23 (CC)

"Administrative law - Administrative action—Review—Organs of state may not use PAJA to review their own decisions—Promotion of Administrative Justice Act 3 of 2000.

Review - Grounds—Legality—Organs of state may bring legality reviews of their own decisions"

*Long Beach Home Owners Association v Department of Agriculture, Forestry and Fisheries and Another* 2018 (2) SA 42 (SCA)

Environmental law - Forests—When destruction of indigenous trees amounting to destruction of natural forest—National Forests Act 84 of 1998, ss 3(3)(a) and 7(4).

*United Manganese of Kalahari (Pty) Ltd v Commissioner, South African Revenue Service* 2018 (2) SA 275 (GP)

Minerals and petroleum - Mines—Taxation—Royalty payable by 'extractor' on 'transfer' of 'unrefined mineral resource'—Gross sales of unrefined mineral resource—What constitutes—Correct interpretation of Mineral and Petroleum Resources Royalty Act 28 of 2008, s 6(3)(b).

*Walsh and Another v Rijks Cellar (Pty) Ltd* (A305/2017) [2018] ZAWCHC 25 (27 February 2018)

Water use licence – National Water Act 36 of 2002 – right to enter on land to enforce right to construct a pipeline and water pump house

[4] The founding affidavit in the court below was deposed to by Mr. Dorrington, a director of Rijks, on 6 June 2017. It is short and to the point. He said that a water licence had been granted in October 2004 permitting the withdrawal of water from the river and the storage thereof in nearby dams, the one on La Rhone and the other on land now owned by Rijks. It is common cause that the rights conferred under the license are now lawfully exercised by Rijks.

*Law Society of South Africa and Others v President of the Republic of South Africa and Others* (20382/2015) [2018] [ZAGPPHC](#) 4 (1 March 2018)

Suspension of SADC Tribunal in 2011 – President's participation in the suspension of the Tribunal as well as his subsequent signing of the 2014 Protocol on the SADC Tribunal were unlawful, irrational and unconstitutional

## International

*People of the State of California v BP PLC* Case No 3:17-cv-06012-WHA United States District Court for the State California

"Plaintiffs' nuisance claims center on an alleged scheme to produce and sell fossil fuels while deceiving the public regarding the dangers of global warming and the benefits of fossil fuels. Plaintiffs do not bring claims against emitters, but rather bring claims against defendants for having put fossil fuels into the flow of international commerce. Importantly, unlike AEP and Kivalina, which sought only to reach domestic conduct, plaintiffs' claims here attack behavior worldwide. While some of the fuel produced by defendants is certainly consumed in the United States (emissions from which are regulated by the Clean Air Act), greenhouse gases emanating from overseas sources are equally guilty (perhaps more so) of causing plaintiffs' harm. Yet these foreign emissions are out of the EPA and Clean Air Act's reach. ....Here, the Clean Air Act does not provide a sufficient legislative solution to the nuisance alleged to warrant a conclusion that this legislation has occupied the field to the exclusion of federal common law."

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[News24](#): Video: "Waterfront desalination plant set to come online by month end - CT deputy mayo" 1 March 2018

[The Conversation](#): Musango Josephine Kaviti "Cape Town's plans for what happens after Day Zero just won't work. Here's why" 1 March 2018

[Science](#): Nordling Linda "Ecologists up in arms over Cape Town's plans to ease water crisis by drilling into aquifer" 26 February 2018

[GroundUp](#): Yeld John "Here is the status of Cape Town's water supply projects" 2 March 2018

[GroundUp](#): Slingsby Jasper "Here is the status of Cape Town's water supply projects" 28 February 2018

[GroundUp](#): Ntongana Thembela "Water restrictions hit Cape Town's homeless" 28 February 2018

[News24](#): Video: Harrison A "WATCH: Plastic Tide: On the front lines in the war against marine pollution" 28 February 2018

[GroundUp](#): Washinyira Tariro "Waste pickers snubbed by City and Province" 2 March 2018

[GroundUp](#): Ampofo-Anti Ohene Yaw "Court bid to reinstate SADC Tribunal" 28 February 2018

[GroundUp](#): De Greef Kimon "Want to curb abalone poaching? Treat the cause" 28 February 2018

[GroundUp](#): Ntongana Thembela "Mining communities slam government's 'elite deal' with Chamber of Mines" 21 February 2018

[News24](#): Cruise Adam “#ShockWildlifetruths: South Africa exporting hundreds of Asian tigers to Asia” 2 March 2018

[The Conversation](#): Lee Derek E “Community-based wildlife conservation is bringing success to Tanzania” 1 March 2018

[The Conversation](#): Peters Jörg “How electricity changes lives: a Rwandan case study” 26 February 2018

[The Conversation](#): Owino Eunice Anyango “How we pinned down what attracts mosquitos that carry dengue fever” 25 February 2018

[The Conversation](#): De Beer Wilhelm “A tiny beetle and its deadly fungus is threatening South Africa's trees” 27 February 2018

[The Conversation](#): Adekola Olalekan “Nigeria's conflict is a result of environmental devastation across West Africa” 22 February 2018

[The Conversation](#): Biswas Asit K “Electric vehicles are changing the world. And they're only just getting started” 28 February 2018

[IISD SDG Knowledge Hub](#): Gordon-Harper Gabriel “Clean Energy Powers Sustainable Cities as Fossil Fuel Companies Predict Further Growth in Renewables” 1 March 2018

[IISD SDG Knowledge Hub](#): Mead Leila “Africa’s First NDC Partnership Plan Established in Uganda” 1 March 2018

[IISD SDG Knowledge Hub](#): Mead Leila “IPCC Experts Advance Preparations for Special Report on Ocean and Cryosphere” 1 March 2018

[IISD SDG Knowledge Hub](#): Ledaba Ana Maria “Governments Hold First Negotiations on Migration Compact” 1 March 2018

[IISD SDG Knowledge Hub](#): Catherine Benson Wahlén “UNEP Reviews Global Status of Environmental Assessments” 1 March 2018

[Science](#): Cornwall Warren “As sea levels rise, Bangladeshi islanders must decide between keeping the water out—or letting it in” 1 March 2018

[Science](#): Larson Christina “Asia's hunger for sand takes a toll on endangered species” 1 March 2018

[Science](#): Stokstad Erik “European agency concludes controversial 'neonic' pesticides threaten bees” 28 February 2018

[Science](#): Dengler Roni “This city fights crime by gardening” 26 February 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### NWU – Centre for Environmental Management Courses 2018

- **CEM-01.1.1 Fundamentals of environmental management:**  
Dates: 5 - 9 March 2018 (Potchefstroom)
- **CEM-02.1.1 Environmental law (Master class)**  
Dates: 12 - 16 March 2018 (Gauteng)
- **CEM-03.7.2 Occupational health and safety transition**  
Dates: 26-27 March 2018 (Potchefstroom)
- **Environmental management systems**  
Date: 9 - 13 April 2018 (Potchefstroom)
- **Safety, health, environmental and quality (SHEQ) management**  
Date: 16 - 26 April 2018 (Potchefstroom)
- **Environmental management system transition**  
Date: 24 - 25 April 2018 (Gauteng)
- **Environmental management system transition for auditors**  
Date: 26 April 2018 (Gauteng)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

### International

#### MOOC on International Climate Change Law & Policy

The Newcastle Law School in Australia is developing a Massive Open Online Course (MOOC) through the [edX online platform](#).

The name of the course is 'International Climate Change Law and Policy' with reference to climate change law and Environmental Economics theory, with a focus on carbon pricing.

The link to the course is [here](#)

## NEWS

### National

Smith Carin "Drought impact on W Cape economy worse than anticipated – minister" [News24](#) 1 March 2018

Le Roux Jean "Optimum mine: Rescue practitioners explain their absence" [News24](#) 1 March 2018

Mitchley Alex "Bank of Baroda: Guptas can't force us to stay in SA" [News24](#) 1 March 2018

Natesan Parmi and Prieur du Plessis "Corporate scandals: Buck stops at boardroom table" [IOL](#) 28 February 2018 [Source: Legalbrief Forensic 1 March 2018]

## International

“Brazil's top court approves controversial forestry law” [BBC News](#) 1 March 2018

Tantoh Michael “Equatorial Guinea: French Govt, Obiang at Loggerheads Over Corruption Charges” [allAfrica](#) 28 February 2018 [Source: Legalbrief Forensic 1 March 2018]

Watts Jonathan “Arctic spring is starting 16 days earlier than a decade ago, study shows” [the Guardian](#) 2 March 2018

Howie Fiona, Greeves Tom, Gilruth Andrew and Anderson Amanda “Nature and culture must be balanced in our national parks” [the Guardian](#) 4 March 2018

Slezak Michael “‘Global deforestation hotspot': 3m hectares of Australian forest to be lost in 15 years” [the Guardian](#) 4 March 2018

Members of the Environmental Law Association may subscribe to  
[\*Legalbrief Environmental\*](#)  
and the  
[\*South African Journal of Environmental Law and Policy\*](#).  
Discount available for ELA members.

## **ELA NEWSLETTER 10**

9 March 2018

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### **POLICY**

Department of Transport - GN 203 in GG 41488 of 9 March 2018 - Draft Roads Policy for South Africa - for comment

### **LEGISLATION**

#### **Bills**

Animals Protection Amendment Bill, 2018 [B4-2018]

Draft Railway Safety Bill, 2017 – Gen Notice 123 in GG 41488 of 9 March 2018 - for comment

#### **Notices**

Occupational Diseases in Mines and Works Act 78 of 1973 - GN 209 in GG 41491 of 9 March 2018 - Increase of levies paid by controlled mines and works

Agricultural Product Standards Act 119 of 1990 - GN R204 in GG 41489 of 9 March 2018 - Regulations regarding Inspections and Appeals: Local amended with effect from 1 April 2018

Agricultural Product Standards Act 119 of 1990 - GN R205 in GG 41489 of 9 March 2018 - Regulations regarding Inspections and Appeals: Export amended with effect from 1 April 2018

National Environmental Management Act 107 of 1998 - GN R196 in GG 41485 of 7 March 2018 - Environmental Assessment Practitioners Association of South Africa (EAPASA): Approval of fees for application for registration, lodging of appeals and annual fees for registered candidate environmental assessment practitioners and registered environmental assessment practitioners

Petroleum Products Act 120 of 1977 - GN R193 in GG 41482 of 6 March 2018 - Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 7 March 2018

Petroleum Products Act 120 of 1977 - GN R194 in GG 41482 of 6 March 2018 - Amendment of regulations in respect of petroleum products published with effect from 7 March 2018

Petroleum Products Act 120 of 1977 - GN R195 in GG 41482 of 6 March 2018 - Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 7 March 2018

Constitution of the Republic of South Africa, 1996 – Gen Notice 100 in GG 41481 of 5 March 2018 - Department of Justice and Constitutional Development: Extension of comment period on proposed amendment to the Constitution redetermining the geographical areas of the provinces of the Eastern Cape, KwaZulu-Natal, the North West and the Northern Cape - for comment in GN 1310 in GG 41276 of 24 November 2017 from 28 February 2018 to 31 March 2018

Promotion of Access to Information Act 2 of 2000 - GG 41490 of 8 March 2018 - Department of Justice and Constitutional Development - Section 15 manual

Promotion of Access to Information Act 2 of 2000 – Gen Notice 103 in GG 41488 of 9 March 2018 - Submission of description in terms of s. 15 (1) by the Department of Trade and Industry

National Environmental Management: Biodiversity Act 10 of 2004 - GN 197 in GG 41488 of 9 March 2018 - Biodiversity Management Plan for the Cape Mountain Zebra (*Equus Zebra Zebra*)

National Environmental Management: Integrated Coastal Management Act 24 of 2008 - GN R206 in GG 41489 of 9 March 2018 - Reclamation of Land from Coastal Waters Regulations, 2018

## **PROVINCES**

### **Western Cape**

Disaster Management Act 57 of 2002 - LAN 55308 in PG 7885 of 2 March 2018 - Swartland Local Municipality: Extension of the declaration of a local state of disaster as a result of a devastating fire at the Swartland Hospital in Malmesbury for one month from 24 February 2018 to 26 March 2018 published () (p132)

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 55311 in PG 7885 of 2 March 2018 - City of Cape Town Informal Trading By-law - City of Cape Town (Oostenberg District) - Informal Trading Plan for Ward 11 (Kuil River and surrounding areas)

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 55412 in PG 7885 of 2 March 2018 - City of Cape Town Informal Trading By-law - City of Cape Town (Helderberg District): Informal Trading Plan for Ward 83 (Strand)

## **Eastern Cape**

Spatial Planning and Land Use Management Act 16 of 2013 - PN 41 in *PG* 4006 of 5 March 2018 - Dr Beyers Naudé Local Municipality - By-law on Spatial Planning and Land Use Management

## **Limpopo**

Spatial Planning and Land Use Management Act 16 of 2013 and Lephalale Local Municipality Spatial Planning and Land Use Management By-laws, 2017 - PN 28 in *PG* 2884 of 2 March 2018 - Lephalale Local Municipality - Notice of approval and adoption of Lephalale Local Municipal Land Use Scheme 2017

Spatial Planning and Land Use Management Act 16 of 2013 and Lephalale Local Municipality Spatial Planning and Land Use Management By-laws, 2017 - PN 29 in *PG* 2884 of 2 March 2018 - Lephalale Local Municipality - Notice of approval and adoption of Lephalale Local Municipal Spatial Development Framework, 2017 and Local Spatial Development Framework for the Rural Focus Areas, 2017

Spatial Planning and Land Use Management Act 16 of 2013 - PN 33 in *PG* 2885 of 2 March 2018 - Thabazimbi Local Municipality - Notice of withdrawal from the joint Waterberg District Municipal Planning Tribunal and establishment of the Thabazimbi Municipal Planning Tribunal

## **Mpumalanga**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – Gen Notice 21 in *PG* 2906 of 9 March 2018 - Dr JS Moroka Local Municipality - the Community Halls and Municipal Facilities; Funeral parlors and Cemeteries; and Integrated Waste Management By-laws – for comment

Constitution of the Republic of South Africa, 1996 – Gen Notice 23 in *PG* 2906 of 9 March 2018 - Dr JS Moroka Local Municipality - Funeral Parlors, Cemeteries and Crematoria By-laws, 2012 published with effect from a date to be determined by the Council

## **NORTHERN CAPE**

Disaster Management Act 57 of 2002 – Gen Notice 22 in *PG* 2170 of 7 March 2018 - Namakwa and Pixley Ka Seme District Municipalities - Declaration of a provincial state of drought disaster

## CASES

### National

*Full Score Trading 145 CC v Brocsand (Pty) Ltd and Others* (A296/2017) [2018] ZAWCHC 26 (5 March 2018)

“2] The appellant is the holder of a mining right in relation to certain minerals on a property near Malmesbury, Western Cape. In 2010, appellant appointed first respondent in terms of an agreement (“Redhill Agreement”) as the exclusive contractor to conduct the mining operations for five (5) years from 1 November 2010, on behalf of appellant. This period ended on 30 October 2015.

4] Clause 3.2 of the agreement provides for a right of first refusal to first respondent as contractor, upon expiry of the agreement (being 30 October 2015), to enter into a new agreement with applicant for the re-appointment as the contractor to mine the minerals at the particular property.

5] On 30 January 2015, appellant received a written offer by third respondent (“Tip Trans”) to act as contractor at the Red Hill mine from 1 November 2015. It is not in dispute that Tip Trans was aware of the existence of the right of first refusal of first respondent. This offer was signed by Mr. JB. Krige (“Krige”) on behalf of the appellant. The reason for signing the offer is in dispute, as Krige maintains that he signed it in order to make the document more “formal” for purposes of presenting same to first respondent under its right of first refusal.”

### International

*Juliana v. United States* Case: 17-71692, 03/07/2018 United States Court of Appeal for the Ninth Circuit 7 March 2018 [Opinion](#)

‘The panel denied without prejudice a petition for a writ of mandamus in which federal defendants sought an order directing the district court to dismiss a case seeking various environmental remedies. Twenty-one plaintiffs brought suit against defendants – the United States, and federal agencies and officials – alleging that the defendants contributed to climate change in violation of the plaintiffs’ constitutional rights. The defendants argued that allowing the case to proceed would result in burdensome discovery obligations on the federal government that would threaten the separation of powers.’ [Summary to the Opinion]

## PUBLICATIONS

Wiener Jonathan "Precautionary Principle" [Draft](#) of 14 February 2018 - Chapter entry for the volume on Krämer Ludwig and Orlando Emanuela (eds) *Principles of Environmental Law* in *Encyclopedia of Environmental Law* (Michael Faure, ed) (IUCN and Edward Elgar, forthcoming 2018)

Francesco Ferretti , David Curnick, Keli Liu, Evgeny V. Romanov, Barbara A. Block “Shark baselines and the conservation role of remote coral reef ecosystems” [Science Advances](#) 7 March 2018 DOI: 10.1126/sciadv.aag0333

Artelle Kyle A *et al* “Hallmarks of science missing from North American wildlife management” [Sciences Advances](#) 7 March 2018 DOI: 10.1126/sciadv.aao0167

Shirzaei Manoochehr and Bürgmann Roland “Global climate change and local land subsidence exacerbate inundation risk to the San Francisco Bay Area” [Sciences Advances](#) 7 March 2018

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

[Mail & Guardian](#): Galvin Mary “Bold steps needed for a 'new normal' that allocates water fairly” 7 March 2018

[GroundUp](#): Roeland Maxwell “Water curbs: a tale of rich and poor” 7 March 2018

[GroundUp](#): Neilson Ian “Cape Town is using aquifers responsibly” 9 March 2018

[GroundUp](#): [Washinyira](#) Tariro “Waste pickers snubbed by City and Province” 2 March 2018

[The Guardian](#): McGraw Daniel “How an endangered salamander forced a Texan city to save water” 2 March 2018

[Mail & Guardian](#): Lavoix Camille “Mali farmers plant seeds of hope” 9 March 2018

Mail & Guardian: [Video](#): “Electronic waste and what happens to it” accessed 10 March 2018

[Land Use Prof Blog](#): Nolon John R “Low Carbon Land Use: Paris, Pittsburgh, and the IPCC: Post 7: The Land Use Stabilization Wedge: Sequestration” 7 March 2018

[Shangoni](#): Hartzer-Marais Suzette “Fees for registered and candidate environmental assessment practitioners approved to be levied by the Environmental Assessment Practitioners Association of South Africa” 8 March 2018

[IISD ENB](#): “1st Part of the 24th Annual Session of the International Seabed Authority” 5-9 March 2018 - Headquarters of the International Seabed Authority, Kingston, Jamaica

[SDG Knowledge Hub](#): Mead Leila “UNEP Launches Environmental Rights Initiative” 8 March 2018

[UN Environment](#): “Advancing environmental rights”

[SDG Knowledge Hub](#): “FAO Launches New [Tool](#) for Reporting on World's Forests” 8 March 2018

[SDG Knowledge Hub](#): “Climate Adaptation Finance Update: Disaster Risk Insurance Gains Momentum” 8 March 2018

[SDG Knowledge Hub](#): “Supplementary Protocol on Liability and Redress for LMOs Enters into Force” 8 March 2018

[Science](#): Video and article: Cornwall Warren “‘Vulture safe zones’ aim to rescue a vital but unloved scavenger” (Bangladesh) 9 March 2018

[Science](#): Perkins Sid “Pockets of water may lay deep below Earth's surface” 8 March 2018

[Science](#): Reese April “As countries crank up the AC, emissions of potent greenhouse gases are likely to skyrocket” 8 March 2018

[Science](#): Voosen Paul “Fleet of sailboat drones could monitor climate change's effect on oceans” 8 March 2018

[Science](#): Warren Matt “Could IVF save the world’s last northern white rhinos from extinction?” 8 March 2018

[The Guardian](#): Tobias Jimmy “Trump official under fire after granting broad access to mining and oil firms” 9 March 2018

[The Guardian](#): Gell Fiona “There’s hope for our blue planet, despite what you see on the news” 9 March 2018

[The Guardian](#): Phillips Dom “Brazil: natural disasters and large-scale construction forced millions from homes” 7 March 2018

[Daily Maverick](#): Mather Khalid “Op-Ed: South Africans should mobilise to stop murky plans for oil and gas drilling on the East Coast” 9 March 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **Imbewu Workshop: NEM: Waste Act**

Date: Friday 4 May 2018

Time: 08:30-16:00

Place: Inthaka Island Eco Centre, Century City, Cape Town

Contact [Lulu](#) or [webpage](#) or phone 011 214 0660

#### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-03.7.2 Occupational health and safety transition**  
Dates: 26-27 March 2018 (Potchefstroom)
- **Environmental management systems**  
Date: 9 - 13 April 2018 (Potchefstroom)
  - **Safety, health, environmental and quality (SHEQ) management**  
Date: 16 - 26 April 2018 (Potchefstroom)
  - **Environmental management system transition**  
Date: 24 - 25 April 2018 (Gauteng)
  - **Environmental management system transition for auditors**  
Date: 26 April 2018 (Gauteng)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

## International

### GW Law Symposium on the Public Trust Doctrine in the 21st Century webcast

Date: 15 March 2018

Time: 1:00 eastern daylight time

Link to the [URL](#) for the webcast of the event

#### [Programme](#)

The program will feature opening remarks by Nick Robinson on the Charter of the Forests, a discussion of the history of the Public Trust Doctrine with Erin Ryan and Jim Huffman, and a panel focusing on the Juliana Case on Thursday. Friday will focus on the application of the public trust doctrine in various contexts including climate adaptation, use rights, western water, and privatization of public resources, as well as developments in public trust law in California, Minnesota, Pennsylvania, Texas, and in Canada.

### 2018 Utrecht Conference on Earth System Governance

Dates: 5-8 November 2018

Place: Utrecht, Netherlands.

#### Key Dates:

- Deadline for paper abstracts: 19 March 2018
- Notification of acceptance: 2 April 2018
- Full papers due: 1 November 2018

The 2018 Utrecht Conference stands in a long tradition of global conferences on earth system governance, from Amsterdam (2007 and 2009) to Colorado (2011), Lund (2012), Tokyo (2013), Norwich (2014), Canberra (2015), Nairobi (2016), and Lund (2017). In this long-standing event series, the Utrecht Conference will have a special status: in 2018, the Earth System Governance Project's current Science and Implementation Plan will be replaced by a new 10-year science plan; and new, enthusiastic leadership will take over the helm of our project.

This conference will hence focus on harvesting the many findings of our community over the last decade, combined with a bold outlook to the future and the next scientific challenges for earth system governance research.

The 2018 Utrecht Conference will be organized around the core analytical problems that have structured the last decade of earth system governance research, while providing an outlook on emerging themes and new directions. Abstracts can be submitted to one of the following six conference streams:

1. Architectures of Earth System Governance. We invite papers that reflect on the complexity of governance systems in the context of increasing cross-sectoral and cross-scale interdependencies, and growing institutional interplay between environmental and non-environmental domains (e.g. global trade, security, technology). Core questions include: How can we evaluate the performance of complex governance architectures? What is the relationship between complexity and concepts such as fragmentation and polycentricism? How and why can complex earth system governance architectures be governed more effectively?
2. Agency in Earth System Governance. We invite papers that build on the knowledge created over the past ten years and that further advance understanding of the actors and agents that drive earth system governance and the ways in which authority is granted to them and how it is exercised. We welcome papers on the influence, roles and responsibilities of both state actors

and non-state actors, such as NGOs, cities, corporations, public-private partnerships, or science networks. Core questions are: How is authority shifting in earth system governance and with what kind of implications? How do different agents exercise agency in earth system governance, and how can we evaluate their relevance? Which are the emerging actors and how will they influence earth system governance in the years to come?

3. Accountability, Legitimacy and Democracy in the Anthropocene. We invite papers on the accountability, legitimacy and overall democratic quality of earth system governance. What are the sources of accountability, legitimacy, and democracy in earth system governance? What are the effects of different forms and degrees of accountability and legitimacy, as well as types of democracy and authoritarianism for the performance of governance systems? What institutional designs can produce the accountability, legitimacy and democratic quality of earth system governance in a way that guarantees balances of interests and perspectives in a world of increasing diversity?

4. Allocation, Access and Equity in Earth System Governance. Earth system governance is, as is any political activity, fundamentally about the distribution of material and immaterial resources and values. It is, in essence, a conflict about the access to goods and about their allocation – it is about justice, fairness, and equity. How can we reach interdisciplinary conceptualizations and definitions of allocation and access and of planetary justice? What (overarching) principles underlie allocation, access and equity? How can broader justice demands be reconciled with governance effectiveness?

5. Adaptiveness, Resilience, and the Transformation of Earth System Governance. We invite papers on the adaptiveness, resilience, and transformation of earth system governance, a theme that includes related concepts such as adaptation, adaptive management, vulnerability and reflexivity. What are the politics of adaptiveness and transformations? Which governance processes foster it? What attributes of governance systems enhance capacities to adapt or transform? How, when and why does adaptiveness influence earth system governance transformation?

6. Theoretical and Methodological Foundations of Earth System Governance. Finally, we invite papers that analyse the theoretical foundations and implications of new ways of thinking about governance and earth system transformations, including concepts such as the Anthropocene, earth system stewardship, planetary boundaries, and the extent to which they are related and to which they differ. Moreover, we invite papers that seek to identify and further develop the appropriate methods to study earth system governance, including papers that study options for integrating social science-based work with study programmes grounded in the natural sciences, computer-based modelling, imagination and anticipation experiments, and scenario work. Finally, we welcome papers that critically discuss the role of science and scientists in the Anthropocene, and that discuss how scientific communities can become agents of resistance, change, and transformations.

## **Call for Papers: Searching for Critical Environmental Law: Theories, Methods, Critiques Workshop**

Date: 11 May 2018

Place: Oxford, United Kingdom

The field of critical environmental law has yet to develop any consistent self-awareness as a set of problematisations, methods and theories of either law or the environment, despite promising work in recent years. With this realisation as the point of departure, the aim of this workshop is to debate the conception and role of this field of legal scholarship. Critical environmental law is understood as an enquiry into the theoretical and institutional apparatus of both environmental law and the rationality of environmentalism. It seeks to problematize standard ontological, epistemological and axiological narratives from an interdisciplinary perspective, and to find and expose the slippages at the margins of the intersection between law and ecology. However, any conceptual or practical project of critical environmental law must now contend with our contemporary condition; the continuing crisis of capitalism framing a period of protestations, uprisings and revolts, a general discontent in the context of which the operation of an objective, depoliticised and scientifically-derived environmental law as an essential element of liberal environmentalism appears increasingly strained. But was it ever effective in the first place? On the other hand, critiques of environmental science can serve projects that are inimical to the political commitments of critical thought. How can critiques of the limitations of liberal and managerial notions of environmental law thrive in the world of denialism and extremism? In this context, the fields of international, transnational and comparative environmental law have become even more important in combating the geographically restricted nature of environmental law scholarship. Therefore, this call for papers invites contributions that grapple with the challenge of conceiving and critiquing the relation between law and the environment through innovative ideas, categories and instruments, and in the contemporary context of crisis and contestation. Contributions from international, transnational, comparative or domestic perspective are welcome. Possible themes include, but are not restricted to:

- ❖ What is critical environmental law? What can it be? What are its methodological commitments and ethical orientations?
- ❖ What are the limits – conceptual, political, practical - of environmental law?
- ❖ Relation between environmental law and resistance.

Please send abstracts of 500 words to [Andreas Kotsakis](#) and [Vito De Lucia](#) by 3 April 2018

Limited funding is available for travel and accommodation in Oxford.

We will communicate decisions on the workshop by 8 April 2018.

## **The 2nd Dundee Energy Forum - The Evolving Global Energy and Resources Landscape**

Dates: 25-26 June 2018

- Abstract submission deadline: 15th April 2018
- Notification of outcome: 30th April 2018

Call for papers [here](#)

### **UNITAR Free e-learning course on “Local Water Solutions”**

Do you wish to gain a comprehensive overview of global water challenges and water governance? Would you like to be introduced to basic water and wastewater treatment technologies and to the complex concept of the water-energy-food nexus? Then the United Nations Institute for Training and Research (UNITAR), Gaia Education and Strathclyde University cordially invite you to join our online programme on “Local Water Solutions for Global Challenges”.

Water is essential for life and for sustainable development, and well-managed water services contribute to poverty reduction, economic growth and environmental sustainability. Increasing human population, the impacts of climate change and unsustainable growth all place pressures on water demand, water quality and water availability.

On the basis of these needs, the University of Strathclyde, Gaia Education and the Social Development Programme of UNITAR have developed this e-learning course, aiming at building the capacity of local authorities in developing and least developed countries on sustainable water resource management, and at providing a solid understanding of water governance within the framework of the Sustainable Development Goals. The course also introduces key technologies and techniques to build water resilience, and explores the close interactions between water, energy, food and climate change.

The course starts on 22nd March, for a period of 5 weeks. In order to get the full benefits of the course we suggest you should dedicate 3 to 8 hours a week to your study. This course is a free MOOC! Successful participants will be given the opportunity to request a UNITAR certificate for 100\$, a trustable way to showcase their new skills!

We think that our online course could be of great interest to you. We would also be very grateful if you could help us spread the information through your network. You will find attached the course flyer for more information. To register, you can access the [website](#).

Contact [email](#)

### **Moderated Online Course on Green Fiscal Reform, 2. Edition**

Date: 9 April – 1 June 2019

The Partnership for Action on Green Economy ([PAGE](#)) will deliver the second edition of the moderated e-course ‘[Green Fiscal Reform](#)’ (in English). Fiscal policies widely impact supply and demand in the economy and are thus an important instrument in policymakers’ toolkit to drive the green transition.

The course introduces various concepts, policy instruments and enabling conditions to identify, assess and harness benefits of fiscal policies in the context of the 2030 Development Agenda.

[Fellowships](#) are available to enable interested learners from developing countries. The application deadline for fellowships is 26 March. The regular application deadline is 2 April.

Further information can be found at the [registration link](#) or via [page@unitar.org](mailto:page@unitar.org)

### **Promoting Energy Efficiency Best Practice In SMEs**

Energy efficiency is one of the three pillars of the global initiative Sustainable Energy for All. Improving energy efficiency is also part of the strategy in Sustainable Development Goal 7. However, the 2017 report by the Global Tracking Framework monitoring progress towards meeting the targets of

Sustainable Energy for All states that we still need to make more headway in improving energy efficiency if we are to reach the target set for 2030.

There has been some achievement with large scale industries. However, these only represent a small percentage of the total of energy using enterprises. There is still a lot that can be achieved with small and medium scale enterprises. In this webinar we hear from three different perspectives how this can be done.

Rana Ghoneim (Industrial Development Officer UNIDO): Results and impacts of UNIDO's Energy Management Programme

Xianli Zhu (Copenhagen Centre on Energy Efficiency): Scaling up Energy Efficiency for SMEs - Opportunities, Barriers, and Policy Solutions

Joy Clancy (Director EMSI, University of Twente): Don't forget the informal sector  
Chair: John Christensen (Director UNEP DTU Partnership):

The Webinar will be held on Wednesday 14th March 2018 at 14:00 CET. The Webinar is live streamed. So there is no need to pre-register. You can access the Webinar via the following [link](#).

The three organisations presenting in this seminar are partners run a short not-for-profit training course on Energy Management in Small and Medium Scale Industries (EMSI) which focuses on preparing for ISO 50001 (Energy Management). The course is partly on-line and partly residential in which participants conduct an energy audit in a real situation. You can find out more information about this course at [here](#)

## NEWS

Mutandiro Kimberly "Informal gold miner shot dead and eight arrested" [GroundUp](#) 7 March 2018

Gosling Melanie "Renewable Energy Burst: Jeff Radebe to sign off wind and solar power projects after a two-year hiatus" [Daily Maverick](#) 9 March 2018

Ngalo Aphiwe "#CapeWaterGate: Women suffer the most in a time of drought" [Daily Maverick](#) 9 March 2018

"GroundUp: Jobs and profits drying up on Western Cape grape farms" [Daily Maverick](#) 9 March 2018

## National

Ensor Linda "Gupta mines can become operational again" [Sunday Times](#) 07 March 2018

"Environmental Affairs responds to public comments on listing of rainbow trout and brown trout as invasive species" 7 March 2018 click [here](#) [Source: Legalbrief Today 8 March 2018]

### **Energy: New Minister speeds up IPP programme**

"The prolonged impasse in signing 27 renewable energy independent power producer (IPP) project agreements will finally end on Tuesday. Announcing this yesterday, newly-appointed Energy Minister Jeff Radebe said that, in future, the process of connecting new, independent power producing plants to the grid will be informed by projected demand – taking account of plans to decommission 'old power plants'. Over the 20-year lifespan of this new batch of project agreements, an estimated R9.8bn and R3.4bn have been earmarked respectively for socio-

economic and enterprise development across host communities. The office of the independent power producers' procurement programme has been tasked with 'creating a better and more efficient structure' to facilitate the 'more equal distribution' of community dividends."

Read full report in Policy Brief *Legalbrief Today* 9 March 2018

"Curfew imposed in Nigeria over herder-farmers violence" [News24](#) 9 March 2018

"#ShockWildlifeTruths: Major tech companies form coalition to fight online wildlife trafficking" [News24](#) 9 March 2018

## International

Ihucha Adam "Tanzania tour operators to sue Ngorongoro Conservation Area Authority for defamation" [eTN](#) 5 March 2018

Gordon Fiona "Australia crushes ivory to protest killing of elephants" [eTN](#) 6 March 2018

"Latin America and the Caribbean Adopts Its First Binding Regional Agreement to Protect Rights of Access in Environmental Matters" [ECLAC](#) 4 March 2018

Slezak M "Landmark case challenges land clearing based on climate change impact" [the Guardian](#) 9 March 2018

Milman Oliver "Climate change tightens grip on US west coast despite progressive aspirations" [the Guardian](#) 7 March 2018

"Arctic has warmest winter on record: 'It's just crazy, crazy stuff'" [the Guardian](#) 6 March 2018

"Two nabbed on Cape Flats with abalone worth R200k" [IOL News](#) 10 March 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

#### **Stellenbosch University: Department of Mercantile Law - Lecturer**

(Stellenbosch University - Ref. RG01/067/0218)

Stellenbosch University, Faculty of Law is looking to fill a vacancy in the Department of Mercantile Law. The main responsibility of the incumbent will be to contribute to excellence in the Faculty of Law. The incumbent will lecture primarily in the field of Mercantile Law, in particular in Company law and other business forms in various programmes. The incumbent will furthermore conduct research, write and publish in the assigned field(s) of law and contribute to the administrative functioning of the Faculty and perform such other duties as assigned by the Faculty.

Commencement of duties: 1 June 2018 or as soon as possible thereafter

Closing date: 19 March 2018

Visit [sun.ac.za/english/careers](http://sun.ac.za/english/careers) for detailed information on this vacancy and the application procedure.

**Department of Public Law - Lecturer**

(Stellenbosch University - Ref. RG03/066/0218)

Stellenbosch University, Faculty of Law is looking to fill a vacancy in the Department of Public Law, with combined lecturing responsibilities in the Department of Mercantile Law. The main responsibility of the incumbent will be to contribute to excellence in the Faculty of Law. The incumbent will lecture primarily in the fields of the Law of Evidence and Mercantile Law. The incumbent will furthermore conduct research, write and publish in the assigned field(s) of law and contribute to the administrative functioning of the Faculty and perform such other duties as assigned by the Faculty.

Commencement of duties: 1 June 2018 or as soon as possible thereafter

Closing date: 19 March 2018

Visit [sun.ac.za/english/careers](http://sun.ac.za/english/careers) for detailed information on this vacancy and the application procedure.

**North-West University: Manager Student Judicial services**

Closing date: 16 March 2018

Apply [here](#)

**North-West University Faculty of Law: Lecturer /Senior Lecturer/ Associate Professor**

Fields of specialisation: Jurisprudence; Legal Interpretation

Site: Mahikeng

Closing date: 16 March 2018

Apply [here](#)

**North-West University Faculty of Law: Junior Lecturer/ Lecturer**

Fields of specialisation: Constitutional Law; Public international Law, Administrative Law, Private international Law, Public Law, Jurisprudence, Banking Law

Site: Mahikeng

Closing date: 16 March 2018

Apply [here](#)

**Candidate Attorney**

- Law Firm in Green Point seeks an enthusiastic young Candidate Attorney to start immediately.
- Requirements: Completed LLB degree, Driver's License, own reliable transport and eager to learn.
- Should you meet the above requirements, kindly [submit](#) your CV and academic records

**International****Natural Justice is looking for a Programme Manager, Extractives and Infrastructure Programme, Senegal and Guinée**

Deadline 25 March 2018

Apply [here](#)

### **Pace Law School LLM Graduate Fellowships**

Pace Law School is pleased to announce that it is hiring five (5) LLM Graduate Fellows for the 2018-19 academic year. Please distribute the following postings to your students who may be interested in working as a Graduate Fellow while earning an LLM in Environmental Law.

- [Pace Law Environmental LLM Graduate Fellow](#)
- Pace Law Global Center for Environmental Legal Studies [LLM Graduate Fellow](#)
- Pace Law Food and Agriculture Law [LLM Graduate Fellow](#)
- Land Use and Sustainable Development [LLM Graduate Fellow](#)
- Equitable Access to Sustainable Energy (EASE) [LLM Graduate Fellow](#)

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## ELA NEWSLETTER 11

16 March 2018

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### LEGISLATION

#### Bills

[Draft Customary Initiation Bill, 2018](#) – Gen Notice 137 in GG 41498 of 16 March 2018 - notice of intention to introduce - for comment

[People's Food Sovereignty Act](#) 1 of 2018 [private bill]

#### Notices

Occupational Diseases in Mines and Works Act 78 of 1973 - GN 227 in GG 41500 of 15 March 2018 - Amounts in s. 80 (2) and (3) of the Act amended to increase benefits with effect from 1 April 2018

National Environmental Management Act 107 of 1998 - GN 213 in [GG](#) 41498 of 16 March 2018 - Notice of intention to adopt the Integrated Environmental Management Plan (IEMP) for the Square Kilometre Array (SKA) Phase 1 and to exclude associated activities from the requirement to obtain environmental authorisation in terms of s. 24 (2) (e) - for comment

Disaster Management Act 57 of 2002 - GN 210 in [GG](#) 41493 of 13 March 2018 - Declaration of a national state of disaster

National Environmental Management: Biodiversity Act 10 of 2004 - GN 214 in [GG](#) 41498 of 16 March 2018 - Biodiversity Management Plan for the Cape Mountain Zebra (*Equus Zebra Zebra*)

Companies Act 71 of 2008 - GN 232 in GG 41503 of 16 March 2018 - Financial Reporting Pronouncement 1: Substantively enacted tax rates and tax laws under International Financial Reporting Standards and International Financial Reporting Standards for small and medium enterprises

Companies Act 71 of 2008 - GN 233 in GG 41503 of 16 March 2018 - Financial Reporting Pronouncement 2: Accounting for Black Economic Empowerment (BEE) transactions under International Financial Reporting Standards (IFRS)

Companies Act 71 of 2008 - GN 234 in GG 41503 of 16 March 2018 - Financial Reporting Pronouncement 3: Accounting for Black Economic Empowerment

(BEE) transactions under International Financial Reporting Standards (IFRS) for small and medium enterprises

Companies Act 71 of 2008 - GN 235 in GG 41503 of 16 March 2018 - Financial Reporting Pronouncement 5: Summary financial statements

## **PROVINCES**

### **Western Cape**

Constitution of the Western Cape Draft First Amendment Bill, 2018 - PN 33 in PG 7891 of 6 March 2018 - memorandum on the objects of the bill - for comment

Western Cape Land Use Planning Act 3 of 2014 - PN 34 in PG 7892 of 6 March 2018 - Western Cape Land Use Planning Regulations, 2015: Draft Amendment, 2018 - for comment

Disaster Management Act 57 of 2002 - LAN 55324 in PG 7894 of 9 March 2018 - Swartland Local Municipality - Extension of declaration of a local state of drought disaster from 10 March 2018 to 9 April 2018

Disaster Management Act 57 of 2002 - LAN 55334 in PG 7894 of 9 March 2018 - Witzenberg Local Municipality - Extension of declaration of a local state of drought disaster from 1 March 2018 up to 31 March 2018

Western Cape Community Safety Act 3 of 2013 - PN 38 in PG 7897 of 14 March 2018 - Western Cape Community Safety Regulations, 2016 - Amendment, 2018 - PN 347 in PG 7671 of 2 September 2016 amended

### **Northern 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 – Gen Notice 24 in PG 2171 of 12 March 2018 - Dawid Kruiper Local Municipality - Notice of adoption and approval of an all-inclusive Spatial Development Framework (SDF), Land Use Management System (Zoning Scheme, Land Development Procedures and Regulations - LUMS) and By-law on Land Use Management

### **KwaZulu Natal**

National Environmental Management: Protected Areas Act 57 of 2003 - Proc 1 in PG 1935 of 15 March 2018 - Declaration of the Ingula Nature reserve

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 16 in PG 1935 of 15 March 2018 - Ray Nkonyeni Local Municipality - Electricity Supply By-laws

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 - MN 18 in PG 1935 of 15 March 2018 - Dannhauser Local Municipality: Appointment of members to the Municipal Planning Tribunal

Constitution of the Republic of South Africa, 1996; National Road Traffic Act 93 of 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 19 in PG 1935 of 15 March 2018 - Dannhauser Local Municipality: Prevention and Suppression of Health Nuisances By-laws, 2017

## **Gauteng**

Spatial Planning and Land Use Management Act – GN 211 in GG 41495 of 14 March 2018 - Application for removal of restrictive condition: Portion 26 of Farm Hamanskraal 112 JR, City of Tshwane Metropolitan Municipality – for comment

## **CASES**

### **National**

*Coal of Africa Limited v Nekuvule, In re: Nekuvule and Another v Coal of Africa Limited and Others* (64389/2014) [2018] [ZAGPPHC](#) 5 (12 February 2018)

“[3] Coal says it concluded a Broad-Based Black Economic Empowerment (B-B BEE) deal with seven traditional communities affected by a coking coal mining operation-known as the Makhado Project. The Makhado Project is located across five farms in the Limpopo Province. Seven traditional communities (the affected communities) reside on the five farms including the Kuvule community.

[4] The main application has been brought by Mr Nekuvule to interdict Coal from concluding any commercial transaction in relation to the Makhado Project that would benefit anybody other than the Kuvule community. It appears from the founding affidavit that Mr Nekuvule seeks, *inter alia*, to prevent implementation of the B-B BEE transaction. In this, he purports to act on behalf of the Kuvule Community in his capacity as Headman of the Kuvule village. Mr Alfeus Denga, of Denga Inc Attorneys (Denga), purports to act on behalf of both applicants.”

*Minister of Home Affairs v The Public Protector* (308/2017) [2018] [ZASCA](#) 15 (15 March 2018)

“Summary: Constitutional and administrative law – review of investigative, reporting and remedial powers of the Public Protector – such powers not of an administrative nature – may not be reviewed in terms of s 6 of the Promotion of Administrative Justice Act 3 of 2000 – may be reviewed in terms of the principle of legality – no ground of review established.”

*Annex Distribution (Pty) Ltd and Others v Bank of Baroda* (52590/2017) [2018] [ZAGPPHC](#) 6 (12 March 2018)

“[10] According to the applicants the purposes of the application is to seek an order in terms of which the respondent is restrained from carrying out and giving effect to that which its letters of 12 February states it will do. They contend that there are two principal remedies sought; mainly the first is an interim interdict which seeks to maintain the operation of the applicants' banking facilities pending the finalization and determination of

the pending litigation between the applicants and the respondent so as to prevent frustration of the Mkgoba judgment in favour of the applicants. The application also seeks to ensure that the remedy of interim interdict granted by Makgoka J remains effective and that the effectiveness of the order is not frustrated.

A further relief sought is to direct Baroda, in the event of failing to comply with the relief aimed at preventing it from implementing its expressed intention to refuse to take deposits and or terminate its banking operations in South Africa, that Baroda and its principal officer/ chief executive officer, Manoj Jha ("Mr Jha") be *ipso facto* held in contempt of the court order and be committed to prison for a period of thirty days. The applicants further seek a declaratory that Baroda's conduct as evidenced in its letter of 12 February 2018 constitutes contempt of the Judgment and order of Makgoka J. in particular paragraph 1.3 thereof." Application was dismissed

*Mwezi Service Station CC v Rustenburg Local Municipality and Others* (M62/2017) [2018] ZANWHC 2 (8 March 2018)

Wilful non-compliance with court order

"[1] The applicant is seeking an order in terms of which the first and fourth respondents are found in contempt of an order by Gutta J dated 20 December 2013 and confirmed by the Supreme Court of Appeal on 1 December 2014 (the Court Order) and that the fourth respondent be committed to imprisonment for 30 days for such contempt: The court order reads as follows:

'That the Respondent (the first respondent) be and is hereby ordered to comply with the Town Planning and Township Ordinance 15 of 1986, read together with the Rustenburg Town Planning Scheme 2005 for the rezoning of a portion of President Thabo Mbeki Street for the establishment of the Central Bus Station in the Rustenburg Rapid Transport 20 Network.'

## International

*Ideker Farms, INC., et al. v. The United States* United States Court of Federal Claims No 14-183L (Filed 13 March 2018)

"The pending action was brought by farmers, landowners, and business owners from six states who claim a taking without just compensation in contravention of the Fifth Amendment based on actions by the United States Army Corps of Engineers ('Corps') on the Missouri River. U.S. Const. amend. V. The plaintiffs claim that the 2 Corps has changed its management of the Missouri River and that these changes have caused more flooding of their properties."

## PUBLICATIONS

Vinti Clive "An analysis of the interplay between the twin provisions of section 48 of the National Environmental Management: Protected Areas Act and section 48 of the Mineral and Petroleum Resources Development Act, in respect of "Protected Areas"" 2017 38 *Obiter* 394ff

Van Niekerk Heleen "How *not* to queue: judicial scrutiny of the MPRDA's queuing system – an analysis of *Aquila Steel (South Africa) Limited v Minister of Mineral Resources* (72248/15) [2016] ZAGPPHC 1071 and legislative changes to the queuing system" 2017 38 *Obiter* 417

UNESCO Report "Nature-based solutions for water, the new WWDR 2018" ([UNESCO](#) 2018)

Commission for Environmental Cooperation (CEC) "Characterization and Management of Organic Waste in North America – White Paper" (North American Initiatives on Food and Organic Waste) 5 March 2018 - click [here](#)

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

[IISD Cities Bulletin](#): "Cities & Climate Change Science Conference" (CitiesIPPC) 5-7 March 2018 Edmonton, Canada

[The Conversation](#): Olorunjuwon Samuel "How corporate social responsibility projects can be derailed" 11 March 2018

[The Conversation](#): Gwatiwa Tshepo T and Sam Michael Noel "How the free movement of people could benefit Africa" 14 March 2018

[Land Use Prof Blog](#): Nolon John R "Low Carbon Land Use: Paris, Pittsburgh, and the IPCC: Post 8: Distributed Energy: A Series" 14 March 2018

[Natural Justice](#): "Post-2020 Biodiversity Framework" 15 March 2018

[The Conversation](#): Amar Arjun and Garbett Beckie "Hunters should stop using lead bullets and help save the vultures" 15 March 2018

[The Conversation](#): Muller Mike "Why UNESCO's 'natural solutions' to water problems won't work in Africa" 12 March 2018

[The Conversation](#): Broodryk Theo "Why South Africa needs formal rules for class action lawsuits" 4 March 2018

[Science](#): Normile Dennis "China's government shake-up could have big payoffs for public health, environment" 13 March 2018

[Science](#): Dengler Roni "Flooding has flushed 43 billion plastic pieces out to sea" (USA) 12 March 2018

[GroundUp](#): Johnston P and Wolski P "Will there be more rain this winter? The sooner we know the answer, the sooner we can prepare for summer 2019" 15 March 2018

[GroundUp](#): Ngubani N "Residents want sewerage system because pit toilets are full" 14 March 2018

[GroundUp](#): Jones A "How Cape Town more than halved its water usage" 13 March 2018

[Daily Maverick](#): Booysen S "South Africa's renewable 'nuclear war'" 13 March 2018

[Mail & Guardian](#): Gercama I and Bertrams N “Vanilla fever: Fear sours the sweet scent of Madagascar’s success” 16 March 2018

[Mail & Guardian](#): Mhlanga T “South Africans are drowning in e-waste” 16 March 2018

Kenya Climate Change Act, 2016 click [here](#) - also see West Coast Environmental law [website](#)

[Latham and Watkins](#) “France’s Prime Minister Further Advances New Regulation Simplification Policy” 6 February 2018

[IISD ENB](#): “Stakeholder Day and 6th Session of the Plenary of the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES-6)” 17 and 18-24 March 2018 - Medellín, Colombia

[IISD ENB](#): “2nd Meeting of the Intersessional Process for SAICM Beyond 2020 - Summary & Analysis” 13-15 March 2018 - Stockholm, Sweden

### **Commonwealth Academies Release Statement on Climate Change**

The Academy of Science of South Africa (ASSAf) has joined science leaders from around the globe to call on the Commonwealth Heads of Government to use the best available science to guide action on climate change.

The call is part of a [Consensus Statement on Climate Change](#), launched today by 22 national academies and societies of science from around the Commonwealth, ahead of next month’s Commonwealth summit in the United Kingdom.

The consensus statement, which represents the consensus views of tens of thousands of scientists, marks the first time Commonwealth nations have come together to urge their governments to take further action to achieve net-zero greenhouse gas emissions during the second half of the 21st Century.

Executive Officer of ASSAf, Prof Roseanne Diab, said that the greenhouse gas emission reduction commitments agreed to by 160 parties in the 2015 Paris Agreement are only the first step in a long journey.

“Even if all the country commitments from the Paris Agreement are met, the latest data show that by the end of the century mean global temperatures are likely to be 3°C above pre-industrial levels.

“This is substantially higher than the Paris target to limit warming to less than 2°C, and would have profound impacts affecting billions of people throughout the world,” she said.

Sustainability is one of the key themes to be discussed by Commonwealth leaders at the 2018 Commonwealth summit, with a particular focus on the resilience of developing and vulnerable countries to climate change.

“Recognising different capacities, challenges and priorities, the approaches of each nation will not be the same. But, they must be informed by the best available scientific evidence, monitoring and evaluation. ASSAf stands ready to assist the South African government, and indeed broader Commonwealth efforts, by providing sound scientific advice on issues relating to climate change,” she said.

[Latham & Watkins](#) “Environment, Land & Resources”

“Insights and commentary on environmental issues and developments impacting business in the US and across the world.”

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **Regional North-West ELA Event: Legal and Governance Mechanisms for South Africa's Water Crisis: Recent developments and the Road Forward**

Date: 19 April 2018

Time: 11:00-15:00

Venue: North-West University, Potchefstroom Campus, Building C1 Room 135

Cost: IAIAsa/ELA members – free; non-members – R200; Non-Member postgraduate students and retired person – R100; Non-member graduate students – R50

RSVP: Register online by 12 April (only 60 seats available)

#### **EOH Legal Services: Environmental law course**

Date: 16-18 April 2018

Contact: [Jolene Mascini](#) or [087-405-1825](tel:087-405-1825) or cellphone: [083-739-2130](tel:083-739-2130)

#### **South African Eco film festival**

Dates: 22-30 April 2018

[Website](#) for programme and tickets

#### **GroundTruth first SASS5 Course 2018**

Dates 16–19 April 2018

Venue: GroundTruth offices (9 Quarry Road, Hilton, KwaZulu Natal)

Visit the [website](#) to view the advertisement

#### **Imbewu Workshop: NEM: Waste Act**

Date: Friday 4 May 2018

Time: 08:30-16:00

Place: Inthaka Island Eco Centre, Century City, Cape Town

Contact [Lulu](#) or [webpage](#) or phone 011 214 0660

#### **NWU – Centre for Environmental Management Courses 2018**

- **Environmental legal liability**  
Date: 4 April 2018 (Gauteng)
- **CEM-03.7.2 Occupational health and safety transition**  
Dates: 26-27 March 2018 (Potchefstroom)
- **Environmental management systems**  
Date: 9 - 13 April 2018 (Potchefstroom)
  - **Safety, health, environmental and quality (SHEQ) management**  
Date: 16 - 26 April 2018 (Potchefstroom)
  - **Environmental management system transition**  
Date: 24 - 25 April 2018 (Gauteng)
  - **Environmental management system transition for auditors**  
Date: 26 April 2018 (Gauteng)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

## **Water Quality Management & Risk Assessment Training- 2018, 3CPD CESA. (CESA-1218-11/2020)**

Dates: 25th – 27th April 2018, Johannesburg, South Africa

26th - 28th March 2018, Durban, South Africa

16th - 18th April 2018, Cape Town, south Africa

To reserve your seat for this Training, request for a detailed brochure & registration form.

Contact: [Misheck Darlington Lusengo](#) (Senior Project Consultant)

M: +11 074 9931/ +27 65 993 3064 / [Web](#)

### **International**

#### **UNITAR Free Online course - Integrated Planning for Climate Change and Biodiversity**

Land-use planning frameworks traditionally focus on developing settlements and related infrastructures without much consideration for biodiversity conservation and climate adaptation. Combining the three can be used to find win-win solutions for human well-being and sustainability under the threat of global climate change. In this course you will learn how land-use planning can be a tool for biodiversity and climate resilience. You will increase your capacity to optimize planning to support biodiversity and climate change adaptation objectives, including through the effective engagement of protected area systems. This self-paced course promotes a dynamic approach through lessons and multi media materials, stimulating critical thinking. It provides flexibility, since you will be able to complete the course at your own pace and time. Contents and activities are practice-oriented and under a self-learning approach. You will also learn through practical examples, scenarios and knowledge assessments. Upon successful completion, you will receive a joint [UNITAR](#) and an [IUCN](#) certificate.

[Flyer](#) and [register](#)

### **NEWS**

#### **National**

Herman P “Parliamentary inquiry into leaking water department going ahead” [News24](#) 14 March 2018 [Source: *Legalbrief* 15 March 2018]

Wendell Roelf “Big energy users oppose SA’s proposed carbon tax law Treasury says tax will help raise revenue” [Moneyweb](#) 14 March 2018 [Source: *Legalbrief* 15 March 2018]

#### **Legislation: Hearings identify flaws in Carbon Tax Bill**

“A thread of fundamental concerns about the revised draft Carbon Tax Bill ran through most submissions circulated at yesterday’s parliamentary hearings. One was the need for policy alignment; another was the importance of ensuring that the tax eventually imposed is well-designed and easy to implement. Further opportunities for ‘dialogue’ on the complex, often highly technical issues entailed have not been ruled out. This is noting a commitment from National Assembly Finance Standing Committee chair Yunus Carrim that Parliament ‘won’t vote on the Bill’ until members ‘fully understand it’.”

Read full report in Legalbrief Policy Watch in Legalbrief 15 March 2018

“Drought declared a national disaster” [TimesLive](#) 13 March 2018

Serrao Angelique and Le Roux Jean “Confusion over two court orders freezing Gupta mine assets” [fin24](#) 15 March 2018 [Source Legalbrief 16 March 2018]

### **Legislation: Industry giants say no to Carbon Tax Bill**

“Carbon and energy-intensive companies in the mining, steel, chemical, cement and paper industries have come out against the carbon tax proposed by the Treasury, says a *Business Day* report. Public hearings on the draft Carbon Tax Bill were held in Parliament this week by the Finance and Environmental Affairs Committees. Opposition to the proposed tax was expressed by Sasol, which did not believe it was the correct approach and warned of the regulatory and policy uncertainty surrounding the proposals because they would be adjusted in future. Eskom’s Calib Cassim argued that a carbon tax was not required for SA to meet its international commitments and would result in a sharp increase in electricity tariffs from 2023. Business Unity SA said the Bill should be halted until an integrated mitigation system had been finalised. The industry task team on climate change said it was in favour of a ‘predictable and gradual transition’ to a lower-carbon economy but did not support the envisaged tax. Task-team representative Jarredine Morris argued that a carbon tax was not suitable in the economic context. Existing policy instruments – such as the carbon budget regime of the Department of Environmental Affairs, the Integrated Resource Plan and the industrial policy action plan of the Department of Trade and Industry – would achieve a low-carbon, resource-efficient outcome, she said. ‘The carbon tax will have no material impact on reducing carbon emissions from the electricity generation sector. Furthermore, the proposed tax is administratively and practically enormously costly and onerous,’ Morris said.”

Full Business Day report (subscription needed) Legalbrief Today 16 March 2018

### **Mining: Recovery hinges on Mantashe's ability to bring clarity**

“Analysts believe a recovery in the mining sector hinged on Mineral Resources Minister Gwede Mantashe’s ability to bring about policy clarity, notes a *Business Day* report. With Mantashe there is renewed optimism that the policy impasse in the mining industry could be tackled. This could unlock much-needed investment in the sector, said NKC economist Elize Kruger. But Mantashe’s success in undoing policy bottlenecks – which continued to crimp investment and activity in the sector – would be key to its growth in 2018, BNP Paribas economist Jeffrey Schultz reportedly said. Policy and regulatory uncertainty, specifically about the redrafted Mining Charter, had affected much-needed investment in the sector, noted Investec economist Lara Hodes. The Chamber of Mines welcomed the appointment of Mantashe, calling him a man of integrity and dignity. Its president Mxolisi Mgojo welcomed the government’s willingness to engage with industry stakeholders on the charter.

Full Business Day report (subscription needed) Legalbrief Today 16 March 2018

Chirume J “Don’t take us away from our customers, traders ask Mayor Athol Trollip” [GroundUp](#) 15 March 2018

Carnie T “Why Durban’s Golden Mile is washing away” [TimesLive](#) 17 March 2018

Gous N “Bank of Baroda free to leave SA as Gupta-linked companies lose court bid” [TimesLive](#) 12 March 2018

Evans J “Court orders preservation order for Guptas' mine rehabilitation funds” [News24](#) 10 March 2018

Masuabi M “Action Group Opposes Cape Town Water By-Law Amendments” [News24](#) 18 March 2018

## International

Watts J “UN moves towards recognising human right to a healthy environment” [The Guardian](#) 9 March 2018 Also see UN Human Rights [website](#)

Morton A “Offsets for emissions breaches prove Australia has a carbon market, Labor says” [The Guardian](#) 16 March 2018

“Awkward questions about diversity” [The Guardian](#) 15 March 2018

Wiles R “It's 50 years since climate change was first seen. Now time is running out” [The Guardian](#) 15 March 2018

Watts J “World's great forests could lose half of all wildlife as planet warms – report” [The Guardian](#) 14 March 2018

Vaughen A “Global energy giants forced to adapt to rise of renewables” [The Guardian](#) 17 March 2018

Phillips D “Pollution, illness, threats and murder: is this Amazon factory the link?” [The Guardian](#) 16 March 2018

“Court ordered EPA Smog Disclosure after missed Deadline” [The Jurist](#) 13 March 2018

“U.S. loses bid to halt children's climate change lawsuit” [Reuters](#) 7 March 2018 – also see [Ecowatch](#)

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

#### **NDV Attorneys - Vacancies - Candidate Attorney Positions**

Ndlovu de Villiers Attorneys is a newly established law firm based in Pietermaritzburg (KZN) and specializing in environmental law. We are looking for two enthusiastic, hard-working candidates who are passionate about environmental law and conservation. The requirements for application include:

- A recently obtained LLB (minimum requirement) and LLM (advantageous);
- A sound academic transcript;
- Must be computer literate; and
- Must have a valid driver's licence and own means of transport.

If interested, please forward your CV and academic transcript to [admin@ndvlaw.co.za](mailto:admin@ndvlaw.co.za)

**Varsity College: Lecturer - School of Law - Sandton Campus - N/A07721**

Closing date: 23 March 2018

Apply [here](#)

**1st Call for Papers: 2018SAEEEC Conference**

Dates: 13-14 November 2018

Venue: Emperor's Place, Ekurhuleni

Abstracts: to be submitted 31 May 2018

[Website](#)

**Candidate Attorney / Articles of Clerkship Durban**

Law firm in Greyville / Durban CBD has a position for a candidate attorney available immediately. LLB/suitable law degree must be completed. Kindly email CV, copy of qualification / degree certificate and academic record to [vacancies@ndada.co.za](mailto:vacancies@ndada.co.za) or fax to 08666 76786 for consideration. No telephonic enquiries will be entertained.

**Probono Training Coordinator (for Law Firm Sandton)**

More details [here](#)

**Candidate Attorney Cape Town Based Firm**

More details [here](#)

**International**

**Monmouth University School of Humanities and Social Sciences USA:  
Associate Professor/Professor in Marine and Environmental law**

The Monmouth University School of Humanities and Social Sciences invites outstanding applicants for the Endowed Rechnitz Family / Urban Coast Institute Chair in Marine and Environmental Law and Policy. The successful applicant will be hired at the Associate Professor or Full Professor level and located in the Department of Political Science and Sociology as well as associated with the Urban Coast Institute (UCI). The UCI serves Monmouth University and the public as a forum for research, education, and collaboration in the development and implementation of natural and social science-based policies and programs that support stewardship of healthy, productive, and resilient ocean and coastal ecosystems and communities. Teaching and research are mutually supportive activities at Monmouth University. To assist the Endowed Chair, the University will provide funds for research, normally to a maximum of \$10,000 per year subject to roll-over. This position is an anticipated opening. Review of applications will occur upon receipt.

Applications received by April 15, 2018 will receive fullest consideration.

The search process will remain open until the position is filled. Preference will be given to candidates whose letters of recommendation comment positively on teaching and research potential and /or successes, including work with undergraduate students. Finalists will present a sample class and a research seminar as part of the interview process.

PhD or JD in a relevant discipline from the social sciences or humanities, including political science, law, or environmental studies.

Expertise in marine, ocean, and environmental law and policy. Established record of strong teaching, scholarship, and research credentials. Commitment to

a teacher-scholar model of faculty development, high-quality teaching, and an active and productive research program involving undergraduate students. Ability to seek external funding and have a demonstrated record of success in securing grants and extramural support.

Highly qualified scholar and researcher with record of success in formulating funding proposals, securing external funding support for research, and managing grant funded research. A record of scholarly publications in referred journals. Record of exemplary scholarship, publications, teaching or clear potential for teaching effectiveness at the university level. Experience engaging interdisciplinary research and collaboration. A demonstrated ability to interact congenially and fruitfully with co-workers at all levels.

[Position description and application guidance](#)

### **Green Growth Fund announcing clim@ Competition**

Compete for a sustainable future: the [Green for Growth Fund](#) launched [clim@](#) - a new competition for innovative businesses or projects that have the power to change current practices and demonstrate strong positive climate impact.

The competition is open globally for businesses, experienced start-ups, NGOs, research bodies or other relevant organisations, who are working to transfer and scale up market-ready concepts in the fields of sustainable energy and resource efficiency – including energy efficiency, CO<sub>2</sub> emissions reductions, and improved water, waste and material management.

Call for applications is open

[clim@](#) is looking for innovative approaches to financing, new business models or novel concepts to raise awareness and mobilize new target groups to take climate action. Applicants are competing to receive professional mentoring to develop their entry, a chance to pitch their idea to potential sponsors and investors, and a share of EUR 30,000 in prizes.

Applications are open until 15 April 2018.

Apply at <http://www.ggf-climat.com>

### **Applications for Pace Environmental Law LLM Graduate Fellowships are now [available](#)**

Deadline to apply is April 6, 2018

[Environmental Law LLM Graduate Fellow](#)

\* [Global Center for Environmental Legal Studies \(GCELS\) LLM Graduate Fellow](#)

\* [Equitable Access to Sustainable Energy \(EASE\) LLM Graduate Fellow](#)

\* [Land Use and Sustainable Development LLM Graduate Fellow](#)

\* [Food and Agriculture Law LLM Graduate Fellow](#)

Members of the Environmental Law Association may subscribe to

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[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## ELA NEWSLETTER 12

23 March 2018

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21 March Human Rights Day  
22 March World Water Day  
24 March Earth Hour 20:30-21:30

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### LEGISLATION

#### Bills

National Environmental Management Laws Amendment Bill [B14-2017] – [comment](#) to Parliamentary Portfolio Committee by 19 April 2018

### PROVINCES

#### Western Cape

Local Government: Municipal Systems Act 32 of 2000, Spatial Planning and Land Use Act 16 of 2013, Western Cape Land Use Planning Act 3 of 2014 and Beaufort West Municipal Planning By-law, 2015 - LAN 55339 in *PG* 7899 of 16 March 2018 - Beaufort West Local Municipality - Notice of adoption of the existing Spatial Development Framework as core component of the 2017-2022 Integrated Development Plan for the period 1 July 2017-30 June 2022

Disaster Management Act 57 of 2002 - LAN 55346 in *PG* 7899 of 16 March 2018 - City of Cape Town Metropolitan Municipality - Extension of declaration of a local state of drought disaster from 19 March 2018 to 19 April 2018

Disaster Management Act 57 of 2002 - LAN 55347 in *PG* 7899 of 16 March 2018 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of disaster as a result of devastating fires in the Imizamo-Yethu informal settlement situated in Hout Bay for a further one-month period from 27 March 2018 until 27 April 2018

Heritage Western Cape Policy - PN 42 in *PG* 7900 of 16 March 2018 - Public consultation required for applications made in terms of the National Heritage Resources Act 25 of 1999 (the NHRA)

#### Limpopo

Limpopo Environmental Management Act 7 of 2003 - PN 41 in *PG* 2891 of 23 March 2018 - Open Season: Game, 2018

## KwaZulu Natal

Spatial Planning and Land Use Management Act 16 of 2013 - MN 20 in PG 1937 of 22 March 2018 - Notice of agreement to establish a District Joint Municipal Planning Tribunal between Umkhanyakude District Municipality and Umhlabuyaningana; Jozini; Mtubatuba; and Big-Five Hlabisa Local Municipalities

Spatial Planning and Land Use Management Act 16 of 2013 and Spatial Planning and Land Use Management By-law, 2017 - MN 21 in PG 1937 of 22 March 2018 - Umzimkhulu Local Municipality - Appointment of members to the Municipal Planning Tribunal

Promotion of Access to Information Act 2 of 2000 - MN 22 in PG 1937 of 22 March 2018 - King Cetshwayo District Municipality - Manual on the functions of and index to records held

## CASES

### National

*Patmar Explorations (Pty) Ltd and Others v Limpopo Development Tribunal and Others* (1250/2016) [2018] [ZASCA](#) 19 (16 March 2018)

Summary: *Stare decisis* – SCA does not depart from its own previous judgments unless satisfied clearly wrong – High Court – judges in same division bound by judgments of that division unless satisfied clearly wrong – costs

*Habitat Council v City of Cape Town and Others* (16920/2016) [2018] ZAWCHC 36 (20 March 2018)

“[1] On 3 November 2015 the 10<sup>th</sup> respondent (“MAYCO”) approved an application by the 2<sup>nd</sup> to 5<sup>th</sup> respondents to develop erf 174009 Strand Street, Cape Town, on which a 249 year old historic building known as the Melck warehouse is situated.

[2] The applicant had previously objected to the proposed development. On 12 November 2015 it was informed in writing by the 1<sup>st</sup> respondent’s Director: Planning and Building Development Management that it had a right to appeal the MAYCO decision to the 8<sup>th</sup> respondent (“PLANAP”). The applicant duly lodged an appeal and it was refused by PLANAP on 11 March 2016.

[3] The applicant was subsequently made aware that it had no right to appeal the MAYCO decision; that PLANAP was not empowered in terms of the relevant statutory provisions to entertain and therefore refuse its appeal; and that accordingly the PLANAP decision ‘*is a nullity and / or falls to be set aside as irregular*’.”

## PUBLICATIONS

Du Plessis AA "The Readiness of South African Law and Policy for the Pursuit of Sustainable Development Goal 11" 2017 (21) *Law, Democracy and Development* 239-262

Villavicencio Calzadilla Paola, Mauger Romain and du Plessis Anél "Climate Change Communication in Higher Education Institutions: The Case of NWU in South Africa" in Filho WL *et al* (eds) *Handbook of Climate Change Communication* Vol 3 (Springer 2018) 241-25.

Mauger Romain and Barnard Michelle "Addressing Fragmentation in the South African Renewable Energy Governance Effort - French lessons to be learned" 2018 29(1) *Journal of Energy in Southern Africa*

Born Free Foundation "Cash before conservation" [Report](#) (19 March 2018)

Kindornay Shannon *et al* "Progressing national SDGs implementation: An independent assessment of the voluntary national review reports submitted to the United Nations High-level Political Forum on Sustainable Development in 2017" 2<sup>nd</sup> ed [Report](#) 2018

UN Special Rapporteur on Human Rights and the Environment Knox JH "Framework principles on human rights and the environment" (2018) [Report](#)

UN Water "Nature based solutions for water" [Report](#) 2018

Outhwaite W and Brown L "Eastward Bound" TRAFFIC [Report](#) March 2018

South African Water Research Commission "A delicate balance - Water scarcity in South Africa" [Report](#) (March 2018) [Source Legalbrief Environmental 20 March 2018]

Van Den Hoek W and Devenish, W "Water stress and human migration: a global, georeferenced review of empirical research" FAO [Report](#) 2018

World Water Council "Ten actions for financing water infrastructure" [Report](#) 2018

World Water Council "Increasing financial flows for urban sanitation" [Report](#) 2017

World Water Council "Start with water: putting water on local action agendas to support global change" [Report](#) (March 2018)

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

Institute for European Energy and Climate Policy (IEECP) [Newsletter](#) March 2018

[The Conversation](#): Moshenberg Daniel "Women bear the brunt of Africa's urban disasters, such as the collapse of landfills" 20 March 2018

[IISD ENB](#): "6th Session of the Plenary of the Intergovernmental Platform for Biodiversity and Ecosystem Services" 17-24 March 2018 Medellín, Colombia

Together 2030: [Webinars](#) on the Implementation of SDGs

[SDG Knowledge Hub](#): Risse N "Advancing National SDG Implementation: Assessing VNR Reports to Learn from SDG Experiences" 15 March 2018

[SDG Knowledge Hub](#): Wahlén "WHO Announces Plan to Review Plastics in Drinking Water" 20 March 2018

[SDG Knowledge Hub](#): Mwagni W “UN Special Rapporteurs Discuss Progress on Rights to Food and Healthy Environment” 20 March 2018 [See Publications]

[SDG Knowledge Hub](#): Paul D “Journals Focus on Water for Sustainable Development” 20 March 2018

[SDG Knowledge Hub](#): Paul D “2018 WWDR Discusses Nature-based Approaches to Water Management” 20 March 2018

[The Conversation](#): Ngumbi EN “Why African farmers should balance pesticides with other control methods” 21 March 2018

[UN Water](#) “An Agenda for Water Action an Open Letter from the High Level [Panel on Water](#)” 14 March 2018 [Source Legalbrief Environmental 20 March 2018]

[The Conversation](#): Oyake-Ombis Leah “How Nairobi can fix its serious waste problem” 19 March 2018

[The Guardian](#): Milman “A judge asks basic questions about climate change. We answer them” 21 March 2018

[The Guardian](#): Carrington D “Can climate litigation save the world?” 21 March 2018

[The Guardian](#): Harvey F “Climate change soon to cause movement of 140m people, World Bank warns” 19 March 2018

[The Guardian](#): Meeuwig J “The government's marine park plans are diabolical for ocean protection” 23 February 2018 see also [here](#)

[The Guardian](#): “Lignite mining: Greece’s dirty secret - in pictures” 23 March 2018

[The Guardian](#): Milman O “‘Dead zone’ in Gulf of Mexico will take decades to recover from farm pollution” 22 March 2018

[Daily Maverick](#): Carnie T “Wild Coast: Bazooka Rhadebe’s murder probe ‘sabotaged’ by police” 23 March 2018

[Daily Maverick](#): Donnenveld “ISS Today: South Africa can balance its water system, but the clock is ticking” 22 March 2018

[Daily Maverick](#): Nicolson G GroundUp: “Mining Charter: Communities cry foul over Mantashe's consultations” 20 March 2018

[Science](#): Cornwall W “In a San Francisco courtroom, climate science gets its day on the docket” 22 March 2018

[Science](#): Voosen P “A dusting of salt could cool the planet” 21 March 2018

[Science](#): Service RF “In potential blow to conservation efforts, U.S. court rules restoration moves harmed farmers” 20 March 2018

[The Conversation](#): Cox C “Paradigm shift as African countries throw their weight behind ivory ban” 22 March 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **Regional North-West ELA Event: Legal and Governance Mechanisms for South Africa's Water Crisis: Recent developments and the Road Forward**

Date: 19 April 2018

Time: 11:00-15:00

Venue: North-West University, Potchefstroom Campus, Building C1 Room 135

Cost: IAIAsa/ELA members – free; non-members – R200; Non-Member postgraduate students and retired person – R100; Non-member graduate students – R50

RSVP: Register online by 12 April (only 60 seats available)

#### **EOH Legal Services: Environmental law course**

Date: 16-18 April 2018

Contact: [Jolene Mascini](#) or [087-405-1825](tel:087-405-1825) or cellphone: [083-739-2130](tel:083-739-2130)

#### **South African Eco film festival**

Dates: 22-30 April 2018

[Website](#) for programme and tickets

#### **GroundTruth first SASS5 Course 2018**

Dates 16–19 April 2018

Venue: GroundTruth offices (9 Quarry Road, Hilton, KwaZulu Natal)

Visit the [website](#) to view the advertisement

#### **Imbewu Workshop: NEM: Waste Act**

Date: Friday 4 May 2018

Time: 08:30-16:00

Place: Inthaka Island Eco Centre, Century City, Cape Town

Contact [Lulu](#) or [webpage](#) or phone 011 214 0660

#### **NWU – Centre for Environmental Management Courses 2018**

- **Environmental legal liability**  
Date: 4 April 2018 (Gauteng)
- **CEM-03.7.2 Occupational health and safety transition**  
Dates: 26-27 March 2018 (Potchefstroom)
- **Environmental management systems**  
Date: 9 - 13 April 2018 (Potchefstroom)
  - **Safety, health, environmental and quality (SHEQ) management**  
Date: 16 - 26 April 2018 (Potchefstroom)
  - **Environmental management system transition**  
Date: 24 - 25 April 2018 (Gauteng)
  - **Environmental management system transition for auditors**  
Date: 26 April 2018 (Gauteng)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

## NEWS

### National

De Waal L “Cash before conservation: A damning report on the commoditization of lions” [eTN](#) 19 March 2018 - also [Daily Maverick](#) report

#### **General: Assassinations 'a rapidly growing problem' – study**

“Where there is corruption, there are likely to be contract killings – this is one trend to emerge in a new study, revealing statistics with regard to political assassinations, which have escalated dramatically in the past few years. A large proportion of contract killings have not only targeted politicians but also magistrates, lawyers and witnesses. Another significant finding is that more political hits occur in areas consistently governed by the same party – the ANC – indicating that killings are related to internal power struggles, says a *Daily Maverick* report. *The Hits and Assassinations in South Africa – January 2000 to December 2017* study, published in March, is a collaboration between UCT’s Centre for Criminology and the Global Initiative against Transnational Organised Crime. Author Kim Thomas, assisted by Azwi Netshikulwe and Ncedo Mngqibisa, notes in several cases, the victims of hits had been whistle-blowers or civic activists who had stood up for the truth or who had wished to serve their communities. ‘For this, they paid the ultimate price,’ writes Thomas. According to the data used for the study (drawn from a sample of 16,000 media articles) there were 159 reported assassinations in SA in 2017, up by 36% from 2016 when 117 ‘hits’ were recorded and up by 346% from 2012 when 46 people were murdered this way. ‘From these numbers, it is clear that assassinations are a rapidly growing problem in SA,’ said Thomas.”

Full Daily Maverick report Legal Brief 22 march 2018

#### **Local government: 55 municipalities identified as dysfunctional**

“No fewer than 55 municipalities have been identified as distressed or dysfunctional, Co-operative Governance and Traditional Affairs (Cogta) Minister Zweli Mkhize said this week. A Mail & Guardian Online report notes that Mkhize announced he would be deploying technical capacity experts who would provide support to municipalities in their core functions. ‘The focus of the teams will be to provide infrastructure planning, delivery, operation and maintenance, infrastructure management, financial management as well government and administration issues,’ he said. Cogta identified that 31% of the country’s municipalities were dysfunctional, while 31% were almost dysfunctional. Only 7% of municipalities were well functioning and 31% were reasonably functional, Mkhize said. Refusing to name municipalities identified as in distress, Mkhize said that the programme would be rolled out to 27 district municipalities.”

Full Mail & Guardian Online report Legalbrief 22 march 2018

#### **Legislation: ‘Urgent progress’ expected on MPRDA Bill**

“Next Tuesday’s meeting of the NCOP Committee on Land and Mineral Resources is likely to see long-awaited movement on Mineral and Petroleum Resources Development Amendment Bill provincial negotiating mandates tabled last November. This is noting that a ‘final mandate’ on the beleaguered piece of legislation features on the committee’s agenda for that day. Interestingly, ‘appropriate ways’ of ‘ensuring urgent progress’ on the Bill are being ‘considered’

by Mineral Resources Minister Gwede Mantashe, according to a recent media statement on his 'immediate plans and priorities'."

Read full report Legalbrief 22 March 2018

Gous N "Eskom wants permission to keep on polluting" [TimesLive](#) 19 March 2018

Hyman A "Lengthy prison sentences for abalone syndicate kingpins" [TimesLive](#) 19 March 2018

### **Environment: Oil giants and Amnesty exchange barbs**

"Amnesty International has accused international oil companies, Shell and Eni, of 'serious negligence' when addressing spills in Nigeria. It said the companies were taking weeks to respond to reports of spills and publishing misleading information about the cause and severity of the spills 'which may result in communities not receiving compensation'. Shell had reported 1 010 spills since 2011, and Eni 820 since 2014. Of the 1 830 reports, Amnesty questioned the companies' accounts in 89 cases. In a statement sent to Vanguard, Shell denied the allegations and reiterated its commitment to respond swiftly to oil spill incidents. As previously reported in Legalbrief Today, an Italian court this month postponed a graft trial involving both companies because of a backlog of other cases. The case involves the 2011 purchase by Eni and Shell of Nigeria's OPL-245 offshore oilfield – one of Africa's most valuable oil blocks – for about \$1.3bn. Milan prosecutors claim bribes were paid to win the licence to explore the field."

Full Vanguard report LB today 22 march 2018

Hofstatter S "Canada's export bank welcomes order that Guptas return jet to Lanseria" [Business Day](#) 19 March 2018

Makana C "Blue Scorpions called in as Limpopo municipality faces its own Day Zero" [News24](#) 14 March 2018

Ensor L "Medical waste flowing straight into river - Unintended consequence of Eskom cash cut?" [TimesLive](#) 13 March 2018 [Source Legalbrief Environmental 20 March 2018]

Milford J "Centurion's river of despair" [The Citizen](#) 14 March 2018 [Source Legalbrief Environmental 20 March 2018]

Rogers G "Only half of plastic bag levy has gone to support recycling" [Business Day](#) 19 March 2018 [Source Legalbrief Environmental 20 March 2018]

Chirume J "Losing the war on waste in filthy Port Elizabeth suburb" [GroundUp](#) 23 March 2018

Ngubane N "Waste picker killed by trash compactor" [GroundUp](#) 23 March 2018

Yeld J "UCT scientists convince City to drill cautiously into aquifer" [GroundUp](#) 19 March 2018

Gosling M "Cape farmers lose 25% of orchards, vineyards as result of drought" [Mail & Guardian](#) 22 March 2018

## International

“Brazil makes history: Establishes first oceanic no-take zones” [eTN](#) 21 March 2018

Thompson J “Who is Zimbabwe's biggest looter? Mnangagwa names names” [TimesLive](#) 19 March 2018

### **Waste: Kenyan resort builds homes from plastics**

“The Kenyan resort village of Watamu, best known for its tropical beaches and Swahili history, is taking on plastic waste, turning it into homes and furniture – and maybe even a ship capable of sailing all the way to SA to raise awareness about plastic pollution. According to a report in The Mercury, Sammy Baya, a resident of the coastal community, now owns a house with walls made of stacked glass and plastic bottles. He said building his three-bedroom house last year in part with waste plastic and glass cut the cost by about 40%. Justin Kitsao, chair of the Watamu Marine Association, an environmental non-governmental group, said constructing houses using plastic and glass bottles reduced the need for other building materials, particularly sand and concrete blocks. Eco World, a Watamu non-governmental organisation, has hired 17 local people to collect plastic along the Indian Ocean beach each week. The group then separates the plastics according to weight before grinding some into tiny pieces that are sold to artisans who use them to make chairs, poles and tables. Intact plastic and glass bottles are also bound together to create walls that can replace brick and block walls. Any plastic waste that Eco World cannot sell is donated to an unusual effort: a plastic ship being built in Lamu County is set to sail to SA to raise awareness about the importance of recycling plastic to protect the sea.”

Full report in The Mercury (subscription needed) [Source Legalbrief Environmental 20 March 2018]

Baynes C “Lead exposure linked to 412,000 premature deaths in US each year, study finds” [The Independent](#) 12 March 2018 [Source Legalbrief Environmental 20 March 2018]

### **Green Star ratings V&A Waterfront**

“The V&A Waterfront received several Green Star ratings from the Green Building Council SA last week, bringing to 12 the number of such ratings awarded to various buildings at one of Cape Town’s tourist hot spots. Waterfront CE David Green said: ‘Sustainability underpins our entire development strategy and lies at the heart of everything we do.’”

Cape Argus (subscription needed) [Source Legalbrief Environmental 20 March 2018]

Davidson H “‘We want to repower NSW’: thousands rally against coal in Sydney” [The Guardian](#) 24 March 2018

Vaughan A “Minister cites climate change in rejection of opencast coal mine” [The Guardian](#) 23 March 2018

Borschmann G “NSW Labor refuses to approve forestry agreements based on 'out-of-date' science” [The Guardian](#) 21 March 2018

Kassam A “Canada: more arrests as protest against oil pipeline expansion heats up” [The Guardian](#) 24 March 2018

Watts J “Destruction of nature as dangerous as climate change, scientists warn”  
[The Guardian](#) 23 March 2018

Barkham P “EU in 'state of denial' over destructive impact of farming on wildlife”  
[The Guardian](#) 23 March 2018

US “Supreme Court hears oral arguments for Indian tribe immunity case” [The Jurist](#) 22 March 2018

“Coal's tipping point near, but climate goals are not – report” [News24](#) 24 March 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

**University of Limpopo: Professor/Associate Professor/Senior Lecturer:  
Media Studies (One post)**  
More information [here](#)

### **International**

#### **WWF Infrastructure manager, Salonga park, DRC**

WWF is looking for somebody to take care of all infrastructure-related things in Salonga park, DRC.

[Advertisement](#) in French

Members of the Environmental Law Association may subscribe to  
[\*Legalbrief Environmental\*](#)  
and the  
[\*South African Journal of Environmental Law and Policy\*](#).  
Discount available for ELA members.

## **ELA NEWSLETTER 13**

30 March 2018

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### **LEGISLATION**

#### **NOTICES**

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 - GN 394 in GG 41541 of 28 March 2018 - Notice of publication for comment of proposed amendments to regulations relating to the registration of fertilizers, farm feeds, agricultural remedies, stock remedies, sterilizing plants and pest control operators, appeals and imports

Cross-Border Road Transport Act 4 of 1998 - GN 396 in GG 41544 of 28 March 2018 - Draft Permit Tariff Fee Regulations, 2018 - for comment

Employment Equity Act 55 of 1998 - GN 387 in GG 41534 of 29 March 2018 - Public register notice

Broad-Based Black Economic Empowerment Act 53 of 2003 - GN 402 in GG 41546 of 29 March 2018 - Codes of Good Practice on Broad-Based Black Economic Empowerment - Draft Statement 000, Code Series 000 of 2018 - for comment

Broad-Based Black Economic Empowerment Act 53 of 2003 - GN 403 in GG 41546 of 29 March 2018 - Draft Statement 300, Code Series 300 of 2018 - for comment

Superior Courts Act 10 of 2013 – GN 408 in GG 41552 of 29 March 2018 - Areas under the jurisdiction of certain divisions of the High Court published in GN 30 in GG 39601 of 15 January 2016 amended and area under jurisdiction of the Gauteng and North West Division of the High Court of South Africa determined with effect from 18 April 2018

Special Economic Zones Act 16 of 2014 - GN 390 in GG 41534 of 29 March 2018 - Special Economic Zones Regulations

Special Economic Zones Act 16 of 2014 - GN 389 in GG 41534 of 29 March 2018 - Draft Guidelines on the Processes and Procedures for the Planning and Establishment of the Special Economic Zones Programme - for comment

## **PROVINCES**

### **Western Cape**

Disaster Management Act 57 of 2002 - PN 47 in *PG* 7904 of 29 March 2018 - Extension of declaration of a provincial state of disaster as a result of the magnitude and severity of the fires and storms in the Western Cape for one month from 1 April 2018 to 30 April 2018

Disaster Management Act 57 of 2002 - LAN 55379 in *PG* 7904 of 29 March 2018 - Swartland Local Municipality - Extension of the declaration of a local state of disaster as a result of a devastating fire at the Swartland Hospital in Malmesbury for one month from 27 March 2018 to 26 April 2018

### **KwaZulu Natal**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 24 in *PG* 1938 of 29 March 2018 - Ray Nkonyeni Local Municipality: Draft Informal Trading By-law

Spatial Planning and Land Use Management Act 16 of 2013 - MN 25 in *PG* 1938 of 29 March 2018 - Agreement for the establishment of a District Joint Municipal Planning Tribunal between Zululand District Municipality and Ulundi, Nongoma, Uphongolo, and eDumbe Local Municipalities

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 26 in *PG* 1938 of 29 March 2018 - Kwadukuza Local Municipality - Outdoor Advertising By-law, 2018 with effect from 1 July 2018 ()

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 28 in *PG* 1939 of 29 March 2018 - Standard Draft By-laws - Beaches By-law, 2018; Fire Fighting Services By-laws, 2018; Electricity Supply By-laws, 2018

## **CASES**

### **National**

*Eastern Cape Parks and Tourism Agency v Medbury (Pty) Ltd* (816/2016) [2018] ZASCA 34 (27 March 2018)

“Summary: Interpretation of s 2 of the Game Theft Act 105 of 1991 (the GTA) : whether ownership of animals which escape from land on which they have been contained is lost in the absence of a certificate provided for in s 2(2)(a) of the GTA stating that land sufficiently enclosed to contain species of game : deeming provision interpreted in context and with regard to legislative purpose : deeming provision not precluding owner in absence of certificate from proving that land sufficiently enclosed to contain species.”

*Pietermaritzburg and District Council for the Care of the Aged (PADCA) v Redlands Development Projects (Pty) Ltd* (184/17) [2018] ZASCA 51 (29 March 2018)

Summary: *Actio aquae pluviae arcendae* – interdict – stormwater from higher property discharging into municipal stormwater drainage system – combined with water from road and other properties – increasing flow in watercourse on lower property – discharging in accordance with approved plans – discharge lawful – alternative claim based on neighbour law unjustified.

*Overstrand Municipality v Water and Sanitation Services South Africa (Pty) Ltd* (143/2017) [2018] ZASCA 50 (29 March 2018)

Summary: Tender evaluation and adjudication: challenges based, inter alia, on s 6(2)(b) of the Promotion of Administrative Justice Act 3 of 2000: whether acceptable tender in terms of s 7 of the Preferential Procurement Policy Framework Act 5 of 2000 read with applicable regulation : whether regulation dealing with minimum staffing of water works endures despite repeal of a number of statutes regulating the provision of water to the public : savings provisions examined and applied.

## PUBLICATIONS

Viljoen Germarié “South Africa’s water crisis: The idea of property as both a cause and solution” 2017 21 [Law Democracy and Development](#)

Dorrington RA *et al* “Working together for our oceans: A marine spatial plan for Algoa Bay, South Africa” 2018 *S Afr J Sci* 114(3/4) <http://dx.doi.org/10.17159/sajs.2018/a0247>

Cole MJ *et al* “New MG. Water for sustainable development in the Berg Water Management Area, South Africa” 2018 *S Afr J Sci* 114(3/4) <http://dx.doi.org/10.17159/sajs.2018/20170134>

Leal-Arcas Rafael “New Frontiers of International Economic Law: The quest for sustainable development” 2018 *University of Pennsylvania Journal of International Law* Vol 40 [forthcoming](#)

Brownlie Susie *et al* “Biodiversity Offsets in South Africa – Challenges and Potential Solutions” 2018 [IAPA](#) 35(3):248-256

Sinclair John, Peirson-Smith Timothy J and Boerchers Morrissa “Environmental Assessments in the Internet Age: The Role of E-governance and Social Media in Creating Platforms for Meaningful Participation” 2018 [IAPA](#) 25(2):148-157

Van de Perre F *et al* “Reconciling biodiversity and carbon stock conservation in an Afrotropical forest landscape” [Science Advances](#) 28 March 2018

Agbemabiese L *et al* “Enhancing Climate Finance Readiness: A Review of Selected Investment Frameworks as Tools of Multilevel Governance” (University of Delaware, Center for Energy & Environmental Policy, [Working Paper Series](#)) March 2018

### **Call for Papers on the theme of Rural Crime**

The *International Journal of Rural Law and Policy* invites papers (5000–8000 words) from diverse disciplines that address rural crime from various perspectives (legal, socio-legal, criminology, comparative, ethical, socioeconomic etc). To illustrate, the following four aspects may be of particular relevance to the theme:

#### **1. Rural crime focus:**

- Crime that is specific to rural environments and remote locations, including water theft, stock theft, illegal timber harvesting, poaching and wildlife trade.
- Crime that occurs everywhere but with the research considering rural-specific patterns or manifestations.

**2. Policy and law enforcement:** for example, the difficulty of ‘access’ (literally and metaphorically) by law enforcement in terms of social interaction with locals, physical presence in remote places, and transaction costs associated with spatial characteristics, such as recourse to social self-regulation, rural evidence gathering and enforcement practices, or the effects of regulatory agents connections in communities.

#### **3. Wider sociological and anthropological approaches in the context of rural change.**

The validity of stereotypical expectations of ‘better environment’, ‘safer place for children’ or ‘lower criminality’; changes to demographic and cultural patterns, perhaps creating a convergence in rural-urban patterns of crime; the role of rural/urban migration and greater mobility; the impacts of socioeconomic patterns and opportunities on youth crime.

**4. Geographic patterns:** To what extent is rural crime different in different places (for example Egypt, China or Australia), and how should this affect policy responses?

Please submit manuscripts via the [journal website](#) and through the ‘Author’ portal by 1 August 2018. All submissions are first screened by the Editorial Board. Papers that pass this first stage are sent for blind peer review. The entire assessment process takes around 6 weeks.

### **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

[Youtube](#): Perold V “Plastic Tide: On the front lines of marine pollution” (UCT 2018)

UN [Youtube](#): “Plastic ocean”

[The Conversation](#): Satgar Vishwas “Marxist approach appropriate for the climate crisis and the 21st Century” 25 March 2018

[The Conversation](#): Parker Alexandra “City streets: why South Africa should design more people-friendly spaces” 25 March 2018

[The Conversation](#): Kock Alison “We spent nine years tracking South Africa's white sharks. What we learnt” 26 March 2018

[IISD ENB](#): 5th Asia-Pacific Forum on Sustainable Development 28-30 March 2018 | Bangkok, Thailand

[Science](#): Warren M “Scientists say we’re on the cusp of a carbon dioxide–recycling revolution” 29 March 2018

[The Conversation](#): Fourie W “How South Africa can align its development plan with the SDGs” 27 March 2018

[Land Use Prof Blog](#): Nolon JR “Low Carbon Land Use: Paris, Pittsburgh, and the IPCC: Post 10: Theoretical Underpinnings of the Paris Agreement and Corollary Benefits” 29 March 2018

[Natural Justice Blog](#): “Natural Justice submits comments to the Committee on Land, Environment and Natural Resources, Kenya” 29 March 2018

[SDG Knowledge Hub](#): Gordon-Harper G “Clean Energy Investment Grows as Global CO2 Emissions Reach New Record High” 29 March 2018

[SDG Knowledge Hub](#): Paul D “Global Partnerships Pledge Improved Coordination for Water Security” 29 March 2018

[SDG Knowledge Hub](#): Mwangi W “‘Smoke on Water’ Report Spurs Partnership to Protect Largest Tropical Peatland” 29 March 2018

[SDG Knowledge Hub](#): Mead L “African Climate Talks Contribute to Talanoa Dialogue” 29 March 2018

[SDG Knowledge Hub](#): Paul D “WBCSD Launches [CEO Guide](#) to Water” 29 March 2018

Climate Action Report for COP23, Bonn click [here](#)

[The Conversation](#): Dotson G “Why EPA’s U-turn on auto efficiency rules gives China the upper hand” 29 March 2018

[The Conversation](#): Ziraba A “Nairobi is at risk from another cholera outbreak. Why this isn’t necessary” 28 March 2018

[The Guardian](#): Watts J “Underwater melting of Antarctic ice far greater than thought, study finds” 2 April 2018

[The Guardian](#): Nuccitelli D “Climate scientists debate a flaw in the Paris climate agreement” 29 March 2018

[The Guardian](#): Slezak M “Australia’s emissions rise again in 2017, putting Paris targets in doubt” 29 March 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

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RSVP: Register online by 12 April (only 60 seats available)

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Contact [Lulu](#) or [webpage](#) or phone 011 214 0660

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  - **Safety, health, environmental and quality (SHEQ) management**  
Date: 16 - 26 April 2018 (Potchefstroom)
  - **Environmental management system transition**  
Date: 24 - 25 April 2018 (Gauteng)
  - **Environmental management system transition for auditors**  
Date: 26 April 2018 (Gauteng)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

### **National Science and Technology Forum (NSTF) National Discussion Forum on Sustainable Energy for All in South Africa'**

Dates: 14-15 April 2018

[Draft Programme](#) and registration

## **International**

### **Business and the Environment" summer course**

Dates: 21 May to 8 June 2018

Place: in Singapore

More information [here](#)

### **2018 International Energy Workshop**

Venue: Gothenburg, Sweden,

Date 19-21 June 2018

[Registration](#) now open - Early bird pricing closes on April 15, 2018

[Programme](#)

### **Call for papers MECAS2018**

Place: Havana, Cuba

Date: 4 - 6 July 2018

International conference on the management of energy, climate and air for sustainable society MECAS2018" [Website](#)

Abstract submissions are welcome until April 15th 2018.

### **IAIA18 EIB Workshop: Mainstreaming Climate**

The day before the IAIA 2018 conference in Durban (Tuesday, 15 May), the European Investment Bank (EIB) is organising an expert engagement workshop "Integrating Climate Change Considerations into Organisations' Strategies, Processes and Standards".

This full-day workshop, facilitated by the EIB experts and hosted by the IAIA, will be an excellent opportunity for practitioners to discuss the challenges and issues in mainstreaming climate into environmental and social strategies, processes and standards, and to provide their perspectives and case studies directly to the EIB team that is leading the EIB's work on climate change.

On behalf of the organisers, we are pleased to attach the agenda of the workshop.

Participation is open to all IAIA18 delegates at a small participation fee (25 USD), which includes lunch and refreshments.

To register, please [email](#) to add this workshop to your list. The registration deadline for the workshop is 20 April 2018.

For further information about the EIB workshop, feel free to contact the EIB organisers (Ms Kristyna [Pelikanova](#) and Mr Lorenzo [Pezzati](#))

### **CMCC Webinar" Carbon Pricing and Global Warming: A Stock-flow Consistent Macro-dynamic Approach**

Date: Thursday, April 5, 2018

Time: 12.30 - 1.20 pm CEST

#### **Abstract**

To what extent can a worldwide carbon pricing foster the transition towards a low-carbon economy and help mitigate the effects of global warming? The seminar will discuss the macroeconomic impact of carbon pricing and public subsidies and evaluate the extent to which these policies are sustainable. This is done by computing the probability to remain below two thresholds that are critical for the stability of our current economy and climate: 1) a temperature anomaly above +2°C (as set in the Paris Agreement) and 2) a global debt-to-output ratio.

To join the Webinar, please [click here](#). After your registration, you will receive a confirmation email containing information about joining the webinar.

To participate in the Q&A Session, you can use the chat room provided by the Go-to-Webinar system.

For further information, visit the [webinar web page](#) or [email](#)

### **Moderated Online Course on Green Fiscal Reform – Starting on 9 April 2018**

The Partnership for Action on Green Economy ([PAGE](#)) will deliver the second edition of the moderated e-learning course '[Green Fiscal Reform](#)' (in English) from 9 April to 1 June 2018. Last fellowship slots are available – secure your

participation by applying today! Remaining fellowships will be awarded on a rolling basis.

For more information on fellowship requirements, click [here](#) or contact [page@unitar.org](mailto:page@unitar.org)

### **6<sup>th</sup> EELF Annual Conference**

Date: 12-14 September 2018

Venue: Insubria University, Como, Italy

Theme: Environmental loss & damage: attribution, liability, compensation and restoration

Subthemes

- I. General reflections on environmental liability and attribution of environmental loss from legal, economic and ecologic perspectives
- II. Private and corporate environmental liability
- III. The EU Environmental Liability Directive: implementation, experiences in the Member States
- IV. International liability and compensation for transboundary environmental damage
- V. Climate change - liability for global environmental damage
- VI. Public responsibility vs. private liability for the prevention of damage from natural hazards and adaptation to climate change (floods, storm, landslides etc)
- VII. Industrial site aftercare, and restoration of brownfields
- VIII. Real compensation and offset regimes - the strategy of "no-net-loss": in nature conservation, water management, soil protection, in the context of derogations from environmental standards.

Submission of abstracts: Must be submitted in English, not exceeding 500 words, indicate the precise topic of the proposed paper and the related subtheme(s) and consist of a short description of the content of the contribution and up to three main theses. Abstracts, together with a short biography of max 150 words should be [emailed](#) by 2 April 2018. Abstracts will be received on a rolling basis, as received, with a final decision to be provided by 2 May 2018 at the latest. A website will be created for the conference as well as registration.

### **First Announcement and Call for Papers: 5<sup>th</sup> EU-China Conference on Environmental Law “Green law, economic instruments and environmental crime”**

Date: 29-30 August 2018

Place: Ghent, Belgium

The 5<sup>th</sup> EU-China Environmental Law Conference on “Green law, economic instruments and environmental crime” will focus on environmental law developments in China and the EU linked to greening the law with economic instruments at the one side, and the fight against environmental crime at the other side, in particular:

- The use of trade tools and economic instruments (e.g. taxes, tradable emission rights, subsidies...) in environmental legislation to achieve environmental objectives
- Environmental law and national resources efficiency
- Environmental crimes and the law, such as illegal emission of substances into air, water or soil; illegal trade in wildlife; illegal trade in ozone-depleting

substances and the illegal shipment or dumping of waste.  
Participants from outside the EU and China are welcome, as well as PhD and postdoc researchers.  
Working Language: English

Timetable for submission of abstracts and papers: till 15 April 2018 (max. 400 words); selection of abstracts before 21 May 2018. Submission of final papers (word) and PPTs: 15 August, 2018 at the latest. Please [mail](#) abstracts, papers and PPTs'.

The organizers will select qualified papers from the conference for publication in the *Chinese Journal of Environmental Law* or *Climate Law*, which are the two international journals based in the Research Institute of Environmental Law at Wuhan University and published by Brill.

Registration Fee: The registration fee for the Conference is € 95 before 1<sup>st</sup> July, including conference material, conference dinner, lunches and coffee/tea breaks. After 1<sup>st</sup> July the registration fee will be € 145.

Conference venue: The conference venue is the Faculty of Law and Criminology of Ghent University, Voldersstraat 3, 9000 Gent, Belgium, also accessible via Universiteitstraat 4-6.

The faculty is located in the [center](#) of the city, see [here](#) for public transport

## NEWS

### National

#### **Marine: Tsitsikamma MPA 'unharmful' by increased fishing – manager**

"The partial opening of the Tsitsikamma Marine Protected Area (MPA) to fishing has had almost zero effect on the stability of the area, according to Garden Route National Park manager Paddy Gordon. A report in The Herald notes that Gordon was responding last week to a question about the effect of the controversial December 2016 declaration by Environment Minister Edna Molewa to open 20% of the MPA to fishing. Established in 1964, the Tsitsikamma MPA – Africa's oldest marine protected area – protects 11 of SA's 17 threatened fish species. Opposing the Minister's declaration, the marine science and conservation sectors said the move would undermine the stability of the populations of these species that had flourished in the protected area. Gordon said SANParks scientists had started monitoring the use of the protected area by local communities, and the impact on it, right after the Minister's declaration. 'At this stage the number of anglers registered, the number of days that fishermen accessed the MPA, and the number of fish caught is exceptionally lower than was anticipated. It indicates almost zero impact on the MPA,' he said. He said the controlled zones where fishing was allowed were far away from the Tsitsikamma rest camps of Storm's River and De Vasselot in Nature's Valley."

Full report in *The Herald* (subscription needed) *Legalbrief Environmental* 27 March 2018

#### **Legislation: Changes mooted to 'free carried interest' in MPRDA Bill**

"The NCOP's Land and Mineral Resources Committee yesterday considered and voted on recommendations for substantive changes to clauses in a 'D' version of the Mineral and Petroleum Resources Development Amendment Bill with implications for the petroleum industry. Informed by an agreement negotiated

with the Offshore Petroleum Association of SA under the auspices of 'Operation Oceans Phakisa', the proposals were included in negotiating mandates received from several provincial legislatures, including that of the Free State. At the time of writing, it was not clear when the committee will meet to adopt a report on yesterday's proceedings and the outcome of the voting process. Each proposed amendment will need to be endorsed by the National Assembly's Mineral Resources Committee before the Bill completes its passage through Parliament." Read full report Policy Watch - *Legalbrief Today* 28 March 2018

#### **General: Mokonyane's department splurged billions – AG**

"Treasury officials and Auditor-General Kimi Makwetu on Tuesday spelled out in Parliament how the Department of Water and Sanitation went on a tender deviation spree while Minister Nomvula Mokonyane was at the helm, says a *Business Day* report. In the process they splurged billions in excessive project management and professional fees, leaving the department in financial distress. The deviations had resulted in the department forking out on excessive construction costs as its fruitless and wasteful expenditure skyrocketed, while it had outsourced its procurement to a private company. The Department of Water and Sanitation had not consulted the Treasury, as is required, when it deviated from prescribed tender processes, MPs were told during a joint sitting of Scopa and the Committee on Water and Sanitation. The Treasury has previously told Parliament about departments using deviations, invoking emergencies that did not exist, as a means to bypass procurement regulations. Mokonyane is now the Communications Minister."

Full Business Day report *Legalbrief Forensic* 29 March 2018

Pitt C "SA government targets lobster poacher's US trust millions after conviction" *News24* 28 March 2018

#### **Environmental: Farmer charged over illicit dam construction**

"The Department of Water and Sanitation has hauled a Clanwilliam farmer to court following allegations of unlawful water activities, says a *Cape Times* report. The farmer is facing five charges which include failure to meet the requirements for issuance of a licence before constructing a dam with safety risk; failure to produce a licence to construct a category 2 dam with safety risk before construction; and failure to register and to submit an application to register dams with a safety risk within 120 days to the department after completion of the dam. The farmer allegedly contravened Section 49A of the National Environmental Management Act 107 of 1998 by developing infrastructure for the off-stream storage of water. This includes dams and reservoirs with a combined capacity of 50 000m<sup>3</sup>, or a dam where the highest part of the dam wall is 5m or higher."

Full Cape Times report (subscription needed) *Legalbrief Today* 29 March 2018

### **International**

"MPs summon Mugabe over missing \$15bn" *New Zimbabwe* 20 March 2018 [Source: Legalbrief 27 March 2018]

Krippahl C "Kenya Lead Victims Denied their Day in Mombasa Court" *allAfrica* 19 March 2018 [Source: Legalbrief Environmental 27 March 2018]

#### **Pollution: Oil giants and Amnesty exchange barbs**

“Amnesty International has accused international oil companies, Shell and Eni, of ‘serious negligence’ when addressing spills in Nigeria. It said the companies were taking weeks to respond to reports of spills and publishing misleading information about the cause and severity of the spills ‘which may result in communities not receiving compensation’. Shell had reported 1 010 spills since 2011, and Eni 820 since 2014. Of the 1 830 reports, Amnesty questioned the companies’ accounts in 89 cases. Vanguard notes that Shell denied the allegations and reiterated its commitment to respond swiftly to oil spills.”  
Full Vanguard report [Source: Legalbrief Environmental 27 March 2018]

“Zimbabwe police investigate Grace Mugabe over ivory smuggling claims”  
[TimesLive](#) 25 March 2018 [Source: Legalbrief Environmental 27 March 2018]

“Renewables pressing home cost advantage against fossil fuels” [ClimateAction](#)  
29 March 2018

Buncombe A “Anti-pipeline campaigners found not guilty by judge because ‘protest against climate change crisis’ was legal ‘necessity’” [The Independent](#) 28 March 2018

Banerjee N “Judge: Trump Admin. Must Consider Climate Change in Major Drilling and Mining Lease Plan” [Inside Climate News](#) 26 March 2018

“Federal judge dismisses Exxon's effort to block climate change investigation”  
[The Jurist](#) 31 March 2018

“BMW faces class action lawsuit over diesel emissions” [The Jurist](#) 27 March 2018

“HRW reports judicial abuse of Ecuador indigenous and environmental activists”  
[The Jurist](#) 26 March 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

**Varsity College: Programme Manager: School of Law - Sandton Campus**

Closing date: 13 April 2018

For more information click [here](#)

**University of KwaZulu-Natal Senior Lecturer/Lecturer (including Planning law)**

Closing date: 23 April 2018

For more information click [here](#)

**Boland College Worcester: Lecturer: Safety in Society**

Closing date: 16 April 2018

For more information click [here](#)

**University of Cape Town: Contracts Manager**

Closing date: 11 April 2018

For more information click [here](#)

**University of Fort Hare: Senior Lecturer: Adjectival Law, Private Law and Competition Law**

Closing date: 15 April 2018  
For more information click [here](#)

**Wits: Associate Lecturer (AC.09) - Two Year Fixed-Term Contract**

Closing date: 9 April 2018  
For more information click [here](#)

**University of the Free State Faculty of Law: Finance Administrator**

Closing date: 13 April 2018  
For more information click [here](#)

**International**

**Practical Action: Global Energy Representative**

Practical Action is excited to be recruiting a Global Energy Representative to join our growing Energy Access team. The successful candidate will drive Practical Action's strategy of external influencing and partnership building; catalysing strategic activities across the organisation (and sector), to speed up progress on energy access amongst key public, private, and civil society players.

The role will be based in Rugby, Warwickshire, in the UK. The closing date for applications is the 26<sup>th</sup> April, and interviews will take place on the 9<sup>th</sup> and 10<sup>th</sup> May.

For more information, including a detailed application pack, [please visit our website](#).

**Pace Law is pleased to announce that it is hiring five (5) LLM Graduate Fellows for the 2018-19 academic year.** Please distribute the following postings to your students who may be interested in working as a Graduate Fellow while earning an LLM in Environmental Law.

Pace Law Environmental LLM Graduate Fellow:  
<https://careers.pace.edu/postings/4657>

Pace Law Global Center for Environmental Legal Studies LLM Graduate Fellow:  
<https://careers.pace.edu/postings/4659>

Pace Law Food and Agriculture Law LLM Graduate Fellow:  
<https://careers.pace.edu/postings/4654>

Land Use and Sustainable Development LLM Graduate Fellow:  
<https://careers.pace.edu/postings/4656>

Equitable Access to Sustainable Energy (EASE) LLM Graduate Fellow:  
<https://careers.pace.edu/postings/4655>

**Agora Energiewende: Senior Project Manager**

For the international team with a focus on Latin America.  
To find all the details, please visit [our website](#)

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## ELA NEWSLETTER 14

6 April 2018

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### POLICY

Department of Environmental Affairs “[National Guideline](#) towards the Establishment of Coastal Management Lines” (2017)

### LEGISLATION

### NOTICES

Subdivision of Agricultural Land Act 70 of 1970 - GN 417 in GG 41561 of 6 April 2018 - Revised tariffs for services rendered in terms of the Act and the Conservation of Agricultural Resources Act 43 of 1983 published with effect from 1 April 2018

Petroleum Products Act 120 of 1977 - GN R410 in GG 41553 of 3 April 2018 - Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 4 April 2018

Petroleum Products Act 120 of 1977 - GN R411 in GG 41553 of 3 April 2018 - Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 4 April 2018

Petroleum Products Act 120 of 1977 - GN R412 in GG 41553 of 3 April 2018 - Amendment of regulations in respect of petroleum products published with effect from 4 April 2018

Mine Health and Safety Act 29 of 1996 - GN 419 in GG 41561 of 6 April 2018 - Guideline for the Compilation of a Mandatory Code of Practice for an Occupational Health Programme (Occupational Hygiene and Medical Surveillance) on Personal Exposure to Airborne Pollutants

National Energy Regulator Act 40 of 2004 - GN 414 in GG 41555 of 3 April 2018 - National Energy Regulator of South Africa (NERSA): Notice of public hearings on Eskom's third Multi-Year Price Determination (MYPD3) Regulatory Clearing Account (RCA) Year 2 (2014/15), Year 3 (2015/16) and Year 4 (2016/17) applications and indicative timelines for the determination process

## **PROVINCES**

### **KwaZulu Natal**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MNs 28 & 29 in *PG* 1940 of 5 April 2018 - Newcastle Local Municipality - By-law relating to the Museum and By-laws relating to the Library published and previous by-laws

### **Eastern Cape**

Sea-shore Act 21 of 1935 - PN 62 in *PG* 4021 of 2 April 2018 - Proposed lease and permitting of a site below the high-water mark of sea of the Mzimvubu Estuary, adjacent to the Spotted Grunter Resort for the purpose of erecting a boat launching site slipway and the associated removal of sediment and or mud from the site - for comment

### **Limpopo**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 49 in *PG* 2893 of 30 March 2018 - Declaration of respective land parcels as protected environment - Nwanedi Nature Reserve

National Environmental Management: Protected Areas Act 57 of 2003 - PN 50 in *PG* 2893 of 30 March 2018 - Declaration of respective land parcels as nature reserves and protected environments - Thengwe and Doorndraai Nature Reserves and Machaka, Thabina and Nzalama Protected Environments

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LANs 36-38 in *PG* 2893 of 30 March 2018 - Ephraim Mogale Local Municipality - Conflicting Buildings/Property By-law, Land Invasion By-law and Encroachment on Property By-law

### **Northern Cape**

Spatial Planning and Land Use Management Act 16 of 2013 – Gen Notice 27 in *PG* 2173 of 26 March 2018 - Notice of the intention to compile a Provincial Spatial Development Framework for the Northern Cape Province (PSDF) - for comment

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - AKs 28-46 in *PK* 2173 van 26 Maart 2018 - Kai !Garib Munisipaliteit - Wysigingsverordening op die Beheer oor Aanhou van Honde, 2017; Wysigingsverordening op the Beheer oor Aanhou van Diere, Pluimvee en Bye, 2017; Wysigingsverordening op Begraafplase, 2017; Wysigingsverordening op Boubeheer, 2017; Wysigingsverordening op Elektrisiteit, 2017; Wysigingsverordening op Munisipale Meent, 2017; Swembad Wysigingsverordening, 2017; Wysigingsverordening op die Verwydering van Afvalstowwe, 2017; Wysigingsverordening op die Beheer van Straathandel, 2017; Brandweer Wysigingsverordening, 2017; Wysigingsverordening op Vuurwerke, 2017; Wysigingsverordening op Waterdienste, 2017; Wysigingsverordening op Wetstoepassing, 2017; Wysigingsverordening op die Beheer oor Advertensietekens en Ontsiering van Voorkante van Strate, 2017

## North-West

North West Department of Rural, Environment and Agricultural Development – Transvaal, Cape and Bophutswana Nature Conservation measures - PN 49 in PG 7864 of 3 April 2018 North West Hunting Regulations 2018

## CASES

### National

*Chamber of Mines of South Africa v Minister of Mineral Resources and Others* (41661/2015) [2018] [ZAGPPHC](#) 8 (4 April 2018)

Old order mining rights – Mining Charter – maintaining of 26% HDSA ownership – once empowered, always empowered principle

“[18] The principal underlying issue of the dispute between the parties pertain to instances where mining companies that had been granting mining rights under the MPRDA had concluded and executed so-called Black Economic Empowerment (“BEE”) transactions and had, in doing so, achieved the 26% target specified in the Original Charter (or the 2010 Charter), but the HDSA participants in the relevant BEE transactions had by 2014 or subsequently disposed of their interests, thus causing the mining companies’ HDSA participation/ownership levels to fall below the 26% target. The issue is whether such mining right holders are in terms of the charters obliged to take steps to achieve that the 26% level be restored and then be maintained at that level indefinitely. The view of the Chamber and its members is that the MPRDA does not place a duty of continuing compliance upon the holder of a mining right – once an applicant for a mining right has satisfied the requirements of section 23(1)(h) or item 7(2)(k) in Schedule II and been granted a mining right, it cannot be required thereafter to do so again, failing which its right will be placed in jeopardy. The respondents, on the other hand, take the view that a holder of a mining right has a continuing obligation to maintain the 26% HDSA ownership level and that a failure to do so constitutes a contravention of the charters, of the terms of their mining rights and the MPRDA.”

*Overstrand Municipality v Water and Sanitation Services South Africa (Pty) Ltd* (143/2017) [2018] ZASCA 50 (29 March 2018)

Summary: Tender evaluation and adjudication : challenges based, inter alia, on s 6(2)(b) of the Promotion of Administrative Justice Act 3 of 2000: whether acceptable tender in terms of s 7 of the Preferential Procurement Policy Framework Act 5 of 2000 read with applicable regulation : whether regulation dealing with minimum staffing of water works endures despite repeal of a number of statutes regulating the provision of water to the public: savings provisions examined and applied.

### International

*Californians for Renewable Energy, Ashurst Bar/Smith Community Organization, Citizens for Alternatives to Radioactive Dumping, Saint Francis Prayer Center, Sierra Club, and Michael Boyd, vs. United States Environmental Protection Agency and Scott Pruitt, Administrator of the U.S. Environmental Protection Agency, in his official capacity* Case No: C 15-3292 SBA [United States District](#)

[Court](#) for the Northern District of California Oakland Division Delivered 30 March 2018

“Between 1992 and 2003, the aforementioned organizations, including Boyd, separately filed a total of five administrative complaints with the Environmental Protection Agency (“EPA”), pursuant to Title VI of the Civil Rights Act of 1964 (“Title VI”). Those complaints alleged that decisions by state and local agencies to grant permits approving the operation of environmentally hazardous facilities (i.e., power plants, a refinery, a hazardous waste facility and a landfill) in minority communities violate Title VI’s prohibition against discrimination by recipients of public funds.”

“Judge Armstrong (NDCA) issued the attached decision earlier this week rejecting EPA’s motion to dismiss an unreasonable delay case brought against EPA on behalf of five community groups that filed civil rights complaints under Title VI of the Civil Rights Act of 1964 years and years ago that had been languishing at EPA. The court rejected EPA’s venue, mootness and standing arguments and ordered the parties to submit a draft judgment providing for declaratory and prospective injunctive relief.”

[Source: Prof Marianne Engelman Lado, Visiting Clinical Professor of Law, Environmental Justice Clinic Law, Yale Law School - envlawprofessors listserv]

[Called-in decision](#): land at Highthorn, Widdrington, Northumberland, UK (ref: 3158266 - 23 March 2018)

“Decision letter and Inspector’s Report for a called-in decision for a mineral extraction and auger mining scheme.”

## PUBLICATIONS

2018 *Journal on Human Rights and the Environment* 9(1)

- Editorial Adelman Sam “[Editorial: Beyond the Paris Agreement – ambitions, hopes, fears and flaws](#)” Free Article
- Birrell Kathleen and Godden Lee “[Benefits and sharing: realizing rights in REDD+](#)”
- Savaresi Annalisa “[Traditional knowledge and climate change: a new legal frontier?](#)” Free Article
- Maguire Rowena and Lewis Bridget “[Women, human rights and the global climate regime](#)”
- Atapattu Sumudu “[The Paris Agreement and human rights: is sustainable development the ‘new human right’?](#)”
- Mason Meier Benjamin, Das Ipsita and Jagger Pamela “[A ‘burning opportunity’ for human rights: using human rights as a catalyst for policies to mitigate the health risk of household air pollution](#)”
- Ohdedar Birsha Book Review: “[Sumudu Atapattu, Human Rights Approaches to Climate Change: Challenges and Opportunities \(Routledge, Abingdon 2015\) 324 pp](#)”

Stein BA *et al* “Reversing America’s Wildlife Crisis: Securing the Future of Our Fish and Wildlife” (Washington, DC National Wildlife Federation [Report](#) March 2018) [Source: Legalbrief Environmental 3 April 2018]

UNEP and Bloomberg New Finance “12th Global Trends in Renewable Energy Investment 2018 [Report](#)” (April 2018)

Weithmann Nicolas *et al* “Organic fertilizer as a vehicle for the entry of microplastic into the environment” 2018 [Science Advances](#) April

Kibel PS “California rushes in—Keeping water instream for fisheries without Federal Law” 2017-2018 [William & Mary Environmental Law and Policy Review](#) 42(2)

Spencer S “Either secrecy, or legal monopoly”: Why we should choose fracking patents” 2017-2018 [William & Mary Environmental Law and Policy Review](#) 42(2)

Gerrard Michael B “Climate change and human trafficking after the Paris Agreement” 2018 72 [U Miami L Rev](#) 345

IEA “World Energy Outlook 2017” ([Report](#) April 2018)

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

[The Conversation](#): Winkler H “Why South Africa's power utility should boost its output of in-house renewables” 2 April 2018

[The Conversation](#): Winter K “Five key lessons other cities can learn from Cape Town's water crisis” 3 April 2018

[The Conversation](#): Toews G and Vézina P-L “Why natural resource finds are more than just a curse: the case of Mozambique” 2 April 2018

[PMG](#): *Parliamentary Committee on Environmental Affairs*: Meeting Report: 27 March 2018: Department of Environmental Affairs Annual Report, National Treasury & AGSA input; DEA 2018/19 Annual Performance Plan; with Minister

[Webber Wentzel](#) Environmental E-Alert “Don't let your waste management create a business risk - new National Norms and Standards” 5 April 2018

[GroundUp](#): Lorgat H “Mining Charter: who is fooling whom?” 4 April 2018

[LinkedIn](#): Knight O “Mapping solar and wind potential: job done” 27 March 2018

[The Conversation](#): Hedwig D “Caught on camera: large mammals are back in Gabon's Batéké Park” 3 April 2018

[The Conversation](#): Hedwig D “Caught on camera: large mammals are back in Gabon's Batéké Park” 3 April 2018

[IPBES](#): “Worsening Worldwide Land Degradation Now ‘Critical’, Undermining Well-Being of 3.2 Billion People” April 2018 – click [here](#) for the reports [Source: Legalbrief Environmental 3 April 2018]

[Science](#): Hyman R “Polar sea ice leads to more productive oceans” 6 April 2018

[Science](#): Kokstad E “Migration forecasts could help prevent wind turbines and building from killing millions of birds” 5 April 2018

[Science](#): Kokstad E “Our growing taste for shrimp is bad news for climate change” 2 April 2018

[Sabin Centre](#) for Climate Change Law: Pinto-Bazurco JF “Colombian Youth Plaintiffs Sue for Recognition of the Rights of Future Generations” 20 March 2018

[Sabin Centre](#) for Climate Change Law: Biniarz S “Join the parties: 25+ ways to promote participation in multilateral environmental agreements” 15 March 2018

[Sabin Center](#) for Climate Change Law: Wilson A “Environmental professor drops defamation suit against fellow scientists” 6 March 2018

[Sabin Center](#) for Climate Change Law: Video “Earth Institute: Climate Adaptation Panel” Proceedings 5 December 5, 2017

[Sabin Center](#) for Climate Change Law: Video “Can Fossil Fuel Companies Be Held Liable for Climate Change Source” 2 November 2017

[Business Insider](#)” Caboz Jay These are the 5 biggest green energy projects in SA - all wind farms”

[News24](#): Traydon RJ “Will education and technology save us from an ecological apocalypse?”

[News24](#): Zietzman G “Kenya erects tombstone for Sudan as SADC strengthens fight against poaching” 5 April 2018

[DailyMaverick](#) & ISS Today : Kuele G and Miola AC “Climate change is feeding armed conflict in Somalia” 6 April 2018

[DailyMaverick](#): Rudin J and Mudavanhu S “Op-Ed: Renewable energy claims and counterclaims” 4 April 2018

[DailyMaverick](#): Bezuidenhout J “Scorpio: Eskom wants in on McKinsey, Trillian R1.6bn ‘State Capture loot’” 4 April 2018

[DailyMaverick](#): Mathunjwa J “Op-Ed: Amcu supports the need to move rapidly to a low carbon economy”

[The Jurist](#): Slobe E “AGs from 14 states file lawsuit against EPA over methane emissions” 6 April 2018

[The Jurist](#): McCarthy Holliday E “Pennsylvania judge distinguishes fracking from traditional mineral rights” 4 April 2018

[The Jurist](#): Zwier D “UN experts urge France to improve water and sanitation in migrant camps” 4 April 2018

[The Jurist](#): Anderson C “UN rights experts urge Thailand to improve corporate respect for human rights” 4 April 2018

[The Guardian](#): Watts J “IEA accused of undermining global shift from fossil fuels” 4 April 2018

[The Guardian](#): Jacobs M “Only revolutionary new laws can stop Brexit harming the environment” 3 April 2018

[The Guardian](#): Mathiesen K “BP plan to drill in Great Australian Bight risked 750km oil spill, documents show” 6 April 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **Regional North-West ELA Event: Legal and Governance Mechanisms for South Africa's Water Crisis: Recent developments and the Road Forward**

Date: 19 April 2018

Time: 11:00-15:00

Venue: North-West University, Potchefstroom Campus, Building C1 Room 135

Cost: IAIAsa/ELA members – free; non-members – R200; Non-Member postgraduate students and retired person – R100; Non-member graduate students – R50

RSVP: Register online by 12 April (only 60 seats available)

#### **EOH Legal Services: Environmental law course**

Date: 16-18 April 2018

Contact: [Jolene Mascini](#) or [087-405-1825](tel:087-405-1825) or cellphone: [083-739-2130](tel:083-739-2130)

#### **South African Eco film festival**

Dates: 22-30 April 2018

[Website](#) for programme and tickets

#### **Imbewu Workshop: NEM: Waste Act**

Date: Friday 4 May 2018

Time: 08:30-16:00

Place: Inthaka Island Eco Centre, Century City, Cape Town

Contact [Lulu](#) or [webpage](#) or phone 011 214 0660

#### **NWU – Centre for Environmental Management Courses 2018**

- **Safety, health, environmental and quality (SHEQ) management**  
Date: 16 - 26 April 2018 (Potchefstroom)
- **Environmental management system transition**  
Date: 24 - 25 April 2018 (Gauteng)
- **Environmental management system transition for auditors**  
Date: 26 April 2018 (Gauteng)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

#### **National Wetlands Indaba 2018: Drylands and Wetlands: connecting and managing heterogeneity across landscapes**

Dates: 8 – 11 October 2018

Venue: Mittah Seperepere Convention Centre, Kimberley, Northern Cape

Website will be available in a few weeks

Contact for more information: The Secretariat: [Kruger & Associates](#) or +27 28 316 2906

## **CBSS Training Workshops: Integrated Water Resource Management**

### **UPDATED Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans**

- **Durban**

Date: 31 July - 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 4 - 6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 12 - 14 February 2019 in (last date for registration 29 January 2019)

### **Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Durban**

Date: 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## **Mandela and the Law Conference**

Date: 26 & 27 October 2018

Venue: University of Johannesburg Faculty of Law

This year marks the 100th celebration of President Nelson Mandela's birthday. To honour the occasion the University of the Western Cape Law Faculty will host a conference on Mandela's relationship with the law over the course of his lifetime.

Themes to be covered include:

- President Mandela as a struggle lawyer, a criminal accused, a witness and a constitution-making negotiator;
- Mandela and the Constitutional Court, revisiting constitutional court cases with Mandela as litigant;
- The impact of Nelson Mandela's life and legacy on the jurisprudence of the Constitutional Court; and
- The rights of children to be heard including children's role in the political process.

For more details on the conference theme, please see the call for papers attached.

We welcome the submission of abstracts (300 words) on the conference theme by 18 May 2018 and papers by 30 September 2018. Selected papers will be eligible for publication in a special edition of *Law Democracy and Development*, UWC's law journal.

We are excited at the prospect of engaging with academics of University of Johannesburg Faculty of Law.

Abstracts are to be sent to [Lisa Draga](#) or [Sarah Fick](#) by 18 May 2018. Successful candidates will be notified by 15 June 2018.

### **NMU: Private Law and Social Justice Conference 2018**

Dates: 6 and 7 August 2018

The theme for the 2018 conference is "Rethinking Private Law and Social Justice Post Mandela". The conference forms part of the Nelson Mandela University's centenary celebrations of the birth of Nelson Mandela. The first honorary doctorate recipient in the Faculty of Law of the newly branded University, Former Deputy Chief Justice Dikgang Moseneke, will be the after dinner speaker on Monday 6 August.

Information regarding the call for papers and registration for the 2018 conference may be found on the [departmental website](#). We look forward to welcoming you at the [Nelson Mandela University](#).

Queries may be sent to this [email](#) or to [Dr Razaana Denson](#)

## **International**

### **Webinars: INECE Discussion Series: Connecting Environmental and Social Impact Assessment, Compliance, and Enforcement**

Date: 17 April 2018 – 16 May 2019

The first INECE Discussion Series of 2018 will focus on the relationship between environmental and social impact assessment (ESIA) and compliance and enforcement. ESIA provides essential data for establishing benchmarks, understanding risks, and setting limits in environmental licenses and permits.

For more information click [here](#)

### **IMPEL Conference: 'Next Generation IMPEL'**

24 September 2018 – 28 September 2018

Venue: Provinciehuis at Lelystad, Netherlands

For more information click [here](#)

### **2018 Utrecht Conference on Earth System Governance**

Date: 5 November 2018 – 8 November 2018 | Utrecht University, Netherlands

Venue: Utrecht University & Earth System Governance Project

For more information click [here](#)

### **GIZ Proklima Webinar - "ODS Banks - an unseen threat"**

Date: Thursday, 19 April 2018

Time: 15:00-16:00 (CET)

[Registration](#)

Reducing banks of Ozone Depleting Substances (ODS) is a complex issue, but can significantly contribute to protect our environment.

While the Montreal Protocol covers the production and consumption of ODS, the disposal of accumulated substances has not been regulated yet.

Against this background, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH will be hosting a webinar to provide insights on key processes to establish good practices in ODS bank management.

For any queries related to this webinar, please contact [Nicole Mueller](#).

## NEWS

### National

“Radebe welcomes ruling against Numsa on IPP application” [IOL](#) 29 March 2018  
[Source: Legalbrief Environmental 3 April 2018]

#### **General: Parks agency given second chance to recover Cape buffalo**

“The Supreme Court of Appeal has given the Eastern Cape Parks and Tourism Agency a second shot at recovering a valuable herd of Cape buffalo that crossed from one of its reserves onto land owned by former Springbok rugby player and hunting safari operator Hennie le Roux. A report in *The Herald* notes that Le Roux claimed ownership of the buffalo from the department’s Thomas Baines Reserve near Grahamstown after the herd crossed the drought-depleted Settlers Dam in 2010 and settled on his adjacent hunting mecca, Crown River Safaris. The dam, which supplies much of Grahamstown with drinking water, had always formed a natural barrier between the two properties until the 2010 drought. When it rained again in 2011, the dam filled up, leaving Le Roux the happy owner of 20 new buffalo. The department took him to court to recover the buffalo, valued back then at more than R4m. In 2016, the Eastern Cape High Court (Grahamstown) ruled that the Game Theft Act specified that ownership of game was only protected when game was held on land that was ‘sufficiently enclosed’. The department last year took the issue on appeal to the SCA, which last week ruled in its favour. It found that just because the reserve had no formal certificate indicating the land was adequately enclosed, it did not mean that it was not. The matter will revert to the Eastern Cape High Court (Grahamstown), where the department must now lead evidence proving the land was, in fact, adequately enclosed.”

Full report in *The Herald* (subscription needed) *Legalbrief Environmental* 3 April 2018

#### **Water: Department drops the ball on water quality reports**

“The Department of Water and Sanitation is in the dark about the quality of SA’s drinking water. A report in *The Times* notes that for nearly five years, the department that describes itself as ‘custodians of our water and sanitation resources’ has failed to produce the crucial Blue and Green Drop reports that monitor the quality of drinking water and the health of the country’s vital wastewater treatment plants. Last month, the *Sunday Times* reportedly requested an interview with the department about the latest reports, in the context of Water Week, which ended last week. The department had to admit the reports did not exist as it ‘didn’t have capacity to do the work’. Leon Basson, the DA’s spokesperson on water and sanitation, said the reports were last done in 2013 and 2014. They were only released after he lodged a Promotion of Access to Information Act application. ‘The department not being able to produce either of the reports puts our water resources under risk.’ Water expert Dr Anthony Turton said ‘it gets worse’ when one looked at the lack of capacity beyond the inability to produce reports. Data for a report he recently published showed that ‘critical measuring systems’, including stream flow and rainfall gauging stations, were failing.”

Full report in *The Times* (subscription needed) *Legalbrief Environmental* 3 April 2018

**General: PP gets flood of complaints over water cuts**

“Bloemfontein residents have flooded the Public Protector’s office with complaints and pleas to intervene after their water supply was cut, says a *Volksblad* report. Bloem Water reduced water supply to 30% as the Mangaung Metro owes it R680m, causing taps in higher areas in the city and surrounding towns to run dry. Two opposition parties, the DA and FF Plus, have also asked the Public Protector to step in as mediator at a public meeting as they say the city officials are ignoring the burden placed on residents who have paid all their municipal accounts.

Full Volksblad report (subscription needed) *Legalbrief Today* 6 April 2018

**Energy: Good signs, but nuclear still on table – activists**

“Green energy activists claim that the signing of power purchase agreements with renewable energy producers is a sign that the new government administration is taking steps to erase the power of state capture, says a *Cape Times* report. However, Greenpeace Africa’s Happy Khambule said one could not write off nuclear until a new Integrated Resource Plan was released without nuclear allocations in it. ‘The vested interests behind nuclear are too significant to write off at this stage,’ he said. ‘Greenpeace has long stated that there is an anti-renewable energy campaign being run in SA, led by the former leadership at Eskom, to protect vested interests in coal and nuclear, and this campaign has resulted in a slowdown of the renewable energy revolution in the country, and the refusal to sign these agreements has been symptomatic of the resistance to renewable energy.’ WWF-SA’s Saliem Fakir said Energy Minister Jeff Radebe’s statement that the ‘lower prices’ from the renewable energy projects would counter the perception that renewable energy was more expensive than energy generated by fossil fuels.

Full Cape Times report (subscription needed) *Legalbrief Today* 6 April 2018

Khumalo Junour “How South Africans are fighting corruption” [City Press](#) 5 April 2018 [Source *Legalbrief Forensic* 5 April 2018]

Khumalo S “Jeff Radebe signs R56bn contract with renewable power producers” [News24](#) 4 April 2018

Etheridge J “Perceptions of corruption in SA have grown over last 20 years – IRR” [News24](#) 29 March 2018 [Source *Legalbrief Forensic* 5 April 2018]

**Environmental: Southern African summit agrees to standardise laws**

“Southern African countries will attempt to standardise laws and penalties for environmental crimes such as rhino poaching, Environmental Affairs Minister Edna Molewa said after the signing of a multilateral agreement at the Kruger National Park. According to a *Beeld* report, government representatives and army chiefs from SA, Zimbabwe, Zambia, Namibia, Mozambique and Botswana attended the summit to devise strategies for environmental protection. Molewa said the countries agreed to a Southern African law enforcement and anti-poaching strategy to be known as Leap.”

Full Beeld report (subscription needed) *Legalbrief Today* 5 April 2018

**International**

Swanepoel E “NT fracking inquiry finds risks can be reduced to ‘acceptable level’” [Mining Weekly](#) 28 March 2018 [Source: *Legalbrief Environmental* 3 April 2018]

“Mercury Rising: Gold mining takes a toxic toll on Kenyan women” [Mining Weekly](#) 28 March 2018 [Source: Legalbrief Environmental 3 April 2018]

Hope M “Shell threatened with climate lawsuit in the Netherlands” [Climate Home News](#) 4 April 2018

### **Kenya – Rail Construction in National Park**

“Conservationists in Kenya have protested against the construction of an extension of a Chinese-built railway line running through the Nairobi National Park. In 2016, a coalition of interested and affected parties approached the National Environment Tribunal arguing that there was insufficient public participation conducted during the impact study. The Tribunal ruled that construction be halted pending the outcome of the case. The protestors believe that this order is still in place, while the Kenyan Wildlife Authority believes that construction is taking place legally.”

[Source: BizCommunity dated 5 March 2018 and Imbewu Monthly Sustainability Legal Newsletter & Legislation Update March 2018]

### **Gambia – Dumping of Waste**

“Environmental activists have removed a pipe dumping waste from a Chinese animal feed factory directly into the ocean, after months of complaints that it was a health hazard. The National Environmental Agency had instructed the factory to remove the pipe eight months ago. The factory called the police who did not make any arrests, nor did it prevent the activists from removing the pipe.

[Source: BizCommunity dated 26 March 2018 and Imbewu Monthly Sustainability Legal Newsletter & Legislation Update March 2018]

“Philippines to shut polluted isle Duterte called a 'cesspool'” [News24](#) 5 April 2018

“Mozambique: 'Our lives mean nothing': the human cost of Chinese mining in Nagonha, Mozambique” [Amnesty International](#) 28 March 2018 [Source: Legalbrief Today 5 April 2018]

Lowman E “EPA announces intent to revise Obama Administration emissions standards” [The Jurist](#) 3 April 2018

“Chinese man caught smuggling five rhino horns is jailed by Dutch court” [The Guardian](#) 7 April 2018

Watts J “Air pollution: UK government's failed legal battles cost taxpayers £500,000” [The Guardian](#) 6 April 2018

Davies A “Ghost water, poor planning and theft: how the Murray-Darling plan fell apart” [The Guardian](#) 4 April 2018

Wahlquist C “Coal-fired power stations caused surge in airborne mercury pollution, study finds” [The Guardian](#) 3 April 2018

“Deadly oil spill devastates Borneo port city – in pictures” [The Guardian](#) 6 April 2018

“Zim police 'closing in' on Grace Mugabe in ivory probe” [IOL Africa](#) 6 April 2018

“The United Kingdom announces one of the strongest elephant ivory bans to-date” [eTN](#) 2 April 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

#### **Eastern Cape Province: Various positions (also non-law)**

- POST 13/75: Senior Legal Admin Officer Ref No: DSRAC 01/03/2018
- POST 13/84: Labour Relations Practitioner Ref No: DSRAC 10/03/2018  
Saartjie Baartman District

Closing date: 13 April 2018

Click [here](#) for more information

#### **The Competition Commission South Africa Graduate Programme, Legal Services**

12-18 months programme for admitted attorneys

More information [here](#)

#### **Cameron Cole Litigation / Disputes Lawyer – Leading Law Firm – South Africa**

Closing date: 1 May 2018

Click [here](#) for more information

### International

#### **SSRN Classifier Position**

We are looking for people to join the SSRN Team with expertise in scholarly research in the field of Energy. This position will be in the direct flow of the most current scholarly research worldwide and allow you to work with one of the most progressive companies on the Internet.

Job Description: Review submitted abstracts and classify them into the appropriate subject oriented eJournals in the field listed above.

The position is part time, and may be done from the home. Work requires a computer and email/internet experience.

Compensation: \$15.00 per hour

About SSRN: About SSRN: SSRN is devoted to the rapid worldwide dissemination of early stage (pre peer reviewed journal) research in Social Sciences, Humanities, Life Sciences, Physical Sciences, and Applied Science. They have received several excellence awards for their [website](#):

Application Procedure: To apply, please send email with resume attachment to this [email](#).

To be considered for this position, a cover letter containing this information is required:

- Academic Degree, PhD strongly preferred
- Experience in field of study
- Associated experience in publishing
- Proof of Eligibility to work in U.S./U.S. Citizen

Members of the Environmental Law Association may subscribe to

[Legalbrief Environmental](#)

and the

[South African Journal of Environmental Law and Policy](#).

Discount available for ELA members.

## ELA NEWSLETTER 15

13 April 2018

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### BILLS

Marine Spatial Planning Bill, 2017 [B9C-2017] & [B9D-2017]

### LEGISLATION

### NOTICES

Occupational Health and Safety Act 85 of 1993 - GN 419 in GG 41561 of 6 April 2018 - Guideline for the compilation of a mandatory code of practice for an occupational health programme (occupational hygiene and medical surveillance) on personal exposure to airborne pollutants issued – commencement date 30 April 2018

### PROVINCES

#### Northern Cape

National Environmental Management: Protected Areas Act 57 of 2003 - AK 48 in *PK 2175* van 9 April 2018 - Verklaring van Natuurreserve: Bredenkamp; Brooks; Glen Lyon; Karoo Gariep; Oranjeriviermond; Rockwood en Sandhoog Natuurreserve

#### Eastern Cape

Local Government: Municipal Systems Act 32 of 2000; Local Government: Municipal Finance Management Act 56 of 2003; Local Government: Municipal Property Rates Act 6 of 2004 - PN 64 in *PG 4024* of 6 April 2018 – Senqu Local Municipality- Draft Revised IDP, Draft SDBIP - for comment

Repeal of Local Government Laws Bill, 2018 - PN 65 in *PG 4026* of 9 April 2018 – Bill, memorandum on the objects of the bill - for comment

#### Western Cape

Disaster Management Act 57 of 2002 - LAN 55388 in *PG 7906* of 6 April 2018 - Swartland Local Municipality - Extension of declaration of a local state of drought disaster from 10 April 2018 to 10 May 2018

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 55396 in *PG 7910* of 6 April 2018 - Bergrivier Local Municipality - By-law on Municipal Land Use Planning

## CASES

### National

*Long Beach Homeowners Association v MEC: Economic Development, Environmental Affairs and Tourism (Eastern Cape) and Others* (CA316/2017) [2018] [ZAECHC](#) 26 (29 March 2018)

Internal appeal – failure of the state to act – application of s 17(3) of National Environmental Management Act 107 of 1998 – referral of matter for conciliation

## PUBLICATIONS

Dernbach JC *et al* “Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania: Recognition of Environmental Rights for Pennsylvania Citizens” 2018 [Rutgers Law Review](#) forthcoming

Dernbach JC and [McKinstry](#) RB “Applying the Pennsylvania Environmental Rights Amendment Meaningfully to Climate Disruption” 2018 [Michigan Journal of Environmental and Administrative Law](#) forthcoming

World Bank “South Africa Economic Update ([Report](#) 2018)

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[The Conversation](#): Benoit Julien “Ancient DNA changes everything we know about the evolution of elephants” 8 April 2018

[GroundUp](#): Ntongana Thembela “Wild Coast toll road: new court battle looms” 10 April 2018

[The Conversation](#): Burkepile Deron “Coral reefs are in crisis – but scientists are finding effective ways to restore them” 6 April 2018

[PMG](#): “Isimangaliso Wetland Park Authority & SANBI 2018/19 Annual Performance Plans” 29 March 2018

[The Conversation](#): Ogonda Asaka Jeremiah “Why Kenya's new wildlife task force is a step in the right direction” 9 April 2018

[Science](#): Voosen Paul “Eroding mountains could release, not trap, greenhouse gases” 12 April 2018

[ISS Today](#): Assanvo W “Is Côte d'Ivoire becoming a wildlife trafficking hotspot?” 12 April 2018

[The Guardian](#): Carrington D “Avoid Gulf stream disruption at all costs, scientists warn” 13 April 2018

[The Guardian](#): Davis N “Spikes in air pollution can heighten risk of chest infections, research suggests” 13 April 2018

[The Guardian](#): Harvey F “Carbon dioxide from ships at sea to be regulated for first time” 13 April 2018

[The Guardian](#): Vaughan A “Smart systems key to future of cheaper and cleaner energy supply” 14 April 2018

[TX A&M NRS Program](#) - 5th Annual Water Lecture Series Speakers

[Science](#): European Union debates controversial plans to limit cadmium in fertilizer

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **IAIA18: Environmental Justice in Societies in Transition**

Dates: 16-19 May 2018

**Final date** for registration: **20 April 2018**

[Website](#)

So you are an IAIA member wanting to attend IAIA18?

Discounted entry at only \$485 is still available for South African delegates and IAIA members.

Don't miss this once in lifetime opportunity to attend the international conference on South African soil right in Durban "The warmest place to be"

Gala dinner attendance also very kindly sponsored for African delegates.

#### **South African Eco film festival**

Dates: 22-30 April 2018

[Website](#) for programme and tickets

#### **Imbewu Workshop: NEM: Waste Act**

Date: Friday 4 May 2018

Time: 08:30-16:00

Place: Inthaka Island Eco Centre, Century City, Cape Town

Contact [Lulu](#) or [webpage](#) or phone 011 214 0660

#### **NWU – Centre for Environmental Management Courses 2018**

- **Environmental management system transition**  
Date: 24 - 25 April 2018 (Gauteng)
- **Environmental management system transition for auditors**  
Date: 26 April 2018 (Gauteng)
- **CEM-02.1.1a Introduction to environmental law (3 days)**  
Date: 22 - 24 May 2018 (Gauteng)
- **CEM-03.1.1 Environmental management systems**  
Date: 21 - 25 May 2018 (Potchefstroom)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

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- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## **Wits Postgraduate Certificate Course in Energy and Climate Change Law**

The Energy and Climate Change Law course will provide students with a comprehensive understanding of the international climate change regime, South African climate change policy, and the country's commitment to mitigate its greenhouse gas emissions. The course will thereafter examine, from the perspective of meeting demand for electricity and transport fuels in light of South Africa's climate change obligations, the governance and regulation of fossil fuels (coal, oil and natural gas), unconventional gas (fracking), nuclear power, and renewable energy.

Course details, entry requirements and application process can be found on the Mandela Institute Short Courses page of the Mandela Institute website.

Other postgraduate certificate courses available are: Access to Information and Privacy Law; Advanced Administrative Law; Advanced Company Law II; Advanced International Trade Law; Basic Administrative Law for Regulators; Collective Labour Law; Court Annexed Mediation; Human Rights Advocacy and Litigation; Intellectual Property Law; International Criminal Law; Labour Dispute Resolution Practice; Law and Sustainability II; Prospecting and Mining Law; Water Law.

Venue: Mandela Institute of the School of Law, University of the Witwatersrand, Johannesburg

Date: 16 July to 23 October 2018

Closing date for registration is Thursday 31 May 2018.

Registration and enquiries: [Mandela Institute](#), Tel: 011 717 8435/8438; [E-mail](#)

### **The 13<sup>th</sup> Southern African Energy Efficiency Confederation Conference**

Date: 13-14 November 2018

Venue: Emperors Palace, Ekurhuleni, Gauteng

Book and pay as delegate or exhibitor before 31 August 2018 and qualify for the Early Bird Discount of 25%!

Click [here](#)

## **International**

### **Carbon Dioxide Removal Webinar Series**

Tuesday, 17 April

12:30 PM ET to 1:30 ET

On Tuesday, April 17, The Forum for Climate Engineering Assessment will launch a new webinar series, "Assessing Carbon Dioxide Removal."

Carbon Dioxide Removal (CDR)/Negative Emissions Technologies (NETs) approaches constitute existing and proposed technologies that would pull carbon dioxide and other greenhouse gases from the air, for long-term storage or beneficial use. In the wake of the IPCC's 5th Assessment Report, in which most of the integrated assessment models that hold temperatures to below 2C contemplate large-scale use of such technologies, and the Paris Agreement's call for balancing emissions and sinks, these technologies are increasingly part of the climate response conversation.

We know that no single or group of proposed CDR technologies can act as a panacea or "solve" climate change. At the same time, we also now know that preventing dangerous climate change impacts may require some form of carbon removal to supplement traditional mitigation actions. However, the terrain of this emerging field is fraught with uncertainties in terms of the ultimate potential in terms of carbon removal, as well as the potential risks associated with large-scale deployment of many of these approaches.

Twice a month through July, the Assessing CDR/NETs webinar series will bring together experts to examine particular CDR/NETs technologies. FCEA staff and guest speakers will explain and contextualize what we know about CDR/NETS options, as well as the research necessary to thoroughly assess the technical, legal, and social considerations of CDR technologies as a potential element of a climate response portfolio. [Please register here.](#)

### **INECE Discussion Series on ESIA and Enforcement in Transboundary and Regional Contexts**

Date: Wednesday, 2 May 2018

Time: 9:00 am - 10:15 am EDT

For those who have already registered for the event, we still have your responses recorded, and we look forward to your participation.

This event is the second session of a four-part Discussion Series, "Connecting Environmental and Social Impact Assessment (ESIA) with Compliance and Enforcement," hosted by ELI in its role as INECE Secretariat. This webinar-based event runs from April 17-May 16, 2018.

These conversations will bring together experts and practitioners to discuss best practices for aligning ESIA with compliance and enforcement. Confirmed speakers include representatives from the World Bank, Inter-American Development Bank, the Brazilian Institute of Environment and Renewable

Natural Resources (IBAMA), and the Asian Environmental Compliance and Enforcement Network.

For registration details, please view the [full announcement](#) and send any additional questions to the [INECE Secretariat](#)

### **CMCC Webinar "Mapping Innovation: A Global Outlook of Climate Services"**

Date: Tuesday, 17 April 2018

Time: 12.30 pm CEST

In 2015, the European Commission identified Climate Services as tools capable of improving resilience to climate change. The growing interest behind their development and use has led to significant efforts in the research arena: number of social science fields, spanning from sociology to economics, have effectively complemented the work of meteorology, climatology and physical sciences. This webinar presents the preliminary results of a study aimed at mapping research in the field of Climate Services through Network Analysis and Bibliometrics. Using publications records from Scopus database for the period 2000-2018, we present the network of authors, actors and institutions producing research on Climate Services, exploring the contribution of the diverse disciplines in filling the knowledge gaps and pushing the research frontier forward. Given the work in progress nature of the work, every feedback is mostly welcome.

For further information, please visit the [webinar web page](#) or [email](#)

## **NEWS**

### **National**

#### **Environmental: Draft mine rehabilitation rules slammed**

"Draft regulations by the Department of Environmental Affairs (DEA) that seek to reduce the financial provision for mining rehabilitation to a period of three years are 'hopelessly inadequate'. A Saturday Star report says this is the assertion of a group of civil society and community-based organisations that includes the Centre for Environmental Rights, WWF-SA, the Federation for a Sustainable Environment and the Mining and Environmental Justice Community Network of SA. In their comments on the amended draft regulations pertaining to financial provision for prospecting, mining exploration or production operations, the organisations describe the three-year period as completely arbitrary. The 2015 Financial Provision regulations obliged mining firms to allocate financial provisions that would cover 10 years of rehabilitation after mining activity had stopped. The 2015 regulations, which the organisations hailed as a 'much-needed improvement on the previous regulatory system for financial provision under the Mineral and Petroleum Resources Development Act and its regulations, were challenged by the mining industry. 'The proposed period of three years for "available" financial provision is completely arbitrary and does not take into account the variability of the time it may take to rehabilitate and close a mine, let alone the period for which residual effects are likely to persist,' read the organisations comments. As toxic acid mine drainage is the most obvious of residual environmental impacts, 'a much longer period – at least 20 years – is required'. 'The explanation given by the DEA for reducing the 10-year period to

three years is that committing (financial provision) for 10 years upfront will have negative financial impacts on a company.”

Full Saturday Star report (subscription needed) *Legalbrief Today* 9 April 2018

**General: Gupta mine sales on track, despite litigation**

“Louis Klopper – one of two business rescue practitioners for the Gupta-owned mines – believes they could be sold in the next three months despite ensuing court battles seeking to stifle their functions. ‘The selling of mines should take place, I am estimating, in three months. The business owners are not involved in the process as the administration and management of the mines is under business rescue practitioners,’ Klopper said. The Mercury reports the Optimum and Koornfontein mines have entered into a 12 months management agreement with the Burgh Group Holdings. Klopper said they resorted to the 12 months management agreement as it included banking facilities. He said the practitioners would have to sell the mines before the end of the 12-month agreement. ‘Over the 12 months period of the management agreement, those who are interested in buying the mines will be invited. It will be an open process to every interested party,’ Klopper said. However, the report notes the practitioners’ efforts to rescue the Gupta mines could be fruitless as they are faced with court battles from all fronts. Klopper insisted that they would forge ahead with the process of selling the mines, and warned that if the court found against them, they will have no choice but to liquidate the companies.”

Full report in The Mercury (subscription needed) *Legalbrief Today* 12 April 2018

**General: Timber company censured for felling indigenous trees**

“The state has stepped in to stop a private timber company from allegedly exploiting an indigenous and protected forest in the Eastern Cape. A report in The Star notes that Minister of Agriculture, Forestry and Fisheries Senzeni Zokwana told Parliament he has instructed the Amathole Forestry Company (AFC), a sister business to Rance Timber, to stop destroying parts of the Zingcuka State Forest in Keiskammahoek. Rance Timber supplies groups such as Cashbuild, Build it and Builders Express, all of which have branches nationwide. A beneficiary of the state’s 1998 decision to privatise some of its forests, the company has a 70-year lease. However, it was barred by legislation from harvesting timber in the indigenous forest. The state-owned forest AFC was accused of exploiting was located adjacent to its leased plantation. ‘The department is aware of the destruction caused by AFC when clear felling/harvesting one of the compartments,’ Zokwana said. ‘AFC has been instructed to stop the destruction and ... the department is quantifying the extent of damage caused to the indigenous forests in order to determine the cost of rehabilitation which will be paid by AFC,’ he explained. AFC’s managing director Chris Rance denied his company was destroying the indigenous forest. He, however, blamed a group of Rance Timber’s employees. Rance said these employees harvested trees at the protected forest without management’s knowledge. ‘The employees acted on their own accord without management’s knowledge and violated company procedures. They have been duly sanctioned,’ he added.”

Full report in The Star (subscription needed) *Legalbrief Environmental* 10 April 2018

Menon S “Economists predict charter will fuel investment boom in mining sector” [Business Day](#) 13 April 2018 [*Legalbrief Today* 14 April 2018]

Burkhardt Paul “Contract to manage Gupta mines goes to Quinton van der Burgh’s company” [Business Day](#) 12 April 2018

## International

Watts J “Make half of world more nature-friendly by 2050, urges UN biodiversity chief” [The Guardian](#) 13 April 2018

Court rejects challenge to salmon farm near Tasmanian world heritage area” [The Guardian](#) 12 April 2018

Smee B “Tree clearing, not urban sprawl, wiping out koalas in Queensland, WWF says” [The Guardian](#) 9 April 2018

Koltonowski Austin “Massachusetts top court rejects Exxon's attempt to ban climate change probe” [The Jurist](#) 13 April 2018

Slobe E “New Jersey lawmakers approve zero emission certificates for nuclear power plants” [The Jurist](#) 13 April 2018

Khumalo K “Production in mining above expectations” [IOL](#) 15 April 2018

“Poland to spend \$8.8bn on clean heating to fight smog” [News24](#) 13 April 2018

Alfreds D “Rural North West school gets green electricity” [News24](#) 13 April 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

#### **Right to Protest Attorney University of the Witwatersrand**

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

Closing date: 30 April 2018

For more information click [here](#)

#### **University of the Western Cape: Senior Lecturer in Private Law**

Closing date: 7 May 2018

Click [here](#) for more information

#### **University of the Western Cape: Associate Professor in Private Law**

Closing date: 7 May 2018

Click [here](#) for more information

**Independent Contractor (IC) Lecturer - Media Law and Ethics Rosebank College**

Closing date: 11 May 2018

Click [here](#) for more information

**Labour Lawyer Shepstone & Wylie**

Click [here](#)

**Department of Justice and Constitutional Development**

Court intermediaries (4 positions)

The DOJ&CD is an equal opportunity employer. In the filling of vacant posts the objectives of section 195(1)(i) of the Constitution of South Africa, 1996 (Act No: 108 of 1996), the Employment Equity imperatives as defined by the Employment Equity Act, 1998 (Act No: 55 of 1998) and relevant Human Resources policies of the Department will be taken into consideration. Reasonable accommodation shall be applied for People with Disabilities including where drivers license is a requirement.

Click [here](#)

**Fasken Bursary Opportunity**

Undergraduate and post-graduate LLB students

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**Candidate Attorney Required With Completed Practical Legal Training – Western Cape Southern Districts**

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**International**

**Research Fellow (Mining Governance) (Re-Advertised)**

Job no: 0044319

Work type: Fixed Term

Location: Parkville

School of Geography Faculty of Science

Salary: \$69,148 - \$93,830 p.a. (Level A PhD entry level \$87,415 p.a.) plus 9.5% superannuation

Click [here](#)

**[Tenure-Track Professor/Associate Professor/Assistant Professor in Climate Change](#)**

University of Hong Kong, Department of Geography

**[2 year Postdoctoral positions on Great social challenges](#)**

Lund University, Faculty of Social Sciences

### **ECOLEX-gateway to environmental law seeks collaboration with legal experts**

We turn to you in your capacity as highly recognized expert and lecturer in environmental law hope that you can help us in our endeavors to strengthen [ECOLEX](#)-the gateway to environmental law.

ECOLEX is the most comprehensive global information platform on national and international environmental and natural resources law jointly operated by IUCN, FAO and UN Environment. Up till March 2018, it includes extensive information on multilateral and bilateral environmental treaties (2,170), treaty decisions (11,674), national legislation (147,160), law & policy literature (39,383) and jurisprudence (2,356) freely accessible in three languages: English, French, and Spanish. In 2017, almost 800,000 sessions and 1.5 million page were viewed, indicating that ECOLEX is an attractive and useful knowledge tool which reaching a wide audience of students, lawyers, civil society and policy makers worldwide.

The ECOLEX management unit at the IUCN Environmental Law Centre (ELC) makes special efforts to support UN Environment, the data custodian of the ECOLEX jurisprudence data set, in identifying relevant environmental court decisions from your country or region as well as international ones. For each court decision which you provide please arrange for /help to fill out the ECOLEX template attached and if possible submit the full text of the court decision either in a pdf or other adequate format and/or provide a link to the respective website. Your contribution will be acknowledged in the respective ECOLEX record e.g. with the name(s) of contributor(s) and the associated institution.

Furthermore we would greatly appreciate if you could help us to identify other qualified legal professionals who would be willing to contribute additional court decisions and related materials -- such as the national laws used in the case and literature articles commenting the case (only from the copy-right owner).

Please [email](#) your contribution

### **Call for Expressions of Interests: the UN QIAO Plan on Climate Change and Nature Conservation**

The United Nations QIAO Plan on Climate Change and Nature Conservation is calling for Expressions of Interests now. The QIAO Plan was jointly launched by the United Nations Office for South-South Cooperation (UNOSSC) and the Beijing Qiaonyu Foundation in January 2018. It is the first major non-State pledge of contribution following the entry-into-force of the Paris Agreement.

The QIAO Plan will make available an initial amount of RMB 85 million (approximately \$13.5 million) between 2018 and 2023 to support projects in developing countries on climate change and nature conservation.

For more information on how to apply click [here](#)

### **Fulbright Foreign Student Programme (2019) M and PhD**

Closing date: 22 April 2018

Click [here](#)

### **International Postgraduate Programme (TIPP)-2018**

Degree: [MSc in in Sustainable Energy Management](#)

Closing Date: 8 June 2018

Click [here](#)

## **L'ORÉAL-UNESCO for Women in Science: 2018 Fellowship Programme**

Degree: Life Sciences or Physical Sciences

Closing date: 30 April 2018

Click [here](#)

### Upcoming Scholarships

- Hungarian Government Scholarship 2019
- Kader Asmal Fellowship Ireland –Masters 2019
- Swedish Institute Study Scholarship – Masters 2019
- Australia scholarships - 2019

Members of the Environmental Law Association may subscribe to

*Legalbrief Environmental*

and the

*South African Journal of Environmental Law and Policy.*

Discount available for ELA members.

## ELA NEWSLETTER 16

20 April 2018

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### BILLS

Draft Merchant Shipping Bill, 2018 - for comment

### LEGISLATION

### NOTICES

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 - GN 433 in GG 41581 of 20 April 2018 - Proposed prohibition notice regarding the use of Colistin as a farm feed or stock remedy - for comment

Agricultural Product Standards Act 119 of 1990 – Gen Notice 186 in GG 41581 of 20 April 2018 - Standards and requirements regarding control of the export of avocados amended with effect from seven days after publication

National Environmental Management Act 107 of 1998 - GN R452 in [GG](#) 41584 of 20 April 2018 - Financial Provisioning Regulations, 2015 amended

National Environmental Management Act 107 of 1998 – Gen Notice 197 in [GG](#) 41581 of 20 April 2018 - Department of Tourism First Edition Environmental Implementation Plan (EIP) 2015–2020

Promotion of Access to Information Act 2 of 2000 – Gen Notice 189 in GG 41581 of 20 April 2018 - Submission of description in terms of s. 15 (1) by the Swartland Municipality

Protected Disclosures Act 26 of 2000 – Gen Notice 187 in [GG](#) 41581 of 20 April 2018 - Draft Regulations Relating to Protected Disclosures, 2018 – for comment

### PROVINCES

#### Western Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LANs 55701-55724 in PG 7912 of 9 April 2018 - Saldanha Bay Local Municipality - Air Quality By-Law; By-Law Relating to Boundary Walls and Fences; Cemeteries and Crematoria By-Law; By-Law; Debt Collection and Indigent Support By-Law; Electricity Supply By-Law; By-Law Relating to Events; Fire Safety By-Law; By-Law Relating to House Shops;

Informal Trading By-Law; Integrated Waste Management By-Law; Outdoor Advertising and Signage By-Law; Pounds By-Law; By-Law relating to the Submission of Building Plans; By-Law relating to Public Nuisances; Storm Water Management By-Laws; and By-Law relating to Water Supply, Sanitation Services and Industrial Effluent

Disaster Management Act 57 of 2002 – LAN 55732 in *PG 7913* of 13 April 2018: Drakenstein Local Municipality - Extension of the declaration of a local state of drought disaster (hydrological and agricultural)

National Environmental Management: Protected Areas Act 57 of 2003 - PN 56 in *PG 7916* of 20 April 2018 - Declaration Protected Environment: Moutonshoek Protected Environment

National Heritage Resources Act 25 of 1999 - LAN 55768 in *PG 7916* of 20 April 2018 - Heritage Western Cape - Provisional protection of Heritage Resources as Provincial Heritage Site: Erf 151832, The River Club, Corner Liesbeeck Parkway and Observatory Road, Observatory, Cape Town

National Heritage Resources Act 25 of 1999 - LAN 55769 in *PG 7916* of 20 April 2018 - Heritage Western Cape - Provisional protection of Heritage Resources as Provincial Heritage Site: Cape Farm 738 and 767 'Jobs Vlei and Ohlhoff Farm', Philippi, Cape Town

Disaster Management Act 57 of 2002 - LAN 55754 in *PG 7916* of 20 April 2018 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of disaster as a result of devastating fires in the Imizamo-Yethu informal settlement situated in Hout Bay for a further one-month period from 28 April 2018 until 28 May 2018

Disaster Management Act 57 of 2002 - LAN 55755 in *PG 7916* of 20 April 2018 - City of Cape Town Metropolitan Municipality - Extension of declaration of a local state of drought disaster from 20 April 2018 to 20 May 2018

Constitution of the Republic of South Africa, 1996 - LAN 55767 in *PG 7916* of 20 April 2018 - Mossel Bay Local Municipality - Amendment to By-law relating to Public Nuisances as published in *PG 6688* of 18 January 2010

## **Northern Cape**

Spatial Planning and Land Use Management Act 16 of 2013 – Gen Notice 49 in *PG 2176* of 16 April 2018 - Khai-Ma Local Municipality – Notice of intention to compile a Land Use Management System (Zoning Scheme, Land Development Procedures and Regulations - LUMS) - for comment

## **Eastern Cape**

National Environmental Management: Protected Areas Act 57 of 2003 – PN 70 in *PG 4030* of 13 April 2018 - Intention to declare Nature Reserves and Protected Environments: Indalo and Buffalo Kloof Protected Environments; Kromensee Nature Reserve and Sand River Private Nature Reserve - for comment

Spatial Planning and Land Use Management Act 16 of 2013 - PN 74 in PG 4031 of 16 April 2018: OR Tambo District Municipality: Notice of review of the Draft Spatial Development Framework (SDF), 2017/18 - for comment

## **Gauteng**

Spatial Planning and Land Use Management Act 16 of 2013 and Spatial Planning and Land Use Management Regulations Land Use Management and General Matters, 2015 - PN 394 in PG 107 of 18 April 2018 - - Emfuleni Local Municipality - Establishment of the Emfuleni Municipal Planning Tribunal and notice of commencement of consideration of applications by the Emfuleni Municipal Planning Tribunal (EMPT)

## **Mpumalanga**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 24 in PG 2917 of 20 April 2018 - eMalahleni Local Municipality - Municipal Management and Control of Informal Settlements By-law

## **CASES**

### **National**

*S v Blignaut and Others* 2018 (1) SACR 587 (ECP)

Conservation - Fishing—Abalone—Sentence—Accused, foreign nationals, working on farm where abalone processed—At time of arrest, 37 356 units of abalone on farm—Accused offering to pay for own deportation—Accused each sentenced to total of 13 years' imprisonment, totally suspended for five years.

*Umgungundlovu District Municipality v Amaraka Investments 37 (Pty) Limited and Others* (1145/2017P) [2018] ZAKZPHC 10 (11 April 2018)

[3] The applicant is a District Municipality as well as Water Services Authority in terms of the Water Services Act 108 of 1997 and, as such, responsible for the provision of water and sanitation in its area of jurisdiction. The provision of services by a municipality is dealt with in s 76 of the Local Government: Municipal Systems Act 32 of 2000 ("the Municipal Systems Act"). What is envisaged in the section is that the municipality will either provide the service itself through an internal mechanism as dealt with in s 76 (a) or through an external mechanism which involves entering into a service delivery agreement as contemplated by s 76 (b).

[6] The following facts are generally not disputed. On 31 October 2011 the applicant and the first respondent concluded the Service Level Agreement (annexure "A1") in respect of a medical center that was to be built in Hilton, now known as Hilton Life Private Hospital, the second respondent. The services agreement relates to bulk services and, relevant for the purposes of the present application, this included sewage services for the interim infrastructure and for the supply of the services relating thereto and for payment thereof.

## International

Judgment in *Commission v Poland (Białowieża Forest)* Case C-441/17 [Court of Justice](#) of the European Union 18 April 2018

“The forest management operations concerning the Puszcza Białowieska Natura 2000 site that have been undertaken by Poland infringe EU law.”

See also [Blogs](#)

## PUBLICATIONS

Chauhan R “The constitutional and statutory obligations of private companies regarding requests for access to information” 2018 1 *TSAR* 197ff

Calzadilla Villavicencio P “Human rights and the new sustainable mechanism of the Paris Agreement: A new opportunity to promote climate justice” 2018 21 *PER*

Paterson A “Maintaining the ecological flows of estuaries: A critical reflection on the application and interpretation of the relevant legal framework through the lens of the Klein River Estuary” 2018 21 *PER*

Knobel JC “The Harpy Eagle and the Amazon rainforest in Brazilian federal law – thoughts on environmental law and the conservation of birds of prey and their habitat” 2017 50(2) *De Jure* 204ff

Samuel OM and Mqomboti S “Developing an Integrative CSR Model: Imperative for Cultural and Consultative Dimensions” 2017 18 [Journal of Business](#)

IRENA “Global Energy Transformation: A Roadmap to 2050” ([Report](#) April 2018)

IRENA “Renewable Energy Policies in a Time of Transition” ([Report](#) April 2018)

McNab Greg and Du Plessis Wildu “Key highlights from the Investing in African Mining Indaba 2018 – mining” 2018 [Without Prejudice](#) 18(3):40-41

Tucker MA, Böhning-Gaese K, Fagan WF, et al “Moving in the Anthropocene: Global Reductions in Terrestrial Mammalian Movements” 2018 *Science* 359(6374): 466-469 <https://doi.org/10.1126/science.aam9712>

World Bank “Water-Scarce Cities: Thriving in a Finite World” ([Report](#) April 2018)

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[Webber Wentzel](#): “Mining employers required to review and amend mandatory code of practice on exposure to airborne pollutants” 18 April 2018

[The Conversation](#): Warchol G “Abalone poaching: lifting the lid on why, how and who” 15 April 2018

[The Conversation](#): Shirley R “Millions of urban Africans still don't have electricity: here's what can be done” 19 April 2018

[The Conversation](#): Cousins S “Invasive alien plants in South Africa pose huge risks, but they can be stopped” 18 April 2018

[The Conversation](#): Olugboji Tolulope “How scientists listening to the earth can unlock Africa's many riches” 18 April 2018

[Science](#): Heller M “U.S. agencies clash over who should regulate genetically engineered livestock” 19 April 2018

[Science](#): Kintisch “Rooftop sensors on U.S. embassies are warning the world about ‘crazy bad’ air pollution” 19 April 2018

[Science](#): Kokstadt E “Logging in Europe’s primeval forest ruled illegal” 18 April 2018

[IISD](#) ENS Bulletin: Organizational Meeting for the Intergovernmental Conference on an International Legally Binding Instrument under the UN Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction 16-18 April 2018 | UN Headquarters, New York

[IRENA](#): “Powerful New Policy Options to Scale Up Renewables in New IRENA, IEA, REN21 Report” 18 April 2018

[Video](#): “Why We Need Landscape Connectivity”

Valls-Fox H “Water and Cattle Shape Habitat Selection by Wild Herbivores at the Edge of a Protected Area” 2018 [Animal Conservation](#)

Perrotton A “My Cattle and Your Park: Codesigning a Role-Playing Game with Rural Communities to Promote Multistakeholder Dialogue at the Edge of Protected Areas” 2017 [Ecology and Society](#) 22(1):35

[SDG Knowledge Hub](#): “An End to Electronic Waste – Building the E-waste Coalition” 17 April 2018

[SDG Knowledge Hub](#): Ledaba AM “Sustainable Development Financing Report Pulls Alarm on Short-Termism” 16 April 2018

World Bank “Water” [website](#)

[CREDC](#) “Umon Island and Bagana Community in Nigeria Receive Electricity Supply from Solar Mini Grid Facility” 14 April 2018

[IISD ENS](#): Second Meeting of the Sustainable Ocean Initiative Global Dialogue with Regional Seas Organizations and Regional Fisheries Bodies on Accelerating Progress Towards the Aichi Biodiversity Targets and Sustainable Development Goals – 10-13 April 2018 Seoul, Republic of Korea

[Daily Maverick](#): Yelland C “Inside the ‘coal supply emergency’ at Eskom” 16 April 2018

[Daily Maverick](#): Nicolson G “Community to have its day in court, but Mantashe warns of the impact on the economy” 19 April 2018

[The Jurist](#): Offutt “Supreme Court hears arguments on tribal fishing rights” 19 April 2018

[Mail & Guardian](#): Njeru TN and Wainaina P “Key challenges for Kenya in big push to reduce post—harvest losses” 16 April 2018

[The Guardian](#): McCurry J “Japan’s renewable energy puzzle: solar push threatens environment” 19 April 2018

[The Guardian](#): Smee B “Great Barrier Reef: 30% of coral died in 'catastrophic' 2016 heatwave” 18 April 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **Imbewu Workshop: NEM: Waste Act**

Date: Friday 4 May 2018

Time: 08:30-16:00

Place: Inthaka Island Eco Centre, Century City, Cape Town

Contact [Lulu](#) or [webpage](#) or phone 011 214 0660

#### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-02.1.1a Introduction to environmental law (3 days)**

Date: 22 - 24 May 2018 (Gauteng)

- **CEM-03.1.1 Environmental management systems**

Date: 21 - 25 May 2018 (Potchefstroom)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged

Contact: (018) 299 2714 / [email](#) / [website](#)

#### **National Wetlands Indaba 2018: Drylands and Wetlands: connecting and managing heterogeneity across landscapes**

Dates: 8 – 11 October 2018

Venue: Mittah Seperepere Convention Centre, Kimberley, Northern Cape

Website will be available in a few weeks

Contact for more information: The Secretariat: [Kruger & Associates](#) or +27 28 316 2906

#### **CBSS Training Workshops: Integrated Water Resource Management**

**UPDATED Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans**

- **Durban**

Date: 31 July - 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 4-6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

**Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Durban**

Date: 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## **International**

### **Call for Papers INGILAW Symposium: Geoengineering: New Environmental Paradigm, New Legal Paradigm?**

Dates: 11–12 October 2018

Venue: Rennes, France: Western Institute of Law and Europe (IODE) CNRS – Rennes University

Correcting ocean acidification, removing CO<sub>2</sub> from the atmosphere, managing solar radiation, restoring wetlands or developing agricultural production methods that use the functions of the ecosystem to correct the anthropogenic impact on the environment; all of these projects can be brought together under the umbrella term of “geoengineering”. Also known as environmental engineering, it deals with intentional modifications of the environment by techniques and/or practices, implemented or planned, to rectify the impact on the environment caused by human activities. It is effectively a matter of “manipulating” the environment to counter the impact on nature of human interference. The two main target areas are the climate and ecosystems.

What legal foundations currently allow, prohibit, organise or supervise the development of these techniques, mostly little more than ideas or technological innovations so far? Some legal provisions in national and international instruments are paving the way for this new paradigm, such as the concept of “carbon neutrality” or “the capture and storage of CO<sub>2</sub> emissions”, or the growing number of “wetlands restoration” practices. The Environmental Modification Convention, formally the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD convention) is likely to cover geoengineering for such purposes. In 2008, the members of the International Maritime Organisation voted for a ban on ocean fertilisation in international waters, except for the purpose of “legitimate and small-scale scientific research”. The Convention on Biological Diversity, adopted in 1992, was supplemented in 2010 by an instrument prohibiting the use of climate engineering techniques, although it is not binding. More recently, the Paris Agreement on climate change adopted in 2015 and the 2016 French Law on the protection of biodiversity tacitly attest to the development of this geoengineering logic in politics and stakeholder interactions at different levels.

As well as positive law, the aim of the symposium is to explore the new challenges and directions of environmental law facing with geoengineering, enhanced by an interdisciplinary approach centred around the human and social sciences. At the time of a new environmental shift, the Anthropocene, the growing interest in environmental engineering encourages us to consider the purpose of environmental law. Is the law focusing on the planet, humanity or both, and how are they combined? What are the preferred approaches, and what are their objectives? This raises questions on the function of geoengineering and how it relates to the objective of conservation and the objective of quality environmental law. Is the legal discipline still essentially

preventive? Does it encourage a rationale of sanctuary at the interface of artificialisation and the management of environmental resources? Will there be a place for the current rationale favouring the sequence: prevent, reduce, compensate? In regard to geoengineering, is the law's role to define limits to these practices and/or to monitor and support the development of these techniques? What are the frameworks within which the rules are or can be adopted? What accountability mechanisms can be deployed at different levels? What planning will be necessary?

The concept of environmental justice is certainly key, bound to the present and to future generations. Thinking about geoengineering also leads one to consider the legal consequences of this new relationship with the environment in the choice of suitable tools, and more generally in the quest for a coherent and consistent response, e.g. in regard to the principles of sustainable development and environmental integration. In some areas, it could take the form of a return to nature (agriculture), while in others it manifests itself as a planetary issue (climate change), or even as a local response to be adapted to current needs (wetlands restoration).

The time-related foundations of the law are also questioned: a law of early intervention or a law of recovery, a law capable of adapting while offering an element of legal predictability? In regard to the principle of legal certainty, how can the law be conceived and constructed so that it can evolve in support of these technological developments? The spatial foundations appear to be characterised by the potential globalisation of the impact of damage to the environment and of corrective measures. How can this combination of local and global levels shape the governance options for ecological and climate engineering? And how can the techniques and knowledge concerning tools be combined? In view of these manipulations of nature, how can we combine our professional and scientific knowledge with indigenous, local and empirical knowledge? How can geoengineering be reconciled with the environmental ethics of the indigenous people and local communities? Locally and globally, how are these cultures, especially legal cultures, affecting how these technological "innovations" are received?

The papers can explore the lines of thinking referred to above or address new questions.

This call is open to academics from various disciplines and backgrounds (French law, comparative law, European law, international law, private and public law), as well as to other social and human sciences, and to the practitioners (company lawyers, research bodies and NGOs in particular).

#### *Response procedures*

Proposed contributions (1 page maximum), accompanied by a short CV, must be in electronic format (Word or PDF) in French or English.

They should be [emailed](#), no later than 30 May 2018.

The proposals will then be sent to the scientific committee for a two-fold evaluation. The results will be communicated on 30 June 2018.

The symposium will be held in French and English, without simultaneous translation.

Travel and accommodation costs are payable by the contributors to the symposium. Authors should send their written contributions for publication of the acts no later than 1 February 2019.

### **Wildlife Disease Association (WDA) 67th Annual International Conference**

Place: St. Augustine, Florida, USA

Date: August 5-10, 2018

This conference provides an interdisciplinary setting for wildlife health, conservation and management practitioners from around the world to exchange ideas, share best practices and give formal presentations on the latest in wildlife health. WDA includes many different professional specialties and you do not need to be a WDA member to participate. All interested individuals are invited to attend. Students also play a prominent role in the conference, with an entire day dedicated exclusively to student presentations. WDA encourages student participation, sponsoring several conference travel grants and student awards including two scholarships, a research recognition travel award, a best student presentation award, and a best student poster award. For more information, including how to register, see [here](#) or [email](#)

### **Planetary Health Alliance 2nd Annual Meeting, University of Edinburgh, Scotland**

Dates: 29-31 May 2018

Place: Edinburgh, UK

Building on the successful 2017 [inaugural Planetary Health Meeting](#) in Boston, the goal of the second Planetary Health Annual Meeting in Edinburgh is to bring together new communities around the world to stimulate interdisciplinary and intersectoral collaboration towards ground-breaking [solutions to major planetary health challenges](#). Our objective is to examine how the health impacts of various global environmental changes manifest in regional settings, and to highlight emerging responses to planetary health issues. We aim to engage with researchers, policy makers, planners and local communities who experience these planetary health impacts to progress tailored policies built on action-focused research and innovations across sectors. For more information, including how to register, see [here](#) or [email](#).

### **II TRAMEREN International Conference on Frontiers in Ocean Environmental Governance: Private Actors, Public Goods**

Dates: 17 and 18 September 2018

Place: University of Copenhagen, Committee Room 3 / Udvalgsværelse 3, Nørregade 10, DK-1165 Copenhagen

If you have any questions concerning the call, you are welcome to contact Assistant Professor [Beatriz Martinez Romera](#).

You may read more about the conference [here](#).

## **NEWS**

### **National**

Kahn T "More payouts to injured miners after reforms" [TimesLive](#) 19 April 2018  
[Source Legalbrief 20 April 2018]

### **Legislation: MPRDA Bill process grinds slowly through NCOP**

"Although Mineral Resources Deputy Minister Godfrey Oliphant would like to see the NCOP's Land and Mineral Resources Committee conclude its work on a 'D' version of the Mineral and Petroleum Resources Development Amendment Bill by the end of this month, this seems unlikely. Yesterday, members continued the

time-consuming exercise of considering and voting on every amendment proposed in each of the nine provincial negotiating mandates before them – which, although reassuringly thorough, is nevertheless proceeding at a snail's pace. Meanwhile, according to the Deputy Minister, by the end of this week his department hopes to announce its response to a recent High Court declaratory order (Business Day) recognising the continuing consequences of previous black economic empowerment ownership transactions. This is noting the order's implications for ongoing negotiations on a revised mining charter."

Read full report in *Legalbrief Policy Watch* 18 April 2018

Mabuza E "Gupta-owned mine rehabilitation funds case postponed to May 31" [BusinessLive](#) 19 April 2018

## **International**

"Bipartisan Group of Thirteen States urges EPA not to repeal the Clean Power Plan" [George Town Climate Centre](#) 17 April 2018

"Anglo American fined \$21m for Brazil pipeline leaks" [Mining Weekly](#) 11 April 2018 [Source Legalbrief Environmental 17 April 2018]

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

#### **University of Pretoria: Lecturer / Senior Lecturer / Associate Professor (Three posts)**

Modules: Specialising in Tax Law and/or Social Security Law and/or Aspects of Financial Law (e.g. Insurance Law, FAIS, FICA, Financial Regulation et cetera) and/or Transnational Business Law (International Trade Law).

Closing date: 15 May 2018

Click [here](#)

#### **University of Cape Town: Lecturer: Taxation**

Closing date: 14 May 2018

Click [here](#)

#### **University of Limpopo: Associate Professor/ Professor X5: Department of Jurisprudence, Legal Pluralism, Criminal Law and Procedure; Department of Mercantile and Labour Law; Department of Private Law and Department of Public and Environmental Law**

Closing date: 4 May 2018

Click [here](#)

#### **University of Johannesburg: Professor (5 year contract) in International Law, International Criminal Law, Environmental Law and International Human Rights Law**

Closing date: 11 May 2018

Click [here](#)

**University of Johannesburg: Professor/ Associate Professor in Labour law, Law of Contract, Procedural Law or Cyberlaw**

Closing date: 11 May 2018

Click [here](#)

**Varsity College: Independent Contractor Law**

Fields of specialisation: Environmental Law or € Electronic and Internet Law or € Law of Third Party compensation or Instruments of Payment Law or Law of Succession & Administration of Estates

Closing date: 13 May 2018

Click [here](#)

**Varsity College: Independent Contractor B Com Law**

Fields of specialisation: Law subjects

Closing date: 13 May 2018

Click [here](#)

**University of the Western Cape: Senior Lecturer/Associate Professor Private law**

Closing date: 7 May 2018

Click [here](#) and [here](#)

**Deloitte: Risk Advisory – Governance, Risk & Regulatory – Legal Research Consultant**

Closing date:

Click [here](#)

**Candidate Attorney Required Southern Suburbs, Western Cape**

Click [here](#)

**Head of Research – Head Office (Level 13) – Permanent position**

Kindly submit a one page cover letter and [email](#) your CV by 15h00 on 30th April 2018. Please note that candidates may be required to undergo competency assessments and subject themselves to security clearance procedures. Only shortlisted candidates will be invited for interviews. Drivers licence is a must. The Commission reserves the right not to make this appointment. Appointment will be done in line with the Commission's Employment Equity Plan. The Commission welcomes applicants with disabilities. If you do not hear from us within three months from the closing date, please consider your application to be unsuccessful.

**International**

**IUCN Environmental Law Centre: ELC internship programme for second half of 2018**

If you know of any currently enrolled advanced law students who may be interested, please ask them to [email](#) us. Further information and the application forms are available [here](#).

We are especially seeking Spanish speaking candidates having interest/experience in the law related to water, climate change, biodiversity.

Please note that proof of enrollment at a University, valid for the period of the internship, is a requirement.

**Bursary: Italian Government**

Fields: Master's, PhD research under academic supervision

Closing date: 30 April 2018

For more information click [here](#)

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[\*Legalbrief Environmental\*](#)  
and the  
[\*South African Journal of Environmental Law and Policy\*](#).  
Discount available for ELA members.

## ELA NEWSLETTER 17

27 April 2018

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### LEGISLATION

#### NOTICES

Promotion of Access to Information Act 2 of 2000 – Gen Notice 204 in GG 41593 of 26 April 2018 - Submission of description in terms of s. 15 (1) by the uMhlathuze Municipality

### PROVINCES

#### Northern Cape

Spatial Planning and Land Use Management Act 16 of 2013 – Gen Notice 51 in PG 2177 of 23 April 2018 - Dawid Kruiper Local Municipality - By-law on Land Use Management

#### Free State

National Environmental Management: Protected Areas Act 57 of 2003 - PN 9 in PG 9 of 26 April 2018 - Declaration of various properties in the Free State to be part of the Ingula Nature Reserve

#### Gauteng

Nature Conservation Ordinance 12 of 1983 – Gen Notice 612 in PG 113 of 23 April 2018 - Open Season: Ordinary Game

### PUBLICATIONS

Mauger R “Forced nuclear energy reactors shutdown in France: the Energy Transition Act’s mechanisms” 2018 *The Journal of World Energy Law & Business* <https://doi.org/10.1093/jwelb/jwy011>

IUCN “Green Bonds and Integrated Landscape Management” ([Report](#) 2018) [Source: National Biodiversity and Business Network Newsletter - April 2018]

UNEP: “Biodiversity Indicators for Extractive Companies” ([Report](#) 2017) [Source: National Biodiversity and Business Network Newsletter - April 2018]

Worrall L and Scott A “Pioneering power: transforming lives through off-grid renewable energy in Africa and Asia” (Tearfund [Report](#) 2018)

Fischman R *et al* “State Imperiled Species Legislation” 2018 48 [Environmental Law](#)

Fischman R and Barbash-Riley L *Empirical Environmental Scholarship* 2018 44 [Ecology Law Quarterly](#)

Chiba S *et al* “Human footprint in the abyss: 30 year records of deep-sea plastic debris” 2018 [Marine Policy](#)

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

[The Conversation](#): Ritter B “Market forces are driving a clean energy revolution in the US” 20 April 2018

[The Conversation](#): Biggs D *et al* “How to overcome fierce debates about banning all trade in ivory” 25 April 2018

[Eco-Business](#): Kressig A *et al* “Water stress threatens nearly half the world’s thermal power plant capacity” 17 April 2018 [Source: National Biodiversity and Business Network Newsletter - April 2018]

[Business and Biodiversity Campaign](#): “Easy Guide for Biodiversity Criteria in Standards and Labels for the Food Sector” (2018) [Source: National Biodiversity and Business Network Newsletter - April 2018]

[Webber Wentzel](#): “Amendment of the Financial Regulations, 2015: Offshore oil & gas rights holders to comply by February 2024” 24 April 2018

[The Guardian](#): Achakulwisut P “The missing maths: the human cost of fossil fuels” 26 April 2018

[The Guardian](#): Vaughan A “UK needs 6,000 shale gas wells to fill 50% of imports, study says” 25 April 2018

[The Guardian](#): Vaughan A “UK runs without coal power for three days in a row” 24 April 2018

## **CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES**

### **National**

#### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-02.1.1a Introduction to environmental law (3 days)**  
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[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## **Imbewu Workshop: Compliance with and Enforcement of the Waste Act Workshop**

Date: 31 May 2018

Venue: Intakha Island

For more information email [Lulu](#) or phone 011 214 0660

## **NEWS**

### **National**

Uduha J “South Sudan: Malaysia Oil Firm Fights South Sudan Water Poisoning Claims” [AllAfrica](#) 20 April 2018 [Source: Legalbrief Today 25 April 2018]

“Michael Bloomberg pledges \$4.5m to cover US Paris climate commitment” [The Guardian](#) 22 April 2018

“The elephant in the eco-crisis of conservation...” [Traveller24](#) 11 April 2018  
[Source: National Biodiversity and Business Network Newsletter - April 2018]

**General: Activists target magistrates, police linked to syndicates**

“Wildlife activists and prominent people around the world have come together to urge the government to take action against a cabal of magistrates, prosecutors and police officers allegedly working with a criminal syndicate in subverting justice. According to a Sunday Tribune report, it is alleged senior magistrates linked to a syndicate were being paid to let rhino poachers, murderers and rapists go with a slap on the wrist. People operating pyramid schemes were also escaping justice. The allegations surfaced in October when the environmental organisation, Saving the Wild, published the Blood Rhino Blacklist, an alleged ‘syndicate of magistrates and prosecutors protecting not only rhino poachers and kingpins, but murderers and rapists, too’. Saving the Wild is run by activist Jamie Joseph, who ratcheted up the pressure last week, arranging the worldwide publication, via the BBC, of an open letter endorsed by prominent people, including Sir Richard Branson, Jane Goodall, former New Zealand Prime Minister Helen Clark and SA musician Vusi Mahlasela. The open letter was issued by the Washington-based Environmental Investigation Agency. Publication of the letter follows concerns that there has been a political cover-up of these investigations with several key witnesses now fearing for their lives.

The Magistrates’ Commission started investigations into the role of magistrates, including KZN’S Regional Court president, Eric Nzimande, two years ago, according to Joseph. She reportedly told the Sunday Tribune her own investigative team, the Magistrates’ Commission and police, had evidence that Nzimande was allegedly a key role player linked to a rhino poaching syndicate. Nzimande has denied the allegations and that he is being investigated. However, according to the report, Chris Barnard, head of the commission, confirmed the investigations into KZN magistrates, including Nzimande. He said no action had been taken because investigations were ongoing and incomplete. ‘There are presently criminal investigations being handled by the SAPS while we will deal with misconduct allegations.’ Deputy Minister of Justice John Jeffery said the delay in justice being served was not a cover-up. ‘Nobody is above the law. We will act against magistrates who are found guilty of misconduct, as we have done previously,’ he promised, according to the report.”

Full Sunday Tribune report (subscription needed) *Legalbrief Today* 23 April 2018

**Mining: Court to decide on communities right to say no**

“What rights affected communities have to oppose the awarding of mining rights is the question the Gauteng High Court (Pretoria) will be asked to address this week. A Sunday Tribune report notes lawyers for Amadiba Crisis Committee will argue that the community must give its consent before the department can consider granting a mining licence to Australian firm Mineral Commodities Ltd to proceed with heavy minerals mining in the Xolobeni area on the Wild Coast. ‘The Xolobeni community (reportedly represented by 128 subsistence farmers and other residents for the Xolobeni/Ungungundlovu area south of the Wild Coast Sun) is fighting against the loss of its ancestral land, the destruction of the environment, the undermining of their rich agricultural practices, their food sovereignty, the destruction of their safe and peaceful lifestyle, and the enrichment of a few at their expense,’ said Sustaining the Wild Coast (SWC) spokesperson Andrew Bennie. Bennie said SWC had been working with the

Xolobeni community of the Amadiba area in its struggle against the proposed titanium mining and N2 Toll Road for nearly 20 years. He said the people were determined not to be dispossessed of their land and impoverished by mining. 'The 'Right2sayno court case is not only significant for the landowners of Xolobeni. Many other mining affected communities in SA are supporting the case because the Amadiba story is also their story,' said Bennie."

Full Sunday Tribune report (subscription needed) *Legalbrief Today* 23 April 2018

Masondo S The big thirst hits Limpopo as R772m goes down the drain" [City Press](#) 22 April 2018 [Source: *Legalbrief Forensic* 26 April 2018]

### **State capture: Another Gupta VAT refund – this time R89m**

"SARS has for the second time allowed a multimillion-rand VAT repayment claimed by a Gupta-owned business to be paid to a third party, court documents show. Times Select says it has learned that, on 11 April, SARS made a payment of R89m, meant for Optimum Coal Mine, to a third party, a company named In House Wages. The sole director of In House Wages, a business with an address in the Rustenburg suburb of Tlhabane West, is Ashvir Maharaj (34). Contacted on Tuesday, Maharaj reportedly said he had limited knowledge of the company's operations because he had only recently taken over as sole director. He said he had no idea why the money had been paid into his account. The latest payment was made about a month after SARS Commissioner Tom Moyane was suspended. This is the second time SARS has paid a Gupta-linked VAT claim to a third party. According to the VAT Act, SARS may not pay refunds to a third party unless they are linked to the claimant.

Optimum is one of eight Gupta businesses that were placed under business rescue proceedings in February, notes the Times Select report. Maharaj, who is based in Johannesburg, was appointed as a director of the company two days after business rescue commenced. The payment was, however, caught by business rescue practitioners, who immediately approached the Gauteng High Court (Pretoria) on 16 April to have the funds frozen and diverted to the trust account of Smit Sewgoolam Attorneys. The court order, while directing that the funds be diverted back to Optimum, also instructed SARS to provide full details about the transaction, including who at SARS authorised the payment, changed the banking details of Optimum on internal SARS systems and motivated for the payment to be made to In House instead of Optimum. According to Smit Sewgoolam, no official response from SARS had been handed to the firm – despite the order only giving SARS until close of business on 17 April."

Full Times Select report *Legalbrief Forensic* 26 April 2018

Gerber J "Rhino poaching: Police committee says police near national parks should be vetted" [News24](#) 24 April 2018 [Source: *Legalbrief Forensic* 26 April 2018]

### **Environmental: Minister asked to explain inaction on abalone poaching**

"The Western Cape legislature's Agriculture Committee has requested Agriculture, Fisheries and Forestry Minister Senzeni Zokwana to address its members on alleged corruption and inaction in the fight against abalone poaching. According to a report in Die Burger, committee chairperson Beverley Schäfer said the marine anti-poaching unit in the Western Cape had told the legislature that only 44% of complaints lodged in the Overberg district between

2017 and March 2018 were investigated. 'Of the the 127 complaints received, the department responded to only 56. I requested the department and the Minister to explain to us why they do not execute their mandate in the province,' Schäfer is quoted as saying."

Full report in Die Burger (subscription needed) Legalbrief Today 25 April 2018

Mahopo Z "EC community seeks landmark ruling to defend their land against mining upset" [TimesLive](#) 23 April 2018

Postman Z "Community consent is not needed for mining rights, says lawyer" [GroundUp](#) 25 April 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### International

**Natural Justice: Extended: call for a Programme Manager, Extractives and Infrastructure Programme – Senegal and Guinée**

**Closing date:** 6 May 2018

Click [here](#) for more information

Members of the Environmental Law Association may subscribe to

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## ELA NEWSLETTER 18

4 May 2018

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### BILLS

Draft Integrated Planning Framework Bill, 2018 - GN 471 in GG 41610 of 4 May 2018 – comments by **8 May 2018** (no additional [comments](#) will be allowed)

### LEGISLATION

### NOTICES

Petroleum Products Act 120 of 1977 - GN R465 in GG 41603 of 1 May 2018 - Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 2 May 2018

Petroleum Products Act 120 of 1977 - GN R466 in GG 41603 of 1 May 2018 - Amendment of regulations in respect of petroleum products published with effect from 2 May 2018

Petroleum Products Act 120 of 1977 - GN R467 in GG 41603 of 1 May 2018 - Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 2 May 2018

Agricultural Product Standards Act 119 of 1990 - GN 468 in GG 41604 of 4 May 2018 - Standards and requirements regarding control of the export of citrus fruits amended with effect from seven days after publication

National Environmental Management: Waste Act 59 of 2008 - GN 463 in [GG](#) 41601 of 30 April 2018 - Proposed National Health Care Risk Waste Management Regulations, 2018 - for comment

National Environmental Management: Waste Act 59 of 2008 - GN 464 in [GG](#) 41601 of 30 April 2018 - Proposed National Norms and Standards for Validation of the Treatment Efficacy and Operation of a Non-Combustion Treatment Technology Used to Treat Health Care Risk Waste - for comment

## **PROVINCES**

### **Eastern Cape**

Nature and Environmental Conservation Ordinance 19 of 1974 and Problem Animal Control Ordinance 26 of 1957 - Proc 2 in *PG* 4037 of 30 April 2018 - Determination of hunting season, daily bag limits and hunting by the use of prohibited hunting methods, 2018

Nature Conservation Act 10 of 1987 (Ciskei) - Proc 2 in *PG* 4037 of 30 April 2018 - Hunting Seasons - Former Ciskei and Transkei

### **Free State**

Local Government: Municipal Systems Act 32 of 2000 and Local Government: Municipal Finance Management Act 56 of 2003 - PN 10 in *PG* 10 of 4 May 2018 - Nala Local Municipality - Notice of adoption of the draft Integrated Development Plan and Budget for the 2018/2019 financial year - for comment

### **Gauteng**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PNs 416, 418 & 420 in *PG* 123 of 2 May 2018 - Lesedi Local Municipality - Public Health By-Laws; Police Services By-Laws; and Water Supply By-Laws

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 417 in *PG* 123 of 2 May 2018 - Lesedi Local Municipality - Cemetery and Crematoria By-Laws published and previous by-laws repealed

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - Lesedi Local Municipality - PN 419 in *PG* 123 of 2 May 2018 - Solid Waste By-laws

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - Lesedi Local Municipality - PN 421 in *PG* 123 of 2 May 2018 - Signs and Advertising Hoardings: By-laws; and Consolidated by-laws supplementary to the National Building Regulations and Building Standards Act 103 of 1977

### **Kwazulu-Natal**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 32 in *PG* 1949 of 3 May 2018 - Newcastle Local Municipality - Waste Management By-law

## **Limpopo**

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, Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 - LAN 51 in PG 2902 of 4 May 2018 - Agreement for the establishment of a Joint District Municipal Planning Tribunal between Sekhukhune District Municipality and Fetakgomo Tubatse, Makhuduthamaga, Ephraim Mogale and Elias Motsoaledi Local Municipalities

## **Northern Cape**

Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - MN 8 in PG 2178 of 30 April 2018 - John Taolo Gaetsewe District Municipality - Notice of adoption and approval of the revised and amended Spatial Development Framework (SDF)

## **Western Cape**

Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 55775 in PG 7917 of 20 April 2018 - Eden District Municipality - Spatial Development Framework (SDF)

Western Cape Community Safety Act 3 of 2013 - PN 61 in PG 7920 of 26 April 2018 - Invitation to apply for appointment as the Western Cape Provincial Police Ombudsman

## **CASES**

### **National**

*Ragavan and Others v Klopper N.O. and Others* (12897/2018) [2018] [ZAGPPHC](#) 230 (3 May 2018)

“[1] ... Urgent appeal in terms of section 18 of the Superior Courts Act 10 of 2013.”

Rescue practitioners of Oakbay Coal – access to premises

“[14] It is evident that it is in the interest, not only of the employees and creditors of these entities that the affected companies be rescued, but also in the interest of the entire country on which the economy depends. That it is in the public interest for these entities to be rescued, is obvious. It is therefore undisputed that the rescue practitioners in executing their duties are performing a public and statutory duty beneficial to the people of South Africa. If these rescue entities are permitted to carry on the running of their business without the control and authority of the rescue practitioners, it would be, not only highly detrimental to the country, but also unlawful. Therefore, I conclude that there are exceptional circumstances that warrant that the order of 13 April 2018 be put into operation and executed.”

*Eskom Holdings SOC Ltd v Mkhwanazi and Others* (LCC224/2017) [2018] [ZALCC](#) 8 (2 May 2018)

Application for interdict – relocation involved the holding of 89 heads of cattle only – new land holders have more than 200 heads of cattle – cattle is moving into lands of neighbours as well as to be protected wetlands

## International

*Mohamed Ali Baadi and Others v. Attorney General & 7 Others* [High Court](#) of Kenya at Nairobi (No. 22 of 2012) (April 2018) [Provided by Loretta Feris]

1. “This Petition concerns the design and implementation of the Lamu Port-South Sudan-Ethiopia-Transport Corridor project (“the LAPSSET Project”).
2. The LAPSSET Project is a transport and infrastructure project in Kenya that, when complete, will be the country’s second transport corridor.”

Order of the Court:

*I.* That as part of its renewed programme of public participation ordered above, the Project Proponents do include a demonstrably specific programme for consultation with the Petitioners and the other LAMU Island residents about the impact the LAPSSET Project is likely to have on their culture as a distinct indigenous community and how to mitigate any adverse effects on the culture.

*II.* That within one year of today, the Project Proponents design a specific, measurable and actionable Plan in consultation with the Lamu Island residents on how to protect the cultural identity of the region during and after construction of the Lamu Port and mega-city.

*III.* That in its re-consideration of the EIA Licence as ordered above, NEMA satisfies itself that these two components related to the right to culture have been taken into account.

*IV.* That the Project Proponents are directed to file a written report to this Court on the progress made in this regard within six (6) months of today.

*V.* That the government is hereby directed to draw up a Management Plan to preserve Lamu Island as a UNESCO World Heritage Site as requested by various Declarations by UNESCO within one year of today.

*VI.* That the Honourable Attorney General does file a report to this Court on the progress made in drawing up this Management Plan to preserve Lamu Island as UNESCO World Heritage Site within six (6) months of today.”

*St. Bernard Par. Gov’t v. United States* 121 [Fed. Cl.](#) 687, 690-91 (2015) – see [here](#)

Takings case decided 20 April 2018 on appeal from the Court of Federal Claims – property owners sue Army Corps of Engineers for a taking of their property due to flooding from Hurricane Katrina – liability of government due to inaction - “the government cannot be liable on a takings theory for inaction and that the government action in constructing and operating MRGO was not shown to have been the cause of the flooding. This is so because both the plaintiffs and the Claims Court failed to apply the correct legal standard, which required that the causation analysis account for government flood control projects that reduced the risk of flooding. There was accordingly a failure of proof on a key legal

issue. We reverse.” See [background](#) on the case, also click [here](#) and [here](#) [Source: Blake Hudson Envprofessorslist]

## PUBLICATIONS

Reddick Jane and Fundikwa Bridget “Water - 2018 Market Intelligence Report” ([GreenCape](#) 2018)

Takacs D “South Africa and the human right to water: Equity, ecology, and the public trust doctrine 2016 [Berkeley Journal of International Law](#) DOI: <http://dx.doi.org/10.15779/Z388261> [Provided by Andy Blackmore] [Full article available from Secretariat on request]

UN Climate Change “Annual [Report](#) 2017” (May 2018)

Gyamfi Samuel “Renewable Energy and Sustainable Development” in [Sustainable Hydropower in West Africa](#) (Elsevier 2018)

McGarity Thomas *et al* “The Congressional Review Act: The Case for Repeal” ([Report](#) May 2018)

Webb Romany & Wentz Jessica “Human rights and Article 6 of the Paris Agreement: Ensuring adequate protection of human rights in the SDM and ITMO Frameworks” (Columbia Law School [Paper](#) May 2018)

2018 [Impact Assessment and Project Appraisal](#) [Special issue: Global examination of green infrastructure, urban greening concepts and projects – the role of impact assessment]

Bathiany S *et al* “Climate models predict increasing temperature variability in poor countries” 2-18 May [Science Advances](#) 4(5)

Verchick Rob “Can ‘loss and damage’ carry the load?” [The Royal Society](#) 2 April 2018

Craig R “Coastal adaptation, government-subsidized insurance, and perverse incentives to stay,” 2018 [Climatic Change](#)

Keiter Robert B “Toward a National Conservation Network Act: Transforming Landscape Conservation on the Public Lands into Law” 2018 42 *Harv. Envtl. L. Rev.* 61 [article available on request from Secretariat]

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[Politicsweb](#): Jeffery Anthea “Mining vs the environment” 25 April 2018

[EI Sourcebook](#): “Good-Fit Practice Activities in the International Oil, Gas & Mining Industries”

Sabin Law Centre [Climate Law Blog](#): Romany Webb and Jessica Wentz “Human Rights and Article 6 of the Paris Agreement: A New Sabin Center Working Paper” 1 May 2018

Sabin Law Centre [Climate Law Blog](#): Webb R “Carbon Pricing in Wholesale Electricity Markets: An Update on Recent Developments at NYISO” 27 April 2018

Sabin Law Centre [Climate Law Blog](#): Pinto-Bazurco Jose Felix “Peru Passes New Framework Climate Change Law: Top Nine Developments” 26 April 2018

[AutoReportNG](#): “Cleaner Lagos or Cleaner Nonsense? The New Face of Lagos (Photos)” (May 2018)

[The Conversation](#): Foerster A and Peel J “Rio Tinto's climate change resolution marks a significant shift in investor culture” 2 May 2018

[The Conversation](#): Koren Ore “Why blaming conflicts in Africa on climate change is misguided” 1 May 2018

[The Conversation](#): Hornborg A “Why you can't have free trade and save the planet” 30 April 2018

[IISD ENB](#): Bonn Climate Change Conference - April 2018 30 April - 10 May 2018 | Bonn, Germany

[Natural Justice](#): “Submissions on the Energy and Petroleum Bills of 2017 before the National Assembly Energy Committee” Kenya 3 May 2018

[The Conversation](#): Titeca K “Local links across Africa provide key clues to fighting the illegal ivory trade” 3 May 2018

[IISD](#) SDG Knowledge Hub: Mwangi W “UNPFII 17 Adopts Recommendations on Collective Rights to Lands, Territories and Resources” 3 May 2018

[IISD](#): 4th #SustainableEnergy for All Forum #SEforALLforum #SDG7 @SEforALLorg #Portugal 2-3 May 2018 | Lisbon, Portugal

[Science](#): Popkin G “DOE’s maverick climate model is about to get its first test” 3 May 2018

Energypedia [Website](#): Energy Access

[Bizcommunity](#): “SAWEA looks to improve implementation of ED components through industry practice” 18 April 2018 [Source: Legalbrief Environmental 1 May 2018]

[The Guardian](#): “Cities from the sea: the true cost of reclaimed land” 2 May 2018

[Mail&Guardian](#): Sithole H “Equal access to water is paramount if South Africa is to change” 4 May 2018

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For more information email [Lulu](#) or phone 011 214 0660

## **International**

### **Local Renewables Conference 2018**

Dates: 24 - 26 October 2018

Place: Freiburg (Germany) and Basel (Switzerland)

The [City of Freiburg](#), the [City of Basel](#), and [ICLEI Europe](#) are proud to release the [preliminary programme](#).

## IAIA special symposium Improving Impact Assessment and Management in the Mining Sector

Dates: 4-5 December 2018

Place: EBRD Headquarters, London, UK

Click [here](#)

## Climate and Sustainable Energy Finance Summer Academy & Executive Trainings 2018

Dates: 18–22 June 2018

Place: Frankfurt

Extended deadline for [registration](#) – 31 May, 2018

## NEWS

### National

Ngcukana Lubabalo “We will oppose mine, even if they kill us” [News24](#) 29 April 2018

“Historic silicosis class action settlement reached between mines and mineworkers” [TimesLive](#) 3 May 2018 [Source: Legalbrief 4 May 2018]

Mabuza E “Mine owner approaches court to get back mining operation” [Timeslive](#) 3 May 2018 [Source: Legalbrief 4 May 2018]

Gosling M “Iceberg proposal as new water source for Cape Town” [News24](#) 30

### **Mining: Illegal sand miners place eMdloti river mouth at risk**

Mafia-style illegal sand miners have been operating under the noses of Dube Tradeport and government officials on the banks of the eMdloti River on the KZN North Coast. A *Sunday Tribune* report notes that they allegedly bribed officials from the Department of Mineral Resources (DMR) not to take action against them and have scared legal operators by threatening to set fire to their machinery. DMR spokesperson Ayanda Shezi said he was unaware of allegations that inspectors had been given kickbacks, and called for more information to allow the department to undertake its own investigations. He confirmed DMR had opened a case with the SAPS to investigate recent incidents of illegal sandmining on the eMdloti River. A *Sunday Tribune* investigation has revealed that since October 2017, illegal sand miners have plundered the river’s bank in the Verulam area of river sand, selling it for almost half the market rate to construction companies. This has put legal operators out of business. The illegal activity has already resulted in the widening of the river’s flood plain in the Verulam area. This, in turn, could lead to an environmental catastrophe during floods, said concerned environmentalist Mark Raubenheimer. ‘There is a major risk of flooding. Those who don’t have permits are not rehabilitating the river banks they mine. There is no natural vegetation to act as barriers so the flood plain has increased. Anything downstream is at risk,’ he said.”

Full *Sunday Tribune* report (subscription needed) [Source: Legalbrief Environmental 1 May 2018]

“Navigating the water use licencing minefield” [Science & Engineering News](#) 20 April 2018 [Source: Legalbrief Environmental 1 May 2018]

**Criminal: Eastern Cape villagers hack wildebeest to death**

“A black wildebeest, a protected species, was hacked to death with axes and spades in Adelaide as young children watched. A report in *The Herald* notes that the gruesome incident happened after villagers allegedly broke open the fence at the Molweni Private Game Reserve, five days after the owner died, and hunted down the game. Police and the Green Scorpions are investigating after hundreds of Red Location residents invaded the reserve and allegedly stole and brutally chopped several buck to death. Police spokesperson Captain Lariane Jonker said the killing of the game had started last week, after game farm owner Chris Bush died on 18 April. Jonker said game reserve manager Ryan Beatty had had to put down one buck which was horribly wounded by the residents, who used stones and metal implements to hack and bludgeon the animals. Police spokesperson Colonel Sibongile Soci said that cases of malicious damage to property and theft of game were under investigation. Provincial Green Scorpions director Div de Villiers said the SPCA, Cradock stock theft unit and his officials were working together on the case.”

Full report in *The Herald* (subscription needed) [Source: Legalbrief Environmental 1 May 2018]

**General: PE parks to be assessed for zipline viability**

“Environmental assessments will be carried out at three Port Elizabeth parks and valleys (Settlers Park, Baakens Valley and Happy Valley) as plans for ziplining and aerial ropeways in the inner city gain momentum. A report in *The Herald* notes that the Nelson Mandela Bay Municipality will extend the strategic environmental assessments to other nature reserves, particularly those with tourism significance, as an important process to unlock economic development in the metro. A report to the Economic Development, Tourism and Agriculture Committee, which met last week, says that the assessments are important as the city could be found to be contravening legislation without them. Executive director Anele Qaba wrote that he would meet with the head of the Public Health Department to undertake assessments at other nature reserves, to simplify the environmental impact assessment process.”

Full report in *The Herald* (subscription needed) [Source: Legalbrief Environmental 1 May 2018]

“Lack of consequence management a major cause of service delivery collapse in North West: Sanco” [Timeslive](#) 6 May 2018

Lali V “Shack dwellers live in filth in Kraaifontein” [GroundUp](#) 4 May 2018

Mngadi M “Mine safety worries Solidarity” [Mail & Guardian](#) 4 May 2018

**International**

“EPA Administrator Pruitt Proposes Rule to Strengthen Science used in EPA Regulations” [EPA](#) 24 April 2018 – for the regulations click [here](#)

Cornwall W “Critics allege EPA’s new transparency rule has hidden pro-industry agenda” [Science](#) 1 May 2018

Pennis E “Supposedly extinct kangaroo rat resurfaces after 30 years” [Science](#) 30 April 2018

Stokstad E “European Union expands ban of three neonicotinoid pesticides” [Science](#) 27 April 2018

Schlesinger WH et al “Pruitt Is Wrong on Burning Forests for Energy” [New York Times](#) 3 May 2018

Mead L “UN Climate Change Launches First-ever Annual Report” [SDG Knowledge Hub](#) 3 May 2018

Cockburn H “More than 6,000 fracking wells needed in UK to halve gas imports, study says The space required is equivalent to 4,900 football pitches” [Independent](#) 24 April 2018 [Source: Legalbrief Environmental 1 May 2018]

Hall K “Ex-Volkswagen CEO charged with fraud in company's diesel emissions scandal” [The Jurist](#) 4 May 2018

Belczyk J “States sue Trump administration over vehicle emissions” [The Jurist](#) 1 May 2018

Burke J “Six Virunga park rangers killed in DRC wildlife sanctuary” [The Guardian](#) 10 April 2018

Wahlquist C “One-third of Australia's threatened species are not monitored” [The Guardian](#) 4 May 2018

Harvey F “Climate change aid to poor nations lags behind Paris pledges” [The Guardian](#) 4 May 2018

Watts J “Air pollution inequality widens between rich and poor nations” [The Guardian](#) 1 May 2018

Van der Zee B “Wet wipe pollution 'changing the shape of British riverbeds” [The Guardian](#) 3 May 2018

Hambling D “Weatherwatch: why does Antarctic ice melt in the depths of winter?” [The Guardian](#) 4 May 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

#### **University of the Witwatersrand: CALS Director**

##### *Qualifications, Skills and Experience Required:*

A legal academic at the level of Professor (applicants should hold a PhD and must provide evidence of substantial scholarly work published in refereed journals) OR Associate Professor (applicants should hold a Masters degree, preferably a PhD and demonstrate significant refereed output) OR Adjunct Professor (a practitioner of stature with a distinguished record in the field of human rights). The successful applicant will have a good understanding of the socio-economic environment in the country and the region, demonstrate a commitment to advancing social justice and have a background in some of CALS’ areas of work. S/he must possess leadership abilities and managerial competence, and show a record of legal advocacy, evidenced by involvement in human rights litigation or campaigns in the field of human rights. E

xperience in raising funds and managing donor relationships, the ability to represent CALS in multiple forums and experience in developing networks, collaborations and partnerships are also required for this position.

*Key Responsibilities:*

Developing and implementing a strategic vision for CALS; leading the creation of an institutional culture conducive to achieving CALS' vision, our collective approach to wellbeing and which puts transformation into practice; guiding the development of CALS' programmatic work; managing the CALS team of staff; raising funds for CALS and managing donor relationships; financial oversight of the organisation; working closely with the university structures and advisory board to ensure sound organisational practices, accountability and compliance with university policy; engaging in academic research, advocacy and teaching in the human rights field; representing CALS in a variety of forums, including in engagements with the media, government, the private sector, civil society, CALS' clients, and international and regional institutions. Detailed Description Job Requirements Additional Details How To Apply

To apply submit a cover letter containing the contact number of 3 referees, a detailed CV, certified copies of degrees/diplomas, an official academic transcript and a writing sample of no more than 10 pages, on the [Wits I-Recruitment](#) platform located at . Should you experience difficulties with the online application, please contact Ms [Zelda Stroud](#), Senior Human Resources Officer.

CALS is in the process of a leadership transition in order to advance transformation. Therefore only applications from individuals from previously disadvantaged population groups will be considered. The University reserves the right not to appoint if suitable candidates are not found. People with disabilities are encouraged to apply.

*Closing Date:* 31 May 2018.

**University of the Witwatersrand: Sessional Lecturers**

Closing date: 11 May 2018

More [information](#)

**University of Fort Hare: nGAP Lecturer – Department of Adjectival Law**

Closing date: 18 May 2018

More [information](#)

**National Department of Justice: Various positions: Master, Director: International Legal Relations; Deputy Director: Contracts, Litigation Risks and Performance**

Closing date: 21 May 2018

Click [here](#)

**2019 PSG Legal Graduate Programme**

- A 12 month graduate opportunity
- Continuous coaching, mentoring and on-the-job training
- Work exposure within the financial services industry

*Minimum Requirements*

- Be South African Citizens
- Bachelor of Law Degree
- Average of 65% and above

Closing date: 31 October 2018

Click [here](#) for more information

**Executive Personal Assistant: Cognia Law Cape Town**

Click [here](#) for more information

**Candidate Attorney required for Established Law Firm**

Place: Queensburgh, KwaZulu-Natal

Click [here](#) for more information

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## **ELA NEWSLETTER 19**

11 May 2018

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### **POLICY**

Department of Transport – Gen Notice 241 in GG 41621 of 11 May 2018 - Comprehensive Maritime Transport Policy (CMTP) Small Harbours Development: Announcement and invitation to complete Small Harbours Questionnaire

### **BILLS**

Critical Infrastructure Protection Bill, 2017 [B22A-2017] & [B22B-2017]

Draft Control of Tobacco Products and Electronic Delivery Systems Bill, 2018 - GN 475 in GG 41617 of 9 May 2018 - for comment

Draft Integrated Planning Framework Bill, 2018 - GN 473 in [GG](#) 41614 of 7 May 2018 and GN 476 in [GG](#) 41618 of 9 May 2018 – for comment and public comment period extended

Draft Small Enterprises Ombud Service Bill, 2018 – Gen Notice 243 in [GG](#) 41623 of 10 May 2018 - notice of intention to introduce private member's bill and explanatory summary - for comment

### **LEGISLATION**

#### **NOTICES**

National Environmental Management: Waste Act 59 of 2008 - GN 472 in GG 41612 of 7 May 2018 - for comment of and public hearings on proposed Industry Waste Tyre Management Plans

Agricultural Pests Act 36 of 1983 - GN 49 in GG 32916 of 5 February 2010 - Importation of controlled goods without a permit amended

Electricity Act 41 of 1987 – GN 474 in GG 41615 of 8 May 2018 - Licence fees payable by licensed generators of electricity

Labour Relations Act 66 of 1995 - Essential Services Committee - Variation of designation as essential services of the regulation and control of air traffic and the Weather Bureau of the Department of Environmental Affairs and Tourism published in GN R784 in GG 18043 of 6 June 1997

Labour Relations Act 66 of 1995 – Gen Notice 237 in GG 41621 of 11 May 2018  
- Designation of certain essential services relating to, amongst others, services provided at all airports in South Africa; nuclear services; services rendered by mud guards and team leaders at tailing dams; reticulation of natural gas

Mine Health and Safety Act: Mining Qualifications Authority Board – BN 60 in GG 41621 of 11 May 2018 - Nominations invited – comment by 11 June 2018

## **PROVINCES**

### **Kwazulu-Natal**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 42 in PG 1951 of 10 May 2018 - Correction notice to Bill Barnes Crane and Oribi, Blue Crane, Fort Nottingham, James Wakelin Grassland, Karkloof, uMngeni Plateau and Zululand Rhino Nature Reserves; Dalton and Mbona Private Nature Reserves; and Mduna, Somkhanda and Thanda Game Reserves

National Environmental Management: Integrated Coastal Management Amendment Act 36 of 2014 - PN 18 in PG 1951 of 10 May 2018 - Draft KwaZulu-Natal Coastal Management Programme (KZN CMP) and draft list of public launch sites - for comment

### **Western Cape**

Local Government: Municipal Systems Act 32 of 2000, Spatial Planning and Land Use Management Act 16 of 2013, Western Cape Land Use Planning Act 13 of 2014, and Cape Town Municipal Planning By-law, 2015 - LAN 55827 in PG 7925 of 9 May 2018 - City of Cape Town Metropolitan District - Notice of adoption of the 2017/18 Cape Town Municipal Spatial Development Framework (MSDF)

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 55828 in PG 7926 of 9 May 2018 - Swellendam Local Municipality - By-law relating to the Prevention of Public Nuisances and Nuisances Arising from the Keeping of Animals

## **VOLUNTARY STANDARDS AND GUIDELINES**

### **BS 8583 on biodiversity management (UK)**

The new standard describes a four-step process to enable immediate improvements in biodiversity. It provides examples of biodiversity opportunities and risks, all in the context of global, national and local targets plus UK policies and initiatives. It also:

- Explains what biodiversity is and why it is relevant to businesses and other organizations
- Describes how to assess your biodiversity impact
- Explores ways to manage biodiversity, for example through supply-chain and land management
- Gives advice on planning for biodiversity protection and enhancement

## BS 42020 on biodiversity planning (UK)

The standard provides:

- Guidance on how to produce clear and concise ecological information to accompany planning applications
- Recommendations on professional ethics, conduct, competence and judgement to give confidence that proposals for biodiversity conservation, and consequent decisions/actions taken, are sound and appropriate
- Direction on effective decision-making in biodiversity management
- A framework to demonstrate how biodiversity has been managed during the development process to minimize impact.

## New standards to come re net gain (UK)

The UK members are working on a standard on biodiversity net gain – two standards with a part 1 aimed at planners and a part 2 aimed at construction companies and organisations for ongoing biodiversity net gain.

## CASES

### National

*Telkom SA Soc Ltd v Kalu NO and Another* (10354/2017) [2018] [ZAWCHC](#) 53 (10 May 2018)

“[1] The Applicants seek a declarator that the provisions of the City of Cape Town’s Municipal Planning By-laws 2015 (“By-law”), Zoning Scheme Regulations and Telecommunications Mast Infrastructure Policy (Policy no. 40544) (“Mast Policy”), are in conflict with the provisions of Section 22 of the Electronic Communications Act 36 of 2005 (“ECA”) and are accordingly invalid.

[2] In the alternative, the Applicants seek a declarator that the By-law, the City of Cape Town Zoning Scheme Regulation and the Mast Policy are declared unconstitutional and invalid insofar as they require the Respondent’s consent for the erection of any telecommunications infrastructure in its area of jurisdiction.

[3] In a counter-application, the Respondent seeks a declarator that the First Applicant’s erection and use of the mast on the property of the Second Applicant are unlawful for want of planning authorisation and building plan approval.”

*PG Group Ltd and Others v National Energy Regulator of South Africa and Another* (150/2017) [2018] [ZASCA](#) 56 (10 May 2018)

“Summary: Administrative action – whether the determination of a methodology used to regulate gas prices under s 21(1)(p) of the Gas Act 48 of 2001 is administrative action – whether a determination by the regulator under that section which resulted in an increase in permissible maximum gas prices was rational.”

## PUBLICATIONS

Badenhorst PJ and Van Heerden CN “Ownership of historical mine dumps: Uncaptured no more?” 2018 135(2) *SALJ* 351-375

Van Niekerk H “Mineral tenure security, registration and enforceability of rights: debunking the property-law paradigm” 2018 134(1) [South African Law Journal](#)

City of Cape Town “Water Outlook 2018 Report” [Revision](#) 24 (17 April 2018)

Ashukem JC “Access to Environmental Information in the Context of Development Activities in the Legal Framework of Cameroon” 2018 [VRÜ](#) *Verfassung und Recht in Übersee* 435-450

Hague Cliff *et al* *Leading Change: Delivering the New Urban Agenda through Urban and Territorial Planning* ([UN-Habitat](#) 2018)

James Horne, Cecilia Tortajada & Larry Harrington “Achieving the Sustainable Development Goals: improving water services in cities affected by extreme weather events” 2018 [International Journal of Water Resources Development](#)

Laffoley D and Baxter JM “Ocean connections. An introduction to rising risks from a warming, changing ocean” ([Report](#) Gland Switzerland IUCN 2018)

Niehörster Falk “Ocean Risk and the Insurance Industry” ([Report](#) Ocean Risk Initiative May 2018)

Clancy Joy S *et al* “Gender Perspective on Access to Energy in the EU” (European Parliament Policy Department for Citizens' Rights and Constitutional Affairs [Report](#) University of Twente 2018)

Environmental Law Institute & American Bar Association's Section of Civil Rights and Social Justice *Environmental Protection in the Trump Era* (ELI Washington 2018) download available [here](#)

S'phamandla M, Mativenga PT and Marnewick A “Water quality in a mining and water-stressed region” 2018 171 [Journal of Cleaner Production](#)

Thomashaussen S, Maennling N and Mebratu-Tsegaye T “A comparative overview of legal frameworks governing water use and waste water discharge in the mining sector” 2018 55 [Resource Policy](#)

Yakoleva N and Vazquez-Brust “Multinational mining enterprises and artisanal small-scale miners: From confrontation to cooperation” 2018 53(1) [Journal of World Business](#)

Zvarivadza T “Artisanal and small-scale mining as a challenge and possible contributor to sustainable development” 2018 3 [Resources Policy](#)

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[Webber Wentzel](#): Cooper Tamzyn and Kilner Kirsty “Did you know: A Water Use Registration Certificate does not mean that the registered water use is lawful” 7 May 2018

[The Conversation](#): Harvey R “How to ensure communities living near mining activities get a better deal” 7 May 2018

[Daily Maverick](#): Ammann K “On the trail of Asia’s shifting rhino-horn market” 11 May 2018

[Documentary](#): Hattingh Phil *The Hanoi Connection* (on trade in rhino-horn)

[AutoReportNG](#): “Cleaner Lagos or Cleaner Nonsense? The New Face of Lagos (Photos)”

[The Conversation](#): Moomaw W The EPA says burning wood to generate power is ‘carbon-neutral.’ Is that true? 8 May 2018

[Science](#): Voosen P “Second-largest earthquake in modern South Korean history tied to geothermal plant” 26 April 2018

[Science](#): Pennisi E “Forest fires keep billions of liters of water on the ground” 26 April 2018

[Science](#): Morell V “Is swimming with dolphins a good idea?” 24 April 2018

[Natural Justice](#): “Important victory for the people of Lamu” 4 May 2018 [The reference to the case was in the previous ELA Newsletter]

[Natural Justice](#): “Relationship between the conservation sector and Indigenous Peoples takes center stage at 2018 UN Permanent Forum on Indigenous Issues” 8 May 2018

[The Conversation](#): Andrews Penelope “South Africa's historic silicosis class action: why the settlement matters” 9 May 2018

[The Conversation](#): Eli Knapp “Why poachers persist in hunting bushmeat -- even though it's dangerous” 8 May 2018

[IISD ENB](#): “GSOP Bulletin Global Symposium on Soil Pollution” 2-4 May 2018 Rome, Italy

[IISD ENB](#): “13th Session of the UN Forum on Forests (UNFF13)” 7-11 May 2018 | UN Headquarters, New York

[IISD](#) SDG Knowledge Hub: “Africa Regional Forum Agrees on Over 50 Messages for HLPF” 10 May 2018

[The Conversation](#): Underhill L “Why studying African birds' varied migration patterns is so important” 10 May 2018

[The Conversation](#): O’Conner E “New study shows birds migrate to escape disease” 10 May 2018

[Lewis & Clarke Law School](#) “‘Environmental Law under Trump’ Symposium sparks discussion with large audience’ April 2018 Include proceedings to a workshop and a list of 18 items that will have to be addressed in a post-Trump administration

Natural Justice: Xu Jia’nan “A ten-month internship: Professional development and lingering questions” (Cape Town branch) 10 May 2018

[Bloomberg](#): Mehrotra Kartikay Justice Department Says Trump Should Be Immune From Teens' Climate Lawsuit" 10 May 2018

[Science](#): Zainzinger V "Animal tests surge under new U.S. chemical safety law" 8 May 2018

[Science](#): Wittenberg A "EPA's 'secret science' rule could undermine agency's 'war on lead'" 8 May 2018

[Science](#): Perkins S "Tourism is four times worse for the planet than previously believed" 7 May 2018

[Science](#): Langin K "Salmon spawn fierce debate over protecting endangered species, thanks to a single gene" 4 May 2018

[The Guardian](#): Carrington D "'Paradise and hell': the battle to save the forest elephant" 12 May 2018

[The Guardian](#): Watts J "Maasai herders driven off land to make way for luxury safaris, report says" 10 May 2018

[The Guardian](#): Larsson N "US cities losing 36 million trees a year, researchers find" 10 May 2018

[The Guardian](#): Neslen A "Secret UK push to weaken EU climate laws 'completely mad'" 8 May 2018

[The Guardian](#): Vaughan A "Use excess wind and solar power to produce hydrogen – report" 9 May 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### NWU – Centre for Environmental Management Courses 2018

- **CEM-02.1.1a Introduction to environmental law (3 days)**  
Date: 22 - 24 May 2018 (Gauteng)
- **CEM-03.1.1 Environmental management systems**  
Date: 21 - 25 May 2018 (Potchefstroom)
- **CEM-02.2.1 Occupational health and safety law (3days)**  
Date: 5 - 7 June 2018 (Potchefstroom)
- **CEM-02.1.7a Environmental law - Mine closure and rehabilitation (Introduction - 3 days)**  
Date: 12 - 14 June 2018 (Potchefstroom)
- **CEM-06.3.1 Essential air quality management (3 days)**  
Date: 12 - 14 June 2018
- **CEM-05.1.1 Environmental impact assessment for practitioners (5 days)**  
Date: 18 - 22 June 2018 (Gauteng)
- **CEM-02.1.2 Environmental law - integrated water resource management (5 days)**  
Date: 18 - 22 June 2018 (Potchefstroom)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

## **National Wetlands Indaba 2018: Drylands and Wetlands: connecting and managing heterogeneity across landscapes**

Dates: 8 – 11 October 2018

Venue: Mittah Seperepere Convention Centre, Kimberley, Northern Cape

Website will be available in a few weeks

Contact for more information: The Secretariat: [Kruger & Associates](#) or +27 28 316 2906

## **CBSS Training Workshops: Integrated Water Resource Management**

### **UPDATED Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans**

- **Durban**

Date: 31 July - 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 4-6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

### **Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Durban**

Date: 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## **Imbewu Workshop: Compliance with and Enforcement of the Waste Act Workshop**

Date: 31 May 2018

Venue: Intakha Island

For more information email [Lulu](#) or phone 011 214 0660

## **Imbewu: World Environment Day Event: Discussion of Concerns Regarding The Breeding of Lions for Hunting and the Lion Bone Trade followed by Cheese & Wine**

Date: 5 June 2018

Time: 16h30 – 18h30

Venue: Warburton Attorneys offices at 53 Dudley Road, Parkwood, Johannesburg

For more information and to RSVP contact [Lulu Lewis](#) before Friday 1 June 2018  
Telephone: 011 447 6848

### **Webber Wentzel: Change of Date Invitation: Skills Development and Training Trends in the Mining Sector**

Date: 21 June 2018

Time: 15:30 for 15:45-17:45 (followed by a networking cocktail function)

Venue: Webber Wentzel, 90 Rivonia Road, Sandton, Johannesburg

Register before 12 June 2018

### **GroundTruth and The Albany Museum: SASS5 Course**

Place: Grahamstown

Dates: 1 – 4 October 2018.

Venue: Rennie Hall, Albany Museum, Grahamstown, Eastern Cape

For the full advertisement, please visit the [Albany Museum](#) and [GroundTruth](#) websites.

## **International**

### **Conference Announcement and Call for Session Proposals: Forum on Scenarios for Climate and Societal Futures**

Dates: 11-13 March 2019

Place: University of Denver, Denver, Colorado

A rapidly expanding set of activities is extending and applying the new framework on integrated climate change scenarios. Researchers are using Shared Socioeconomic Pathways (SSPs), Representative Concentration Pathways (RCPs), and other approaches to characterizing future societal and environmental conditions to investigate global change issues, including the Sustainable Development Goals. The Scenarios Forum aims to bring together a diverse set of communities working with the new framework to share their experiences, progress, and plans. By taking stock of progress and facilitating scenario-related research, this meeting will inform the use of scenarios in the IPCC Sixth Assessment Report (AR6) and help ensure a research base sufficient to inform future assessments and policy initiatives.

The Scenarios Forum is open to anyone using, developing, or interested in scenarios to carry out research or policy analysis related to climate change and sustainability. [Proposals](#) for sessions are now being accepted, through June 15, 2018. A call for presentation abstracts and meeting registration will follow later in the summer.

### **4th Global Climate Policy Conference (GCPC): Harnessing Research for Climate Ambition and Transparency**

Dates: 16 - 17 August 2018

Place: São Paulo, Brazil

Click [here](#) for more information

## **NEWS**

### **National**

“R1m fine for Limpopo businessman after rhino horn bust” [TimesLive](#) 9 May 2018

Dlamini P “Nersa now punishes consumers who heeded call to use less energy” [TimesLive](#) 8 May 2018

### **Why DRDGold opted out of class action settlement**

“DRDGold declined to be party to last week’s R5bn out-of-court settlement jointly with six other mining companies to compensate gold mineworkers affected by lung ailments, opening the smaller gold producer to a prolonged court battle alone. A Business Day report says one of the lawyers representing the litigants, Richard Spoor, noted that DRDGold and Randgold & Exploration had decided not to participate in the settlement agreement and would be subject to on-going litigation. DRDGold CEO Niel Pretorius declined to comment on the reasons for staying out of the settlement, saying there was likely to be a litigation process brought against the company and he could not make any remarks at this point. In the company’s most recent annual report, however, the point is raised that it was ‘not possible’ to see what the outcome of the matter would be. For a company like DRDGold, which had relatively small exposure to underground gold mining and is a small company compared with the six that have settled, the cost of participating in the out-of-court settlement would be an expensive exercise compared to what the outcome could be from litigation. The litigants’ lawyers would have to prove DRDGold was negligent in the way it handled the silicosis and dust matter and that a subsidiary established liabilities for the holding company. DRDGold has not operated underground mines for years, preferring to extract gold from old dumps.”

Full Business Day report (subscription needed) *Legalbrief* 8 May 2018

### **General: Parliament set to tackle water department crisis**

“Parliament is forging ahead with plans to get to the bottom of the crisis engulfing the Department of Water and Sanitation, says a Business Day report. Its Water and Sanitation Committee and Scopa will today consider the terms of reference of the inquiry into the woeful administrative and financial state of the department. Earlier, the two committees resolved to establish a commission of inquiry into the affairs of the department. Nomvula Mokonyane led the department, whose finances are so dire that it is now broke. Auditor-General Kimi Makwetu has also flagged the department for incurring billions of rands in irregular expenditure. In March, Scopa chairperson Themba Godi said the inquiry would seek to establish the reasons why the department was in a mess. The joint committees would engage the AG, National Treasury and the Special Investigating Unit, he said. The inquiry is also expected to invite Mokonyane to give her side of the story. In March, Treasury officials and Makwetu detailed in Parliament how department officials ignored or deviated from tendering processes while Mokonyane was at the helm. In the process, department officials splurged billions on excessive project management and professional fees, leaving the department in financial distress.”

Full Business Day report (subscription needed) *Legalbrief* 8 May 2018

### **General: MPs want neglectful mines bosses 'severely punished'**

“Parliament’s Select Committee on Land and Mineral Resources has called for ‘harsher consequences’ for the Sibanye-Stillwater mine, where seven miners died following a seismic event last week, notes a News24 report. The committee’s chairperson, Olefile Sefako, said the mine bosses should be severely punished if it was found that they neglected measures to avert fatalities and the loss of life prior to the rockfalls that occurred because of the seismic event. ‘Although seismic events are a course of nature, it is high time that mining companies face serious consequences for neglecting measures for detecting

early warning signs,' Sefako said. 'Investigations (into) the accident should seek to establish the extent to which priority was given to health and safety at the mine.'

Full News24 report *Legalbrief* 8 May 2018

Mesatywa M "R22 million Red Location Museum slowly being stripped nail by nail" [GroundUp](#) 11 May 2018

Jones A "City explains new water tariffs" [GroundUp](#) 10 May 2018

## International

"Three newspapers confront one challenge: Sea-level rise is real, South Florida needs all hands on deck — now" [Miami Herald](#) 4 May 2018

Dermansky J Louisiana Court Says State Wrongly Issued Permit for Bayou Bridge Pipeline Through Vulnerable Town" [Desmog](#) 8 May 2018

Voosen P "Trump White House quietly cancels NASA research verifying greenhouse gas cuts" [Science](#) 9 May 2018

Lowman E "UN special rapporteur expresses concern over Guatemala's treatment of indigenous peoples" [The Jurist](#) 11 May 2018

Slobe E "California Energy Commission approves regulation requiring solar systems in all new home construction" [The Jurist](#) 10 May 2018

Smee B "Linc Energy fined \$4.5m for pollution amounting to 'ecological vandalism'" [The Guardian](#) 11 May 2018

Vaughan A "Cracks in nuclear reactor will hit EDF Energy with £120m bill" [The Guardian](#) 6 May 2018

"SANDF sets up inquiry into abuse of horses at military base" [DailyMaverick](#) 11 May 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

#### **University of the Western Cape - Law - Dullah Omar Institute for Constitutional Law (nGap)**

Main Campus - Bellville, WC ZA (Primary)

Closing date: 27 May 2018

Minimum Requirements

A Master's degree in constitutional law and/or human rights in a related field

Registration for PhD will be advantageous

A record of teaching experience will be advantageous

More information available [here](#)

#### **University of the Witwatersrand: Junior Researcher**

The University of the Witwatersrand (Wits), through the Centre for Learning on Evaluation and Results Anglophone Africa (CLEAR-AA) situated within the faculty of Commerce, Law and Management (CLM), invites qualified individuals to apply for this position.

Closing date 20th May 2018 Click [here](#) for more information

**NMU: Associate Lecturer/ Lecturer: Criminal and Procedural Law (nGap)**

Closing date: 25 May 2018

More [information](#)

**Associate General Counsel Afrizan Personnel**

Are you a qualified lawyer with ISDA GMRA and GMSLA knowledge? We have an opportunity for you, at a leading financial group, for an Associate General Counsel role. Under this role you will provide legal advice, guidance, support to the company and ensure the group's exposure to legal risk in the allocated business area of expertise is effectively managed. Are you a qualified lawyer with ISDA GMRA and GMSLA knowledge? We have an opportunity for you, at a leading financial group, for an Associate General Counsel role. Under this role you will provide legal advice, guidance, support to the company and ensure the group's exposure to legal risk in the allocated business area of expertise is effectively managed.

Click [here](#)

**Varsity College: Lecturer (Independent Contractor) Law**

Closing date: 18 May 2018

Click [here](#) for more information

**Candidate Attorney Van Zyl Ebrahim Cook Attorneys Incorporated - Cresta, Gauteng**

Preference will be given to candidates who hold a Master's degree in Commercial Law or Labour Law and candidates who have completed the full time, uninterrupted Practical Legal Training of the School for Legal Practice. Kindly [include](#) academic transcript with CV.

**Legal assistant Gauteng**

Law student: 2<sup>nd</sup> year +

Click [here](#) for more information

**Candidate Attorney Hatfield, Pretoria**

Click [here](#) for more information

**Lecturers Contract Sandton, Gauteng**

A number of part-time positions are available as lecturers for Boston Media House (based in Sandton, Pretoria and Durban).

Click [here](#) for more information

**Candidate Attorney Position 2018 Cullinan & Associates Inc. - Cape Town, Western Cape**

Closing date: 31 May 2018

Cullinan & Associates Inc. has an opening for a Candidate Attorney, to commence as soon as possible for 2018. Applicants should be in possession of a valid driver's licence with own transport, an LLB degree and have an interest in environmental, land use planning, renewable energy or commercial law. Duties and responsibilities include providing legal advice, drafting of legal opinions, assisting in litigation matters, and paginating and indexing of court

documents. Please submit a 3 page CV, copy of Identity Document, copies of academic transcripts, copy of degree certificate/s and the names of contactable referees to [jennifer@greencounsel.co.za](mailto:jennifer@greencounsel.co.za). Closing date: 31 May 2018.

[Cullinan & Associates Inc. \(Cape Town\)](#)

Email CV to: [Jennifer Sharma](#)

Phone: +27 21 673-3884 /Fax: +27 21 671 -7003

## International

**The German Federal Ministry of Education and Research (BMBF) has opened the Call for Applications for its "Green Talents – International Forum for High Potentials in Sustainable Development" programme.**

This programme for young scientists promotes the international exchange of innovative green ideas.

Applicants must either be currently enrolled in a Master's or PhD programme or have completed their degree no more than three years before the end of the application process. Their research must have a strong focus on sustainable development and an interdisciplinary approach, and they must have an excellent command of English. Applicants are welcomed from all countries (except Germany).

The prize consists of a two-week [Science Forum](#) in Germany, where you will be introduced to renowned research facilities, have individual meetings with experts, and learn about potential collaborations.

Following the Science Forum, you will have the opportunity to return to Germany for up to three months to conduct a [research stay](#) at an institute of your choice the year after the Science Forum.

The deadline for applications for this programme is 23 May 2018.

More [information](#), including required documents and the application form

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## ELA NEWSLETTER 20

18 May 2018

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### BILLS

Draft Aquaculture Development Bill, 2018 - Gen Notice 248 in GG 41632 of 18 May 2018 - notice of intention to introduce and [explanatory summary](#) for comment

### LEGISLATION

### NOTICES

Plant Breeders' Rights Act 15 of 1976 - GN 489 in GG 41632 of 18 May 2018 - Receipt of applications for plant breeders' rights

Animal Diseases Act 35 of 1984 - GN 490 in GG 41632 of 18 May 2018 - Draft Veterinary Procedural Notice for African Swine Fever Control in South Africa or 'ASF VPN' - for comment (R2026 of 1986)

Agricultural Product Standards Act 119 of 1990 - GN 491 in GG 41632 of 18 May 2018 - Regulations relating to the grading, packing and marking of garlic intended for sale in the Republic of South Africa published

Agricultural Produce Agents Act 12 of 1992 - BN 62 in GG 41632 of 18 May 2018 - Rules in respect of Export Agents, 2017

Marketing of Agricultural Products Act 47 of 1996 - GN R503 in GG 41633 of 18 May 2018 - Amendment of statutory measures relating to records and returns in respect of maize imports and exports

National Nuclear Regulator Act 47 of 1999 - GN 492 in GG 41632 of 18 May 2018 - Fees for nuclear authorisations payable to the Regulator for the period 1 April 2018 to 31 March 2019

Taxation Laws Amendment Act 17 of 2009 - GN 498 in GG 41632 of 18 May 2018 - Allocations to metropolitan municipalities of general fuel levy revenue

Special Economic Zones Act 16 of 2014 - GN 501 in GG 41632 of 18 May 2018 - Designation of the Nkomazi Special Economic Zone - for comment

Legal Practice Act 28 of 2014 – Gen Notice 249 in GG 41632 of 18 May 2018 - Amendment to draft Rules required by ss. 95(1), 95(3) and 109(2)(a) and published for comment in Gen Notice 43 in GG 41419 of 2 February 2018 - for comment

Legal Practice Act 28 of 2014 – Draft Regulations to be made in terms of s. 109 - for comment

## **PROVINCES**

### **Limpopo**

Spatial Planning and Land Use Management Act 16 of 2013 - PN 79 in PG 2905 of 18 May 2018 - Collins Chabane Local Municipality - Notice to comment on the Draft Municipal Spatial Development Framework

Constitution of the Republic of South Africa, 1996 - PN 80 in PG 2905 of 18 May 2018 - Capricorn District Municipality: Air Quality Management By-law

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 58 in PG 2905 of 18 May 2018 - Polokwane Local Municipality - Municipal Planning By-law, 2017 published with effect from 2 July 2018

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 - Capricorn District Municipality - LAN 62 in PG 2905 of 18 May 2018 - Municipal Health Services By-law

### **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 - Proc 22 in PG 7883 of 15 May 2018 - Rustenburg Local Municipality - Notice of the removal and appointed municipal planning tribunal members

### **Western Cape**

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 - LAN 55818 in PG 7927 of 11 May 2018 - City of Cape Town Metropolitan Municipality - Electricity Supply Amendment By-law, 2017

Disaster Management Act 57 of 2002 - LAN 55822 in PG 7927 of 11 May 2018 - Swartland Local Municipality - Extension of declaration of a local state of drought disaster from 11 May 2018 to 10 June 2018

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 - LAN 55823 in PG 7927 of 11 May 2018 - Stellenbosch Local Municipality - Draft Problem Properties By-law – for comment

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 71 in *PG 7929* of 18 May 2018 - Langeberg Local Municipality: Integrated Zoning Scheme By-law

Municipal By-law on Land Use Planning: Breede Valley Local Municipality: Notice of adoption of the Spatial Development Framework (SDF) published (LAN 55835 in *PG 7930* of 18 May 2018) (p358)

Disaster Management Act 57 of 2002: City of Cape Town Metropolitan Municipality: Extension of the declaration of a local state of disaster as a result of devastating fires in the Imizamo-Yethu informal settlement situated in Hout Bay for a further one-month period from 29 May 2018 until 29 June 2018 published (LAN 55839 in *PG 7930* of 18 May 2018) (p363)

Disaster Management Act 57 of 2002: City of Cape Town Metropolitan Municipality: Extension of declaration of a local state of drought disaster from 21 May 2018 to 21 June 2018 published (LAN 55840 in *PG 7930* of 18 May 2018)

## INTERNATIONAL

The [Aashukan Declaration](#)

“A document that outlines the principles, from an Indigenous perspective, for how Impact Assessment should be carried out on traditional lands in Canada.”

[FAO](#) “Making forest concessions in the tropics work to achieve the 2030 Agenda: Voluntary Guidelines” (2018)

## CASES

### National

*South African National Parks v MTO Forestry (Pty) Ltd & another* (446/2017) [2018] [ZASCA](#) 59 (17 May 2018)

“Summary: Administrative law – whether management framework and totality of relevant evidence including previous public participation concluded in anticipation of implementation of statutory park management plan was proper basis for legitimate expectation – document to be interpreted comprehensively – legitimate expectation established.

Contractual power exercised by public body – variation of the contract constituted administrative action – contractual rights had to be exercised within the administrative justice framework – where procedural fairness requirement not observed – administrative action reviewed and set aside.”

## PUBLICATIONS

King N, Strydom H and Retief F (eds) *Fuggle & Rabie's Environmental Management in South Africa* 3<sup>rd</sup> ed ([Juta](#) May 2018) [The book was launched at IAIA18 in Durban last week]

Du Plessis A and Fuo O “Governing authorities in the same boat and a tale of two schedules: *Marius Nel v Hessequa Local Municipality* (2015) 2017 [Commonwealth Journal of Local Governance](#) 20:6076 DOI: <http://dx.doi.org/10.5130/cjlg.v0i20.6076>

**Call for Papers: Journal of Sustainability - new Special Issue on Sustainability in “Sustainability Indicators for Renewable Energy Transition”**

Sustainable urban development is of great importance. Cities consume 75 percent of natural resources globally (materials, energy, water), produce 50 percent of global waste, and generate 60–80 percent of greenhouse gas emissions. European cities can improve their resilience and meet decarbonization targets by: (i) increasing the rate of retrofitting buildings to improve energy efficiency; (ii) enabling building and district scale renewable energy production; (iii) developing and restoring nature-based urban infrastructure; and (iv) delivering a shift towards clean mobility-as-a-service. However, global spending on basic infrastructure—transport, power, water and communications—faces a financing gap of \$1 trillion annually (the global spend ought to be \$3.7 trillion, whereas it is currently \$2.7 trillion). Realizing these ambitions will, therefore, demand trillions of investments, as well as innovation in systemic thinking, governance and financing. This requirement for transformative change presents a significant opportunity for innovative and sustainable markets to emerge.

This Special Issue is focused on real-world case studies demonstrating solutions to overcome above mentioned challenge.

The deadline for submissions is 30 July 2018

More information on the scope of the special issue and procedure for submissions is available [here](#).

**BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

[IUCN](#): “Local Communities - First Line of Defence against Illegal Wildlife Trade (FLoD)” Click [here](#) for the report

[IISD](#) ENB: NB Vol. 12 No. 726 - Bonn Climate Change Conference - April/May 2018 - Summary & Analysis

[Science](#): Gibbons Ann “Farmers, tourists, and cattle threaten to wipe out some of the world’s last hunter-gatherers” 17 May 2018

[Science](#): Waldman S “Republican lawmaker: Rocks tumbling into ocean causing sea level rise” 17 May 2018

[Science](#): Malakoff D “Warming seas may scramble North America’s fishing industry” 16 May 2018

[Science](#): Reece A “Drilling boom threatens web of ancient roads in Southwest” 16 May 2018

[Science](#): Pennisi E “Excess hippo dung may be harming aquatic species across Africa” 16 May 2018

[Science](#): Langin K “Rise and fall of Roman Empire exposed in Greenland ice samples” 14 May 2018

[The Conversation](#): Vaast P “How planting trees can protect cocoa plants against climate change” 17 May 2018

[IISD](#) SDG Knowledge Hub: Gerasimchuk Ivetta “A New Narrative in Climate Talks: Cutting Emissions with Both Arms of the Scissors” 17 May 2018

[IISD](#) SDG Knowledge Hub: Jungcurt S “Energy Progress Report: The World is Not on Track to Achieve SDG 7, but Progress is Accelerating” 17 May 2018

[IISD](#) SDG Knowledge Hub: Mwangi W “Country Profiles Reveal Global Cost of Land Degradation” 17 May 2018

[The Conversation](#): Njenga M “Banning charcoal isn't the way to go. Kenya should make it sustainable” 16 May 2018

[IISD VEF Bulletin](#): “Special Session of the 2018 Vienna Energy Forum – Summary” 14 May 2018

Ireland Climate Case [Website](#): A website to help raise the profile of a climate change case filed late last year against the Government of Ireland. More than 1,000 people have signed up in support of the case in less than a week, which reflects the broad public support for more ambitious climate action in Ireland.

[IISD](#) SDG Knowledge Hub: King-Guffey C “UNICEF Highlights Young Climate Heroes as Winner of Climate Comic Contest Launches Full Length Comic Book” 15 May 2018

[The Conversation](#): Djurfeldt Agnes Andersson “Why merely owning land isn't enough to empower Africa's women farmers” 14 May 2018

[The Conversation](#): Rodriguez Daniel “How collaboration can help grow and transform agriculture in Africa” 14 May 2018

[The Jurist](#): Uram Z “ECJ upholds partial ban on group of insecticides found to harm bees” 17 May 2018

[The Guardian](#): Carrington D “Climate change on track to cause major insect wipeout, scientists warn” 17 May 2018

[The Guardian](#): Cox L “A third of world's nature reserves severely degraded by human activity” 17 May 2018

[DailyMaverick](#): Yelland C “Thoughts on the optimal electricity-generation mix for SA” 18 May 2018

[DailyMaverick](#): Fakir S “The cloak that hides the dagger – nuclear deals and geopolitics” 18 May 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

**EOH Legal Services: One day Environmental Awareness Training**

Date: 1 June 2018

Contact person: [Jolene Mascini](#) tel: 087 405 1825 / 083 739 2130

## NWU – Centre for Environmental Management Courses 2018

- **CEM-02.2.1 Occupational health and safety law (3days)**  
Date: 5 - 7 June 2018 (Potchefstroom)
- **CEM-02.1.7a Environmental law - Mine closure and rehabilitation (Introduction - 3 days)**  
Date: 12 - 14 June 2018 (Potchefstroom)
- **CEM-06.3.1 Essential air quality management (3 days)**  
Date: 12 - 14 June 2018
- **CEM-05.1.1 Environmental impact assessment for practitioners (5 days)**  
Date: 18 - 22 June 2018 (Gauteng)
- **CEM-02.1.2 Environmental law - integrated water resource management (5 days)**  
Date: 18 - 22 June 2018 (Potchefstroom)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

## National Wetlands Indaba 2018: Drylands and Wetlands: connecting and managing heterogeneity across landscapes

Dates: 8 – 11 October 2018

Venue: Mittah Seperepere Convention Centre, Kimberley, Northern Cape

Abstracts: 15 June 2018

Registration [open](#)

Contact for more information: The Secretariat: [Kruger & Associates](#) or +27 28 316 2906

## CBSS Training Workshops: Integrated Water Regulations and Integrated Water and Waste Management Plans

- **Durban**

Date: 31 July - 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 4-6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

**Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Durban**

Date: 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

**Imbewu Workshop: Compliance with and Enforcement of the Waste Act Workshop**

Date: 31 May 2018

Venue: Intakha Island

For more information email [Lulu](#) or phone 011 214 0660

**Imbewu: World Environment Day Event: Discussion of Concerns Regarding The Breeding of Lions for Hunting and the Lion Bone Trade followed by Cheese & Wine**

Date: 5 June 2018

Time: 16h30 – 18h30

Venue: Warburton Attorneys offices at 53 Dudley Road, Parkwood, Johannesburg

For more information and to RSVP contact [Lulu Lewis](#) before Friday 1 June 2018

Telephone: 011 447 6848

**Webber Wentzel: Change of Date Invitation: Skills Development and Training Trends in the Mining Sector**

Date: 21 June 2018

Time: 15:30 for 15:45-17:45 (followed by a networking cocktail function)

Venue: Webber Wentzel, 90 Rivonia Road, Sandton, Johannesburg

Register before 12 June 2018

**International**

**IHEID - IISD Call for Paper Proposals: "Trade Impacts of Fossil Fuel Subsidies"**

The Centre for Trade and Economic Integration (CTEI) of the Graduate Institute of International and Development Studies (IHEID) and the Global Subsidies Initiative (GSI) of the International Institute for Sustainable Development (IISD) launch a [call for papers](#) discussing the trade impacts of fossil fuel subsidies and fossil fuel subsidy reform.

This area still lacks high quality research despite repeated calls from various WTO members, the OECD (which is a member of the conference committee) and other IOs to advance the understanding of trade impacts. The conference will take place on the side-lines of the WTO Public Forum on 04-05 October 2018. Final papers will be grouped into a dedicated journal issue or a specialized edited volume.

We invite abstract submissions from senior and quality junior researchers until 31 May 2018 and commit to inform selected participants by 20 June 2018.

**Webinar: Beyond Cooking: Biodigesters for Family Farming in the Global South**

[Register now](#) and mark your calendar for 3 PM CEST on 28 May 2018!

Biodigesters are best known for cooking and several national programmes have successfully promoted it for this purpose. But biodigesters are more than that. They can help to improve the livelihoods of rural households in the Global South by treating organic waste, improving management of soil nutrients, providing clean energy and organic fertilizer, to name just a few of their advantages. In this webinar, we shall discuss how biodigesters and biogas can

support farmers to increase the efficiency of their farm and improve their wellbeing. Are the benefits of biogas and biodigesters being deployed by farmers? If so, where is this happening? Which gaps/missing links can hinder the uptake of this technology? Lastly, how can family farmers be better supported to take advantage of biogas and biodigesters?

### **Ahomatuhia: Operationalising the Aashukan Declaration**

Date: 23 April 2019

Place: New Zealand

Wednesday 2pm: Welcome to country / Beach visit etc

Thursday: 7 am: field visits depart

Disasters and Estuary management

Lake water quality and waste water reticulation

Friday: Workshops and evaluation against Aashukan Declaration

Learnings / findings of Ahomatuhia

Saturday: looking back to go forward / learnings from other countries

Afternoon free to explore etc.

More information will follow later

### **VISonline in partnership with the University of Trento is proud to invite you to the IV edition of the International Workshop: Environment & Food: An Alternative to Forced Migration**

Integrating environmental sustainability with food safety and security

An open seminar, set up to study how to best enhance the environmental protection and the sustainable use of natural resources, facing the complex framework of strategies and global / national planning, such as the 2030 Agenda for Sustainable Development.

The event is open to whatever practitioners of international cooperation, professionals, PA officers, entrepreneurs, students of the online course, both from present and past editions, any other students.

Please find below some of the topics that will be discussed:

- Policies and Best Practices in Italian Government's Experience
- Policies and Best Practices in the International Experience
- Voices from All Around the World

Join us on Streaming! Free for IISD subscribers.

To enroll to the International Workshop, please write an [email](#)

Please specify on the subject of the email: ENROLLMENT INTERNATIONAL WORKSHOP – IISD SUBSCRIBER.

You'll receive all the info to log on the platform at the due time.

Find out more [here](#)

## **NEWS**

### **National**

#### **IAIA18: Environmental Law Association Panel discussion**

The ELA had a panel discussion on the influence of court decisions and environmental justice. Anél du Plessis gave an overview of the changing understanding in scholarship on the meaning of environmental injustice – a very strong focus is nowadays on all vulnerable communities, poverty and powerful governments vis-a-vis exposed citizens. The focus is also on inaction as

opposed to positive action causing harm. Louis Kotzé presented virtually on the notion of climate change justice from a global perspective. Peter Kantor discussed court cases dealing with procedural environmental injustice. Stewart Green discussed court cases dealing with basic services and environmental injustice. Willemien du Plessis referred to environmental impact assessment and environmental injustices in court from a South African perspective. John Rantlo presented on the notion of retrospective authorisation as a potential instrument for environmental injustice. The ELA panel received positive feedback.

### **DST/NRF Research Chair in Cities, Law and Environmental Sustainability**

Anél du Plessis of the Faculty of Law, North-West University and Treasurer of the Environmental Law Association was awarded the DST/NRF Research Chair in Cities, Law and Environmental Sustainability.

### **Pollution: eThekweni to adopt Air Quality Management Plan**

“After three years of dragging its feet, the eThekweni municipality says it is now ready to adopt and implement the Air Quality Management Plan. A report in The Mercury notes that the municipality announced last week that its community services committee had adopted the plan – which has been sitting idle since 2015 – and had set aside R3.5m for the implementation of the plan in the next financial year. ‘The interventions (stipulated in the plan) include the refurbishment and replacement of ageing air quality monitors. This will greatly contribute to the improvement of the quality of life for the people of eThekweni,’ the city said. However, environmental activists who have been monitoring air pollution in the city believe there is little to celebrate. They argue that over the years the city has not done enough to ensure that there is credible air quality data available, to allow for the proper enforcement of air quality standards. City spokesperson Mandla Nsele said the city’s enforcement efforts were bearing fruit, with fines amounting to R1.4m having been issued to seven industries since 2016. Desmond D’Sa, the co-ordinator of the South Durban Community Environmental Alliance was, however, not convinced, saying these figures were a thumbsuck. ‘Clearly there is a lack of honesty. Most of these companies get away with murder because there is no credible data to hold them accountable. Big industries are also getting away with very little fines because there is a lack of political will and an element of corporate capture,’ he said.”

Full report in The Mercury (subscription needed) *Legalbrief Environmental* 15 May 2018

### **Aquaculture Development Bill 2018 in Parliament**

Cabinet last week approved the submission of the Aquaculture Development Bill of 2018 to Parliament. The Bill, which came out of full consultation with all the relevant stakeholders in the aquaculture sector, seeks to promote aquaculture development in the oceans economy. It provides, among others, the institutional arrangements of the sector; sets out the licensing and permitting requirements for aquaculture and the establishment of the aquaculture development zones.

*Legalbrief Environmental* 15 May 2018

“Pooven Moodley Appointed as New Executive Director at Natural Justice” [\*Natural Justice\*](#) 17 May 2018

Mutandiro K “Case dropped against arrested informal gold miners” [\*GroundUp\*](#) 18 May 2018

Cebulski Annie “Western Cape’s mounting rubbish problem Less than half of the province’s landfill sites are operational” [GroundUp](#) 17 May 2018

Scannell E and GroundUp Staff “H<sub>2</sub>O International’s motives not pure - The purifying company’s South African franchise has made unproven claims about municipal water” [GroundUp](#) 16 May 2018

### **Environmental: Mantashe planning to speed up shale gas project**

“Mineral Resources Minister Gwede Mantashe has vowed to speed up the process to mine for shale gas in the Karoo, Netwerk24 reports. Mantashe made the comments in Parliament during his department’s budget speech. He said the southern Karoo area has 205trn cubic feet of shale gas and the potential to transform SA’s energy economy. A notice will shortly be published in the *Government Gazette*, he said. ‘We plan to speed up the processing of prospecting rights so that SA can unlock the benefits of shale gas prospecting.’ Mantashe’s comments caused an immediate reaction from lobby group Treasure the Karoo Action Group (TKAG). According to a report in Die Burger, TKAG disputed the 205trn figure, saying Mantashe is ‘seemingly on another planet’. TKAG’s Jonathan Deale said it was surprising Mantashe had made the announcement a day before the Gauteng High Court (Pretoria) is scheduled to deliver judgment in an application by TKAG and AfriForum to halt fracking. AfriForum’s Marcus Pawson said they aimed to use all legal instruments available to stop shale gas prospecting.”

Full Netwerk24 report Full report in Die Burger (subscription needed) *Legalbrief Today* 16 May 2018

### **Legislation: More MPRDA amendments to cover ‘upstream gas’**

“Upstream ‘elements of the gas value chain’ will be the focus of more amendments to the Mineral and Petroleum Resources Development Act, according to Energy Minister Jeff Radebe. Midstream elements are to be dealt with in a Gas Amendment Bill that will also address the development of ‘new gas infrastructure, including pipelines, storage and regasification technology for imported liquefied natural gas’. This finally puts to bed rumours of a separate ‘Upstream Gas Bill’ that surfaced under the watch of former Energy Minister Tina Joemat-Pettersson.”

Read full report in Policy Brief *Legalbrief Today* 16 May 2018

### **Environmental: eThekweni municipality to implement air pollution plan**

“After three years of dragging its feet, the eThekweni municipality says it is now ready to adopt and implement the Air Quality Management Plan. According to a report in The Mercury, the municipality has announced its Community Services Committee had adopted the plan – which has been sitting idle since 2015 – and had set aside R3.5m for its implementation in the next financial year. ‘The interventions (stipulated in the plan) include the refurbishment and replacement of ageing air quality monitors. This will greatly contribute to the improvement of the quality of life for the people of eThekweni,’ the city said. However, environmental activists who have been monitoring air pollution in the city believe there is little to celebrate. They argue that over the years the city has not done enough to ensure there is credible air quality data available to allow for the proper enforcement of air quality standards. A city spokesperson reportedly said the

plan now awaited council adoption, but a number of projects contained in the plan were already under way.”

Full report in The Mercury (subscription needed) *Legalbrief Today* 15 May 2018

### **Economy: Sustainable growth a transformation challenge – Ipap**

“The latest iteration of government’s industrial policy action plan (Ipap) notes, among other things, the importance of responding appropriately to the ‘inescapable imperative of securing a dramatically less energy, carbon and waste-intensive, environmentally sustainable growth path across all sectors of the economy’. According to Trade and Industry Minister Rob Davies, this will require ‘much greater collaboration and calibration of policy and programmes’, not only across all spheres of government but also among state-owned enterprises. The ‘significant industrial opportunities’ likely to arise will need to be leveraged to address race-based economic ownership and control by way of ‘stronger interventions’ in support of transformation, including ‘a bouquet of new and creative incentive measures’ ([SANews](#)).”

Read full report *Legalbrief Today* 15 May 2018

## **International**

Watts J “Brexit: Lords defeats government to back EU environmental standards after withdrawal” [The Independent](#) 18 May 2018 [Source: *Legalbrief Today* 16 May 2018]

Washinyira Tariro “Rubbish piles up in Harare” [GroundUp](#) 18 May 2018

### **Corporate: Boardroom battle over Namibian fishing firm’s future**

“Minority shareholders in one of Namibia’s biggest fishing firms, have complained of being bulldozed into giving control of company assets to Bidvest Fisheries Namibia. Documents reviewed by The Namibian show that minority owners are questioning how Namsof Fishing’s assets which were valued at US \$43m in 2017 suddenly fell to US \$36m this year. Namsof Fishing (previously known as the Namibia and the Soviet Union joint venture), which employs nearly 1 200 people, is owned by Bidvest Namibia Fisheries and five other entities. Its future is in doubt after Bidvest Fishing Namibia decided to pull out of the fishing sector, partly because of government’s decision to reduce its fishing quotas. However, efforts to exit the fishing sector has resulted in a boardroom fight between Namsof shareholders.”

Full report in The Namibian *Legalbrief Today* 15 May 2018

Lowman E “Tennessee judge rules removal of Confederate statutes in park does not violate state law” [The Jurist](#) 17 May 2018

Slobe E “European Commission brings six countries to court over air pollution” [The Jurist](#) 17 May 2018

Rothla S “EPA sued for discarding hard-rock mining rule” [The Jurist](#) 17 May 2018

Vaughan A “Shell faces shareholder challenge over climate change approach” [The Guardian](#) 20 May 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

**Limpopo Department of Agriculture and Rural Development: Post 20/272 : Senior Legal Administration Officer MR6 Ref No: LDARD 35/18**

Closing Date: 08 June 2018 @ 16h30

Click [here](#) for more information

**Nelson Mandela Bay Municipality: Deputy Director: Governance and Corporate Affairs (Legal Services) Position Code: 180028**

Equity position

Closing date: 25 May 2018 @ 12:00

Click [here](#) for more information

**Varsity College: Independent contractor: Family law (Sandton Campus)**

**Reference Code:** N/A07882

Closing date: 29 May 2018

Click [here](#) for more information

**Candidate Attorney Northern Suburbs, Western Cape**

Click [here](#) for more information

Closing date: 29 June 2018

**Candidate Attorney FRRW Consulting - Melrose, Gauteng**

A Candidate Attorney with a strong interest in mining and shipping law is required to join a small firm in Melrose.

More [information](#)

**University of the Witwatersrand CALS: Senior Litigation Attorney**

Closing date: 30 June 2018

More [information](#)

**In-House Legal Advisor (FinTech Start-up)**

More [information](#)

**English Qualified Senior Banking & Finance Associate: Robert Walters**

More [information](#)

**Senior Banking & Finance Associate Robert Walters**

More [information](#)

**Small busy Law Firm based in CBD requires a Candidate Attorney Cape Town, Western Cape**

Commence work: 25 May 2018 or soon after

More [information](#)

**Candidate Attorney Van Zyl Ebrahim Cook Attorneys Incorporated - Cresta, Gauteng**

Click [here](#) for more information

## International

### **Marie Skłodowska-Cd infourie Actions Individual Fellowships**

Are you an experienced researcher in possession of a doctoral degree or do you have at least four years of full-time equivalent research experience?

Discover the opportunities of Marie Skłodowska-Cd infourie Actions Individual Fellowships for researchers at the [Euro-Mediterranean Centre on Climate Change Foundation](#).

Under the framework of [Horizon 2020 Marie Skłodowska-Curie Actions](#), CMCC is taking into consideration to support individual experienced researchers in order to develop research proposals with reference to the 2018 Call [Marie Skłodowska-Curie – Individual Fellowships – Standard European Fellowships](#) (MSCA-IF-EF-ST).

### **Marie Skłodowska-Curie Individual Fellowships Standard European Fellowships at CMCC**

MSCA-IF Standard European Fellowships support experienced researchers for a full time period between 12 and 24 months. Fellowships are open to researchers meeting the following criteria:

- Candidates must have a doctoral degree or at least 4 years of research experience (full-time equivalent) since obtaining a university degree giving access to doctoral studies;
- Eligible researchers can be of any nationality and must not have resided or carried out their main activity in Italy for more than 12 months since September 2015;
- All requirements of the H2020 MSCA-IF programme (See [Guide for Applicants](#)).

For details and info about how to apply click [here](#)

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## **ELA NEWSLETTER 21**

25 May 2018

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### **BILLS**

Plant Improvement Bill, 2015 [B8C-2015] & [B8D-2015]

Plant Breeders' Rights Bill, 2015 [B11C-2015] & [B11D-2015]

National Health Laboratory Service Amendment Bill, 2017 [B15A-2017] & [B15B-2017]

Draft National Health Amendment Bill, 2018 – Gen Notice 287 in GG 41657 of 25 May 2018 - notice of intention to introduce and explanatory summary - for comment

Draft State Liability Amendment Bill, 2018 – Gen Notice 288 in GG 41658 of 25 May 2018 - notice of intention to introduce and explanatory summary - for comment

### **LEGISLATION**

### **NOTICES**

National Environmental Management: Air Quality Act 39 of 2004 - GN 513 in GG 41642 of 22 May 2018 - National Pollution Prevention Plans Regulations, 2017 amended

National Environmental Management: Air Quality Act 39 of 2004 - GN 516 in GG 41650 of 25 May 2018 - Notice of intention to amend the list of activities which result in atmospheric emission which have or may have a significant detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage - for comment

National Environmental Management: Air Quality Act 39 of 2004 - GN 517 in GG 41650 of 25 May 2018 - Draft National Dust Control Regulations, 2018 - for comment

National Environmental Management: Air Quality Act 39 of 2004 - GN 518 in GG 41650 of 25 May 2018 - Draft 2017 National Framework for Air Quality Management in the Republic of South Africa - for comment

## **PROVINCES**

### **Limpopo**

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Structures Act 117 of 1998; Local Government: Municipal Systems Act 32 of 2000 - LAN 65 in *PG* 2906 of 18 May 2018 - Thulamela Local Municipality – Notice of repeal of the Electricity; Liquefied Petroleum Gas; Conditions likely to cause or further the spread of fires; Unsightly and neglected buildings; Water Supply; Keeping of bees By-laws of the disestablished Mutale Local Municipality published under *PG* 1070 of 14 January 2005 and *PG* 2181 of 27 March 2013

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – Gen Notice 41 in *PG* 2908 of 25 May 2018 - Musina Local Municipality - Cemetery and Crematoria By-law

### **North West**

Spatial Planning and Land Use Management Act 16 of 2013 and Spatial Planning and Land Use Management Regulations; Land Use Management and General Matters, 2015 - - LAN 45 in *PG* 7886 of 22 May 2018 - Mahikeng Local Municipality - Appointment of members to the Municipal Planning Tribunal

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 46 in *PG* 7886 of 22 May 2018 - Mahikeng Local Municipality - By-law on Spatial Planning and Land Use Management, 2018

### **Northern Cape**

Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 – Gen Notice 59 in *PG* 2182 of 21 May 2018 - Kgatelopele Local Municipality - Revision of the Spatial Development Framework (SDF) - for comment

### **Western Cape**

Sea-Shore Act 21 of 1935 - PN 76 in *PG* 7932 of 25 May 2018 – Velddrift - Proposal to enter into a lease with the Oransay Trust for the construction of a jetty below the high-water mark of the Berg River - for comment

National Environmental Management: Protected Areas Act 57 of 2003 - PN 74 in *PG* 7932 of 25 May 2018 - Erratum to the Declaration of Moutonshoek Protected Environment published under PN 56 in *PG* 7916 of 20 April 2018

### **Gauteng**

Disaster Management Act 57 of 2002 - LAN 761 in *PG* 141 of 21 May 2018 - City of Johannesburg Metropolitan Municipality - Extension of the declaration of a local state of disaster due to severe weather conditions including a tornado that occurred in parts of the jurisdictional area for a further month

Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 792 in PG 142 of 23 May 2018 - City of Ekurhuleni Metropolitan Municipality - Notice of adoption of Municipal Spatial Development Framework (2015) published with effect from 29 October 2015

## INTERNATIONAL

UN General Assembly Resolution: 'Towards a Global Pact for the Environment' ([A/72/L.51](#))

## CASES

### National

*Treasure Karoo Action Group and Another v Department of Mineral Resources and Others* (95261/15) [2018] [ZAGPPHC](#) 334 (16 May 2018) [Provided by Stewart Green]

"[1] This application concerns the review and setting aside of Regulations for Petroleum Exploration and Production, made by the second respondent, the Minister of Mineral Resources, on 3 June 2015 in terms of Government Gazette 3855."

Application was dismissed.

### International

*Armando Ferrão Carvalho and others v The European Parliament The Council* (May 2018)

"People's Climate Case is the litigation action initiated by 10 families from Portugal, Germany, France, Italy, Romania, Kenya, Fiji, and the Saami Youth Association Sáminuorra. Their homes, livelihoods, traditional family occupation and culture are affected by climate change and they are taking the EU institutions to court to protect their fundamental rights and to prevent dangerous climate change." Click [here](#) and here for the [application](#) [Provided by Harald Winckler]

## PUBLICATIONS

*Juta's Statutes of South Africa* (Print) [Limited Offer](#) – order before 30 June 2018: Free *Statutes and Regulations of South Africa* on DVD (June 2018) 8 volumes plus statutes and regulations on DVD-Rom

Viljoen Germaire "South Africa's Water Crisis: the idea of water as property as both a cause and a solution" [Law, Democracy and Development](#) 2017(21) 176-200

Juta: Public Sector Accounting Pocket Library (9-volume set) ([Juta](#) May 2018)

"Environmental and Health Taxes" 2018 *Income Tax Reporter* 57(2): 52-53

- Proposed carbon tax
- Plastic bag levy
- Environmental levy

- Vehicle emissions tax
- Acid mine drainage levy
- Health promotion levy

Neil Kagan “Wilderness, Luck & Love: A Memoir and a Tribute” 2018 7 [Mich. J. Envtl. & Admin. L](#) 315

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

[The Conversation](#): Malesu M “What Kenya needs to do to take advantage of its rainfall” 22 May 2018

[The Conversation](#): Asaka Jeremiah Ogonda “Why Kenya’s proposal to execute convicted poachers is a bad idea” 20 May 2018

[The Conversation](#): Massé F “Kenya's death penalty plan for poachers has stirred a hornet's nest” 22 May 2018

[The Conversation](#): Nowak K et al “How to break the impasse between opposing camps in ivory trade debate” 21 May 2018

[The Conversation](#): Le Roux M “Why plants need an identity” 24 May 2018

[The Conversation](#): McHale M et al “Small, local solutions can crack water crises: a South African case study” 21 May 2018

[The Conversation](#): Ahoua C “Chimpanzees eat plants that point to new ways of treating diseases” 20 May 2018

[The Conversation](#): Rustonjee Z “South Africa's municipal electricity tariffs are hurting the economy” 21 May 2018

[GroundUp](#): Vona V “Wild Coast Road: communities have been consulted” 23 May 2018

[Toolbox](#) on Solar Powered Irrigation Systems (SPIS)

“This Toolbox enables practitioners in the field of solar irrigation to provide hands-on guidance to end users, policy makers and financiers. It consists of informative modules, which are complemented by user-friendly tools, including calculations sheets, checklists, and guidelines. The modules and tools address issues such as: assessing the water requirements, sustainable design and maintenance of a SPIS, comparing the financial viability, and many more. Each of the modules can be used independently or in combination with other modules.”

Asia Pacific Judicial Colloquium on Climate Change: “Using Constitutions to Advance Environmental Rights and Achieve Climate Justice”

- [information](#) regarding the colloquium:
- the colloquium [materials](#).

[IISD](#) SDG Knowledge Hub: Ledaba AM “UNGA Adopts Resolution on Global Environment Pact” 24 May 2018

ICLEI [City Talk](#): Rettberg S “Stories from Mozambique: High impact, low cost interventions” 28 April 2018

[The Guardian](#): Milman O 'It's wrong to stink up other people's lives': fighting the manure lagoons of North Carolina" 24 May 2018

[The Guardian](#): Neslen A "Revealed: majority of politicians on key EU farming panel have industry links" 24 May 2018

[The Guardian](#): Carrington D "Hitting toughest climate target will save world \$30tn in damages, analysis shows" 23 May 2018

[The Guardian](#): Margil M "Our laws make slaves of nature. It's not just humans who need rights" 23 May 2018

[Living on Earth](#): "The Amazon as Legal Person" 20 April 2018

[The Guardian](#): Harvey F "Carbon markets back from the brink of collapse, says World Bank" 22 May 2018

[The Guardian](#): "Point Nemo is the most remote oceanic spot – yet it's still awash with plastic" 18 May 2018

[Independent](#): "Massive wave in New Zealand biggest ever recorded in southern hemisphere" 11 May 2018

[Wilderness connect](#): Fast facts about wilderness areas in the USA – Wilderness statistics [reports](#)

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **EOH Legal Services: One day Environmental Awareness Training**

Date: 1 June 2018

Contact person: [Jolene Mascini](#) tel: 087 405 1825 / 083 739 2130

#### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-02.2.1 Occupational health and safety law (3days)**  
Date: 5 - 7 June 2018 (Potchefstroom)
- **CEM-02.1.7a Environmental law - Mine closure and rehabilitation (Introduction - 3 days)**  
Date: 12 - 14 June 2018 (Potchefstroom)
- **CEM-06.3.1 Essential air quality management (3 days)**  
Date: 12 - 14 June 2018
- **CEM-05.1.1 Environmental impact assessment for practitioners (5 days)**  
Date: 18 - 22 June 2018 (Gauteng)
- **CEM-02.1.2 Environmental law - integrated water resource management (5 days)**  
Date: 18 - 22 June 2018 (Potchefstroom)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

## **National Wetlands Indaba 2018: Drylands and Wetlands: connecting and managing heterogeneity across landscapes**

Dates: 8 – 11 October 2018

Venue: Mittah Seperepere Convention Centre, Kimberley, Northern Cape

Abstracts: 15 June 2018

Registration [open](#)

Contact for more information: The Secretariat: [Kruger & Associates](#) or +27 28 316 2906

## **CBSS Training Workshops: Integrated Water Regulations and Integrated Water and Waste Management Plans**

- **Durban**

Date: 31 July - 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 4-6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

**Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Durban**

Date: 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## **Imbewu: World Environment Day Event: Discussion of Concerns Regarding The Breeding of Lions for Hunting and the Lion Bone Trade followed by Cheese & Wine**

Date: 5 June 2018

Time: 16h30 – 18h30

Venue: Warburton Attorneys offices at 53 Dudley Road, Parkwood, Johannesburg

For more information and to RSVP contact [Lulu Lewis](#) before Friday 1 June 2018

Telephone: 011 447 6848

## **Webber Wentzel: Change of Date Invitation: Skills Development and Training Trends in the Mining Sector**

Date: 21 June 2018

Time: 15:30 for 15:45-17:45 (followed by a networking cocktail function)

Venue: Webber Wentzel, 90 Rivonia Road, Sandton, Johannesburg

Register before 12 June 2018

## NEWS

### National

#### **Legislation: Bill to provide for expropriation without compensation?**

“If recommendations emerging from last weekend’s ANC land summit are adopted at the next ruling party national executive committee meeting, the beleaguered 2015 Expropriation Bill’s ‘D’ version will be amended to provide for land expropriation without compensation – with clauses specifying the type of land to be targeted and under what circumstances. This is according to yesterday’s media briefing on summit outcomes. Meanwhile, noting that section 25 of the Constitution (property) already provides for the use of the measure in certain circumstances, expropriation without compensation should be used to ‘quickly’ resolve approximately 22 000 outstanding farm dweller and labour tenant land claims.”

Read full report *Legalbrief* 22 May 2018

Van Wyk A “A massive ‘ranched’ abalone harvest is expected off the PE coast – under heavy security” [Business Insider](#) May 2018

“The internet: A dangerous place for wild animals” [News24](#) 25 May 2018

#### **Legislation: Draft Climate Change Bill before Cabinet – Minister**

“Speaking at a press briefing before introducing her department’s budget to the National Assembly last week, Environmental Affairs Minister Edna Molewa said in addition to finalising the National Climate Change Adaptation Strategy, the department had developed a draft Climate Change Bill. According to a *News24* report, she said the draft Bill was before a committee of Cabinet and would later be referred to Cabinet for approval before it went through the parliamentary process. The department’s DG, Nosipho Ngcaba, said the Bill would contain provisions for mitigation measures and adaptation measures, as well as economic instruments. Molewa added that the Bill would also set up institutional co-operation between the many departments dealing with climate change, with the Minister of Environmental Affairs setting the ‘national trajectory’. Provinces will also have to put in place implementation plans. She said the department was also currently implanting the first phase of its greenhouse gas emission reduction system, with carbon budgets already allocated to most of the significant emitters. She said officials were working towards implementing the second phase and were confident that once implemented it would support the country’s transition to a low-carbon economy and society.” *Legalbrief Environmental* 22 May 2018

[Full News24 report](#)

[Budget Speech](#)

#### **General: World needs better green laws, conference told**

“There is no shortage of environmental laws and policies in SA and globally, but environmental injustices continue to be perpetrated, often at the expense of the poor, writes *Legalbrief Environmental*. So said academics and environmental experts speaking at the International Association Impact Assessors (IAIA) annual conference in Durban last week. Addressing the theme of Environmental Justice in Societies in Transition, more than 900 delegates from around the world heard of the urgency for impact assessors and others in the environmental planning space to play a mitigating role. Speaking at the opening plenary session,

eThekweni councillor Nkosenhle Madlala noted that the conference theme spoke directly to Durban's inherited apartheid spatial planning inequalities and where the marginalised continue to bear the brunt of industrialisation and climate change. In the same vein, professor of environmental law at North-West University, Louis Kotze, at an environmental law breakaway session, said corporate colonialism and global elitism meant unrestrained growth for only a privileged few. Climate denialism in the face of continued carbon-intensive and exploitative practices, he added, fuelled the inequalities. He pointed to a lack of a sense of ethics and environmental obligation, citing the US withdrawal from the 2015 Paris Agreement as a case in point. The existence of a strong body of global climate laws has not helped to sufficiently mitigate against climate change and offer resolution, leading to the concerns about the effectiveness of existing laws. Kotze called for policy and lawmakers to redesign and reform laws, saying instead of making more laws, there was a need for better laws. 'This was not a time for complacency,' he said.

#### Full Legalbrief Environmental report

*The lack of political will to put capacity into enforcement in SA, was alarming,* said Nicholas King, one of the editors of the third edition of *Environmental Management in South Africa*, launched by Juta at the conference. Referred to as the 'green bible', the book was released 10 years after its second edition and was jointly edited by King, HA Strydom and FP Retief. A Legalbrief Environmental report notes that King hoped that as degradation of the environment continues, the book would bring a renewed understanding of the concept of environmental justice, so that SA could improve and achieve its environmental objectives as set out in the National Development Plan. SA was better placed than many countries to deliver environmental justice as Section 24 of the Constitution implicitly provided for the protection of the environment and people's health and wellbeing, said Environmental Law Association chair Advocate Peter Kantor. However, he noted that it was easier to win environmental cases on procedural grounds rather than substantive grounds in SA courts. The ongoing case of *Earthlife Africa v the Minister of the Department of Environmental Affairs and Tourism* was an example of delayed environmental justice, where the Minister decided to uphold an EIA for authorising the building of the coal-fired power station Thabametsi, despite a challenge from Earthlife Africa. The outcome of this challenge was due later this year and may well proceed to the Constitutional Court, said Kantor. Referring to other legal challenges, including *Earthlife Africa Johannesburg and Another v Minister of Energy and Others*; *Fuel Retailers Association of Southern Africa v Director-General of Environmental management*; *Maccsand Ltd v City of Cape Town and Others*; and *Parkscape v MTO Forestry and Another*, Kantor questioned whether procedural justice was enough to prevent environmental harm. 'Should the courts defer to the executive, and do the courts have too little/too much power to adjudicate environmental injustice?' he asked.

#### Case background

*Another thorny issue that surfaced was whether EIAs should include community consent.* Willemien du Plessis, from the NWU's environmental law unit, said the dilemma for impact assessors was whether community participation alone was adequate for an EIA, and whether communities could be decision-makers, notes a Legalbrief Environmental report. And if community consent was agreed to, she added, the question that emerged was, 'Who was the community?'

*Earlier, at the opening plenary session, retired Constitutional Court Judge Albie Sachs raised the controversial issue of race and environmental activism. Asking whether you had to be 'white to be green', Sachs said for many poor people whose immediate concerns were social advancement and escape from poverty, saving the rhino or the habitat of a small butterfly may mean little. But, writes Legalbrief Environmental, Sachs said if the approach to environmental activism focused on the earth, South Africans from all sectors would have a stronger connection to it and it could be a strong unifier. Environmental laws and policies, he said, represented human interdependence and went beyond the protection of rights to clean air, water and environment, etc. but also spoke of a need for a less greedy, less egotistical society. Sachs advocated for the inclusion of environmental protection as a fundamental right to be included in the Constitution, making SA the first country to do so."*

Full Legalbrief Environmental report 22 May 2018

### **Energy: Durban activists challenge Sasol on oil exploration**

"A report in *The Mercury* notes that Sasol Africa is collaborating with Italian oil and gas corporation Eni to explore for oil and gas along the KZN coast, hoping to locate massive oil and gas reserves under the seabed at depths of between 3 800m and 4 800m. Environmental groups have questioned why Sasol has partnered with Eni, which is facing charges of bribery related to its 2011 joint purchase with Shell of Nigeria of an offshore oil field for \$1.3bn in Nigeria. At a public meeting organised by the South Durban Community Environmental Alliance to meet with Sasol management last week in Wentworth, some 200 residents raised their objections, some angrily shouting 'voetsak, Sasol, voetsak', and 'we will never accept the oil industry'. Earthlife Africa chair Alice Thomson said environmental activists were concerned about the risk of a massive oil spill – as had happened on a BP rig in the Gulf of Mexico, killing 10 people, in 2010 – that could cause loss of marine life and impact the livelihoods of people living along the coast. A representative of Wild Oceans and the Stanger community, Khalid Mather, said seismic surveys and drilling for natural resources undermined the ocean, driving away fish and other marine life. He said the coastal community depended on the ocean for their livelihoods, domestic tourism and small businesses. Sasol upstream vice-president John Harris said he was struck by the passion for the environment expressed by residents. He declined to comment on the allegations of corruption against Eni, as the matter was *sub judice*." Full report in *The Mercury* (subscription needed) *Legalbrief Environmental* 22 May 2018

"South Africa to Speed up Shale Gas Exploration" [GWPF](#) 22 May 2018

### **International**

"Report: Wildlife tourist attractions in Bali are a living hell for animals" [ETN](#) 22 May 2018

Reilly Amanda "Clean Water Act 'ambulance chasers'? Firm raises eyebrows" [E&E News](#) 24 May 2018

"Ontario Court of Appeal denies liability for Chevron subsidiary" [The Jurist](#) 24 May 2018

Lowman E “Scotland drafts climate change bill with 90 percent emission reduction goal by 2050” [The Jurist](#) 24 May 2018

Zeller B “UN rights chief laments decline of human rights priorities” [The Jurist](#) 22 May 2018

Wales-Smith Sasha “Dodgy mine mogul’s new Zim play” [Mail & Guardian](#) 25 May 2018

“NASA's new chief now believes in climate change” [News24](#) 25 May 2018

Vaughan A “Shell faces shareholder challenge over climate change approach” [The Guardian](#) 20 May 2018

Fuller G “Pollutionwatch: Air contamination drops by 30% in China” [The Guardian](#) 24 May 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

**University of Stellenbosch: Faculty of Law: Writing Coordinator / Fakulteit Skryfkoördineerder**

Closing date: 8 June 2018

More [information](#)

**University Pretoria: Director: Law Clinic**

Click [here](#) for more information

Closing date: 4 June 2018

**Barclays: Senior Legal Counsel Africa Legal**

Click [here](#) for more information

**Compliance Assistant LLB / B.Com Law: Gauteng**

Click [here](#) for more information

Closing date: 21 June 2018

**Provincial Administration: Western Cape: D POST 20/295 : Director: Environmental Law Enforcement, Ref No: EADP 2018-16**

Closing date: 4 June 2018

Click [here](#) for more information

**Province Limpopo:**

- **Post 20/272 : Senior Legal Administration Officer MR6 Ref No: LDARD 35/18 (01 POST)**
- **Post 20/287 : Legal Administration Officer GR1- GR5 Ref No: LDARD 36/18 (01 POST)**

Closing date: 8 June 2018

Click [here](#) for more information

## **SA Cities Network Recruitment - Internship 2018-2019**

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The South African Cities Network (SACN) was set up in 2002, as a network of South Africa's eight large cities, to facilitate and encourage the exchange of information, knowledge, experiences and best practices on urban development and city development strategies. It is an initiative of the Minister for Provincial and Local Government and nine city municipalities, in partnership with the South African Local Government Association (SALGA). The SACN was established to meet the growing need among the founding partners for a membership-based organisation that understands the growing pressures and issues facing big city government in South Africa. Founded by practitioners for practitioners, the SACN is charged with generating relevant and applicable services and products that improve the effectiveness and efficiency of member cities. The goals of the SA Cities Network are to:

- Promote the good governance and management of South African cities.
- Analyse strategic challenges facing South African cities, particularly in the context of global economic integration and national development.
- Collect, collate, analyse, assess, disseminate and apply the experience of large city government in the South African context.
- Promote a shared-learning partnership between different spheres of government to support the governance of South African cities.

The SACN's activities are designed to:

- Update leaders on current and emerging changes and trends in urban policy across the world and in South Africa.

- Promote innovation and strategic thinking between cities and other spheres of government.
- Foster cooperation and exchange of best practice.
- Generate options and make recommendations to SACN members.
- Mobilise the capacity of cities to support local government and national development.
- Strengthen linkages between cities, towns and rural areas. The SACN Board of Directors comprises member cities of the SACN, as well as representatives nominated by the Minister of Cooperative Governance and Traditional Affairs and SALGA.

The SACN also works closely and in partnership with a wide range of organisations, including:

- National and provincial government departments,
  - Regional and global networks dealing with city and urban issues,
  - Non-governmental organisations,
  - Private sector organisations,
  - Universities and research institutes.
- Within the context of developmental local government and integrated governance, the SACN focuses on the full scope of the urban management process.

This includes promoting sustainable cities, economic growth and poverty reduction, urban renewal, good governance, integrated land management and service delivery, and city development strategies

### *Objective of Recruitment*

The SACN Secretariat seeks to recruit two suitably qualified individuals as interns to provide support and gain experience on various projects undertaken by the SACN. The internship programme runs for six (6) months, from July 2018 to December 2018, renewable for another six months depending on performance. The SACN therefore invites qualified individuals to apply for internship to work in the following programmatic areas:

- a. Urban development strategy
- b. Local government data and indicators development
- c. Spatial planning, spatial analysis, and land administration
- d. Urban mobility and public transport
- e. Housing and human settlements
- f. Natural resource management and sustainable development
- g. Municipal finance
- h. Human resources and urban governance
- i. Socio-political and economic dynamics of urban growth and development

*Minimum Requirements*

Applicants must have completed an honours qualification in the following disciplines:

- a) Built Environment Studies
  - Urban and Regional Planning
  - Urban Design and Architecture
  - Property Studies
- b) Social and Economic Sciences
  - Sociology
  - Economics
  - Politics
- c) Anthropology

Applicants must also be proficient in the following:

- a) Writing skills – research reports
- b) Microsoft Office package

All applications should specify 'Application for Internship 2018-2019' and must be received by the SACN **no later than 17h00 (GMT+2:00) on Friday, 05 June 2018.**

Electronic submissions will be accepted only in non-editable PDF-version.

The application must include the following documentation:

- a) A concise curriculum vitae (CV) & a 30 second video introducing yourself and why you are passionate about cities.
- b) Certified copies of qualification

Shortlisted applicants will be required to attend an interview which will be in the following format:

1. Interview questions- (30 mins)
2. Personality assessment- the colour sheet characteristics describing yourself
3. A small assignment- 20 minutes to draft a paragraph op-ed

All applicants must [e-mail](#) the required documents to by close of business on 05 June 2018.

**Candidate Attorney Du Randt Attorneys - Roodepoort, Gauteng**

More [information](#)

**Junior Research Manager In On Africa (IOA) - Johannesburg, Gauteng**

More [information](#)

**Candidate Attorney Norwoord Johannesburg**

closing date for applications is 1st of June 2018.

More [information](#)

**Candidate Attorney Du Randt Attorneys - Roodepoort, Gauteng**

More [information](#)

**Candidate Attorney Northern Suburbs, Western Cape**

More [information](#)

**UCT Faculty of Commerce Lecturer: Taxation**

Closing date: 18 June 2018

More [information](#)

**International**

**[Postgraduate Research Scholarship in Resettlement, livelihoods and mining](#)**

Australia: University of Queensland, Sustainable Minerals Institute

Applications close: 22 Jun 2018 (11:55 PM) E. Australia Standard Time

**[Professor at School of Regulation and Global Governance](#)**

Australian National University, College of Asia and the Pacific

Applications close: 31 Jul 2018 11:55:00 PM AUS Eastern Standard Time

**[Pre-doctoral researcher in Corporate sustainability reporting](#)**

University of Antwerp, Faculty of Applied Economics

The position is open until filled with a final deadline of June 1, 2018.

**[PhD Position in Public Management or Public Administration](#)**

KU Leuven, Public Governance Institute

**[Post Doc position with a specialization in Green National Accounting](#)**

University of Copenhagen, Department of Economics

The deadline for applications including enclosures is 1 June 2018 (at 12:00 PM Danish Time)

**[Assistant Professorship in Environmental Economics](#)**

University of Copenhagen, Department of Economics

The deadline for applications including enclosures is June 1, 2018 (at Midnight 23:59 Danish Time).

**Institute at Brown for Environment and Society (USA) Visiting Assistant Professor of Environmental Studies**

The Institute at Brown for Environment and Society (IBES) invites applications for a Visiting Assistant Professor in Environmental Studies. While disciplinary field is open, we are looking for a social scientist to teach a departmental methods course\* in the fall of 2018 and two additional environmental studies courses per year based on the applicant's strengths. The methods course teaches our third year students how to write a research proposal and will ideally train them in both quantitative and qualitative methods with a focus on integrating social and natural sciences. Candidates with strengths in either qualitative or quantitative methods will be considered. The position involves two distinct roles: (1) conducting a varied portfolio of teaching activities, including undergraduate environmental studies courses, student advising and senior thesis mentoring;

and (2) conducting research and publishing in relevant fields. It is expected that the course load will be 3 courses per academic year, with preference given to those who can teach courses that contribute to a new Environment and Inequality Track in addition to the methods course. This position is paid a full 12 months per year and salary support from grants and contracts is not required. The successful applicant may act as a Principal Investigator on proposals.

We are particularly interested in candidates with demonstrated excellence or potential in teaching; those with experience working collaboratively across disciplines; and those who have engaged in activities promoting diversity. Applicants must have a Ph.D. at the time of commencing work. The start date can be July 1 or Sept. 1, 2018.

All candidates should submit: (1) a teaching statement, (2) a research statement, (3) a curriculum vitae, (4) a cover letter describing their interest in the position, and if available (5) copies of teaching evaluations and course syllabi. Candidates should have three letters of reference sent at the time of the application. Submissions will be considered on a rolling basis beginning June 15th and we will continue to accept applications until the position is filled.

Brown is an equal opportunity/affirmative action employer, and women and minorities are encouraged to apply. [Email](#) materials

Brown University is committed to fostering a diverse and inclusive academic global community; as an EEO/AA employer, Brown considers applicants for employment without regard to, and does not discriminate on the basis of, gender, race, protected veteran status, disability, or any other legally protected status.

Members of the Environmental Law Association may subscribe to

[Legalbrief Environmental](#)

and the

[South African Journal of Environmental Law and Policy.](#)

Discount available for ELA members.

## **ELA NEWSLETTER 22**

1 June 2018

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### **BILLS**

Small Enterprises Ombud Service Bill, 2018 [B14-2018]

State Liability Amendment Bill, 2018 [B16-2018]

Draft Fiscal Responsibility Bill, 2018 – Gen Notice 289 in GG 41659 of 29 May 2018 - notice of intention to introduce and explanatory summary - for comment

Draft Hydrographic Bill, 2018 – Gen Notice 291 in GG 41662 of 30 May 2018 - notice of intention to introduce and explanatory summary - for comment

### **LEGISLATION**

#### **NOTICES**

Water Research Act 34 of 1971 - GN 554 in GG 41667 of 1 June 2018 - Water Research Fund: Water Research Levy increased with effect from 1 July 2017 and rates and charges published with effect from 1 July 2017 to 30 June 2018

National Forests Act 84 of 1998 – Gen Notice 294 in GG 41667 of 1 June 2018 - Declaration of a portion of the Farm Kathu 465 as a forest nature reserve

### **PROVINCES**

#### **KwaZulu Natal**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 42 in PG 1957 of 31 May 2018 - Newcastle Local Municipality - Refuse Removal and Disposal by-laws repealed

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 43 in PG 1957 of 31 May 2018 - Newcastle Local Municipality - Pound by-laws

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 44 in PG 1957 of 31 May 2018 - Newcastle Local Municipality - Newcastle Municipality Informal Trade by-law

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 - MN 45 in *PG* 1957 of 31 May 2018 - uMkhanyakude District Municipality - Appointment of members to the Joint Municipal Planning Tribunal

## **Limpopo**

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 and Spatial Planning and Land Use Management By-law 2017 - LAN 74 in *PG* 2910 of 1 June 2018 - Ephraim Mogale Local Municipality - draft Municipal Spatial Development Framework – for comment

## **Mpumalanga**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 59 in *PG* 2933 of 1 June 2018 - Mkhondo Local Municipality - Encroachment on Municipal Property By-laws

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 62 in *PG* 2933 of 1 June 2018 - Mkhondo Local Municipality - By-laws for the Control of Outdoor Advertising

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PNs 64, 66 and 68 in *PG* 2933 of 1 June 2018 - Chief Albert Luthuli Municipality - Water services By-laws, Fire Brigade By-law and Waste Management By-law

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Structures Act 117 of 1998 and Local Government: Municipal Systems Act 32 of 2000 - PN 65 in *PG* 2933 of 1 June 2018 - Chief Albert Luthuli Local Municipality - Draft Electricity By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 67 in *PG* 2933 of 1 June 2018 - Chief Albert Luthuli Municipality - Sanitation services By-laws

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PNs 71, 72, 73, 74 and 78 in *PG* 2933 of 1 June 2018 - Lekwa Local Municipality - Control of Outdoor Advertising By-law, 2015; Draft Cemetery By-law, 2015; Draft Disposal of Contaminated and or Infectious Waste By-law, 2015; Electricity By-laws and Public Participation By-law, 2015

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 75 in *PG* 2933 of 1 June 2018 - Lekwa Local Municipality - Property Encroachment By-law, 2015

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 76 in *PG* 2933 of 1 June 2018 - Lekwa Local Municipality - Public Open Spaces By-law, 2015

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 77 in *PG* 2933 of 1 June 2018 - Lekwa Local Municipality - Law Enforcement By-law, 2015

Constitution of the Republic of South Africa, 1996, Business Act 71 of 1991 and Local Government: Municipal Systems Act 32 of 2000 - PN 79 in *PG* 2933 of 1 June 2018 - Lekwa Local Municipality - Draft Street Trading By-laws

## **North West**

Bophuthatswana Nature Conservation Act 3 of 1973, Cape Nature and Environment Conservation Ordinance 19 of 1974 and Nature Conservation Ordinance 12 of 1983 – Gen Notice 59 in *PG* 7889 of 30 May 2018 - North West Province Biodiversity Permit Administration Fees and Tariffs, 2018

## **Gauteng**

Disaster Management Act 57 of 2002 - PN 516 in *PG* 144 of 25 May 2018 - City of Johannesburg Metropolitan Municipality - Extension of the declaration of a local state of disaster due to severe weather conditions including a tornado that occurred in parts of the jurisdictional area for a further month

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 529 in *PG* 146 of 30 May 2018 - Mogale City Local Municipality - Spatial Planning and Land Use Management By-Law, 2018

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 855 in *PG* 146 of 30 May 2018 - City of Johannesburg Metropolitan Municipality - Outdoor Advertising By-law

## **CASES**

### **National**

*Gongqose & Others v Minister of Agriculture, Forestry & Fisheries and Others* (1340/16 & 287/17) [2018] [ZASCA](#) 87 (01 June 2018)

Summary: Section 211(3) of the Constitution – customary law – fishing in marine protected area in contravention of Marine Living Resources Act 18 of 1998 (MLRA) – exercise of a customary right of access to and use of marine resources – a defence to unlawfulness – MLRA not legislation dealing specifically with customary law – customary right not extinguished – appeal upheld.

*Bafokeng Land Buyers Association and Others v Royal Bafokeng Nation and Others* (CIV APP 3/17) [2018] [ZANWHC](#) 5 (9 March 2018)

Traditional leaders to consult community – also transfer of land to the trust

*Executrix of the Estate of the Late Josephine Terblanche Gouws v Magnificent Mile Trading 30 (Pty) Ltd and Others* (594/17) [2018] [ZASCA](#) 91 (1 June 2018)

“Summary: Mineral and Petroleum Resources Development Act 28 of 2002 – application for conversion of unused old order mineral right to new order prospecting right – effect of death of applicant after application made but before decision taken – setting aside of grant of prospecting right in respect of a property other than property applied for – effect of setting aside is that original application still pending – application for mining right by another party not permissible.”

*Du Toit and Others v Provincial Minister of Environmental Affairs and Development Planning: Western Cape and Others* (14275/16) [2018] [ZAWCHC](#) 58 (24 May 2018)

“[1] This matter arose as a result of the alleged illegal hunting of two kudus during the night in December 2014, in the Karoo near Merweville and the possession of a badly injured steenbok. The hunting of wild animals in the Western Cape, including species like kudu and steenbok, is regulated by the Nature Conservation Ordinance (“the Ordinance”). The hunting season for Kudu in 2014 was from the period 1 May 2014 to 31 August 2014 with a daily bag limit of one kudu. Seemingly, no proclaimed hunting existed for steenbok in 2014 which implied that the hunting of steenbok at any time during the year required a permit.

[2] Night hunting, and in particular with the aid of a spotlight, was also prohibited at the time unless a hunter(s) was issued with a Certificate of Adequate Enclosure (CAE).”

## International

[Legal summary](#) of “People’s Climate Case” in European General Court

## PUBLICATIONS

Miller Mike “Decolonising engineering in South Africa – Experience to date and some emerging challenges” 2018 114 *South African Journal of Science (SAJS)* 5/6 DOI: <https://doi.org/10.17159/sajs.2018/a0270>

Oelofse S and Muswema Aubrey “Household food waste disposal in South Africa: A case study of Johannesburg and Ekurhuleni” 2017 114 *SAJS* 5/6 DOI: <https://doi.org/10.17159/sajs.2018/20170284>

Cobbing WE and De Wit M “The Grootfontein aquifer: Governance of a hydro social system at Nash equilibrium” 2018 114 *SAJS* 5/6 DOI: <https://doi.org/10.17159/sajs.2018/20170230>

Sinyolo Sikhulumile and Mudhara Maxwell “Farmer groups and inorganic fertiliser use among smallholders in rural South Africa” 2018 114 *SAJS* 5/6 DOI: <https://doi.org/10.17159/sajs.2018/20170083>

Toerien Daan “Power laws, demography and entrepreneurship in selected South African regions” 2018 114 *SAJS* 5/6 DOI: <https://doi.org/10.17159/sajs.2018/20170255>

Nkuekam Gilbert Kamgan, Cowan Don A and Valverde Angel “Arable agriculture changes soil microbial communities in the South African Grassland Biome” 2018 114 SAJS 5/6 DOI: <https://doi.org/10.17159/sajs.2018/20170288>

The World Health Organization (WHO) ‘World Health Statistics 2018: Monitoring health for the SDGs.’ (Annual [Report](#) May 2018)

“Kenya Extractives Policy Dialogues: [Technical Paper](#) No. 1” (Extractives Baraza May 2018)

[IGF](#) “Women in artisanal and small-scale mining: Challenges and opportunities for greater participation” (IISD Winnipeg 2018)

Scanlan M “The Role of the Courts in Guarding Against Privatization of Important Public Environmental Resources,” 2018 [Michigan Journal of Environmental & Administrative Law](#) 237

Markell D and Glicksman RL “Unraveling the Administrative State: Mechanism Choice, Key Actors, and Regulatory Tools” 2018 36 *Va. Env'tl. L.J.* 3 (forthcoming) (with Robert. L Glicksman)

Markell D “Can Non-statutory Federal Climate Litigation Drive Federal Climate Policy?” 2017 49 *TRENDS*

Markell D “Agency Motivations in Exercising Discretion” 2017 42 *J. Land Use & Env'tl. L.* 513

Light Sara “The Role of Universities in Private Environmental Governance Experimentalism” *Organization & Environment* (2018), advance [copy](#)

Light Sara “Regulatory Horcruxes” 67 *Duke Law Journal* 1647 (2018), available [here](#)

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

[The Conversation](#): Brand D “Local government in South Africa is in crisis. How it can be fixed” 29 May 2018

[The Conversation](#): Trotter P “Why foreign investment is no easy fix for Africa's energy needs” 30 May 2018

[IISD](#) SDG Knowledge Hub: Nelson G “NGO Brief: Families Call for Increased Climate Action in Court Case against EU” 28 May 2018

[DW Live TV](#): Brändlin Anne-Sophie “Families hit by climate change sue the EU” 25 May 2018

[Extractives Baraza](#): “Wamburu residents encouraged to take up mining” (Kenya) 30 May 2018

[Extractives Baraza](#): “Return to \$100-oil is far from unlikely, Norway minister says” 30 May 2018

[Extractives Baraza](#): “Copper supply shock hits India as top plant ordered to close” 30 May 2018

[Extractives Baraza](#): “Mexico violence hits Canadian silver miner's operations” 30 May 2018

[Extractive Baraza](#): “Kenya Local Content: Real-World Approaches and Strategy for Private Sector-Led Enterprise Development — Brief III” 11 May 2018

[IISD](#) ENB: First Meeting of the Ad Hoc Open-ended Expert Group on Marine Litter and Microplastics 29-31 May 2018 | Nairobi, Kenya

[Science](#): Cornwall Warren “Scientists race to reveal how surging wildfire smoke is affecting climate and health” 31 May 2018

[Science](#): Warren Matt “United Kingdom unveils ambitious air pollution plan” 29 May 2018

[The Conversation](#): Fig D “South Africa needs to reverse corporate capture of agricultural policy” 28 May 2018

[The Conversation](#): Smit B “South Africa's Cape Rockjumper numbers are falling and we're not sure why” 31 May 2018

[The Conversation](#): Thurner TW “Land reform and hunger in South Africa: why the two go hand in hand” 29 May 2018

[The Conversation](#): Egbe CO “How South Africa is tightening its tobacco rules” 31 May 2018

[Florida Politics](#): Merzer M “Maggy Hurchalla’s free speech right just cost her millions” 24 April 2018

[The Guardian](#): Smith H “Greece tourism at record high amid alarm over environmental cost” 3 June 2018

[The Guardian](#): McKie “Eerie silence falls on Shetland cliffs that once echoed to seabirds’ cries” 3 June 2018

[The Guardian](#): Mercer G “‘Sea, ice, snow, it’s all changing’: Inuit culture struggles with warming world” 30 May 2018

[The Guardian](#): Morton A “Up in smoke: what did taxpayers get for the \$2bn emissions fund?” 2 June 2018

[The Guardian](#): Ravilious K “Weatherwatch: pollution can make clouds drier” 28 May 2018

[The Guardian](#): Smee B “When the sweet turns sour: Queensland split between sugar and solar” 3 June 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **ELA Western Cape: Waste Management Issues and Solutions: Promoting landfill diversion & growth of the circular waste economy**

Date: 7 June 2018

Time: 17:30

Venue: Bowmans, 22 Bree Street, Cape Town

Please register/RSVP via email by Thursday 31 May 2018 by contacting [Kate Handley](#) or [Tendai Bonga](#)

Speakers: Eddie Hanekom (DEADP) and Sam Smout (GreenCape)

#### **The MAC Protocol to the Cape Town Convention: The future of mining, agriculture and construction sectors**

Date: 13 June 2018

Time: 13:00-17:00

Venue: Council Chambers, Madibeng, University of Johannesburg, Kingsway Campus

RSVP: before 1 June 2018 to mrs [Alysha Wolfaardt](#)

#### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-02.1.7a Environmental law - Mine closure and rehabilitation (Introduction - 3 days)**  
Date: 12 - 14 June 2018 (Potchefstroom)
- **CEM-06.3.1 Essential air quality management (3 days)**  
Date: 12 - 14 June 2018
- **CEM-05.1.1 Environmental impact assessment for practitioners (5 days)**  
Date: 18 - 22 June 2018 (Gauteng)
- **CEM-02.1.2 Environmental law - integrated water resource management (5 days)**  
Date: 18 - 22 June 2018 (Potchefstroom)
- **CEM-4.1.1 Environmental management system - lead auditor (5 days)**  
Date: 25 - 29 June 2018 (Potchefstroom)
- **CEM-4.2.1 Occupational health and safety management system - lead auditor (5 days)**  
Date: 25 - 29 June 2018 (Potchefstroom)

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

#### **National Wetlands Indaba 2018: Drylands and Wetlands: connecting and managing heterogeneity across landscapes**

Dates: 8 – 11 October 2018

Venue: Mittah Seperepere Convention Centre, Kimberley, Northern Cape

Abstracts: 15 June 2018

Registration [open](#)

Contact for more information: The Secretariat: [Kruger & Associates](#) or +27 28 316 2906

## **CBSS Training Workshops: Integrated Water Authorisations and Integrated Water and Waste Management Plans**

- **Durban**

Date: 31 July - 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 4-6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

**Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Durban**

Date: 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## **Webber Wentzel: Change of Date Invitation: Skills Development and Training Trends in the Mining Sector**

Date: 21 June 2018

Time: 15:30 for 15:45-17:45 (followed by a networking cocktail function)

Venue: Webber Wentzel, 90 Rivonia Road, Sandton, Johannesburg

Register before 12 June 2018

## **International**

### **NEW IEA Tracking Clean Energy Progress (TCEP) Analysis and Webinar**

The International Energy Agency has just released our most timely and comprehensive analysis of clean energy technologies ever – Tracking [Clean Energy Progress](#). TCEP has been transformed into a digital-only web portal with all the very latest data and analysis across 38 technologies and sectors, including investment levels, deployment rates, recent trends and what more needs to happen to achieve the targets of the IEA's Sustainable Development Scenario ([SDS](#)).

The new, interactive, free and easy-to-navigate TCEP web portal will be continually updated whenever new information becomes available, allowing all users to efficiently access the very latest IEA data and analysis across all clean technologies and sectors.

Access the new [website](#) or [here](#) and join us for a webinar on

Date: 14 June 2018

Time: 14:00-15:00 (GMT+2)

Register [here](#)

## 2018-2020 NSELP LLM on Energy Law for professionals

Unique programme in the field of Energy Law.

The NSELP executive LL.M is offered in four teaching blocks of two weeks each, it has been specially designed for professionals to be able to attend.

Each of the blocks takes place and is coordinated by one of the partner universities: University of Groningen, Prof. Martha Roggenkamp University of Oslo, Prof. Catherine Banet University of Aberdeen, Prof. Greg Gordon University of Copenhagen, Prof. Anita Ronne

Awarded in 2017 by the LLM Guide as one of the top ten LL.M programs in Energy Law category, the programme will start its next round in September and applications will be accepted until mid-June.

[Website](#)

[Information](#) on research, graduate and postgraduate programmes

## NEWS

### National

Malope Lesetja “Mantashe: Use it or lose it” [Fin24](#) 27 May 2018

#### **Litigation: Minerals find led to axing of chief, court told**

“The discovery of minerals in a large rural expanse near Port Shepstone led to KZN Premier Willies Mchunu deposing a South Coast inkosi (traditional leader), the KZN High Court (Pietermaritzburg) has been told. Former inkosi Moses Madlala is seeking an urgent order to set aside a recent decision to relieve him of the chieftancy of the Madlala traditional community – a position he has held for almost 30 years, notes a *Sunday Tribune* report. In court papers, Moses Madlala says the Premier’s decision was to ‘achieve an ulterior motive’ and appoint ‘a more pliable inkosi, to the detriment of the Madlala community’. The intention, said Moses Madlala, was for the new chief, Vusumuzi Madlala, ‘to acquire status in certain mining operations’. The report notes Mchunu has not yet responded to the application, nor has the KZN Department of Co-operative Governance and Traditional Affairs (Cogta) or the Sikhakhane Commission, which investigated Vusumuzi’s leadership claim. Vusumuzi Madlala has received written confirmation from Cogta and the Premier’s Office that he is now the leader of the Madlala clan, but is now in hiding. His lawyer, Abongile Swana, of Norton Rose Fulbright, said her client feared for his life as a result of the leadership dispute which has been causing tensions in the area since the 1990s. Moses Madlala said history and genealogy supported his claim as leader. He said he had faced a similar legal challenge from Vusumuzi Madlala’s faction in 1991, but the court passed judgment in his favour. He argues that the Premier has failed to recognise that court decision.”

Full Sunday Tribune report (subscription needed) *Legalbrief* 28 May 2018

Thompson W “Going off the electricity grid still too costly in SA” [Citizen](#) 22 May 2018 [Source: Legalbrief Environmental 29 May 2018]

#### **Waste: Settlement's tap water allegedly tainted by sewage**

“Green, stinking water spewed out of the taps in the Eastern Cape informal settlement, Aloes, last week. According to a report in *The Herald*, this was the result of a mistake made by a contractor working on a water leak. The contractor had accidentally connected a pipe for drinking water to a pipe filled with the ‘dead’

water. Eileen Leander, a community leader for the Aloes settlement, said municipal officials confirmed that taps were spewing sewage. She said community members were warned not to drink the water. Zwartkops Conservancy environmental officer Jenny Rump said municipal officials had also told her the water from the taps was sewage – based on the way it looked and smelled. Mayoral spokesperson Sibongile Dimbaza, however, said officials had been informed it was ‘dead’ water from an old, unused pipe that was accidentally connected to the fresh water line. Rump said she believed they were finally seeing the disaster, predicted as far back as 2010, that resulted from failed infrastructure, under pressure from a growing population. She said the main sewerage pipe had broken in several places since 14 April.”

Full report in The Herald (subscription needed) [Source: Legalbrief Environmental 29 May 2018]

Farber T “Scales of justice come down heavily against foreign lizard poachers” [TimesLive](#) 25 May 2018 [Source: Legalbrief Environmental 29 May 2018]

Alfreds D “NPA welcomes sangoma animal abuse conviction, issues warning” [News24](#) 28 May 2018 [Source: Legalbrief Environmental 29 May 2018]

### **General: Scopa chair, academic question NPA competence**

“Scopa chairperson Themba Godi is the latest to criticise the NPA for its ‘incompetence’ in the Estina dairy scandal saga. According to a report in *Die Burger*, Godi described the Free State High Court ruling against the NPA on procedural and factual grounds in the Gupta asset forfeiture matter as ‘an embarrassment’. He said the judgment may create the impression for criminals that it is easy to get away with corruption. ‘It has nothing to do with state capture. It is all about the NPA’s incompetence,’ he said. Dr Theo Broodryk, of Stellenbosch University’s law faculty, was also critical of the NPA, saying the onus of proof was relatively low as the NPA didn’t have to prove guilt, but only that there were reasonable prospects of a criminal prosecution. ‘One wonders why they couldn’t even do that,’ Broodryk is quoted as saying. He added that the judge specifically referred to outstanding evidence which could have influenced the outcome, which raises questions about the NPA’s competence.”

Full report in *Die Burger* (subscription needed)

See also a BusinessLIVE report

*The most alarming aspect of the judgment* was the finding that it was not reasonable to believe a criminal case against the accused would one day succeed, according to a *Daily Maverick* commentary. It says the reality is that Gupta lawyers have now successfully fought three court battles to have Gupta assets unfrozen, with a fourth case – aiming to freeze the Guptas’ Optimum and Koorfontein mine rehabilitation trusts – withdrawn by the NPA. The ruling, the DM suggests, is a particular setback – not just because of its outcome, but because of the judge’s scepticism that a future criminal case on the Vrede Dairy matter will succeed. As exposed by the #GuptaLeaks investigations, the Vrede Dairy scam saw more than R200m given by the Free State Department of Agriculture to the Guptas’ then-unknown Estina company to run a farming operation and dairy, with millions landing up in the bank accounts of other Gupta companies and Gupta-linked individuals. In April 2018, the NPA’s Asset Forfeiture Unit raided the Guptas’ compound and seized around R250m in assets – which the Guptas went to court to demand back. In order to uphold the freezing

of Gupta assets for now, Loubser explained: 'There must be reasonable grounds for believing that the defendant may be convicted, that the court may find that the defendant benefited from the unlawful activities, and that the court may therefore make the exercise of a confiscation order.' Yet based on the evidence presented to him by the state, Loubser concluded that 'reasonable grounds are lacking for believing that the (Gupta-linked companies) may one day be convicted of the offences alleged, and that a confiscation order may one day follow on that conviction'."

Full Daily Maverick commentary *Legalbrief Forensic* 31 May 2018

Khoza A "Gupta-owned mines' rehabilitation funds case back in court" [News24](#) 31 March 2018 [Source: *Legalbrief Today* 31 May 2018]

### **General: Families receive compensation for Lily Mine disaster**

"The families of three miners assumed to have died in the Lily Mine disaster in Louisville, east of Barberton in Mpumalanga, have been compensated – two years later. According to a *Cape Times* report, the Department of Mineral Resources' chief inspector of mines, Mthokozisi Zondi, said the families of the victims were paid R200 000 each. 'Workers were also paid R10 000 each, with a balance of R40 000 to be paid by the new owner. The inquiry report has also been completed.' The report notes Pretty Nkambule, Yvonne Mnisi and Solomon Nyirenda were trapped underground in February 2016 when the container they were working in as a lamp room was swallowed when ground caved in. MPs also heard that mining operations and the recovery of the bodies of the three missing mine workers would resume in November."

Full Cape Times report (subscription needed) *Legalbrief Today* 31 May 2018

De Greef K "Poacher killed in high-speed boat chase" [GroundUp](#) 31 May 2018

Slingsby Jasper and Botha Mark "Aliens are greatest threat to Cape Town's water security" [GroundUp](#) 29 May 2018

Yeld J "Prospect of mining on Olifants River estuary alarms fishermen" [GroundUp](#) 28 May 2018

Ngalwana SC "Contrary to what the media says, the Guptas didn't 'get away'" [News24](#) 3 June 2018

Mtongana L "Diehards dig in, thwarting Kumba's plans Old-town holdouts and riots among the relocated beset Sishen expansion" [TimesLive](#) 27 May 2018 (subscription need)

Yende SS "The mine that took the water" [News24](#) 3 June 2018

### **International**

Donziger S "Chevron's "Amazon Chernobyl" in Ecuador: The Real Irrefutable Truths about the Company's Toxic Dumping and Fraud" [HuffPost](#) 27 May 2018

Fretwel S "Mega-farms win river case before S.C. Supreme Court" [The State](#) 30 May 2018

"Serial asbestos dumper Dib Hanna jailed, the first in NSW under tough legislation" [Sydney Morning Herald](#) 31 May 2018 [Source: *Legalbrief Today* 1 June 2018]

“Great Barrier Reef on sixth life in 30 000 years – study” [News24](#) 1 June 2018

Boffee D “Dutch fishermen to sail fleet into Amsterdam in wind turbine protest”  
[Guardian](#) 1 June 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

#### **UNISA College of Law: Senior Lecturer & Lecturer Human Rights law**

Closing date: 15 June 2018

More [information](#)

#### **HSRC Post-Doctoral Research Fellow**

Themes: The thematic research thrusts of the programme coalesce around research on: Social justice and citizenship, governance, democracy, human rights and the rule of law, access to justice, Africa and the global South, service delivery and traditional leadership, public service reform, local government reform, crime and corruption, democratization and State capacity and South African Social Attitudes Survey (SASAS) including BRICS related research linchpin.

Closing date: 18 June 2018

More [information](#)

#### **HSRC: Research Director**

Themes: Inequality and poverty, social justice and citizenship, governance, democracy, social cohesion, human rights and the rule of law, access to justice, Africa and the global South, service delivery and traditional leadership, public service reform, local government reform, crime and corruption, democratization and State capacity and South African Social Attitudes Survey (SASAS).

Closing date: 18 June 2018

More [information](#)

#### **Varsity College Durban North Campus: Lecturer (Independent Contractor) Public law**

Closing date: 21 June 2018

More [information](#)

#### **Varsity College Durban North Campus: Lecturer (Independent contractor) Methods of payment law**

Closing date: 21 June 2018

More [information](#)

#### **Varsity College Lecturer (Independent Contractor) Third Party Compensation Durban North Campus**

Closing date: 21 June 2018

More [information](#)

**National Departments: Eastern Cape**

- Post 22/88 : Chief Director: Research Coordination, Policy Development & Institutional Planning. Ref No: OTP 01/05/2017
- Post 22/110 : Director: Intergrated Planning and Report, Ref No: DPW (include environmental planning)

Closing date 15 June 2018 12:00

More [information](#)

**Candidate Attorney Centurion, Gauteng**

More [information](#)

**Junior Attorney Rondebosch Cape Town**

More [information](#)

**Candidate Attorney: Somerset-West**

More [information](#)

**International****Academic Positions – Three full-time academic positions - Lecturer/Senior Lecturer, CQ University**

Senior Lecturer in Law – Brisbane, Sydney, Melbourne (online)

Lecturer in Business Law – Sydney (on campus + online)

Lecturer in Business Law – Melbourne (on campus + online)

Please find below the [link](#) for the above positions. Kindly note applications close 10 June 2018.

**WCEL Executive Officer**

Date: 1 July 2018

[Announcement](#)

All expressions of interest should be submitted by [email](#), before 10 June 2018 5pm Swiss Time

**CHINA: Renmin University Master of Contemporary Chinese Studies Scholarship**

Master's: Chinese Law

Closing date:10 June 2018

[Website](#)

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## ELA NEWSLETTER 23

8 June 2018

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### BILLS

Draft Climate Change Bill, 2018– GN 580 in [GG](#) 41689 of 8 June 2018 – for written public comment – within 60 days from publication of notice.

The DEA will also soon commence with a road show to solicit responses to the Bill in the different provinces. [Information from Andrew Gilder, Climate Law] [Find also attached to the email the Bill.](#)

### LEGISLATION

### NOTICES

Petroleum Products Act 120 of 1977 - GN R560 in [GG](#) 41679 of 5 June 2018 - Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 6 June 2018

Petroleum Products Act 120 of 1977 - GN R561 in [GG](#) 41679 of 5 June 2018 - Amendment of regulations in respect of petroleum products published with effect from 6 June 2018

Petroleum Products Act 120 of 1977 - GN R562 in [GG](#) 41679 of 5 June 2018 - Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 6 June 2018

Natural Scientific Professions Act 27 of 2003 - BN 76 in [GG](#) 41685 of 8 June 2018 - South African Council for Natural Scientific Professions (SACNASP) - Fee structure for 2018/19 published and all Board Notices regarding fee structure retracted with effect from 1 April 2018

National Energy Regulator Act 40 of 2004 - GN 579 in [GG](#) 41687 of 7 June 2018 - National Energy Regulator of South Africa (NERSA): Invitation to public hearing for municipalities applying for an average tariff increase above the guideline of 6.84%

Electricity Regulation Act 4 of 2006 - GN 563 in [GG](#) 41685 of 8 June 2018 - Draft substitution of Schedule 2 of the Act (exemption from obligation to apply for and hold a licence) - for comment

## **PROVINCES**

### **KwaZulu Natal**

KwaZulu-Natal Zulu Royal House Trust Act 3 of 2018 (Notice 9 in *PG* 1960 of 7 June 2018) *Date of commencement*: 7 June 2018

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MNs 46 & 48-50 in *PG* 1961 of 7 June 2018 - Newcastle Local Municipality - Noise Control By-laws 2017; Municipal Water Services By-law, 2011

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and Local Government: Municipal Structures Act 117 of 1998 - MN 51 in *PG* 1961 of 7 June 2018 - Newcastle Local Municipality - Emergency Service By-laws

Constitution of the Republic of South Africa, 1996; National Traffic Act 93 of 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 53 in *PG* 1961 of 7 June 2018 - Newcastle Local Municipality - Prevention and Suppression of Health Nuisance By-laws 2017

### **North West**

National Environmental Management: Protected Areas Act 57 of 2003 – Gen Notice 62 in *PG* 7891 of 5 June 2018 - Amendment to the appointment of the management authority of Molopo Oog Nature Reserve as published under PN 178 in *PG* 7690 of 13 September 2016

### **Gauteng**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 560 in *PG* 153 of 6 June 2018 - Lesedi Local Municipality - Consolidated by-laws supplementary to the National Building Regulations and Building Standards Act 103 of 1977

### **Northern Cape**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – Gen Notice 63 in *PG* 2184 of 4 June 2018 - Notice of publication of consolidated report on the performance of municipalities in the Province for 2015/16 financial year

## **CASES**

### **National**

*Minister of Safety and Security v South African Hunters and Game Conservation Association* (CCT177/17) [2018] ZACC 14 (7 June 2018)

Summary: Gun control — licence to possess firearm — termination of firearm licence — renewal of firearm licence - section 24 and 28 — Firearms

Control Act 60 of 2000 — vagueness and rationality — equality — deprivation of property”

## PUBLICATIONS

French D and Kotzé LJ (eds) “Sustainable development goals: Law, theory and implementation” ([Edward Elgar](#) 2018)

[Ren21](#) “Renewables 2018 Global Status Report”

Jodoin Sébastien *Forest Preservation in a Changing Climate: REDD+ and Indigenous and Community Rights in Indonesia and Tanzania* ([Cambridge University Press](#) 2017) Open access

Environmental Law Institute and the ABA Civil Rights and Social Justice Section “Environmental Protection in the Trump Era” (Updated [Report](#) May 2018)

Saxer Shelley Ross and Rosenbloom Jonathan D., Social-Ecological Resilience and Sustainability, Chapter 1 (2018). Pepperdine University Legal Studies Research Paper No. 2018/8 [Chapter 1](#)

Saxer, Shelley Ross and Rosenbloom, Jonathan D., Social-Ecological Resilience and Sustainability, Chapter 3 (2018). Pepperdine University Legal Studies Research Paper No. 2018/9 [Chapter 3](#)

[Science Advances](#): Blasiak R et al “Corporate control and global governance of marine genetic resources” 6 June 2018 DOI: 10.1126/sciadv.aar5237

[Science Advances](#): Sala E et al “The economics of fishing the high seas” 6 Jun 2018 DOI: 10.1126/sciadv.aat2504

[Centre for Environmental Rights](#): Sibanda R “Environmental Rights vs Economic Stability” 6 June 2018

[ILO](#) “Guidelines for a just transition towards environmentally sustainable economies and societies for all” 2015

[IISD ENB](#): Third Annual Multi-Stakeholder Forum on Science, Technology and Innovation for the Sustainable Development Goals 5-6 June 2018 | UN Headquarters, New York

[Law of the Land](#): Tracking Legal Battles over the Future of America’s Public Lands

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[IAIA18 Durban](#): Proceedings at Durban May 2018: Papers, PowerPoints, videos etc.

[Natural Justice](#): “Stakeholders Forum on the Draft Environmental (Strategic Assessment, Integrated Impact Assessment and Audit) Regulations” Kenya 7 June 2018

[SDG Knowledge Hub](#): Wahlén Catherine Benson “On World Environment Day, Governments Announce Bans on Single-Use Plastics” 7 June 2018

[Science](#): Dengler R “How minority viewpoints become majority ones” 7 June 2018

[Science](#): Voosen P “NASA chief signals reprieve for endangered climate missions” 6 June 2018

[Science](#): Warren M “This endangered Australian marsupial was set to make a comeback—until it stopped fearing wild dogs” 5 June 2018

[Science](#): Doyle M “Biomedical group weighs in on U.S. court fight over wildlife imports” 5 June 2018

[Science](#): Langin K “Toxic toads could devastate Madagascar’s biodiversity” 4 June 2018

[Conversation](#): Snorek J “Tracking the battles for environmental justice: here are the world's top 10” 4 June 2018

[Environmental Justice Atlas](#): “The EJ Atlas is a teaching, networking and advocacy resource. Strategists, activist organizers, scholars, and teachers will find many uses for the database, as well as citizens wanting to learn more about the often invisible conflicts taking place.”

[Conversation](#): Adegun O “African cities must address social and economic issues when upgrading slums” 6 June 2018

[Conversation](#): Labordena Mercè “How sub-Saharan Africa can harness its big electricity opportunities” 7 June 2018

[Conversation](#): Kruss G et al “How South Africa's services sector can help tackle poverty and inequality” 4 June 2018

[Conversation](#): Fig D “Biography of an ancestral river: a call to arms against exploitation in South Africa” 6 June 2018

[Conversation](#): Eriksson V et al “Storytelling helps indigenous people to build their own social solutions” 6 June 2018

[Sabin](#) Climate Law Blog: “Update: Upcoming Hearings on Motions to Dismiss Climate Change Nuisance Cases in California and New York” 23 May 2018

[Sabin](#) Climate Law Blog: “Global Climate Change Negotiations Seek a Rulebook and Greater Ambition: Report from the Bonn Meetings” 21 May 2018

[GroundUp](#): Yeld J “Meet Adriaan du Toit, the “independent” geologist who trolls environmentalists and Cyril Ramaphosa” 8 June 2018

[GroundUp](#): Kretzmann S “Solar heater water programme goes cold” 7 June 2018

[GroundUp](#): Xezwi Bongani and Nosipho Ntshangase “The right to protest is being violated in small mining towns” 7 June 2018

[Mail&Guardian](#): Kalebaila Nonhlanhla “There’s much more to the plastic pollution crisis than carrier bags” 6 June 2018

[Mail&Guardian](#): Naidoo K “Resource scarcity, climate change linked to conflict and displacement” 4 June 2018

[News24](#): Brophy S “#WorldOceanDay: 0.4% protection for SA oceans is just not enough” 8 June 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **ELA Student and Annual Conference: Save the dates**

Date: 26 September 2018 (Student Conference)

27 September 2018 (Annual Conference)

Venue: Senate Hall, Nelson Mandela University, Port Elizabeth

More information will follow soon

#### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-05.1.1 Environmental impact assessment for practitioners (5 days)**  
Date: 18 - 22 June 2018 (Gauteng)
- **CEM-02.1.2 Environmental law - integrated water resource management (5 days)**  
Date: 18 - 22 June 2018 (Potchefstroom)
- **CEM-4.1.1 Environmental management system - lead auditor (5 days)**  
Date: 25 - 29 June 2018 (Potchefstroom)
- **CEM-4.2.1 Occupational health and safety management system - lead auditor (5 days)**  
Date: 25 - 29 June 2018 (Potchefstroom)
- **CEM-06.1.1 Dangerous goods and hazardous substances management (3days)**  
Date: 10 - 12 July 2018
- **CEM-03.7.1 Environmental management transition (2 days)**  
Date 17-18 July 2018 (Gauteng)
- **CEM-03.7.1.1 Environmental management system transition for auditors (1 day)**  
Date: 19 July 2018 (Gauteng)
- **CEM-02.1.1 Environmental law (Master class 5 days)**  
Date: 16 - 20 July 2018 (Potchefstroom)
- **CEM-03.2.1 Occupational health and safety management system**  
Date: 23 - 27 July 2018
- **CEM-05.3.1 Environmental risk assessment (Master class)**  
Date: 23 - 27 July 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

## **National Wetlands Indaba 2018: Drylands and Wetlands: connecting and managing heterogeneity across landscapes**

Dates: 8 – 11 October 2018

Venue: Mittah Seperepere Convention Centre, Kimberley, Northern Cape

Abstracts: 15 June 2018

Registration [open](#)

Contact for more information: The Secretariat: [Kruger & Associates](#) or +27 28 316 2906

## **CBSS Training Workshops: Integrated Water Authorisations and Integrated Water and Waste Management Plans**

- **Durban**

Date: 31 July - 2 August 2018 in (last date for registration 17 July 2018)

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- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## International

### Webinar Tracking Clean Energy Progress (TCEP) webinar

Time: 14 June 2018, 14h00 – 15h00 (Paris time, GMT+2)

Registration: Participants must register in advance to attend the webinar through the link [here](#)

Please let us know if you have any questions and/or if you have any suggestions for further improving our efforts. We also hope you will join our webinar.

The Overseas Development Institute (ODI), Oil Change International (OCI), Natural Resources Defense Council (NRDC) and Global Subsidies Initiative (GSI) have partnered to track the G7's progress on phasing out fossil fuel subsidies, in accordance with the seven countries' commitment.

In advance of this week's G7 summit in Charlevoix, Canada, the [G7 fossil fuel subsidy scorecard](#) ranks the G7 countries according to seven indicators of the fossil fuel subsidy phase-out. The authors find that, with less than seven years to meet their 2025 phase-out deadline, G7 governments continue to provide substantial support the production and use of oil, gas and coal. On average per year in 2015 and 2016 the G7 governments gave at least \$81 billion in fiscal support and \$20 billion in public finance, for both production and consumption of oil, gas and coal at home and overseas.

Accompanying the main policy brief are 7 short country briefings and a set of infographics. Each country briefing identifies key areas in which the country is showing progress and lagging behind in phasing out fossil fuel subsidies. Translations are also available in French, German, Italian and Japanese.

All resources are available [here](#)

## NEWS

### National

"113 Illegal miners arrested in Evander area" [TimesLive](#) 9 June 2018

"Hawks raid Bank of Baroda in corruption investigation" [Sunday Times](#) 9 June 2018

### International

"Pope warns energy bosses of global destruction without fuel shift" [TimesLive](#) 9 June 2018

"Glencore faces new legal challenge against Congo cobalt mine" [News24](#) 9 June 2018

"Sleuthing leads to new findings about peculiar ocean fish" [News24](#) 9 June 2018

"Tempers fray, fists fly in India's daily battle for water" [News24](#) 8 June 2018

"Study warns of alarming decline in Australian fish" [News24](#) 7 June 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

#### **Varsity College Lecturer : School of Law - Sandton Campus**

Closing date: 30 June 2018

More [information](#)

#### **Candidate Attorney CALS University of the Witwatersrand**

Closing date: 30 June 2018

More [information](#)

#### **Candidate Attorney Emmarentia, Gauteng**

Click [here](#)

#### **Legal Counsel Barclays**

More [information](#)

#### **Research Director HSRC**

Closing date: 18 June 2018

More [information](#)

#### **Post-doctoral fellow HSRC**

Closing date: 18 June 2018

More [information](#)

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## ELA NEWSLETTER 24

15 June 2018

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### POLICY

Draft Mining Charter, 2018 – GN 611 in GG 41714 of 15 June 2018 – for comment within 30 days

### BILLS

Local Government: Municipal Structures Amendment Bill [B19 of 2018]

Property Practitioners Bill, 2018 [B21-2018]

Draft Public Investment Corporation Amendment Bill, 2018 published for comment (GN 593 in [GG](#) 41704 of 15 June 2018) (p331)

Draft Science and Technology Laws Amendment Bill, 2018 published for comment (GenN 341 in GG 41704 of 15 June 2018)

National Environmental Management Laws Amendment Bill, 2018 ([attached to the email](#))

### LEGISLATION

### NOTICES

Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972 - GN 607 in GG 41707 of 14 June 2018 - Regulations relating to the application of the Hazard Analysis and Critical Control Point System (HACCP system) amended

Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972 - GN 588 in GG 41704 of 15 June 2018- Regulations relating to maximum levels of metals in foodstuffs

Agricultural Product Standards Act 119 of 1990 – Gen Not 339 in GG 41704 of 15 June 2018 - Proposed inspection fees - for comment

National Heritage Resources Act 25 of 1999 - GN 585 in GG 41704 of 15 June 2018 - South African Heritage Resources Agency: Declaration of geosites as part of the Barberton Makhonjwa Mountain as National Heritage Sites

South African Weather Service Act 8 of 2001 - GN R584 in GG 41700 of 12 June 2018 - Regulations regarding fees for the provision of aviation meteorological services

## **PROVINCES**

### **KwaZulu Natal**

National Land Transport Act 5 of 2009 - PN 53 in *PG* 1963 of 11 June 2018 - Extraordinary measures declared in various areas to normalise transport services affected by violence, unrest, conflict or instability

Spatial Planning and Land Use Management Act 16 of 2013 - MN 58 in *PG* 1964 of 14 June 2018 - Zululand District Municipality - Appointment of members to the Joint Municipal Planning Tribunal

### **Free State**

Spatial Planning and Land Use Management Act 16 of 2013 - PN 17 in *PG* 23 of 8 June 2018 - Matjhabeng Local Municipality - Appointment of an additional external member of the Municipal Planning Tribunal

### **Western Cape**

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000, Spatial Planning and Land Use Act 16 of 2013, Western Cape Land Use Planning Act 3 of 2014 and Stellenbosch By-law on Municipal Land Use Planning - LAN 55411 in *PG* 7938 of 8 June 2018 - Stellenbosch Local Municipality - Notice of adoption of minor amendments to the Municipal Spatial Development Framework (MSDF) for WC024

Disaster Management Act 57 of 2002 - LAN 55422 in *PG* 7938 of 8 June 2018 - Swartland Local Municipality - Extension of declaration of a local state of drought disaster from 11 June 2018 to 10 July 2018

Disaster Management Act 57 of 2002 - LAN 55876 in *PG* 7935 of 1 June 2018 - Swartland Local Municipality - Extension of the declaration of a local state of disaster as a result of a devastating fire at the Swartland Hospital in Malmesbury for one month from 29 May 2018 to 28 June 2018

### **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 and Spatial Planning and Land Use Management By-law - PN 100 in *PG* 4059 of 11 June 2018 - Senqu Local Municipality: Land Use Scheme Regulations

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 99 in *PG* 4059 of 11 June 2018 - Chris Hani District Municipality - Appointment of additional members to the Municipal Planning Tribunal

## **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 and Spatial Planning and Land Use Management By-law, 2016 - Proc 28 in PG 2937 of 15 June 2018 - Chief Albert Luthuli Local Municipality: Notice of adoption of the final Land Use Scheme

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 and Spatial Planning and Land Use Management By-law, 2016 - PN 87 in PG 2937 of 15 June 2018 - Chief Albert Luthuli Local Municipality - Notice of adoption of the final Spatial Development Framework report (SDF)

## **North West**

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 51 in PG 7892 of 12 June 2018 - Mahikeng Local Municipality - Notice of review of the Draft Spatial Development Framework (SDF) - for comment

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 52 in PG 7892 of 12 June 2018 - Mahikeng Local Municipality - Adoption of the Land Use Scheme, 2018

## **CASES**

### **National**

*Bryer N.O. and Others v Heritage Western Cape* (16392/2017) [2018] ZAWCHC 67 (11 June 2018)

“[1] The applicant Trust is a property developer. It seeks the review and setting aside of a decision (“the first decision”) made by the respondent, a provincial heritage resources authority established in terms of s 23 of the National Heritage Resources Act (“the Act”). It also seeks a declaratory order in relation to a subsequent decision (“the second decision”) made by the respondent, purportedly under s 38(1) of the Act. Both decisions pertain to a development which is being undertaken by the applicant in Observatory, Cape Town, known as the Anson Square development.”

*Koster Derby, Swartruggens Rate Payer Society and Others v Kgetlengrivier Municipality and Others* In the Magistrate’s Court for the District of Kgetlengrivier held at Koster Case Number 73/18 Delivered 5 June 2018 [provided by Carin Bosman] Find attached to email

“2. The Applicants is hereby authorised to take control of the water supply to Koster as long as necessary to serve water to the residents of Koster, inclusive of Koster town, Reagile and Cidrela (“the town”); and to report to the Court on the return date of the actions taken and costs incurred by the Applicants.

3. The Applicants are hereby authorised to engage with, and the First, Second and Third Respondents are ordered to instruct, the technical staff of the First Respondent, working with the water supply at and within the First Respondent to assist the Applicants and adhere to all/any reasonable requests by the Applicants to ensure water supply to the town.”

## International

*Animal Science Products, Inc., et al. v. Hebei Welcome Pharmaceutical Co. Ltd. et al.* United States Supreme Court Delivered 14 June 2018 585 [U.S.](#) (2018)

“Held: A federal court determining foreign law under Federal Rule of Civil Procedure 44.1 should accord respectful consideration to a foreign government’s submission, but the court is not bound to accord conclusive effect to the foreign government’s statements.” See also **Blogs**

*Washington, Petitioner v. United States, et al. On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit* 584 [U.S.](#) (2018)

Confirmed decision of the Court of Appeals for the [Ninth Circuit](#) that was as follows:

“The panel amended the opinion filed on June 27, 2016; and affirmed the district court’s order issuing an injunction directing the State of Washington to correct culverts, which allow streams to flow underneath roads, because they violated, and continued to violate, the Stevens Treaties, which were entered in 1854–55 between Indian tribes in the Pacific Northwest and the Governor of Washington Territory.” See also **Blogs**

## PUBLICATIONS

Blackmore AC “Rediscovering the origins and inclusion of the public trust doctrine in South African environmental law: A speculative analysis” 2018 *RECIEL* 27(3):1–12 <https://doi.org/10.1111/reel.12239>

Blackmore AC “Getting to grips with the public trust doctrine in biodiversity conservation: A brief overview” 2018 *Bothalia* 48(1):a2308 <https://doi.org/10.4102/abc.v48i1.2308>

Blackmore AC & Trouwborst A “Who owns and is responsible for the elephant in the room? Management plans for free-roaming elephant in South Africa” 2018 *Bothalia* 48(2):a2271 <https://doi.org/10.4102/abc.v48i2.2271>

Coster K and Rajoo C “Mine health and safety runs deep” 2018 18(10) [Without Prejudice](#)

Reibstein R “Environmental Law—Resuming Progress on Lead Poisoning: A Prime Indicator of Civilization” 2018 [Western New England Law Review](#)

Trenberth KE “Climate change caused by human activities is happening and it already has major consequences” 2018 *Journal of Natural Resources and Energy Law* <https://doi.org/10.1080/02646811.2018.1450895>

Rosentreter JA “Methane emissions partially offset ‘blue carbon’ burial in mangroves” [Science Advances](#) 13 June 2018

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[The Conversation](#): Nangombe S “Why Africa stands to benefit if rise in global temperatures is kept to 1.5°C” 11 June 2018

[The Conversation](#): Stewart R “Africa takes steps to earn its stripes in using evidence to inform policy” 11 June 2018

[The Conversation](#): Yy D “There's a new way of measuring poverty in South Africa: Here's how it works” 11 June 2018

[Science](#): Pennisi E “Africa's strangest trees are stranger than thought-and they're dying mysteriously” 11 June 2018

[The Guardian](#): Gurib-Fakim A “Climate change is wiping out the baobab, Africa's 'tree of life'” 13 June 2018

[The Jurist](#): Lowman E “Supreme Court rules courts do not have to defer to foreign government's interpretation of laws” 14 June 2018 (USA)

[The Jurist](#): Holliday EM “Equally divided Supreme Court upholds Appeals judgment in Washington fisheries case” 12 June 2018 (USA)

[The Guardian](#): Carrington D “High risk of food shortages without pesticides, says chemical giant” 17 June 2018

[The Guardian](#): Barbee J “Mozambique: the secret rainforest at the heart of an African volcano” 17 June 2018

[The Guardian](#): Abraham J “The legal fight to leave the dirtiest fossil fuels in the ground” 14 June 2018

[The Guardian](#): McKibben B “Big Oil CEOs needed a climate change reality check. The pope delivered” 14 June 2018 - find the Pope's address [here](#)

[The Guardian](#): Vaughan A “Rise in global carbon emissions a 'big step backwards', says BP” 13 June 2018

[The Guardian](#): Murphy K “Australia's emissions reduction target 'unambitious, irresponsible'” 11 June 2018

[The Guardian](#): Vaughan A “Siemens pilots the use of ammonia for green energy storage” 17 June 2018

[The Guardian](#): Cecco L “First Nations look to buy equity in pipeline to have say in project's future” 15 June 2018

[The Guardian](#): Vaughan A “Opposing onshore UK windfarms 'means higher energy bills'” 10 June 2018

[The Guardian](#): Fuller G “Pollutionwatch: May brought high levels of damaging ozone” 7 June 2018 (UK)

[The Conversation](#): Emodi NV “With real focus and diverse policies, Nigeria can tackle its energy issues” 14 June 2018

[The Conversation](#): Slater T “Antarctica has lost nearly 3 trillion tonnes of ice since 1992” 13 June 2018

[IISD](#) SDG Knowledge Hub: Kang U “Dust Disregards Political Boundaries, Let’s Act Together” 13 June 2018

[IISD](#) SDG Knowledge Hub: Johnson M “SDG 11: Building the World’s Smart Sustainable Cities Together” 13 June 2018

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A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

## **2018 LaRRSA Conference: Transforming the rehabilitation landscape**

Dates: 13-16 August 2018

Venue: Champagne Sports Resort, Drakensberg

More [information](#)

## **Air Quality Management Course: Dust Control Suppression & Management**

Venue : Secolo Training Centre, Randburg, Johannesburg

Date: 6-7 September 2018

Course Facilitator: Chris Loans (Chemical Engineer)

More information contact [Jason Mumbi](#) / Tel: 011 791 2490/ 0837744580 / [Website](#)

## **The Inaugural African Conference for Linear Infrastructure and Ecology – Save the Date**

Dates: 10-15 March 2019

Place: Skukuza Rest Camp, Kruger National Park

A range of sponsorship packages are available – please contact [Wendy Collinson](#) for more details.

More information available at the Conference [website](#)

## **7th Annual Environmental Crimes Conference**

Dates: 28 & 29 August 2018

Venue: Burgers Park Hotel, Pretoria

Sponsorships available

Contact: [yashik@intelligencetransfer.co.za](mailto:yashik@intelligencetransfer.co.za)

## **Institutional Design of Medium-Sized Municipalities in South Africa – A NWU - Konrad Adenauer Workshop**

Date: 2 August 2018

Time: 09:00-16:15

Venue: The Roots Potchefstroom

Contact: [Rieëtte Venter](#)

### **International**

#### **2018 Arctic Summer College (DL June 17)**

We are getting close to the June 17 deadline for [applications for the 2018 Arctic Summer College](#).

As every year, [Arctic Summer College](#) provides an interdisciplinary learning environment to increase knowledge and understanding of the people, policies, and environment of the Arctic.

You will engage with Arctic experts in a variety of fields in real time. Through the Arctic Summer College, you will build relationships with other participants, develop connections with Arctic professionals, and join a larger network of Arctic Summer College Alumni. Have a look at our previous programming to find out more: <http://arcticsummercollege.org/archives>

The structure and content of this year's Arctic Summer College emphasize the diversity of disciplines and collaborative nature necessary to understand and address the issues that will shape the future of the Arctic. The sessions are divided into four thematic, two-week modules during which leading scholars, researchers, and practitioners from across the globe share insights and experiences from their current work redefining the way the world works with and within the Arctic. In addition, each module ends with a group presentation by this year's Arctic Summer College fellows. More information about the presentations and the selection of working groups will be available at the introductory administrative session on Monday, July 2 at 18:00 CEST / 12:00 EDT / 8:00 AKDT.

8 Arctic Summer College sessions are hosted live online Wednesdays from July 11 - August 29 at 18:00 CEST / 12:00 EDT / 8:00 AKDT. (The introductory session takes place on Monday due to a US holiday.) A closing session will be scheduled for the beginning of September.

The four thematic modules and their associated scheduled dates are as follows:

- environmental sciences - July 11 and 18
- energy and resources - July 25 and August 1
- international governance - August 8 and 15
- social sciences - August 22 and 29

Applicants are asked to state their module preferences for the group presentation on the application form. This year's participant fees are tiered and based on a participant's ability to pay. The standard rate is USD 300; the social rate is USD 200.

You can find the application form [here](#). We look forward to your application and another great year of [Arctic Summer College](#).

If you have any questions regarding the program or the application, feel free to contact us at [application@arcticsummercollege.org](mailto:application@arcticsummercollege.org)

## **The Academy of Food Law and Policy: The First Annual Conference on Food Law and Policy**

Date: 5 October 2018

Venue: Harvard Law School

In response to this explosive growth, the Academy of Food Law and Policy is hosting its inaugural conference at Harvard Law School designed to create a foundation for the long-term stability of the field. This conference will: (1) feature works in progress workshops to connect the Food Law and Policy scholarly community; (2) highlight and develop the parameters of the field through group driven discussion; (3) support teaching by identifying core resources and challenges; and (4) produce a published source of the proceedings that can be relied upon for developing pedagogical and research agendas.

Registration: \$75 for non-members (includes a complementary 1 year membership); Free for members. Register [online](#) by Wednesday, August 15<sup>th</sup>.

Please find specific information regarding the call for papers below.

You can contact organizers with questions or comments at [aflpconference@gmail.com](mailto:aflpconference@gmail.com). To learn more about the Academy of Food Law and Policy, please visit [www.academyflp.org](http://www.academyflp.org).

The Academy of Food Law and Policy (AFLP) invites papers for its program “The Evolution of Food Law and Policy: 2018 Works In Progress Workshop” at the AFLP Annual Meeting, on October 5, 2018 hosted by Harvard Law School. Papers will be selected from those submitted and placed into workgroups based on subject matter and intersectionality. The selected papers will be presented on the morning of October 5<sup>th</sup>, 2018.

### *Workshop Description:*

This workshop will be an opportunity to nurture the growth of a scholarly community in the field of food law and policy. As such, it is a place to take risks—test ideas, work out issues in drafts and dialogue with academics doing interesting and cutting edge work. Workshop groups will include senior scholars in the field who will aid in the discussion of the pieces and provide feedback. Successful papers and topics should engage with scholarly literature and make a meaningful original contribution to the field of food law and policy. Selection includes the opportunity to publish with the University of Arkansas Journal of Food Law and Policy.

### *Eligibility:*

All AFLP members and full-time faculty members of AALS member law schools, foreign faculty, adjunct and visiting faculty (without a full-time position at an AALS member law school), and non-law school faculty are eligible to submit papers. Preference will be given to AFLP members and junior scholars focusing their work in food law and policy. Please note, that while meals are included, all presenters at the program are responsible for paying their registration fee (waived for members) and travel expenses.

### *Paper Submission Procedure:*

There is no formal requirement as to the form or length of proposals. Abstracts are welcome. However, the presenter is expected to have a draft or substantial outline to make available to fellow presenters and commentators one month prior to the conference.

The paper **MUST** be a work in progress and cannot be published at the time of presentation. It may, however have been accepted for publication and be forthcoming.

*Deadline:*

Please [email](#) submissions to The Conference Committee, at on or before August 1, 2018. The title of the email submission should read: "Submission – 2018 AFLP Works in Progress Workshop"

## NEWS

### National

Njini F and Burkhardt "New Mining Charter to credit past black empowerment deals" [News24](#) 16 June 2018

Omarjee L "Public has 30 days to comment as Mantashe releases long-awaited draft Mining Charter" [News24](#) 15 June 2018

Smith C "SA cryptocurrency launched for rhino horn trade and conservation" [fin24](#) 14 June 2018

Gous N "20 out of 45 mining deaths in 2018 have been at Sibanye-Stillwater mines: Mantashe" [TimesLive](#) 17 June 2018

"'Clean water is constitutional right' - Rural village takes municipality to court" [TimesLive](#) 14 June 2018 [Source: Legalbrief Today 15 June 2018]

#### **Environmental: Advocate to keep eye on seal pup abuse case**

"An advocate with years of experience in environmental matters has thrown her hat into the ring to ensure the successful prosecution of two men who filmed themselves stabbing and beating a seal pup, says a HeraldLIVE report. Advocate and former specialist environmental prosecutor Yvette Isaacs said she would be performing a watching brief role in the case to ensure the prosecution of the men. The investigation was triggered after the SPCA laid charges against the two men allegedly involved in the horrific abuse of a Cape Fur seal pup. Video footage caused outrage on social media. Officials at the Laaiplek police station, where the case is being investigated, said they had been inundated with phone calls regarding the attack. Laaiplek is a small coastal town near Saldanha Bay in the Western Cape. The town borders Velddrif, where one of the suspects is believed to live. Isaacs said: 'A watching brief means that I will be liaising with detectives, prosecutors and other role-players to ensure everything is done according to the book. I would ultimately assist where needed and give input as the case unfolds. We hope that this matter will be treated in the serious light it is viewed. We are anticipating that more charges will be added and when that happens, all of us will sit down and establish the best way forward for a speedy and successful prosecution.'" Full HeraldLIVE report [Source: Legalbrief Today 15 June 2018]

Peter L "Flawed mining bill must be replaced by a more investor-friendly version" [BusinessDay](#) 14 June 2018 [Source: Legalbrief Today 15 June 2018]

## International

### **General: Germany fines VW €1bn over diesel emissions cheating**

“German prosecutors have fined car giant Volkswagen €1bn over its diesel emissions scandal. A BBC News report says the Braunschweig public prosecutor found VW had sold more than 10m cars between mid-2007 and 2015 that had emissions-test-cheating software installed. VW said it did not plan to appeal against the fine. The company said it had admitted ‘its responsibility for the diesel crisis’. The fine in Germany follows a US plea agreement last year, when VW agreed to pay a criminal fine of \$4.3bn to resolve criminal and civil penalties, the report notes.”

Full BBC News report *Legalbrief Forensic* 14 June 2018

Safi M “Delhi's air pollution is now so bad it is literally off the chart” [The Guardian](#) 15 June 2018

Cox L “Leaked UN draft report warns of urgent need to cut global warming” [The Guardian](#) 15 June 2018 Read also [here](#) for Reuters report

Vaughan A “EU raises renewable energy targets to 32% by 2030” [The Guardian](#) 14 June 2018

Taylor M “Brussels criticised for delays in banning toxic chemicals” [The Guardian](#) 11 June 2018

Gabbatiss J “UK now exporting more waste to countries with highest levels of ocean plastic pollution” [The Independent](#) 16 June 2018

Bensen Wahlén “Five G7 Countries and EU Pledge to Tackle Pollution in Ocean Plastics Charter” [IISD](#) *SGD Knowledge Hub* 14 June 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

#### **Centre for Environmental Rights: Candidate Attorneys 2019-2021**

Please note that the CER is currently calling for applications for CAs for 2019.

See [link](#)

Closing date: 16 July 2018

#### **EAPASA: Positions new office Gauteng**

EAPASA is seeking to fulfil four positions in a new Gauteng office, to oversee and implement its key delivery areas over the next five years. The appointments will be on a 5 year fixed-term contract basis, reviewable annually and only renewable based on satisfactory performance.

Applications for the positions are due on 22 June 2018, sent to Ms Chumisa Thengwa by email to [vice-chair@eapasa.org](mailto:vice-chair@eapasa.org)

The [advertisement is available here](#).

#### **Rhodes University Clinical Legal Education Lecturer**

Closing date: 2 July 2018

More [information](#)

Members of the Environmental Law Association may subscribe to  
*Legalbrief Environmental*

and the

*South African Journal of Environmental Law and Policy.*

Discount available for ELA members.

## **ELA NEWSLETTER 25**

22 June 2018

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### **POLICY**

Department of Agriculture, Forestry and Fisheries - GN 614 in GG 41722 of 22 June 2018 - Draft National Inland Fisheries Policy – for comment

### **BILLS**

Aquaculture Development Bill, 2018 [B22-2018]

Draft National Ports Amendment Bill, 2018 – Gen Notice 355 in GG 41731 of 22 June 2018 - for comment

### **LEGISLATION**

### **NOTICES**

Rules Board for Courts of Law Act 107 of 1985 - GN R632 in GG 41723 of 22 June 2018 - Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa amended with effect from 1 August 2018

Constitution of the Republic of South Africa, 1996 – Gen Notice 354 in GG 41729 of 22 June 2018 - Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector: Invitation to the public to furnish information to the Commission

Public Finance Management Act 1 of 1999 - GN 634 in GG 41724 of 21 June 2018 - Borrowing powers of Water Boards listed under Schedule 3 part B of the Act

Broad-Based Black Economic Empowerment Act 53 of 2003 - GN 611 in GG 41714 of 15 June 2018 - Draft Broad-Based Socio-Economic Empowerment Charter for the Mining and Minerals Industry, 2018 (draft Mining Charter, 2018) - for comment

National Environmental Management: Biodiversity Act 10 of 2004 - GN 616 in GG 41722 of 22 June 2018 - Extension of comment period on the Draft Alien and Invasive Species Regulations, 2017 published for comment in GN 112 in GG 41445 of 16 February 2018 and the draft amendments to the Alien and Invasive Species lists published for comment in GN 115 in GG 41445 of 16 February 2018

Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Act 36 of 2013 - GN 621 in GG 41722 of 22 June 2018 - Determination of rate of levy for 2016 tax period and payment date

Division of Revenue Act 3 of 2017 - GN 613 in GG 41716 of 18 June 2018 - Transfers of the Municipal Disaster Grant

## **PROVINCES**

### **KwaZulu Natal**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 60 in PG 1965 of 21 June 2018 - Ugu District Municipality - Public Health By-laws, 2017

### **Free State**

Public Finance Management Act 1 of 1999 and Division of Revenue Act 1 of 2018 - PN 38 in PG 31 of 22 June 2018 - Mangaung Metropolitan Municipality - Planned expenditure from the Human Settlements Development Grant with level 1 and 2 accreditations

### **Gauteng**

Disaster Management Act 57 of 2002 - PN 648 in PG 173 of 21 June 2018 - City of Johannesburg Metropolitan Municipality – Extension of the declaration of a local state of disaster due to severe weather conditions including a tornado that occurred in parts of the jurisdictional area for a further month

### **Western Cape**

Disaster Management Act 57 of 2002 - LAN 55437 in PG 7941 of 15 June 2018 - City of Cape Town Metropolitan Municipality - Extension of declaration of a local state of drought disaster for a further one month from 22 June 2018 to 22 July 2018

Disaster Management Act 57 of 2002 - LAN 55438 in PG 7941 of 15 June 2018 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of disaster as a result of devastating fires in the Imizamo-Yethu informal settlement situated in Hout Bay for a further one-month period from 30 June 2018 until 30 July 2018

## **INTERNATIONAL LAW**

G7 “Charlevoix Blueprint for Healthy Oceans, Seas and Resilient Coastal Communities” (June 2018) click [here](#)

## CASES

### National

*Amandla GCF Construction CC and Another v Municipality Manager of Saldanha Bay Municipality and Others* (3563/2018) [2018] ZAWCHC 77 (22 June 2018)

[1] This is a review of a decision by the third respondent (“the Mayor”) in terms of which he, on appeal, awarded a tender to the second respondent. This, in an instance where the applicants had, prior to the decision on appeal, been successful bidders.

[2] On 31 August 2017 the fourth respondent (“the Municipality”) advertised a tender under contract number SBM 03/17/18, for the construction of a class B landfill cell at Vredenburg landfill and associated infrastructure (“the tender”), with the closing date being 13 October 2017. It received nine bids, including that of the applicants and the second respondent.

## PUBLICATIONS

Juta Pocket Statutes Occupational Health and Safety Act 85 of 1993 & Regulations AND Regulations in terms of the Occupational Health and Safety Act 85 of 1993 (continued) [Parts A & B] (2-volume set) (June 2018) click [here](#)  
For the e-book version click [here](#)

Pocket Statutes: Labour library click [here](#)

Juta’s Statutes of South Africa 2017/18 (June 2018 [printed version](#))

Academy of Science of South Africa (ASSAf) “The State of Research, Development and Innovation of Electrical Energy Efficiency Technologies in South Africa” ([Report](#) 2018)

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[Webber Wentzel](#): “Insights and next steps - the new Mining Charter III” 18 June 2018

[ASSAf](#): “Energy Efficiency in South Africa to be Prioritised” 13 June 2018

[The Conversation](#): Ziervogel G and Hegga S “Why ordinary people must have a say in water governance” 17 June 2018

[The Conversation](#): Taylor A “Here are three ways that cities can adapt to changing climates” 21 June 2018

[The Conversation](#): Abunyewah M “More people in Africa need to be insured against natural disasters” 20 June 2018

[The Conversation](#): Moseley WG “Why it's important to recognise multiple food systems in Africa” 18 June 2018

[IISD](#) High Seas Alliance Bulletin: “High Seas, What’s at Stake?” 21 June 2018

International Energy Agency “Tracking Clean Energy Progress (TCEP)” (<http://www.iea.org/tcep>) June 2018

[Natural Justice](#): “Inter-Religious Council of Kenya Workshop to address proposed mining and usage of coal – Day 1” 20 June 2018

[New York Times](#): Lott T and Breaux J “Here’s How to Break the Impasse on Climate” 20 June 2018

[Science](#): Alvarez RA “Assessment of methane emissions from the U.S. oil and gas supply chain” 21 June 2018 DOI: 10.1126/science.aar7204

[Science](#): Malakoff David “Trump’s new oceans policy washes away Obama’s emphasis on conservation and climate” 19 June 2018

[GroundUp](#): Yeld J “Are mining companies repairing the damage they cause?” 20 June 2018

[The Guardian](#): Smee B “Indigenous group hid more than \$2m in payments from Adani mining giant” 21 June 2018

[The Guardian](#): McKibben B “Some rare good climate news: the fossil fuel industry is weaker than ever” 21 June 2018

[The Guardian](#): Cox L “Fracking: Labor pledges to tighten regulations to protect water resources” 19 June 2018

[The Independent](#): Gabattis J “Crop yields set to drop by tenth as nearly all Earth’s land area is degraded within coming decades, report warns” 22 June 2018

[The Independent](#): Gabbatiss J “Antarctica’s rapidly rising bedrock could slow down catastrophic melting of ice sheet” 21 June 2018

## **CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES**

### **National**

#### **ELA Student and Annual Conference: Save the dates**

Date: 26 September 2018 (Student Conference)

27 September 2018 (Annual Conference)

Venue: Senate Hall, Nelson Mandela University, Port Elizabeth

More information will follow soon

#### **EOH Legal Services: Environmental Law Course**

Dates: 15 – 17 August 2018

Venue: EOH Offices, Route 21, Irene

There should be a minimum of 8 candidates before a training course is provided but the Training Manager can also provide the course at the company site.

May you kindly place the attached advert for EOH Legal Services in the ELA Newsletters starting from 25 June to 13 August 2018. The contact person for the reservations or any additional information: Jolene Mascini or 087-405-1825 or cellphone: 083-739-2130

### **DEA Screening Tool | Go Live Training | Save the Date**

The Department of Environmental Affairs has over the past two years developed a web-based environmental screening tool, which has been discussed at various events including the of the 22nd IAIA national conference held at Goudini Spa in the Western Cape in August 2017. The environmental screening tool will produce the report which will be required to be submitted with an application for environmental authorisation to any of the eleven competent authorities in terms of section 16(1)(v) of the Environmental Impact Assessment Regulations. The Department of Environmental Affairs has requested assistance from the IAIA to advertise the launching of the environmental screening tool and to ensure that Environmental Practitioners use the tool through a pilot phase which will be voluntary. The pilot phase is intended to test the system in a live environment to identify any issues that may manifest before the use of the system becomes compulsory.

A training session on the live system is being scheduled in three regions of the country. A webinar training session is also being planned for EAPs who will be unable to commute to the three centres. The intention with the training is to allow EAPs to physically log onto the system and run through a live demonstration in a learning by doing scenario. You are hereby invited to attend the training sessions which will be held as follows:

- Gauteng – 4 July 2018
- Western Cape – 19 July 2018
- Kwa-Zulu Natal – 25th July

Venues will be communicated closer to the date and the training is proposed to be scheduled from 9:30 until 12:00 subject to confirmation.

Please note this will be an interactive training session, however the venues will not be providing WiFi. Consultants will need to provide their own laptops and internet access/data.

Registrations and queries should be submitted to [Agnes Mainganye](#)

Message from Dee Fisher on IAIA Newsletter

### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-06.1.1 Dangerous goods and hazardous substances management (3days)**  
Date: 10 - 12 July 2018
- **CEM-03.7.1 Environmental management transition (2 days)**  
Date 17-18 July 2018 (Gauteng)
- **CEM-03.7.1.1 Environmental management system transition for auditors (1 day)**  
Date: 19 July 2018 (Gauteng)
- **CEM-02.1.1 Environmental law (Master class 5 days)**  
Date: 16 - 20 July 2018 (Potchefstroom)
- **CEM-03.2.1 Occupational health and safety management system**  
Date: 23 - 27 July 2018
- **CEM-05.3.1 Environmental risk assessment (Master class)**  
Date: 23 - 27 July 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

## **CBSS Training Workshops: Integrated Water Authorisations and Integrated Water and Waste Management Plans**

- **Durban**

Date: 31 July - 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 4-6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

### **Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Durban**

Date: 2 August 2018 in (last date for registration 17 July 2018)

- **Pretoria**

Date: 6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## **2018 LaRRSA Conference: Transforming the rehabilitation landscape**

Dates: 13-16 August 2018

Venue: Champagne Sports Resort, Drakensberg

More [information](#)

## **Institutional Design of Medium-Sized Municipalities in South Africa – A NWU - Konrad Adenauer Workshop**

Date: 2 August 2018

Time: 09:00-16:15

Venue: The Roots Potchefstroom

Contact: [Rieëtte Venter](#)

## **Short Course in Cape Town @UCT Managing Power Sector Reform & Regulation in Africa**

Venue: UCT

Dates: 8-12 October 2018

The University of Cape Town's Graduate School of Business is again presenting the annual "Managing Power Sector Reform and Regulation in Africa" executive education short course, in association with the African Forum for Utility Regulators (AFUR) and the Regional Electricity Regulators Association of Southern Africa (RERA).

For more details on the course, including registration, please click [here](#)

**LH Business in association with Rock Diamond Training Consulting: The 2018 Certified Corporate Governance and Ethics Training Course (A transition from the King III to King IV report)**

Dates: 13-14 September 2018

Venue: Holiday Inn Express Hotel, Pretoria

For more information [email](#) mr Lucas

## **International**

### **Power Week Africa Conference 2018**

**Dates:** 10 - 14 September 2018

**Place:** Johannesburg, South Africa

More [information](#) and [registration](#) or email [Reanne Lee](#)

### **FS-UNEP: e-learning courses on Climate Finance**

Frankfurt School - UNEP Collaborating Centre for Climate & Sustainable Energy Finance is a strategic cooperation between the Frankfurt School of Finance & Management (Frankfurt School) and the United Nations Environment Programme (UN Environment). Our focus of work is on climate change and particularly on the challenges origin from it with regard to the financial industry. Knowledge transfer is a crucial part of the Centre's work and it is our mission to build local capacities and foster expertise of banking and financial institutions in developing countries and emerging market economies all over the globe.

One way we do this is through our two online courses. The FS-UNEP Centre provides two online courses focusing on Climate Finance, one for Renewable Energy (RE) as well as one for Climate Adaptation, each resulting in a globally acknowledged certificate:

- [The Certified Expert in Climate & Renewable Energy Finance \(CECRF\)](#)
- [The Certified Expert in Climate and Adaption Finance \(CECAF\)](#)

The flexible part-time training concept is implemented through the training platform Frankfurt School Development Finance e-Campus. After successful completion of one of the courses (each 6 ECTS credits), participants will receive a Certificate by Frankfurt School, one of the leading business universities in Europe.

The next 6-months e-learning courses start on 1 September 2018 and are open for registration now.

Find out more about the e-learning courses, research and projects at the FS-UNEP Centre [webpage](#):

For specific details about our e-learning courses, click [here](#)

### **ENERGIA webinars on the evidence on gender and energy**

Dates: 25 June 2018 (10:30am – 12:00pm CET)

27 June (2:30pm – 4:00pm CET).

Access to sustainable energy can transform the lives of women and men in multiple but different ways contributing significantly in improving their quality of life equitably. Despite the empirical evidence suggesting that energy interventions have differentiated impacts on women and men, most energy policies and programmes are still not taking a gender perspective in their design and implementation. In addition, empirical evidence shows that taking a gender approach can contribute to promoting energy access. Which elements of energy

interventions bring more gender equitable outcomes? Which gender approaches promote energy access? These webinars will provide messages for policy makers and practitioners based on the evidence from the DFID-funded ENERGIA Gender and Energy Research programme, and provide an opportunity for discussion.

*Webinar 1: Increasing the benefits of energy access for women- electricity and fuels*

Time: Monday, 25 June 2018, 10:30am-12:00pm CET

Registration: To register for this webinar please go to this [link](#)

This webinar will highlight factors that increase the benefits of energy access for women by providing evidence on the use of energy services and empowerment outcomes. What can be learnt from this for the optimisation of gender approaches, and will women's involvement in decision making bodies lead to more inclusive outcomes?

This webinar will be moderated by Samantha Wade and includes the following presentations:

- The gender dimension of electricity access - new evidence from rural Nepal, Kenya and India – Dr. Tanja Winther, University of Oslo
- Benefits of energy access and use in the street food sector in Rwanda, Senegal and South Africa – Dr. Nthabiseng Mohlakoana, University of Twente
- Women's agency in moving from availability to access and use: Clean cooking energy– Dr. Dev Nathan, M.S. Swaminathan Research Foundation
- Remarks by discussant – Suhela Khan, UN Women

*Webinar 2: Empowering women through delivering increased energy access*

Time: Wednesday, 27 June 2018, 2:30pm-4:00pm CET

Registration: To register for this webinar please go to this [link](#)

This webinar will focus on whether taking a gender approach in the energy supply chain will lead to more inclusive outcomes for women's empowerment and overall development as well as increasing energy access.

This webinar will be moderated by Samantha Wade and includes the following presentations:

- Evidence for effective women's energy-related entrepreneurship - current successes and challenges – Dr. Anita Shankar, Johns Hopkins University
- Sustainable Energy for All? Pricing solar lighting to reach the poorest in Africa- Phillip Okull, Innovations for Poverty Action, Rwanda
- Early evidence on how a gender approach in the energy chain contributes to advancing SDG 7 and SDG5 – Prof. Joy Clancy, University of Twente
- Remarks by discussant: Soma Dutta, ENERGIA Women Economic Empowerment Programme

**CMCC-SISC Webinar | Tuesday 26 June - Antarctic climate variability over the last 2000 years**

Tuesday, June 26, 2018

Time: 12.30 - 1.20 pm CEST

[Join the Webinar](#)

For further information, please visit the [webinar web page](#) or contact: [info@cmcc.it](mailto:info@cmcc.it)

## NEWS

### National

#### **Mining: Department shuts down corrupt regional offices**

“The Department of Mineral Resources has decided to close regional offices in Mpumalanga, Limpopo and North West due to corruption on a grand scale, says **Rapport**. The provincial office in Polokwane, where regional head Aaron Khavivhe was severely assaulted six months ago – apparently as an intimidation tactic – will be closed this week with offices in Emalahleni taken over by other officials. The department also received complaints about the North West office in Klerksdorp and a task team is to start an investigation there. The action comes after Mining Minister Gwede Mantashe requested assistance from the private sector three weeks ago to identify corruption. He appointed a task team to investigate the tip-offs received. The complaints include corruption of mining inspectors who allegedly extort mines with threats to close them due to ‘safety concerns’.”

Full report in **Rapport** (subscription needed) *Legalbrief Today* 18 June 2018

#### **Legislation: Aquaculture Bill promises more ‘coherent’ regulation**

“An Aquaculture Development Bill tabled last week in the National Assembly seeks to address shortcomings across a fragmented regulatory system apparently hampering the establishment and development of marine and freshwater aquaculture operations. This is according to a memorandum on the Bill’s objects. The more ‘coherent’ system envisaged includes establishing an intergovernmental authorisations committee, a national intergovernmental forum and related provincial structures, national and provincial aquaculture information systems, a national stakeholder forum, a national reference laboratory for aquatic animal diseases and food safety, and aquaculture development zones. Provision is also made for a more streamlined licensing system, an appeals process, and the appointment of aquaculture extension officers, specialists on contract and aquaculture inspectors. Other issues addressed range from water quality standards to procedures followed when moving, importing and exporting aquaculture organisms and products, and an aquaculture industry association recognition process.”

Read full report in Policy Brief Watch in *Legalbrief Today* 18 June 2018

#### **Pollution: Fishmeal factory's emissions licence granted**

“The City of Cape Town has dismissed an appeal against the decision to renew a fishmeal factory’s atmospheric emissions licence, notes a **Cape Times** report. Fresh Air for Hout Bay (FAHB), which represents some residents, had appealed a decision to grant Lucky Star Fishmeal Factory the licence, arguing it had a negative impact on life. The FAHB appeal focused on two issues: that the public participation process was not appropriate and lacked procedural fairness; and the city failed to consider the objections through the public participation process before coming to a decision. The city recently found there to be no merit on the grounds of the appeal, and dismissed it. Mayco member for safety and security, and social services JP Smith, said the city held Oceana Group to account for the pollution it generated. Hout Bay Civic Association secretary Roscoe Jacobs said they welcomed the appeals finding, as it meant nearly 100 people from Hangberg would get to keep their jobs.”

Full Cape Times report (subscription needed) Legalbrief Environmental 19 June 2018

**Mining: Minerals Council develops mining water-saving benchmarks**

“The Department of Water and Sanitation and the Minerals Council SA (MCSA) have reached a milestone in a collaborative exercise on water conservation and water demand management aimed at driving water savings in the mining industry. A Mining Weekly report notes that the collaboration between the department and the MCSA has evolved over several years, with the most recent project being the development of commodity-based national water use efficiency benchmarks to guide acceptable levels of water use. The project’s output is found in two recently published documents. The first document 'Guidelines for the Development and Implementation of Water Conservation and Water Demand Management Plans for the Mining Sector' is based on comprehensive research findings in the second document 'Benchmarks for Water Conservation and Water Demand Management in the Mining Sector'. Mines will now develop water-saving plans based on the guidelines and will report yearly according to specified templates set out in the guidelines. ‘This project has firmly reinforced the notion that a great deal of public good can flow from cooperative work between business and government. We hope to hear more in the years ahead about the water savings that will be achieved thanks to these efforts,’ MCSA CEO Roger Baxter said.”

Full Mining Weekly report Legalbrief Environmental 19 June 2018

Ndonga S “Africa: Kenya Named World's Least Toxic Country” [allAfrica](#) 14 June 2018 [Source: Legalbrief Environmental 19 June 2018]

**International**

“Mozambique's gas-fuelled future threatened by jihadists” [News24](#) 24 June 2018

“Plastic will pile up in wake of China recycling ban – scientists” [News24](#) 22 June 2018

**VACANCIES / OPPORTUNITIES / FUNDING ETC**

**National**

**Centre for Environmental Rights: Candidate Attorneys 2019-2021**

Please note that the CER is currently calling for applications for CAs for 2019.

See [link](#)

Closing date: 16 July 2018

**nGAP Lecturer Legal Sciences Vaal University of Technology**

Closing date: 6 July 2018

More [information](#)

**University of Pretoria Faculty of Law: Department of Jurisprudence: Lecturer/Senior Lecturer (one post)**

Closing date: 30 June 2018

More [information](#)

## **Legal Advisor: Legal Services – Head Office (Pietermaritzburg)” D2 Three Years Fixed Term Contract**

### **Purpose of the Job**

To provide a comprehensive legal service to Ezemvelo KZN Wildlife (EKZNW) and to ensure that EKZNW is adequately protected from legal and contractual risks and that the organisation is legally compliant.

### **Qualifications**

- Relevant and recognised South African BProc / LLB is mandatory
- Code EB Driver`s Licence
- Admitted as an Attorney or Advocate in South Africa

### **Experience**

- At least 3 years' post admission experience in legal practice.

### **Key Competencies**

- Experience in criminal, civil and labour litigation.
- Corporate governance, commercial and environmental law will be an added advantage
- Customer relationship management
- Conflict management
- Project management
- Communication
- Interpersonal relationship and good negotiation skills
- Report writing
- Computer literacy
- Interpretation of legislation

### **Key Performance Areas**

- Advise and manage litigation files in civil, criminal and labour matters in both High and Magistrates Courts and the CCMA.
- Negotiate and draft contracts on behalf of EKZNW (all clusters).
- Advise the Bid Evaluation Committee and Procurement generally.
- Ensure quality service to both internal and external customers.
- Support to EKZNW Board and Management regarding litigation issues and procedures and the quantification of all legal transactions
- Responsible for providing legal opinions
- Conduct legal research i.e. legislation, case studies and analyse information gathered to facilitate sound decision
- Liaise with the other department attorneys, state attorneys, state law advisers and other stakeholders in order to benchmark EKZNW legal services and programmes within the industry
- Liaise with legal business partners/ external service providers (outsources work) and ensure that all contracted work is completed in accordance with the agreed terms of reference
- Monitor and report legal compliance within EKZNW and recommend appropriate interventions when required
- Initiate litigation or defend claims on behalf of the organisation
- Draft and develop policies and provide legal advice to all levels of operation
- Provide general legal officer work as and when required.
- Willingness to travel within the province.

Directions to applying candidates:

The following mandatory documents must be submitted;

- a) Please note that only fully completed application form from EKZNWILDLIFE website will be accepted, hence incomplete form will not be considered.
- b) Certified copies of your qualifications, Identity Document (ID), qualifications and admission certificates, and Valid Driver's License. All submitted certified copied should not be older than three (3) months from date of submission and should not be copies of certified copies.

The appointment to the post is subject to positive outcome obtained from all verifications in relation to the position advertised.

Applications to be posted to:

Recruitment Section, Ezemvelo KZN Wildlife, P O Box 13053, Cascades 3202.

Applications may also be hand delivered to:

Recruitment Office at Ezemvelo KZN Wildlife (Head Office); Queen Elizabeth Park; 1 Peter Brown Drive; Montrose, Pietermaritzburg 3201.

Faxed/ Emailed applications will not be accepted.

For any queries relating to this job-application please contact: Mr A Muir, at telephone (033) 845 1635, during office hours.

Closing Date: 05 July 2018

Applications received after the closing date will **not** be considered. Applicants not contacted within 30 days of the advertisement closing date should consider their applications unsuccessful.

Selection will be made in terms of the Organization's Employment Equity Plan and Preference will be given to members of designated groups. Ezemvelo KZN Wildlife reserves the right not to make the appointment

### **Legal Advisor: Legal Services – Head Office (Pietermaritzburg) - Tthree Years Fixed Term Contract**

Purpose of the Job

To provide a comprehensive legal service to Ezemvelo KZN Wildlife (EKZNW) and to ensure that EKZNW is adequately protected from legal and contractual risks and that the organisation is legally compliant.

Qualifications

- Relevant and recognised South African BProc / LLB is mandatory
- Code EB Driver's Licence
- Admitted as an Attorney or Advocate in South Africa

Closing date: 05 July 2018

Interested candidates are hereby requested to log on to our [website](#): for more information or contact the Recruitment

### **North-West University Faculty of Law Junior Lecturer / Lecturer (Vaal Campus) (2 Positions)**

Closing date: 6 July 2018

Click [here](#) and [here](#) for more information

### **North-West University Faculty of Law Associate Professor/ Professor (Mahikeng Campus) (x2)**

Closing date: 6 July 2018

Click [here](#) for more information

**North-West University Law Clinic (Potchefstroom Campus) Supervising Attorney (x2)**

Closing date: 29 June 2018

Click [here](#) for more information

**North-West University Manager Student Support and Performance (Vaal Campus)**

Closing date: 29 June 2018

Click [here](#) for more information

**North-West University Legal Advisor**

Closing date: 30 June 2018

Click [here](#) for more information

**International**

**Marie Skłodowska-Curie Individual Fellowships at Fondazione Eni Enrico Mattei**

Following its long time tradition of successful international post-graduate and doctoral training, FEEM supports Marie Skłodowska-Curie Individual Fellowship applications.

For the current MSCA European Fellowships call, FEEM is interested in receiving proposals in the area of:

- Digitalization for a Sustainable Energy Transition
- Sustainable development in Sub-Saharan Africa

FEEM, as Italian host institution, provides support to individual experienced researchers who meet the requirements of the H2020 Programme. Research proposals entail a period of 12-24 months at FEEM, with reference to the Call Marie Skłodowska-Curie Individual Fellowships - [European Fellowships](#)

FEEM offers a truly international and multi-disciplinary workplace. Thanks to a world-wide research network you will be involved in a continuous fruitful exchange of experiences.

**Eligibility criteria**

1. Candidates must be in possession of a doctoral degree or have at least four years of full-time equivalent research experience at the deadline for the submission of proposals to the European Commission (12/09/2018)
2. Eligible researchers can be of any nationality and must not have resided or carried out their main activity (work, studies, etc.) in Italy for more than 12 months in the 3 years immediately before the call deadline.

**Application**

If you meet the eligibility criteria and are interested in exploring the opportunities offered by the Marie Skłodowska-Curie Actions to work at FEEM, please submit your application on-line through the FEEM [web platform](#) any time before July 8th, 2018 (internal deadline), sending:

1. a detailed curriculum vitae, including the list of publications;
2. an abstract of the research proposal (max 1 page).

The selected candidates will be supported in the development of their project proposals that must be submitted to the European Commission by September 12th, 2018 - h. 17.00 CET.

More information on the Marie Skłodowska-Curie Individual Fellowships is available on the EU-MSCA [WebSite](#)

Members of the Environmental Law Association may subscribe to  
[Legalbrief Environmental](#)  
and the  
[South African Journal of Environmental Law and Policy](#).  
Discount available for ELA members.

## **ELA NEWSLETTER 28**

13 July 2018

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### **LEGISLATION**

#### **POLICY**

Commission for Gender Equality – Gen Notice 394 in GG 41766 of 13 July 2018  
- Discussion document on gender transformation in the judiciary and the legal sector

#### **ACTS**

Protection of Investment Act 22 of 2015 – Gen Notice 395 in GG 41766 of 13 July 2018 - commenced 13 July 2018

#### **NOTICES**

National Environmental Management Act 107 of 1998 - GN 706 in GG 41766 of 13 July 2018 - Environmental Impact Assessment Regulations, 2014 and Listing Notices 1 & 3 amended

National Environmental Management: Biodiversity Act 10 of 2004 - GN 705 in GG 41766 of 13 July 2018 - Declaration of the extension of the Kwelera National Botanical Garden

Commissions Act 8 of 1947 – Gen Notice 396 in GG 41772 of 13 July 2018 - Rules of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State

Protection of Investment Act 22 of 2015 - GN R712 in GG 41767 of 13 July 2018 - Regulations on Mediation Rules, 2018

### **PROVINCES**

#### **KwaZulu Natal**

Constitution of the Republic of South African and Local Government: Municipal Systems Act 32 of 2000 - MN 81 in PG 1972 of 12 July 2018 - Umlalazi Local Municipality - Spatial Planning and Land Use Management By-Law, 2016[sic]

Promotion of Access to Information Act 2 of 2000 - MN 82 in *PG* 1972 of 12 July 2018 - uMlalazi Local Municipality - Notice of amendment to the Access to Information Manual

Constitution of the Republic of South African, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 83 in *PG* 1972 of 12 July 2018 - Dr Nkosazana Dlamini Zuma Local Municipality - Aerodrome By-law, Public transport By-law

Constitution of the Republic of South African, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 83 in *PG* 1972 of 12 July 2018 - Dr Nkosazana Dlamini Zuma Local Municipality - By-laws for control and discharge of fireworks, Public Amenities By-law, Storm water management By-law and Waste Management By-law

## **Northern Cape**

Promotion of Administrative Justice Act 3 of 2000 – Gen Notice 87 in *PG* 2195 of 11 July 2018 - Notice of pending administrative decision in respect of applications for exploration rights to explore for natural gas (Shale gas) in the Western Cape, Eastern and Northern Cape Provinces

## **Gauteng**

Gauteng Transport Authority Bill, 2018 - PN 729 in *PG* 193 of 13 July 2018 - memorandum on the objects of the Bill - for comment

## **Western Cape**

Constitution of the Republic of South African, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 55499 in *PG* 7951 of 2 July 2018 - Langeberg Local Municipality - Pound By-law

## **Free State**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Finance Management Act 56 of 2003 - PN 44 in *PG* 37 of 13 July 2018 - Letsemeng Local Municipality - 2018/2019 Integrated Development Plan

## **Eastern Cape**

Disaster Management Act 57 of 2002 - PN 116 in *PG* 4076 of 9 July 2018 - Nelson Mandela Bay Metropolitan Municipality - Declaration of a local state of disaster in respect of drought and water shortages

Promotion of Administrative Justice Act 3 of 2000 - PN 121 in *PG* 4080 of 11 July 2018 - Notice of pending administrative decision in respect of applications for exploration rights to explore for natural gas (Shale gas) in the Western Cape, Eastern and Northern Cape Provinces

Disaster Management Act 57 of 2002 - LAN 133 in PG 4081 of 12 July 2018 - Kouga Local Municipality (EC108) - Declaration of a local state of disaster due to prevailing drought conditions extended for a further month

## CASES

### International

*Weyerhaeuser Company, Petitioner v. United States Fish and Wildlife Service, et al.* Case 17-71 United States Court of Appeals for the Fifth Circuit - all filed [documents](#)

See also ELA Newsletter 27

*Delaware Riverkeeper Network v. FERC*, July 10, 2018, [D.C. Cir](#)

“Justicia Opinion Summary: Riverkeeper petitioned for review of FERC's Certificate of Public Convenience and Necessity conditionally approving the Leidy Project. The DC Circuit denied the petition and held that it had jurisdiction to consider Riverkeeper's challenge to the Certificate Order on the ground that FERC violated the sequencing requirement of the Clean Water Act (CWA) by issuing its Certificate Order before Pennsylvania issued its section 401 certification; the sequencing requirement of section 401 was not triggered because the Commission's conditional approval of the Leidy Project construction did not authorize any activity which might result in a discharge in navigable waters; the court need not decide whether the letter orders impermissibly approved activity that might have resulted in a discharge before Pennsylvania issued its section 401 certification; FERC did not violate the National Environmental Policy Act (NEPA) by misclassifying wetlands; even if FERC technically erred in some of its classifications, Riverkeeper has not shown any prejudice; and FERC's NEPA review of the Leidy Project's proposed gas flow velocities appeared to be fully informed and well-considered.”

## PUBLICATIONS

2016 [Annual Survey of South African Law](#)

- Kidd M “Environmental Law”
- Mostert M “Mining law”
- Brickhill J, Corder H, Davis D and Marcus G “Administration of Justice”
- Van Coller “Administrative law”

Chirambo Dumisani “Towards the achievement of SDG 7 in sub-Saharan Africa: Creating synergies between Power Africa, Sustainable Energy for All and climate finance in-order to achieve universal energy access before 2030” 2018 94 [Renewable and Sustainable Energy Reviews](#) 600-608

*GRAP Handbook Standards of Generally Recognised Accounting Practice 2018* ([Juta](#) July 2018)

Sanja Bogojevic & Rosemary Rayfuse (eds) *Environmental Rights in Europe and Beyond* (Hart/Bloomsbury 2018)

United Nations “Sustainable Development Goal 6: Synthesis Report on Water and Sanitation” ([Report](#) July 2018)

2018 *Transnational Environmental Law* 7(2) (published July 2018)

- Etty Thijs *et al* “Transnational Climate Law” 199-200 doi: 10.1017/S2047102518000183 Yulia Yamineva, Kati Kulovesi [Keeping the Arctic White: The Legal and Governance Landscape for Reducing Short-Lived Climate Pollutants in the Arctic Region](#) 201 – 227 doi: 10.1017/S2047102517000401
- Tienhaara Kyla “Regulatory Chill in a Warming World: The Threat to Climate Policy Posed by Investor-State Dispute Settlement” 229 – 250 doi: 10.1017/S2047102517000309
- Mayer Benoit “International Law Obligations Arising in relation to Nationally Determined Contributions” 251 – 275 doi: 10.1017/S2047102518000110
- María Eugenia Recio “Transnational REDD+Rule Making: The Regulatory Landscape for REDD+ Implementation in Latin America” 277 – 299 doi: 10.1017/S2047102518000122
- Verschuuren Jonathan “Towards an EU Regulatory Framework for Climate-Smart Agriculture: The Example of Soil Carbon Sequestration” 301 – 322 doi: 10.1017/S2047102517000395
- McCormack Phillipa C “Conservation Introductions for Biodiversity Adaptation under Climate Change” 323 – 345 doi: 10.1017/S2047102517000383
- Xiangbai He “Legal and Policy Pathways of Climate Change Adaptation: Comparative Analysis of the Adaptation Practices in the United States, Australia and China” 347 – 373 doi: 10.1017/S2047102518000092
- Akhtar-Khavari Afshin “Book review: Global Environmental Constitutionalism in the Anthropocene, by Louis J. Kotzé Hart Publishing, 2016, 304 pp, £60, ISBN 9781509907588” 375 – 377 doi: 10.1017/S2047102518000171
- Smith Natasha “Book review: International Trade in Sustainable Electricity, edited by Thomas Cottier & Ilaria Espa Cambridge University Press, 2017, 479 pp, £89.99, ISBN 9781107163348” 378 – 382 doi: 10.1017/S204710251800016X
- Blumenstein Lev G “Struggling for Air: Power Plants and the ‘War on Coal’, by Richard L. Revesz & Jack Lienke Oxford University Press, 2016, 221 pp, £22.99, ISBN 9780190233112” 382 – 385 doi: 10.1017/S2047102518000158

2018 *Journal of Energy and Natural Resources Law* 36(3) is now [available](#)

Overseas Development Institute (ODI) “Energy, migration and the 2030 Agenda for Sustainable Development” ([Policy Brief](#) July 2018)

UN Habitat “The State of African Cities 2018 – The geography of African investment” ([Report](#) July 2018)

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

[The Conversation](#): Avery S “How Ethiopia and Kenya have put a world heritage site in danger” 8 July 2018

[The Conversation](#): Boakes E “Extinction is a natural process, but it's happening at 1,000 times the normal speed” 6 July 2018

[LegalPlanet](#): Hecht S “UCLA Law Wells Environmental Law Clinic Files Brief on Behalf of Scientists in Endangered Species Act Case” 9 July 2018

[IISD](#) SDG Knowledge Hub: Palmer CP “Where Are We in Achieving SDG 15?” 9 July 2018

[IISD](#) SDG Knowledge Hub: Monument A and Kleymann H “An Open Goal: Why Forests and Nature Need to be at the Center of the Sustainable Development Agenda” 9 July 2018

[IISD](#) SDG Knowledge Hub: Walsh E “A Hidden Carcinogen in Water: How the SDGs Can Help” 9 July 2018

[IISD](#) SDG Knowledge Hub: Fishman A “SDG Knowledge Weekly: Finance, Infrastructure and Sustainable Investment” 9 July 2018

[IISD](#) SDG Knowledge Hub: Mead L “UNESCO Creative Cities Network Commits to Culture- and Creativity-led SDG Implementation” 9 July 2018

[UN Water](#): Water facts

[IISD](#) ENB: 40th Meeting of the Open-ended Working Group of the Parties to the #MontrealProtocol #OEWG40 #ozone #climate @UNEnvironment 9-14 July 2018 - Vienna, Austria

[IISD](#) ENB: 22nd Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 22) and 2nd Meeting of the Subsidiary Body on Implementation (SBI 2) of the Convention on Biological Diversity (CBD) - - Montreal, Canada - 2-7 and 9-13 July 2018

[The Conversation](#): Amao Femi “Could African Union law shape a new legal order for the continent?” 9 July 2018

[IISD](#) SDG Knowledge Hub: Mead L “Sovereign Wealth Funds Publish Framework to Help Meet Paris Agreement Goals” 11 July 2018

[The Conversation](#): Bryan B “What we can learn from China’s fight against environmental ruin” 11 July 2018

[IISD](#) SDG Knowledge Hub: Paul D “SDG 11 Review at HLPF Emphasizes Role of Cities in Achieving 2030 Agenda” 12 July 2018

[IISD](#) SDG Knowledge Hub: Risse N “Co-facilitators Release Final Draft of Migration Compact” 12 July 2018 – find the draft Compact [here](#)

[IISD](#) SDG Knowledge Hub: Mead L “HLPF Side Event Highlights Role of Indigenous Peoples in Achieving SDGs” 12 July 2018

[IISD](#) SDG Knowledge Hub: Wahlén CB “TEEB Presents Framework for Managing Food Systems” 12 July 2018 – find the report [here](#) and [here](#)

[IISD](#) SDG Knowledge Hub: Mead L “Online Guidance Seeks to Improve Climate Services for Adaptation” 12 July 2018 – for the website see [Climate in Tandem](#)

[IISD](#) SDG Knowledge Hub: Paul D “HLPF Reviews SDG 6, Calling for Greater Efficiency of Water Use” 10 July 2018

[IISD](#) SDG Knowledge Hub: Mead L “Foreign Direct Investment Key to Africa’s Urban Development, UN-Habitat Report Finds” 10 July 2018

[IISD](#) SDG Knowledge Hub: Mead L “UN Security Council Addresses Climate Change as a Security Risk” 13 July 2018

[The Jurist](#): Buffa J “Federal judge allows Monsanto pesticide lawsuit to move forward” 12 July 2018

[The Jurist](#): Buffa J “Appeals court upholds \$10 billion Volkswagen diesel settlement” 9 July 2018

[Bhekisisa](#): Eteng I “Poisonous haze: Why the air we breathe could kill us” 13 July 2018

[Mail & Guardian](#): Jika T “Waste pickers lament nondelivery of karikis by Enviro Mobi” 13 July 2018

[Mail & Guardian](#): Galvin M “Bold steps are needed toward a ‘new normal’ that allocates water fairly in SA” 9 July 2018

[The Guardian](#): Watts J “Heatwave sees record high temperatures around world this week” 13 July 2018

[The Guardian](#): Robertson J “Declare energy independence with carbon dividends” 4 July 2018

[The Guardian](#): Harvey F “Illegal ivory found on sale in 10 European countries” 10 July 2018

[The Guardian](#): Abraham J “Rising ocean waters from global warming could cost trillions of dollars” 12 July 2018

[IOL](#): Booysen J “Farmers’ pest control improves through SA drone technology” 13 July 2018

## **CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES**

### **National**

#### **ELA Student and Annual Conference: Links between Environmental Protection and Justice**

Date: 26 September 2018 (Student Conference)  
26 September 2018 evening (Juta Dinner)  
27 September 2018 (Annual Conference)

Venue: Senate Hall, South Campus, Nelson Mandela University, Port Elizabeth  
Abstracts for both conferences: Due date 13 August 2018

[Email](#) abstracts to the Secretariat

The Student Conference has two prizes – one for the best undergraduate paper and one for the best post-graduate paper

More information will follow soon

### **Gauteng IAIAsa Branch Event: The future of aquaculture in South Africa**

Date: 26 July 2018

Time: 13:00-16:00

Venue: 191 Homestead Road, Kya Sand, Johannesburg.

The invitation is available [here](#)

To register for the IAIAsa GP Branch event, follow this [link](#)

Registration closes 13:00 on Monday 23 July 2018 – if you registered and can no longer attend, please deregister or you will be billed a 'no show' fee

### **EOH Legal Services: Environmental Law Course**

Dates: 15 – 17 August 2018

Venue: EOH Offices, Route 21, Irene

There should be a minimum of 8 candidates before a training course is provided but the Training Manager can also provide the course at the company site.

May you kindly place the attached advert for EOH Legal Services in the ELA Newsletters starting from 25 June to 13 August 2018. The contact person for the reservations or any additional information: Jolene Mascini or 087-405-1825 or cellphone: 083-739-2130

### **DEA Screening Tool | Go Live Training | Save the Date**

The Department of Environmental Affairs has over the past two years developed a web-based environmental screening tool, which has been discussed at various events including the of the 22nd IAIA national conference held at Goudini Spa in the Western Cape in August 2017. The environmental screening tool will produce the report which will be required to be submitted with an application for environmental authorisation to any of the eleven competent authorities in terms of section 16(1)(v) of the Environmental Impact Assessment Regulations. The Department of Environmental Affairs has requested assistance from the IAIA to advertise the launching of the environmental screening tool and to ensure that Environmental Practitioners use the tool through a pilot phase which will be voluntary. The pilot phase is intended to test the system in a live environment to identify any issues that may manifest before the use of the system becomes compulsory.

A training session on the live system is being scheduled in three regions of the country. A webinar training session is also being planned for EAPs who will be unable to commute to the three centres. The intention with the training is to allow EAPs to physically log onto the system and run through a live demonstration in a learning by doing scenario. You are hereby invited to attend the training sessions which will be held as follows:

- Western Cape – 19 July 2018 - 9h00 - 12h00 CSIR Stellenbosch Seminar Room - 10 Jan Celliers Road, Stellenbosch
- Kwa-Zulu Natal – 25th July Venue to be confirmed -- 9h30 - 12h00

Venues will be communicated closer to the date and the training is proposed to be scheduled from 9:30 until 12:00 subject to confirmation.

Please note this will be an interactive training session, however the venues will not be providing WiFi. Consultants will need to provide their own laptops and internet access/data.

Registrations and queries should be submitted to [Agnes Mainganye](#)

Message from Dee Fisher on IAIA Newsletter

## NWU – Centre for Environmental Management Courses 2018

- **CEM-03.2.1 Occupational health and safety management system**  
Date: 23 - 27 July 2018
- **CEM-05.3.1 Environmental risk assessment (Master class)**  
Date: 23 - 27 July 2018
- **CEM-03.2.1 Occupational health and safety management system**  
Date: 23 - 27 July 2018
- **CEM-05.3.1 Environmental risk assessment (Master class)**  
Date: 23- 27 July 2018
- **CEM-06.2.1 Integrated waste management**  
Date: 31 July - 2 August 2018
- **CEM-02.2.2 Mine health and safety law**  
Date: 31 July - 2 August 2018
- **CEM-01.1.1 Fundamentals of environmental management**  
13 - 17 August 2018
- **CEM-02.1.8 Environmental law for the mining sector**  
Date: 14 - 16 August 2018
- **CEM-03.1.1 Environmental management system**  
Date: 20 - 24 August 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

## CBSS Training Workshops: Integrated Water Authorisations and Integrated Water and Waste Management Plans

- **Pretoria**

Date: 4-6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

**Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Pretoria**

Date: 6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## **Black Lawyers Association – Legal Education Centre Prospecting and Mining Law workshop**

Date: 28 July 2018

Venue: Mafikeng

Time: 08:00 – 16:00

The workshop will be focusing on legislation, requirements, procedures, beneficiation, compliance and ethics.

We invite all candidate attorneys, admitted attorneys, advocates and anyone in the legal profession/corporate entities to be a part of this exciting learning and networking session.

Should you require more details, please do not hesitate to contact our offices on [\(011\) 403 0802](tel:0114030802) / Fax 011 403 0814 [Email](#) [website](#)

## **Imbewu: Environmental Law Workshop**

Dates: Tuesday 28 August 2018 (08h30 – 16:30) and Wednesday 29 August 2018 (08h30 – 16:30)

Venue: IMBEWU's offices, Rosebank, Johannesburg

Contact: [Lulu](#) / 011 214 0660 / [website](#)

## **International**

### **Summer lecture series at Vermont Law School**

[Tuesday, July 17<sup>th</sup>](#)

“Replacing Science with Politics in Rare Species Protection” - Maya Kapoor, High Country News

[Thursday, July 19<sup>th</sup>](#)

“Big Data and Food Oppression” - Andrea Freeman, University of Hawai'i at Manoa S. Richardson School of Law

To watch live, or view past videos click [here](#)

For the full schedule, click [here](#).

## **Frankfurt School – UNEP Collaborating Centre for Climate & Sustainable Energy Finance e-learning courses**

- [The Certified Expert in Climate & Renewable Energy Finance \(CECRF\)](#)
- [The Certified Expert in Climate and Adaption Finance \(CECAF\)](#)

The flexible part-time training concept is implemented through the training platform Frankfurt School Development Finance e-Campus. After successful completion of one of the courses (each 6 ECTS credits), participants will receive a Certificate by Frankfurt School, one of the leading business universities in Europe.

The next 6-months e-learning courses start on 1<sup>st</sup> of September 2018 and are open for registration now. Find out more about the Centre's activities, research and project at the FS-UNEP Centre [webpage](#).

For specific details about our e-learning courses, click [here](#).

## NEWS

### National

#### **Litigation: Scientists unite in bid to save crayfish**

"An unprecedented World Wide Fund for Nature court bid to save the West Coast rock lobster from extinction has united marine scientists from around the world against the Department of Agriculture, Forestry and Fisheries, says a Sunday Times report. Evidence and affidavits submitted to the Western Cape High Court reveal the department has ignored advice from its scientists to reduce the rock lobster harvest. The department's top officials have stopped paying for rock lobster stock assessments and have delayed vital scientific surveys of other fish species such as sardines and hake. Central to the dispute are the Minister, Senzeni Zokwana, and suspended deputy DG for fisheries Siphokazi Ndudane. Both are embroiled in several controversies, including alleged involvement in an abalone corruption scandal, which they deny. They are accused of manipulating fishing quotas to favour certain interest groups at the expense of sound management, notes the report. West Coast rock lobster, locally known as kreef or crayfish, is a valuable export and a vital source of income for coastal communities that survive largely off poaching – one of the main reasons for species decline – in the absence of formal quotas. The WWF's court submission includes affidavits from some of the world's foremost ocean scientists who attest to an alarming decline in kreef. 'This is serious, and indicates that urgent remedial action is needed,' said Andre Punt, director of the School of Aquatic and Fisheries Sciences at the University of Washington."

Full Sunday Times report (subscription needed) *Legalbrief Today* 9 July 2018

#### **Litigation: Bo-Kaap residents dismiss interdict as an 'apartheid tactic'**

"The community of the Bo-Kaap has been interdicted from interfering with the work of a developer trying to demolish the St Monica's Maternity Hospital. A Cape Argus report says Western Cape High Court Judge Robert Henney granted the interdict on Friday. Bo-Kaap residents represented themselves against the interdict sought by Blok developers. The interdict cited violent acts committed by civic organisations, including a petrol bomb at their construction site, as part of the reason for the application. It further prohibited anyone from going near the development alongside St Monica's Home. The angry residents said the short notice of the interdict gave them no time to get legal representatives to defend them, and denied that the violence mentioned could be attributed to the respondents. Ebrahim Christian, who was specified in the interdict, said: 'We're already fighting gentrification and high rates and now he wants to dictate to us. It's not going to work, it's an old apartheid tactic.' Henney made a recommendation that the imam of the Leeuwen Street mosque, Dawood Terblanche, and representatives of the Human Rights Commission have a discussion with the developer and discuss the manner in which they proceed with the development. Henney granted the order against the six respondent to interdict and restrain anyone from committing acts of arson or vandalism, or entering or passing the construction site. The ruling also prohibits residents from actively interfering, intimidating or harassing anyone, subject to the right of peaceful protest."

Full Cape Argus report (subscription needed) *Legalbrief Today* 9 July 2018

**Legislation: New regulations target waste transport for gain**

Once in force, proposed amendments to the 2012 waste information regulations will require commercial entities transporting waste for gain to register the vehicles with the South African waste information system. Gazetted on Friday for comment, the draft regulations also seek to make it mandatory for affected industry associations to register with the system, provide detailed lists of their members and adhere to relevant reporting requirements.

Read full report in Legalbrief Policy Watch Legalbrief Today 9 July 2018

**Energy: Government's offshore oil and gas projects kick off**

"Government was pushing ahead with its offshore oil and gas exploration plans, with key environmental processes kicking off despite community and activists' opposition to the projects, writes Legalbrief. In terms of its Operation Phakisa programme to 'unlock the potential of the SA coastline', the strategic environmental assessment (SEA) process for the development of a phased gas pipeline network and the expansion of the electricity grid infrastructure (EGI) corridors, has started. Engineering News says the Department of Environmental Affairs commissioned the research as part of Operation Phakisa's offshore oil and gas exploration lab, as well as Strategic Integrated Project 10, which is focused on electricity transmission and distribution for all. The Council for Scientific and Industrial Research (CSIR) and the SA National Biodiversity Institute (Sanbi) are undertaking the SEA. The estimated time frame for the project is 24 months. The corridors are expected to be identified and assessed, with supporting documentation completed and the legal implementation process agreed upon by the end of 2018. Thereafter, it will be submitted for Cabinet consideration and subsequent gazetting. Nine 100km-wide corridors have been identified as key areas where gas transmission pipelines are required to meet future energy requirements. The CSIR notes that these extend along the coast from the border of Namibia to the border of Mozambique, including an inland link from Richards Bay to Gauteng; from Sasolburg to the border of Mozambique through Gauteng and Mpumalanga; from Cape Town to Port Elizabeth through the Karoo; and a link from the Shale Gas SEA 'sweet spot' area to the coastal corridor between Mossel Bay and Port Elizabeth.

However, one issue that has emerged is that the environmental authorisation (EA) process being applied to linear infrastructure, including gas transmission pipelines, may be too rigid to be an effective assessment mechanism."

Full Engineering News report Legalbrief Environmental 10 July 2018

Makhafola D "S Africa wastewater facilities in disrepair" [Engineering News](#) 6 July 2018 [Source: Legalbrief Environmental 10 July 2018]

**Climate Change: Green groups call new Bill 'toothless'**

"Environmental advocacy groups have called for the President to implement the National Climate Change Bill released by the Department of Environmental Affairs (DEA), due to the urgency of addressing the issue. A Cape Argus report notes that this was discussed at a public consultation in Airport Industria last week. The Bill, released for public comment, was aimed at building a long-term transition to a climate-resilient society by lowering the carbon footprint. It proposes that national, provincial and local spheres of government respond by harmonising policies, plans and programmes to mitigate climate change. However, **experts from environmental institutes and organisations**

**questioned why the Act was not being pegged at the ‘right political level’ and said the Bill was toothless in forcing the private and political sectors to adhere to its policies.** ‘The general problem with the Bill is the issue with funding. The only funding talked about is a penalty for non-compliance; we need financial support and resources to comply with measures that we are being asked to take. The government functions as soon as there is international glamour and stages to comply with, but the moment the international community looks away, things fall away,’ said senior researcher in the UCT Energy, Environment and Climate Change group, Dr Britta Rennkamp. DEA Chief Director for Climate Change Mitigation Deborah Ramalope said many challenges to governance had arisen by responding to climate change. She said these would be addressed when the Bill was amended after the public participation process concludes.” Full Cape Argus report (subscription needed) Legalbrief Environmental 10 July 2018

“SA sets up body to manage marine pollution” [SANews](#) 6 July 2018 [Source: Legalbrief Environmental 10 July 2018]

### **General: Barberton Mountains now a World Heritage Site**

“Barberton’s Makhonjwa Mountains are now on the prestigious World Heritage List, Arts and Culture Minister Nathi Mthethwa said last week. According to a report in The Herald, the decision was taken by the 42nd UN Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Committee meeting in Bahrain. Mthethwa said: ‘We make a commitment that we will do all in our power to protect the integrity and authenticity of this natural property.’ To be accepted onto the World Heritage Site list, a country must meet stringent criteria and show how the site will be conserved. The mountains in Mpumalanga are thought to be among the oldest on Earth, with volcanic rocks between 3.2bn and 3.6bn years old. The mountains also contain the oldest known signs of life: a bacteria microfossil which is about 3.1bn years old.”

Full report in The Herald (subscription needed) Legalbrief Environmental 10 July 2018

Maanda Makwarela and Kelebogile Khunou “Household recycling plan leaves waste pickers fighting for crumbs: Johannesburg project threatens the livelihoods of informal recyclers” [BusinessLive](#) 4 July 2018

Steinmetz JT “Niue: Tourism Chief of another island nation says no to plastic” [eTN](#) 13 July 2018

Steyn LL “Suspicious tender at heart of Zambian hippo culling scandal” [eTN](#) 12 July 2018

### **International**

“Nissan admits falsifying emissions data on cars made in Japan” 9 July 2018 [Source: Legalbrief Environmental 10 July 2018]

Osborne F “Young girl's death first to be linked to illegal levels of air pollution” [The Independent](#) 4 July 2018 [Source: Legalbrief Environmental 10 July 2018]

“Glacier-protection Bill dropped in Chile and miners applaud” [Mining Weekly](#) 3 July 2018 [Source: Legalbrief Environmental 10 July 2018]

**Legislation: Mandatory display of energy performance certificates**

"It could soon be mandatory for the owners of certain categories of privately owned and state-owned non-residential buildings to display energy performance certificates at their entrances. However, the draft regulations recently released for comment would only apply to buildings that have been functioning according to specific dominant occupancy classifications for at least two years without undergoing 'major' renovations. Once in force, the new regulations will require the South African National Energy Development Institute to maintain a building energy performance register among other things recording the particulars of all valid certificates, which would be issued in accordance with national standard SANS 1544."

Read full report *Legalbrief Policy Watch Legalbrief Today* 12 July 2018

**Arbitration: Kenya governor welcomes ruling on wind turbines**

"Nyandarua County Governor Francis Kimemia has welcomed the ruling by the International Court of Arbitration in London that dismissed a claim for more than Sh31bn filed by Kinangop Wind Park Limited against the Kenyan Government, notes a CapitalFM report. The tribunal, in issuing the ruling, dismissed all the claims by Kinangop Wind Park Limited (KWP) but reserved judgment on costs. KWP had sought compensation and damages under a Letter of Support issued by the government for the erection of 38 wind turbines. It alleged that the government 'failed to eliminate a political event' emanating from community protests. The project did not materialise as the community in Kinangop raised concerns about the way it was being implemented. Specifically, there was no proper community engagement, sensitisation, compensation and relocation of the people. There were also issues regarding the manner the land was leased. Kimemia is urging the government to revisit the project."

Full CapitalFM report *Legalbrief Today* 11 July 2018

Yeld J "Independence of environmental consultant under the spotlight" [GroundUp](#) 13 July 2018

Mazwi C "Residents 'take back' their community with clean-up initiative" [GroundUp](#) 9 July 2018

"Trash piles up in US as China closes door to recycling" [News24](#) 13 July 2018

"7 endangered rhinos dead in Kenya relocation bid: Official" [News24](#) 13 July 2018

Besliu R "New Togo fishing port stokes coastal erosion fears" [Mail & Guardian](#) 11 July 2018

**VACANCIES / OPPORTUNITIES / FUNDING ETC****National****Centre of Environmental Rights**

2 x attorneys: <https://cer.org.za/vacancies/ref-no-3-2018-attorneys>

Closing date: 25 July 2018

**Call for Nominations: Media Statement by the Minister of Justice and Correctional Service Regarding the Call For Nominations to Serve on the South African Law Reform Commission**

The Minister of Justice and Correctional Services has, today issued a call for interested parties to nominate candidates to be considered for appointment to serve on the South African Law Reform Commission (SALRC).

The term of office of the current Commission comes to an end on 11 August 2018, and therefore, new Commission members must be appointed in accordance with the South African Law Reform Commission Act, 1973 (Act No. 19 of 1973).

The Call for nominations to serve on the SALRC is posted on the SALRC website be sent to the Secretary of the SALRC in one of the following ways:

- By [email](#)
- By post to the Secretary of South African Law Reform Commission, Private Bag X668, Pretoria, 0001.
- By hand to the Secretary of SALRC, 2007 Lenchen Avenue(South), Spooral Park Building, Centurion, Pretoria
- By fax 012 622 6362
- Tel: [\(012\) 622 6300](#)

**International**

[Interdisciplinary PhD Student on Sustainability Assessment of Primary Energy Carriers](#) Ghent University, Department of Social economics

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## ELA NEWSLETTER 28

20 July 2018

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### LEGISLATION

#### POLICY

Department of Trade and Industry - GN 394 in [GG 41766](#) of 13 July 2018 - Discussion Document on Gender Transformation in the Judiciary and the Legal Sector – for comment

#### NOTICES

Commissions Act 8 of 1947 – Gen Notice 397 in GG 41774 of 16 July 2018 - Rules of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State

Marine Living Resources Act 18 of 1998 - GN 718 in GG 41781 of 20 July 2018 - Commencement of 2020 Fishing Rights Allocation Process ('FRAP2020') for the granting of commercial fishing rights in terms of s. 18 of the Act

Promotion of Access to Information Act 2 of 2000 – Gen Notice 400 in GG 41781 of 20 July 2018 - Description submitted in terms of s. 15 (1) by the KwaZulu-Natal Department of Transport

National Health Act 61 of 2003 - GN 719 in GG 41781 of 20 July 2018 - Material Transfer Agreement of Human Biological Materials

National Regulator for Compulsory Specifications Act 5 of 2008 - GN 724 in GG 41781 of 20 July 2018 - Proposed compulsory specification for processed meat products - for comment

National Environmental Management: Waste Act 59 of 2008 - GN 715 in [GG 41777](#) of 18 July 2018 - Waste Exclusion Regulations, 2018

Legal Practice Act 28 of 2014 – Gen Notice 401 in GG 41781 of 20 July 2018 - Rules published in terms of ss. 95(1), 95(3) and 109(2)

## **PROVINCES**

### **KwaZulu Natal**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 82 in *PG* 1975 of 19 July 2018 - Mandeni Local and iLembe District Municipalities - Intention to declare the Meycol Nature Reserve - for comment

### **Western Cape**

National Heritage Resources Act 25 of 1999 - PN 97 in *PG* 7956 of 13 July 2018 - Heritage Western Cape: Declaration of a Provincial Heritage Site: Hostel 33 on Portion of Erf 13600, Lwandle, Strand

Disaster Management Act 57 of 2002 - LAN 55928 in *PG* 7956 of 13 July 2018 - Swartland Local Municipality - Extension of declaration of a local state of drought disaster from 11 July 2018 to 10 August 2018

### **North West**

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 and Spatial Planning and Land Use Management Regulations - LAN 73 in *PG* 7907 of 17 July 2018: Land Use Management and General Matters, 2015 - Madibeng Local Municipality - Appointment of persons as members of the Municipal Planning Tribunal published with effect from 17 July 2018

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 and Madibeng Spatial Planning and Land Use Management By-laws of 2017 - LAN 74 in *PG* 7907 of 17 July 2018 - Madibeng Local Municipality - Notice of adoption of Municipal Spatial Development Framework 2018 published with effect from 17 July 2018

### **Eastern Cape**

Disaster Management Act 57 of 2002 - PN 116 in *PG* 4084 of 16 July 2018 - Nelson Mandela Bay Metropolitan Municipality - Declaration of a local state of disaster in respect of drought and water shortages

Repeal of Local Government Laws Bill (Eastern Cape), 2018 - PN 123 in *PG* 4084 of 16 July 2018 - together with the memorandum on the objects of the Bill - for comment

## CASES

### National

*Matlala and Others v Platinum Group Metals (RSA) (Pty) Ltd and Another* (60/2018) [2018] ZALMPPHC 30 (12 July 2018)

“[1] The Applicants brought an application against the Respondents seeking an interdict preventing the First Respondent from proceeding with the prospecting and mining activities on the Early Dawn Farm and compelling the First Respondent to negotiate and conclude a lease agreement with the Applicants.

[2] On 2 October 2013 the First Respondent was, in terms of section 17(1) of the Mineral and Petroleum Resources Development Act 28 of 2002 (“MPRDA”), granted the prospecting right over the Farm Early Dawn 361 LR situated in the Mogalakwena District, Limpopo Province. In order to facilitate access to the Early Dawn Farm, the First Respondent concluded a lease agreement with the Early Dawn Community on 2 April 2015. The lease is for five years and the First Respondent pays R 40 000.00 per month to the Early Dawn Community.

[3] The Application is opposed by the First Respondent on the following grounds:

3.1. Although the First Applicant is the legitimate traditional leader of the Bakone Tribe, the title deed together with all the documents concluded as part of the acquisition of the Early Dawn Farm do not support her claim of entitlement to exercise authority over the Early Dawn Farm.

3.2. The Second and Third Applicants do not have any traditional standing or authority and entitlement to bring these proceedings.

3.3. The Applicants have not established any clear right, whether under the law of property or the Traditional Leadership laws to justify an interdict sought against the First Respondent.”

*Telkom SA Soc Ltd, Kalu NO and Another v City of Cape Town* ([10354/2017) [2018] ZAWCHC 53 (10 May 2018)

Telkom approached the court seeking a declarator -

- that the provisions of the City’s Municipal Planning By-laws, Zoning Scheme Regulations and Telecommunications Mast Infrastructure Policy (“Mast Policy”), are in conflict with the provisions of s 22 of the Electronic Communications (“ECA”) and thus invalid; *alternatively*,
- that the By-law, Zoning Scheme Regulation and the Mast Policy are unconstitutional and invalid

The City brought a counter-application - a declarator that Telkom’s erection and use of the mast on residential property of Mr Kalu are unlawful for want of planning authorisation and building plan approval.”

*Upper Highway Air NPC v Enviroserve Waste Management (Pty) Ltd and Others* (3692/2017) [2018] ZAKZDHC 21 (21 June 2018)

“[1] This matter concerns the Shongweni landfill site, which has over the last two years or so been the subject of many complaints from members of the community regarding offensive odours and harmful gases which are said to have affected the health of many people, including young children.

Many reports have been prepared by scientists and experts in the waste management industry as to the cause of the problem and the steps that need to be taken to deal with it. As it turned out there was no quick solution. Various steps have been taken to remedy the situation and the Department of Environmental Affairs has played an active role. Central to the dispute before me is whether the matter should be left to be dealt with by the Department, which is the statutory regulatory authority, or whether intervention by the court is required.”

*Du Toit and Others v Provincial Minister of Environmental Affairs and Development Planning: Western Cape and Others* (14275/16) [2018] ZAWCHC 58 (24 May 2018)

“[1] This matter arose as a result of the alleged illegal hunting of two kudus during the night in December 2014, in the Karoo near Merweville and the possession of a badly injured steenbok. The hunting of wild animals in the Western Cape, including species like kudu and steenbok, is regulated by the Nature Conservation Ordinance (“the Ordinance”). The hunting season for Kudu in 2014 was from the period 1 May 2014 to 31 August 2014 with a daily bag limit of one kudu. Seemingly, no proclaimed hunting existed for steenbok in 2014 which implied that the hunting of steenbok at any time during the year required a permit.”

## International

*In Re: Roundup Products Liability Litigation United States* [MDL No. 2741 Case No. 16-md-02741-VC](#) District Court Northern District of California Filed 10 July 2018

“The question at this early phase in the proceedings – the ‘general causation’ phase – is whether a reasonable jury could conclude that glyphosate, a commonly used herbicide, can cause Non-Hodgkin's Lymphoma (“NHL”) at exposure levels people realistically may have experienced. If the answer is yes, the case moves to the next phase, which addresses whether each particular plaintiff's NHL was caused by glyphosate. If the answer is no, none of the plaintiffs' cases may proceed. And the answer must be no unless the plaintiffs can present at least one reliable expert opinion in support of their position.”

“A judge for the US District Court for the Northern District of California ruled Tuesday that there is sufficient evidence that Monsanto's popular weed killer, Roundup, might be carcinogenic, allowing lawsuits to move forward.” [The Jurist](#) report [Source Legalbrief Today 16 July 2018]

*City of New York vs. Opinion & Order BP P.L.C., Chevron Corporation, Conocophillips, Exxon Mobil Corporation and Royal Dutch Shell* [PC No. 18 Civ. 182](#) (JFK)

Dismissal of New York City's climate change case

“The following facts and allegations are taken from the amended complaint. Defendants BP P.L.C., Chevron, ConocoPhillips, Exxon, and Royal Dutch Shell (together, “Defendants”) are multinational oil and gas companies. Defendants produce, market, and sell mass quantities of fossil fuels, primarily oil and natural gas. (Id. ¶ 1.) Defendants are, respectively, the first (Chevron), second (Exxon), fourth (BP), sixth (Shell), and ninth

(ConocoPhillips) largest cumulative producers of fossil fuels worldwide from the mid-nineteenth century to present. Defendants are collectively responsible, through their production, marketing, and sale of fossil fuels, for over eleven percent of all the carbon and methane pollution from industrial sources that has accumulated in the atmosphere since the Industrial Revolution.”

*In re United States of America; Christy Goldfuss et al* D.C. No. 6:15-cv-01517-AA Filed 20 July 2018

Petition for a writ of mandamus – the government approached the court to direct the district court to dismiss a case seeking environmental remedies. Court denied to grant mandamus relief. Second petition also denied.

## PUBLICATIONS

Vinti Clive "A critical appraisal of the Plant Health (Phytosanitary) Bill's Compliance with the Salient aspects of the World Trade Organization (WTO) agreement on the application of Sanitary and Phytosanitary measures" 2018 39 *Obiter* 98-111

Juta's Statutes of South Africa (Print) [7 Volumes](#) (June 2018)

Zinecker Anna *et al* "Getting on Target: Accelerating energy access through fossil fuel subsidy reform" (IISD [Report](#) July 2018)

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[The Conversation](#): Rodina L "What can other cities learn about water shortages from 'Day Zero'?" 12 July 2018

[The Conversation](#): Verster B *et al* "Finding ways to keep communities alive after mine closure" 15 July 2018

[The Environmental Citizen](#): "Losing the Forest for the Trees" 16 July 2018

[IAIA18](#): Conference Proceedings

[The Conversation](#): Biswas Asit K "Why smart policies are key to solving the world's clean water problems" 18 July 2018

[IISD](#) ENB: 24th Session of the International Seabed Authority 16-27 July 2018 | Headquarters of the International Seabed Authority, Kingston, Jamaica

[Climate Watch](#): NDC-SDG Linkages

"Identify potential alignment between the targets, actions, policy measures and needs in countries' Nationally Determined Contributions (NDCs) and the targets of the Sustainable Development Goals (SDGs)"

[The Jurist](#): Hodge JG "Judge Kavanaugh and the Public's Health: Existing & Emerging Challenges" 19 July 2018

[The Jurist](#): Abedini A "Implications of the US ceasing participation in the Iran Nuclear Deal" 24 June 2018

[The Guardian](#): Marsh S and Taylor M "Asthma deaths rise 25% amid growing air pollution crisis" 18 July 2018

[The Guardian](#): Mitchell B and Cox L “‘It's dire': farmers battle their worst drought in 100 years – photo essay” 18 July 2018

[The Guardian](#): McKie R “The big heatwave: from Algeria to the Arctic. But what's the cause?” 22 July 2018

[The Guardian](#): Nielsen LR “Huge iceberg threatens small Greenland village with tsunami – video” 21 July 2018

[The Guardian](#): Watts J “‘I thank god I am alive': standing firm against mineral extraction in South Africa” 21 July 2018

[The Guardian](#): Morton A “Sanjeev Gupta: Coal power is no longer cheaper – and we'll prove it” 22 July 2018

[The Guardian](#): Siegle L “Yes, plastic is an eco nightmare. But it's also tired, old technology” 21 July 2018

[The Guardian](#): Davies N “Sydney waste-power incinerator blocked over air quality fears” 19 July 2018

[Science Advances](#): Keiser D, Lade G and Rudik I “Air pollution and visitation at U.S. national parks” 18 July 2018 DOI: 10.1126/sciadv.aat1613

[Science](#): Doyle M “Trump overhaul of Endangered Species Act could shrink protections for many animals” 19 July 2018

[Science](#): Perkins S “Greenhouse gases are warming the world-but chilling Antarctica. Here's why” 19 July 2018

## **CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES**

### **National**

#### **ELA Student and Annual Conference: Links between Environmental Protection and Justice**

Date: 26 September 2018 (Student Conference)

26 September 2018 evening (Juta Dinner)

27 September 2018 (Annual Conference)

Venue: Senate Hall, South Campus, Nelson Mandela University, Port Elizabeth

Abstracts for Annual conference: Due date 13 August 2018

[Email](#) abstracts to the Secretariat

The Student Conference has two prizes – one for the best undergraduate paper and one for the best post-graduate paper

More information will follow soon

#### **Gauteng IAIAsa Branch Event: The future of aquaculture in South Africa**

Date: 26 July 2018

Time: 13:00-16:00

Venue: 191 Homestead Road, Kya Sand, Johannesburg.

The invitation is available [here](#)

To register for the IAIAsa GP Branch event, follow this [link](#)

Registration closes 13:00 on Monday 23 July 2018 – if you registered and can no longer attend, please deregister or you will be billed a ‘no show’ fee

### **EOH Legal Services: Environmental Law Course**

Dates: 15 – 17 August 2018

Venue: EOH Offices, Route 21, Irene

There should be a minimum of 8 candidates before a training course is provided but the Training Manager can also provide the course at the company site.

May you kindly place the attached advert for EOH Legal Services in the ELA Newsletters starting from 25 June to 13 August 2018. The contact person for the reservations or any additional information: Jolene Mascini or 087-405-1825 or cellphone: 083-739-2130

### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-06.2.1 Integrated waste management**  
Date: 31 July - 2 August 2018
- **CEM-02.2.2 Mine health and safety law**  
Date: 31 July - 2 August 2018
- **CEM-01.1.1 Fundamentals of environmental management**  
13 - 17 August 2018
- **CEM-02.1.8 Environmental law for the mining sector**  
Date: 14 - 16 August 2018
- **CEM-03.1.1 Environmental management system**  
Date: 20 - 24 August 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

### **CBSS Training Workshops: Integrated Water Authorisations and Integrated Water and Waste Management Plans**

- **Pretoria**

Date: 4-6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

**Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Pretoria**

Date: 6 September 2018 in (last date for registration 21 August 2018)

Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

### **Imbewu: Environmental Law Workshop**

Dates: Tuesday 28 August 2018 (08h30 – 16:30) and Wednesday 29 August 2018 (08h30 – 16:30)

Venue: IMBEWU's offices, Rosebank, Johannesburg

Contact: [Lulu](#) / 011 214 0660 / [website](#)

### **2018 IAIAsa Annual General Meeting**

Venue: DBSA Auditorium, Headway Hill, Midrand, Gauteng

Date: Friday 17 August 2018 at 13h45

Submit any additional items that you may wish to place on the Agenda to the [Operations Manager](#) by Thursday 6 August 2018

### **IAIAsa National Symposium Event: Why is coal still part of South Africa's projected future energy mix?**

Date: Friday 17 August 2018

Time: Symposium: 9h00 for 9h30 - 13h00 & AGM 13h45 - 15h30

Venue: DBSA Auditorium, Headway Hill, Midrand Gauteng

The online Registration link will be distributed soonest.

### **Land Rehabilitation Society of Southern Africa (LaRSSA) 6<sup>th</sup> annual conference**

Dates: 13-16 August 2018

Venue: Champagne Sports Resort, Drakensberg

To register, please [click here](#) or contact [Theresa](#) at or [0814846833](tel:0814846833).

## **International**

### **ECSA 57: Changing estuaries, coasts and shelf systems - diverse threats and opportunities**

Place: Perth, Australia

Dates: 3-6 September 2018

Registration [here](#)

Preliminary [programme](#)

### **Call for papers and panels for the International 6th Juris Diversitas Conference: Law, roots and space**

Date: 15-17 April 2019

Place: Potchefstroom

Submissions: Panel proposals and interdisciplinary presentations are strongly encouraged, as is the participation of doctoral student and scholars outside of the discipline of law. While parallel sessions featuring three presentations of twenty-minute each will be the pattern, we welcome creative arrangements.

Panel proposals of circa 1000 words and a short biography (in English/French) should be submitted electronically by 30 September 2018. You will be informed of the outcome by the end of October 2018. Click [here](#) to submit a panel proposal.

Individual proposals of circa 500 words and a short biography (in English/French) should be submitted by 30 September 2018. You will be informed of the outcome by end October 2018. Click [here](#) to submit an individual proposal.

### **IAIA Special Symposium Improving Impact Assessment and Management in the Mining Sector**

4-5 December 2018

London, UK

Click [here](#) for more information

### **IAIA 12-week online Foundation Course in EIA**

Dates: 17 September through 7 December 2018.

Participants will be able to start and complete the course within this period, depending on how they plan to use their time to go through the content and their scheduling of the video conferences with their trainer.

Applications for the course are due 20 August 2018. The Foundation Course in EIA is the first in a planned series of online courses as part of IAIA's Professional Development Program (PDP). It is designed for early-career professionals with some EIA experience and covers the basic principles and objectives of EIA, its core concepts and methods, and the fundamentals of EIA review processes and study management. The course adopts a comprehensive definition of "environment" to include the physical, biological, resource use, social, cultural, health, and economic dimensions of the project environment. Each course participant also receives personal support from an experienced IAIA trainer, especially through several online video conferences. The course should take about 20-30 hours to complete, and the cost is US\$550.

For more information and to apply for the course, click [here](#)

### **UVP-Gesellschaft e.V. (German Affiliate) conference: Fit for the future with environmental assessment - new law and new fields of action**

Dates: 26-28 September 2018

Place:, in Goslar, Germany.

See [here](#) for more information.

### **Ontario Association for Impact Assessment (OAIA): Planning and Protecting Water Resources: Emerging Issues, Approaches and Technologies**

Dates: 17-18 October 2018

Place: Toronto, Canada.

With technological advancements, improvements in our use and understanding of scientific and Indigenous knowledge, policy enhancements, climate change, cumulative effects, regional and strategic EA and increased public scrutiny, EA practitioners are facing emerging water-related issues in EAs at an ever-accelerating rate. This year's conference will explore these issues. For more information, visit [here](#).

### **IAIA19: Evolution or revolution: Where next for impact assessment?**

Dates: 29 April – 2 May 2019

Place: Brisbane, Australia, with training courses and technical visits planned for 27-28 April. #iaia19

#### **[Website](#)**

Abstract submission will open 16 August 2018 and will close 19 October. If you plan to submit an abstract, check out [IAIA19 session submissions](#) to see what topics are available.

Sponsorship opportunities are available for IAIA19. Download the [sponsorship opportunities brochure](#) to learn more about sponsor benefits and how you can make your company visible at IAIA19.

## NEWS

### National

Steyn L “Gwede Mantashe: exploration is the issue, not idle mine shafts” [Business Day](#) 16 July 2018 [Source: Legalbrief 16 July 2018]

#### **Litigation: Call to bar commercial catching o’f rock lobster**

“A drop in the total allowable catch (TAC) of the West Coast rock lobster (WCRL) will affect small-scale fishers. A Cape Argus report says this is according to the SA Small Scale Fisheries Collective’s Pedro Garcia, who said commercial fishing companies should be denied the rights to catch the lobster. Garcia was responding to the legal dispute between the World Wildlife Fund for Nature SA (WWF-SA) and the Department of Agriculture, Forestry and Fisheries over the sustainable management of the WCRL. WWF approached the court alleging that the TAC for the WCRL fishery was set at a high number and thus undermines the crustaceans’ long-term survival, and also disregarded fishers who depend on this valuable resource. WWF said the department failed to look at the scientific calculations when setting the TAC. However, the department said it looked at the socio-economic dynamics such as the need to create more access for the small-scale fisheries and coastal communities to the fishing sector. Garcia in response said for years they had been advocating against the TAC system which they claim is destructive and is the cause of the depletion of the WCRL. The report notes the Western Cape High Court is expected to hear the WWF’s semi-urgent notice of motion on 22 August.”

Full Cape Argus report (subscription needed) *Legalbrief* 16 July 2018

#### **Transformation: Commission document targets legal profession**

“Comment is sought on a [discussion document](#) exploring obstacles to ‘the progression of women lawyers within the legal profession’. Gazetted on Friday, the document was developed by the Commission for Gender Equality following a complaint lodged in 2012 about the slow pace of transformation in the judiciary and since only addressed to a limited extent. It includes ‘practical, specific and feasible recommendations’ to be ‘further interrogated’ at a national summit focusing on the ‘way forward’ in arriving at ‘a more inclusive and representative legal sector’.”

Read full report in Legalbrief Policy Watch

### International

“Trump declares trade war on Rwanda over used clothing” [eTN](#) 14 July 2018

“Climate campaigners lose high court battle over carbon target” [The Guardian](#) 20 July 2018

Neslen A “Crop failure and bankruptcy threaten farmers as drought grips Europe” [The Guardian](#) 20 July 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

#### **Centre of Environmental Rights**

2 x attorneys: <https://cer.org.za/vacancies/ref-no-3-2018-attorneys>

Closing date: 25 July 2018

#### **Cullinan & Associates Inc - Associate Attorney**

Cullinan & Associates Inc., a well-established Cape Town-based boutique law firm, seeks dynamic, personable attorney with 2-6 years post-admission experience and expertise compatible with the firm's core environmental and green business law practice. (Environmental, Commercial & Renewable Energy law experience will be an advantage). We are looking for someone who has what it takes to become a director and leader in the firm within a few years.

Should you meet the requirements for this position, please email your CV, degree certificate/s, Identity Document and 2 reference letters to [Jennifer Sharma](#). Correspondence will only be conducted with short listed candidates. Should you not hear from us within 4 weeks after the closing date, please consider your application unsuccessful.

Closing date: 31 July 2018

#### **South Cape TVET College: Senior Legal Adviser George**

Closing date: 22 July 2018

Click [here](#)

### International

#### **Career Development Postdoctoral Fellowship in Socio-Legal Studies University of Oxford, Centre for Socio-Legal Studies**

Closing date: 1 August 12:00 (UK time)

Click [here](#) for more information

Vacancies: University of Namibia

Department of Commercial Law- Associate Professor; 2. Department of Private and Procedural law: ( i) Professor ( ii) Associate Professor

The deadline for applications was the 13/07/18 but interested colleagues can still apply. They can forward their applications and detailed CVs to Mrs. Josephine Fillemon, email [address](#) and copied to Prof John Baloro [email](#)

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## **ELA NEWSLETTER 30**

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### **LEGISLATION**

#### **BILLS**

Aquaculture Development Bill [B22-2018]

National Health Amendment Bill, 2018 – Gen Notice 408 in GG 41789 of 24 July 2018 - notice of intention to introduce private member's bill and explanatory summary - for comment

#### **NOTICES**

National Environmental Management Act 107 of 1998 - GN R744 in GG 41790 of 24 July 2018 - Proposed Regulation to Phase-out the use of Persistent Organic Pollutants, 2018 - for comment

Promotion of Access to Information Act 2 of 2000 – Gen Notice 412 in GG 41796 of 27 July 2018 - Publication of descriptions submitted in terms of s. 15 (1) by the Department of Agriculture and Rural Development

Promotion of Access to Information Act 2 of 2000 – Gen Notice 413 in GG 41796 of 27 July 2018 - Limpopo Department of Co-operative Governance, Human Settlements and Traditional Affairs

Promotion of Access to Information Act 2 of 2000 – Gen Notice 414 in GG 41796 of 27 July 2018 - Department of International Relations and Cooperation

South African Maritime and Aeronautical Search and Rescue Act 44 of 2002 - GN R743 in GG 41788 of 23 July 2018 - Proposed South African Emergency Beacon Regulations, 2018 - for comment

South African Maritime and Aeronautical Search And Rescue Act 44 of 2002 – Gen Notice 419 in GG 41797 of 26 July 2018 - Proposed amendments to the South African Maritime and Aeronautical Search and Rescue Regulations, 2016 published in GN R604 in GG 40025 of 30 May 2016 - for comment

Astronomy Geographic Advantage Act 21 of 2007 - GN 745 in GG 41793 of 25 July 2018 - Notice of intention to declare certain mining activities to be prohibited

within the Sutherland Central Astronomy Advantage Area in terms of the Act - for comment

Astronomy Geographic Advantage Act 21 of 2007 - GN 746 in GG 41793 of 25 July 2018 - Proposed Regulations for the Protection of the Sutherland Central Astronomy Advantage Area declared for optical astronomy purposes, 2017 and proposed Regulations on Financial Compensation Procedures for the Sutherland Central Astronomy Advantage Area, 2017 - for comment

Division of Revenue Act 1 of 2018 - GN 753 in GG 41796 of 27 July 2018 - Provincial Disaster Relief Grant allocations

## **PROVINCES**

### **Western Cape**

Disaster Management Act 57 of 2002 - LAN 55940 in PG 7961 of 20 July 2018 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of disaster as a result of devastating fires in the Imizamo-Yethu informal settlement situated in Hout Bay for a further one-month period from 31 July 2018 until 31 August 2018

Disaster Management Act 57 of 2002 - LAN 55941 in PG 7961 of 20 July 2018 - City of Cape Town Metropolitan Municipality - Extension of declaration of a local state of drought disaster for a further one month from 23 July 2018 to 23 August 2018

Constitution of the Republic of South Africa and the Local Government: Municipal Systems Act 32 of 2000 - LAN 55956 in PG 7962 of 20 July 2018 - City of Cape Town Metropolitan Municipality - Water Amendment By-law, 2018 published and Water By-law, 2010 as published under LAN 22920 in PG 6847 of 18 February 2011 amended

### **Free State**

Spatial Planning and Land Use Management Act 16 of 2013 - PN 60 in PG 42 of 27 July 2018 - Tokologo Local Municipality - Appointment of new members to the Municipal Planning Tribunal

### **Limpopo**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 109 in PG 2923 of 20 July 2018 - Declaration of respective land parcels as nature reserves and protected environments: Thengwe and Doorndraai Nature Reserves and Machaka, Thabina, Ndzalama and Nwanedi Protected Environments

## Eastern Cape

Disaster Management Act 57 of 2002 - LAN 149 in PG 4088 of 23 July 2018 - Sarah Baartman District Municipality - Re-declaration of a local state of disaster in respect of drought and water shortages

## Gauteng

Disaster Management Act 57 of 2002 - PN 764 in PG 201 of 20 July 2018 - City of Johannesburg Metropolitan Municipality - Extension of the declaration of a local state of disaster due to severe weather conditions including a tornado that occurred in parts of the jurisdictional area for a further month

## CASES

### National

*Chamber of Mines v Minister of Mineral Resources and Another* 2018 (4) SA 581 (GP)

Minerals and petroleum - Mining and prospecting rights—Charter contemplated in s 100 of MPRDA—Legal status of—Effect of mining rights under MPRDA—Whether charter’s empowerment target imposing obligation to restore and continuously maintain target where beneficiaries disposing of ownership, or whether ‘once empowered, always empowered’—Mineral and Petroleum Resources Development Act 28 of 2002, ss 23(1)(h), 23(6), 100(1)(b) and item 7 of sch II.

### International

*Confédération paysanne and Others v Premier ministre and Ministre de l’Agriculture, de l’Agroalimentaire et de la Forêt* Judgment in [Case C-528/16](#) Court of Justice of the European Union 25 July 2018

Organisms obtained by mutagenesis are GMOs and are, in principle, subject to the obligations laid down by the GMO Directive. See [Summary](#)

## PUBLICATIONS

Bertelsmann Stiftung and the Sustainable Development Solutions Network (SDSN) “Global Responsibilities: Implementing the Goals” SDG 2018 SDG Index and Dashboards [Report](#) July 2018

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[The Guardian](#): Morton A “Life after coal: the South Australian city leading the way” 19 July 2018

[Natural Justice](#): “South Africa’s National Climate Change Response: Provincial Stakeholder Workshops on the new National Climate Change Bill” 20 July 2018

[The Conversation](#): Smit H “Do soldiers care about the environment? A study in South Africa suggests they do” 22 July 2018

[Earther](#): Kahn B “Trump’s Endangered Species Act Overhaul Could Have a Weird Side Effect” 20 July 2018

[The Savings Issue](#): Van der Merwe M “From junk to charm: Here's how South Africans are saving through upcycling” 22 July 2018 [Source: Legalbrief Environmental 24 July 2018]

[News24](#): Ramsay S “Sisters of the Wilderness: SA dobbie embodies the abuse of women and wildlife” 16 July 2018 [Source: Legalbrief Environmental 24 July 2018]

[Extractives Baraza](#): “The Heavy Burden of Trucking Crude Oil to Mombasa” 24 July 2018

[Extractives Baraza](#): Anaeto E “Nigeria: How to protect oil industry as a critical national asset” 25 July 2018

[Extractives Baraza](#): Kipsang W “Uphill task in vetting Sh1 bn state Fluorspar payout claims” 24 July 2018

[Extractives Baraza](#): “South Africa unveils cutting-edge technology to tackle mine safety” 25 July 2018

[Extractives Baraza](#): “Halliburton tumbles as fracking giant sees second-half slowdown” 24 July 2018

[Extractives Baraza](#): Jamasmie C “Canada Scaring Mining Investors with Long, Unclear Permit Processes” 25 July 2018

[Extractives Baraza](#): McCrae MA “Quarry to use drones, ai for tracking inventory” 18 July 2018

Wallace Stegner Center: S.J. Quinney College of Law [YouTube channel](#)

[Natural Capital](#): a short film series

“The film illustrates what happens when businesses don’t take the sustainability warning seriously.” [Source: National Biodiversity and Business Network - July 2018 Newsletter]

[The Ends Report](#): Pickstone Simon “Businesses unsure how to value biodiversity, researchers say” 28 June 2018

[GroundUp](#): Yeld J “Coal mine opponents targeted on social media “Powerful interests use violence and threats to cut off those defending human rights” 24 July 2018

[GroundUp](#): Wara F “R78 million Eastern Cape water project fails to deliver” 23 July 2018

[GroundUp](#): Mbovane T “Living on the banks of a river of sewage Open sewage flows past 100 RDP homes in Uitenhage” 23 July 2018

[GroundUp](#): Wolski P “Was the water shortage caused by farmers, city dwellers or drought?” 19 July 2018

[Environmental Justice Australia](#): Cases & publications on environmental justice issues in Australia

[Science](#): Kornei K “New map reveals just 13% of the world’s oceans are still ‘wild’” 26 July 2018

[IISD](#) SDG Knowledge Hub: Schwarzelühr-Sutter R “Sustainable Strategic Public Procurement: Can the State Be a Role Model for Sustainable Consumption?” 25 July 2018

[IISD](#) SDG Knowledge Hub: Mead L “UN Agencies Pilot SDG 11 Reporting in African, Latin American Cities” 26 July 2018

[ODI](#): ‘Leave no one behind’ Index 2018  
“This index reviews the readiness of 86 countries to ‘leave no one behind’, monitoring the extent to which government systems are set up and ready to meet their leave no one behind commitment.”

[Global Policy](#) Journal Blog: Benjamin L “How to Eat an Elephant: a new ‘Corporate’ climate litigation trend” 5 July 2018

[Smart Blog](#): Benjamin L and Andreakdakis S “Climate change and corporate governance - a phased approach to smoothing temporal dissonance” 5 July 2018

[Germanwatch](#): Saúl versus RWE - The Case of Huaraz  
For the first time, a company responsible for climate change faces legal charges in Europe: Today, the Peruvian farmer and mountain guide Saúl Luciano Lliuya is filing a lawsuit against the German utility RWE at the Regional Court in Essen, Germany. The reason: The energy company’s immense emissions threaten his family, his property as well as a large part of his home city of Huaraz.

[Peoples’ Climate Case](#): “People’s Climate Case is the litigation action initiated by 10 families from Portugal, Germany, France, Italy, Romania, Kenya, Fiji, and the Saami Youth Association Sáminuorra. Their homes, livelihoods, traditional family occupation and culture are affected by climate change and they are taking the EU institutions to court to protect their fundamental rights and to prevent dangerous climate change.”

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

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Date: 26 September 2018 (Student Conference)  
26 September 2018 evening (Juta Dinner)  
27 September 2018 (Annual Conference)

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Abstracts for Annual conference: Due date 13 August 2018

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13 - 17 August 2018
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Date: 14 - 16 August 2018
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Date: 20 - 24 August 2018
- **CEM-03.7.1 Environmental management system transition**  
Date: 20 - 21 August 2018 (Final session)
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Venue: near Hatfield Gautrain Station

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Venue: near Hatfield Gautrain Station

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

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Dates: Tuesday 28 August 2018 (08h30 – 16:30) and Wednesday 29 August 2018 (08h30 – 16:30)

Venue: IMBEWU's offices, Rosebank, Johannesburg

Contact: [Lulu](#) / 011 214 0660 / [website](#)

**2018 IAIAAsa Annual General Meeting**

Venue: DBSA Auditorium, Headway Hill, Midrand, Gauteng

Date: Friday 17 August 2018 at 13h45

Submit any additional items that you may wish to place on the Agenda to the [Operations Manager](#) by Thursday 6 August 2018

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Date: Friday 17 August 2018

Time: Symposium: 9h00 for 9h30 - 13h00 & AGM 13h45 - 15h30

Venue: DBSA Auditorium, Headway Hill, Midrand Gauteng

The online Registration link will be distributed soonest.

**UCT Law @ work: South African Energy Law and Governance Short Course**

Dates: 31 October-1 November 2018

To register, email [Don](#)

**The Academy of Science of South Africa (ASSAf) and the New Zealand High Commission in South Africa cordially invite you to a public lecture on Science, Policy and Society – Accelerating Progress on the Sustainable Development Goals**

Speaker: Sir Peter Gluckman, Science Envoy for the New Zealand Ministry of Foreign Affairs and Trade

Date: Tuesday, 14 August 2018

Time: 13:30 for 14:00 (followed by light refreshments)

Venue: Milkplum Restaurant, Pretoria Botanical Gardens, 2 Cussonia Ave, Pretoria (please note that the venue is inside the Botanical Gardens and access will be through the main gate)

RSVP: Click [here](#) to confirm your attendance by 8 August 2018

**International****Second Annual Animal Welfare and International Law Seminar Presented by the Regional African Law and Human Security Programme, UWC (RALHUS) in conjunction with Lincoln Law School, UK**

Date: 10 October 2018

Venue: TBC University of Lincoln, UK

Bowman, Davies and Redgwell suggested that the intrinsic value of wildlife means that 'any sound ethical policy should additionally have regard to the extent to which individual organisms are permitted to flourish in accordance with their biological nature' and thus the expectation exists that a corpus of rules should have emerged for the protection of individual wildlife specimens (M. Bowman, P. Davies & C. Redgwell, *Lyster's International Wildlife Law* (Cambridge University Press, 2010), at p. 672.) In this vain they pointed to the

"convergence upon a general principle of law" for the recognition of the concern for animal welfare as provided for in Article 38(1)(c) of the Statute of the International Court of Justice. A recent decision of the Constitutional Court of South Africa resonates with the views presented in Lyster's authoritative exposition as the court explained that the rationale behind protecting animal welfare has shifted from the safeguarding of the sensibilities of humans to "placing intrinsic value on animals as individuals" (*National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development* [2016] ZACC 46). The Court explained that "constitutional values dictate a more caring attitude towards fellow humans, animals and the environment in general". In the context of biodiversity, the court argued that "animal welfare and animal conservation together reflect two intertwined values" as the concern for individual animals strengthen environmental protection. The forthcoming annual seminar will facilitate presentations on the relationship between wildlife welfare, the environment and values. Hence, we welcome abstracts (not exceeding 400 words) for oral presentations on the following topics:

Environmental constitutionalism and animal welfare

- Conservation, welfare and biodiversity
- Pluralist values and animal welfare
- Animal rights and animal welfare: convergence or conflict?

Kindly send your abstracts to [Werner Scholtz](#) and [skasker@gmail.com](mailto:skasker@gmail.com) before 1 August 2018.

## NEWS

### National

Njini F, Mkokeli S and Burkhardt P "Mining Charter does not offer solutions to mining problems, Siphos Pityana says" [BusinessLive](#) 20 July 2018 [Source: Legalbrief 23 July 2018]

"Trash piles up in US as China closes door to recycling" *News24* 13 July 2018 [Source Legalbrief Environmental 24 July 2018]

#### **Legislation: Persistent organic pollutants to be phased out**

"Comment is sought on draft regulations for phasing out the use of persistent organic pollutants by January 2020, 2021 or 2022 depending on the chemical concerned. Among other things, they prescribe the process to be followed by the users, producers, distributors, importers and exporters of each listed chemical in notifying the Department of Environmental Affairs and developing a phase-out plan. It is envisaged that each plan would include a communication strategy for informing workers handling the chemicals and their users of the hazards entailed and how to protect themselves – among other things by reducing their exposure." Read full report in *Policy Watch Legalbrief* 25 July 2018

### International

"Ngorongoro Conservation and Tanzania tourist parks remit dividends to Tanzanian government" [eTN](#) 24 July 2018

Williamson J "Member takes \$50 billion industry fund to court" (Australia) [Financial Standard](#) 25 July 2018

Stokstad E “European court ruling raises hurdles for CRISPR crops” [Science](#) 25 July 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

#### **Calling all Academics / Lecturers in law eThekweni, KwaZulu-Natal**

Contact [Simonn Lourens](#) on +27 21 468 7000 or . SA citizenship or SA permanent residency essential.

### **International**

#### **Global Climate Law and Governance Student Essay Competition 2018**

Are you interested in researching the legal and governance challenges posed by climate change? Do you have ideas for how legal instruments and institutional reforms can contribute to addressing climate change challenges? Then enter the 2018 Global Climate Law and Governance Essay Competition!

Topics: In line with the themes of Climate Law and Governance Day 2018, submissions addressing one of the following guiding questions will be considered:

1. Which legal incentives might be provided for scaling up investment in Paris Agreement implementation?
2. What are the roles of law and governance in advancing a rule of law, climate justice and sustainable development agenda?
3. How can the law provide pathways to low greenhouse gas emissions development strategies?
4. How can the law advance transparency, compliance and engagement in the Paris Agreement?

Eligibility: The competition is open to undergraduate and graduate students. Students from least developed countries are especially encouraged to apply.

Requirements: Essays should be 2,000 to 4,000 words in length (excluding footnotes) and should use a consistent legal citation style. Submissions can be made in English, French or Spanish.

Prizes: Winners will be announced in an awards ceremony alongside COP24 in Katowice, Poland. The best entries will receive a cash prize between \$300-100 CAD, be published by CISDL and invited to submit their essays to the McGill Journal of Sustainable Development Law for publication and have the opportunity to participate in the climate moot held during CLGD 2018 if they so desire.

Submission: Send entries and a short biography to [climate-essay@cisdl.org](mailto:climate-essay@cisdl.org) by 1 October 2018.

This annual essay competition is brought together by the Centre for International Sustainable Development Law, the McGill Journal of Sustainable Development Law, the Lauterpacht Centre for International Law at the University of Cambridge, the Faculty of Law University of Nairobi, the CR2 at the University of Chile, the Ateneo School of Governance in Manila, University of South Pacific and others, and is supported by the partners of Climate Law and Governance Day (CLGD) 2018.

For more information on the competition and CLGD 2018 visit the [website](#)

**Research Associate in International Relations/International Law University  
of New South Wales, School of Humanities and Social Sciences**

Closing date: 5 August 2018

Fixed term until end December 2018

Click [here](#) for more information

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## **ELA NEWSLETTER 31**

3 August 2018

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**The next newsletter will be sent out on 20 August 2018**

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### **POLICY**

Draft Climate Smart Agriculture Strategic Framework – Gen Notice 428 in GG 41811 of 3 August 2018 - for comment

Draft National Policy on Comprehensive Producer Development Support – Gen Notice 429 in GG 41811 of 3 August 2018 - for comment

### **LEGISLATION**

#### **BILLS**

National Land Transport Amendment Bill, 2016 [B7B-2016]

National Forests Amendment Bill, 2016 [B11A-2016] & [B11B-2016]

National Public Health Institute of South Africa Bill, 2017 [B16A-2017] & [B16B-2017]

National Environmental Management Laws Amendment Bill, 2017 [B14A-2017] & [B14B-2017]

#### **NOTICES**

Petroleum Products Act 120 of 1977 - GN R777 in GG 41805 of 31 July 2018 - Regulations in respect of petroleum products published in GN R660 in GG 41749 of 3 July 2018 substituted with effect from 1 August 2018

Petroleum Products Act 120 of 1977 - GN R778 in GG 41805 of 31 July 2018 - Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 1 August 2018

Petroleum Products Act 120 of 1977 - GN R779 in GG 41805 of 31 July 2018 - Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 1 August 2018

National Forests Act 84 of 1998 – Gen Notice 430 in GG 41811 of 3 August 2018  
- Proposed list of particular trees and particular groups of trees to be declared 'Champion Trees' - for comment

Mineral and Petroleum Resources Development Act 28 of 2002 – GN 781 in GG 41811 of 3 August 2018 - Notice of intention to declare a 24-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 on the approved mine area for the next 24 months, or until the Minister is satisfied that the community conflict and unrest has been resolved and that the application can continue - for comment

Special Economic Zones Act 16 of 2014 - GN 790 in GG 41811 of 3 August 2018  
- Draft Governance and Composition of the Special Economic Zones Regulations, 2018 - for comment

Financial Sector Regulation Act 9 of 2017 - GN 795 in GG 41815 of 1 August 2018 - Notice of commencement published in Gen Notice 169 in GG 41549 of 29 March 2018 amended

## **PROVINCES**

### **Western Cape**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 100 in PG 7963 of 27 July 2018 - Notice of intention to declare Nature Reserve: Shaw's Pass Nature Reserve - for comment

Disaster Management Act 57 of 2002 - LAN 55965 in PG 7963 of 27 July 2018 - Swartland Local Municipality - Extension of the declaration of a local state of disaster as a result of a devastating fire at the Swartland Hospital in Malmesbury for one month from 30 July to 29 August 2018

Disaster Management Act 57 of 2002 - LAN 55968 in PG 7963 of 27 July 2018 - Drakenstein Local Municipality - Extension of the declaration of a local state of drought disaster (hydrological and agricultural)

National Land Transport Act 5 of 2009 - LAN 55978 in PG 7963 of 27 July 2018 - City of Cape Town - Notice on the Comprehensive Integrated Transport Plan 2018-2023

### **Northern Cape**

Spatial Planning and Land Use Management Act 16 of 2013 – Gen Notice 95 in PG 2202 of 30 July 2018 - Kgatelopele Local Municipality - Notice of intention to compile an all-inclusive Land Use Management System (Zoning Scheme, Land Development Procedures, Regulations and By-laws - LUMS)

## Gauteng

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 1199 in PG 210 of 1 August 2018 - Midvaal Local Municipality - Notice of appointment of members to the Municipal Planning Tribunal

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 1202 in PG 210 of 1 August 2018 - Midvaal Local Municipality - Adoption of the Single Land Use Scheme, 2018

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 1204 in PG 210 of 1 August 2018 - Midvaal Local Municipality - Spatial Planning and Land Use Management By-law

## CASES

### National

*Upper Highway Air NPC v Enviroserv Waste Management (Pty) Ltd and Others* (3692/2017) [2018] ZAKZDHC 37 (31 July 2018)

“1. (a) Paragraph 12.8 (ii) of the plaintiff’s particulars of claim is vague and embarrassing insofar as it alleges that it was a condition of the licence that the First Defendant would conduct its waste management activities also in accordance with ‘other written instructions by the director and by adequate and competent staff’ but does not identify and allege what these ‘written instructions’ entailed.

(b) Paragraph 12.4 of the particulars of claim is vague and embarrassing insofar as it fails to identify ‘the further relevant statutory and regulatory provisions governing the conduct of the waste management operations, the by-laws promulgated by the Seventh Defendant from time to time, and the instructions issued by the Fourth Defendant or her delegates or her designated environmental management inspectors’ with reference to the contents thereof and/or in a manner making them clearly identifiable, including the relevant provisions thereof upon which reliance would be placed.”

## PUBLICATIONS

Robison, Jason, Cosens, Barbara A, Jackson, Sue. Leonard, Kelsey and McCool, Daniel “Indigenous Water Justice” (July 23, 2018). 22 *Lewis & Clark L. Rev.* 873 available [here](#)

UN “The State of Knowledge of Crimes that have Serious Impacts on the Environment” Report August 2018 [Source: Imbewu Monthly Sustainability Legal Newsletter & Legislation Update July 2018]

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[Mongabay](#): Jong HJ “Scientists urge Indonesian president to nix dam in orangutan habitat” 13 July 2018

[New York Times](#): Rich N “Losing Earth: The Decade We Almost Stopped Climate Change” 1 August 2018 [Interactive presentation]

[ThinkProgress](#): Romm J “Scientists aren’t impressed with New York Times’ new story on climate change” 1 August 2018

Colorado Law and the Native American Rights Fund: Indigenous water justice [Symposium](#) 6 June 2018

[The Guardian](#): Fuller D “Pollutionwatch: city sparrows' decline linked to car exhausts” 3 August 2018

[NewSecurityBeat](#): Herzfeldt-Kamprath E “Water and Governance: Changing Water Laws in a Changing Climate” 2 August 2018

[Mail&Guardian](#): “Everyday plastics emit greenhouse gases, study reveals” 3 August 2018

[Mail&Guardian](#): Mbuguah S “Is Africa becoming the world's dumping ground for dirty diesel vehicles?” 31 July 2018

[The Independent](#): Gabbatiss J “Carbon emissions could throw Europe back to tropical climate last seen 50 million years ago, scientist warn” 1 August 2018

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The online Registration link will be distributed soonest.

### **IAIAsa Third KZN Event: EDTEA – IAIAsa KZN Engagement Session**

Date: Wednesday 22 August 2018

Venue: Ezemvelo KZN Wildlife, Queen Elizabeth Park, Peter Brown Drive, Pietermaritzburg

Time: 9h00 to 13h00 - 08:00 Registration

EAPs are encouraged to submit any comments, issues or queries on the EIA process and general NEMA compliance in writing to IAIAsa. IAIAsa will collate all comments and queries and a portion of these will be submitted to EDTEA for response.

Kindly provide any comments or queries to the following email addresses no later than close of business on 6 August 2018: [patakr@jgafrika.com](mailto:patakr@jgafrika.com) or [jackie@ecinternational.co.za](mailto:jackie@ecinternational.co.za)

Registration: Strict access control will be implemented due to limited seating and as such you are required to register attendance with [patakr@jgafrika.com](mailto:patakr@jgafrika.com) no later than 17 August 2018 by submitting the following details: Name, ID number, Cell number and membership number (if applicable).

Non-Members must pay on arrival prior to being allowed to enter the event. Unfortunately, you will not be allowed into the event without payment.

For more details see [here](#)

## **NEWS**

### **National**

#### **General: Mantashe reignites Karoo shale gas debate**

“Just as environmental and interested groups thought the government may have shelved its shale gas exploration plans, a notice by Mineral Resources Minister Gwede Mantashe in the Eastern Cape *Government Gazette* may have blown up this highly controversial issue once again. A Cape Argus report notes that, in the notice for shale gas exploration rights in the Karoo by petroleum giant Shell, Bundu Gas and Oil Exploration, and Falcon Oil and Gas, the Minister calls for submissions from the public whose rights ‘may be materially and adversely affected by his pending decision’. Janse Rabie, Agri SA’s head of natural resources, said the threat of shale gas development in the Karoo appeared to dissipate after Shell’s announcement this year that it would be scaling down its operations. ‘The matter remains very much alive, as is seen by government’s most recent notice. Neither Shell, Bundu or Falcon actually withdrew their applications for exploration rights for shale gas in the Karoo and those applications still remain pending. Once exploration rights are granted, it opens the door to full-scale production rights automatically being granted in due course,’ Rabie added. Areas affected include parts of Beaufort West, Murraysburg, Graaff-Reinet, the Northern Cape and Eastern Cape. Karoo Action Group CE Jonathan Deal said his biggest fear was the excessive amounts of water needed. ‘We are sitting in a drought and we cannot afford shale gas. We are completely

against this expensive exercise. It will be much cheaper to import gas from other African states,' he said. Asked about the job opportunities, Deal said: 'One has to think about this clearly. Do people of the Karoo want a job with no water? I don't think so.'"

Full Cape Argus report (subscription needed) *Legalbrief Environmental* 31 July 2018

"Environmental Agreement: During the 10<sup>th</sup> BRICS (Brazil, Russia, India, China and South Africa) Summit, leaders from all the BRICS countries signed a Memorandum of Understanding (MoU) on Environmental Cooperation. Source: South African Government News Agency dated 27 July 2018." [Source: Monthly Sustainability Legal Newsletter & Legislation Update July 2018]

## **International**

Holliday EM "EPA releases new emissions standards rollback plans; 19 state AGs promise to sue" [Jurist](#) 3 August 2018

Offutt L "Federal judge dismisses Michigan governor and others from Flint water lawsuit" [Jurist](#) 2 August 2018

Slobe E "Supreme Court allows climate change lawsuit against US to continue" [Jurist](#) 31 July 2018

Watts J "Chimp sanctuary created by World Bank threatened by World Bank-backed dam" [The Guardian](#) 3 August 2018

Carrington D "Buried UK government report finds fracking increases air pollution" [The Guardian](#) 3 August 2018

"Arctic heat melts away Sweden's highest peak" [News24](#) 2 August 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

**University of the Free State: Senior Lecturer / Associate Professor / Professor – Mercantile Law**

Closing date: 17 August 2018

Click [here](#)

### **International**

#### **2019 Haub Visiting Scholar: Call for Nominations and Letters of Interest**

Pace Environmental Law at the Elisabeth Haub School of Law at Pace University is seeking letters of interest and nominations for its annual Haub Environmental Visiting Scholar. The Scholar will be a professional with a proven track record in environmental law, governance, policy, economics and/or science, who has worked in government, academia and/or the nonprofit sector. The appointment is designed to provide time for reflection and productive work, as well as opportunities to engage with Pace Law students, faculty and staff.

Pace Environmental Law at the Elisabeth Haub School of Law is internationally recognized and ranked in the top four environmental law programs in the nation. Pace Law provides a dynamic, personalized and multifaceted learning

experience for its environmental law students from around the world, as well as a collegial and stimulating work environment for its faculty and staff. Our dedicated faculty have been pioneers in developing and implementing environmental law, and serve as national and global leaders in the field.

The scholar will be provided a substantial stipend, housing and transportation for a month-long or semester residency. The Scholar will conduct his or her residency in the spring of 2019, with exact dates subject to negotiation. During the residency, the Scholar will present at a major public event, give guest lectures in his or her area of expertise, and generate a publication related to his or her work in affiliation with Pace Law. The Scholar will also be expected to meet with our environmental law students and attend program events, including an alumni reception.

Letters of interest and nominations must be received by October 1, 2018. Please send letters of interest, nominations and related inquiries to Jessica Steinberg [Albin](#), Associate Director of Environmental Law Programs.

Applications are especially encouraged from people of color, individuals of varied sexual and affectational orientations, individuals who are differently-abled, veterans of the armed forces or national service, and anyone whose background and experience will contribute to the diversity of our faculty. Pace University is committed to achieving completely equal opportunity in all aspects of University life.

### **Seeking Nominations for Haub Distinguished Junior Scholar Award presented by Pace Environmental Law**

Please email your nominations for the Annual Haub Distinguished Junior Scholar Award presented by Pace Environmental Law.

The Haub Environmental Law Distinguished Junior Scholar Award is presented annually to an emerging junior environmental law professor who exhibits scholarly excellence and promise at an early stage in his/her career. We invite the award recipient to present his/her recent scholarship to the community at the Elisabeth Haub School of Law at Pace University. The Pace Environmental Law Faculty solicits nominations from law professors throughout the country and selects a recipient from that pool of nominations.

Past recipients include: Sharon Jacobs (Colorado, 2017-18), Michael Livermore (UVA, 2016-17), Sarah Light (UPenn, 2015-16), Michael Pappas (Maryland, 2014-15) and Sarah Schindler (Maine, 2013-14).

More information [here](#)

This year's nominations are due by October 15 and can be directed to [Professor Jason Czarnecki](#).

Members of the Environmental Law Association may subscribe to  
[\*Legalbrief Environmental\*](#)  
and the  
[\*South African Journal of Environmental Law and Policy\*](#).  
Discount available for ELA members.

## **ELA NEWSLETTER 32**

20 August 2018

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### **LEGISLATION**

#### **NOTICES**

Department of Environmental Affairs and Tourism – Gen Notice 458 in GG 41839 of 17 August 2018 - South African National Parks (SANParks): Skukuza Safari Lodge Management Agreement in the Kruger National Park and Kruger National Park investment opportunities at Letaba, Phalaborwa and Phabeni

Mine Health and Safety Act 29 of 1996 - GN 851 in GG 41839 of 17 August 2018 - Guidance Note for a Management and Control Programme for Tuberculosis in the South African Mining Industry published with effect from 1 July 2018

Promotion of Access to Information Act 2 of 2000 – Gen Notices 459-473 in GG 41839 of 17 August 2018 - Publication of descriptions submitted in terms of s. 15 (1) by the Free State Department of Public Works and Infrastructure; Free State Department of Social Department; Free State Department of Provincial Treasury; Free State Department of Agriculture and Rural Development; Free State Department of Human Settlements; Free State Provincial Government: Office of the Premier; Free State Department of Health; Free State Department of Co-Operative Governance and Traditional Affairs; Free State Department of Police, Roads and Transport; Free State Department of Economic and Small Business Development, Tourism and Environmental Affairs; Western Cape Provincial Government; Eastern Cape Department of Human Settlements and the Limpopo Department of Agriculture and Rural Development

Promotion of Access to Information Act 2 of 2000 - GG 41832 of 8 August 2018 - Section 14 manual of the Limpopo Department of Economic Development, Environment & Tourism

International Trade Administration Act 71 of 2002 – Gen Notice 454 in GG 41836 of 14 August 2018 - International Trade Administration Commission of South Africa: Proposed renewal of the policy directive on the exportation of ferrous and non-ferrous waste scrap metal - for comment

Astronomy Geographic Advantage Act 21 of 2007 - (GN 842 in GG 41835 of 13 August 2018 - Notice of workshops to be held to provide members of communities within the Sutherland Central Astronomy Advantage Area with special assistance in order to make informed written representations on the draft notice of intention to prohibit certain mining activities and proposed Regulations published for comment in GNs 745 and 746 respectively in GG 41793 of 25 July 2018

Commissions Act 8 of 1947 - GN 825 in GG 41830 of 7 August 2018 - Judicial Commission of Inquiry into allegations of state capture, corruption and fraud in the Public Sector including Organs of State: Summons to appear as a witness/produce books, documents and/or objects

## **PROVINCES**

### **Western Cape**

Disaster Management Act 57 of 2002 - LAN 57223 in PG 7969 of 17 August 2018 - City of Cape Town Metropolitan Municipality - Extension of declaration of a local state of drought disaster for a further one month from 24 August 2018 to 24 September 2018

Disaster Management Act 57 of 2002 - LAN 57224 in PG 7969 of 17 August 2018 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of disaster as a result of devastating fires in the Imizamo-Yethu informal settlement situated in Hout Bay for a further one-month period from 1 September 2018 until 30 September 2018

Disaster Management Act 57 of 2002 - LAN 57228 in PG 7969 of 17 August 2018 - Saldanha Bay Local Municipality - Declaration of a local state of drought disaster

Disaster Management Act 57 of 2002 - LAN 57229 in PG 7969 of 17 August 2018 - Swartland Local Municipality - Extension of the declaration of a local state of disaster as a result of a devastating fire at the Swartland Hospital in Malmesbury for one month from 30 August to 29 September 2018

Disaster Management Act 57 of 2002 - LAN 55982 in PG 7965 of 3 August 2018 - Swartland Local Municipality - Extension of declaration of a local state of drought disaster from 11 August 2018 to 11 September 2018

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 55984 in PG 7965 of 3 August 2018 - Breede Valley Local Municipality - Amendment Municipal Land Use Planning By-law 2018

## **Northern 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 - MN 24 in *PG* 2205 of 6 August 2018 - Karoo Hoogland Local Municipality - Notice of intention to review and expand the Spatial Development Framework - for comment

## **Eastern Cape**

Disaster Management Act 57 of 2002 - LAN 172 in *PG* 4103 of 14 August 2018 - Kouga Local Municipality (EC108) - Declaration of a local state of disaster due to prevailing drought conditions extended for a further month

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 136 in *PG* 4098 of 6 August 2018 - Kou-Kamma Local Municipality - Municipal Health Services By-laws, 2018

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000, Spatial Planning and Land Use Management Act 16 of 2013 and Municipal SPLUMA By-law - LAN 164 in *PG* 4098 of 6 August 2018 - Ingquza Hill Local Municipality - Notice of the adoption of the Spatial Development Framework

## **FREE STATE**

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 Systems Act 32 of 2000 - PN 74 in *PG* 50 of 17 August 2018 - Ngwathe Local Municipality - Notice of Adoption and By-law on Municipal Land Use Planning

## **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 - PN 118 in *PG* 2931 of 10 August 2018 - Collins Chabane Local Municipality - Notice of approval and adoption of the Spatial Development Framework 2018-2022

National Land Transport Act 5 of 2009 - GN R862 in *GG* 41840 of 17 August 2018 - Revised rates and fees related to the impoundment of public transport vehicles published with effect from 1 August 2018

## **North West**

Constitution of the Republic of South Africa, 1996 - PN 153 in *PG* 7918 of 6 August 2018 - Transfer of administration of the North-West Development Corporation Act 6 of 1995 and all legislative oversight functions and

responsibilities from Premier to the Member of the Executive Council responsible for Finance Economy and Enterprise Development with effect from 1 April 2018

## CASES

### National

*Habitat Council v BPH Properties (Pty) Ltd* (A388/17) [2018] [ZAWCHC](#) 98 (17 August 2018)

“[1] The appellant, the Habitat Council (Habitat), a voluntary association concerned with conservation of the built environment, appeals against the judgment and order of the court a quo (Samela J) by which that court upheld an application, at the instance of the present respondent, BPH Properties (Pty) Ltd (BPH), for the review and setting aside of a decision of an independent appeal tribunal (IAT) established in terms of s 49(2) of the National Heritage Resources Act 25 of 1999.” Appeal upheld with costs.”

*Pietermaritzburg Pistol Club v Member of the Executive Council: Department of Economic Development, Tourism & Environmental Affairs for the Province of KwaZulu-Natal* (11557/2016P) [2018] [ZAKZPHC](#) 32 (16 August 2018)

“[1] In its amended form this is an application for the review and the setting aside of the decision of 1 July 2015 of the now first respondent, namely the Member of the Executive Council: Department of Economic Development, Tourism and Environmental Affairs for the Province of KwaZulu-Natal, to approve the environmental authorisation for a low cost housing project which the second respondent, the Msunduzi Municipality, wishes to embark upon on land owned by it, together with other relief. The application is opposed by both respondents, separately represented.”

*Corruption Watch NPC and Others v President of the Republic of South Africa and Others; Nxasana v Corruption Watch NPC and Others* (CCT 333/17; CCT 13/18) [2018] [ZACC](#) 23 (13 August 2018)

“[1] The applicants, Corruption Watch NPC (Corruption Watch), Freedom Under Law NPC (FUL) and Council for the Advancement of the South African Constitution (CASAC), seek confirmation of orders of constitutional invalidity made by the High Court of South Africa, Gauteng Division, Pretoria (High Court). What the High Court declared constitutionally invalid are—

(a) ...

(c) ...

(d) the appointment of Advocate Shaun Kevin Abrahams as the NDPP in the position vacated by Mr Nxasana;

(e) section 12(4) of the National Prosecuting Authority Act (NPA Act); and

(f) section 12(6) of the NPA Act to the extent that it permits the President to suspend the NDPP unilaterally, indefinitely and without pay.”

*De Kock v Bitou Municipality and Others* (A408/2017) [2018] [ZAWCHC](#) 95 (7 August 2018)

“[1] This is an appeal to the full court from a judgment of Steyn J, who sat alone at first instance. The learned judge dismissed an application by the appellant to review and set aside a planning appeal decision made by the Minister of Local Government, Environmental Affairs and Development Planning (Western Cape) in terms of s 44(2) of the Land Use Planning Ordinance 15 of 1985 (C) (‘LUPO’) as well as the related antecedent decisions of the Bitou Municipality. The appeal was brought with leave obtained from the Supreme Court of Appeal in terms of s 17(2)(b) of the Superior Courts Act 10 of 2013.”

## International

*Air Alliance Houston, et al., Petitioners v. Environmental Protection Agency and Andrew Wheeler, Acting Administrator, U.S. Environmental Protection Agency, Respondents United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Afl-Cio-Clc, et al., Intervenors* Case No. 17-1155 consolidated with Case No 17-1181 [United States Court of Appeals for the District of Columbia Circuit](#) Decided 17 August 2018

“In 1990, Congress amended the CAA, and addressed among other things multiple high-profile chemical accidents that harmed workers, local communities, and the environment. See 136 CONG.REC. S16,899, S16,926–27 (1990) (Conf. Rep.). Section 112(r) of the 1990 Amendments, ‘Prevention of Accidental Releases,’ provides that ‘[i]t shall be the objective of the regulations and programs authorized under this subsection to prevent the accidental release and to minimize the consequences of any such release of any [listed substance] or any other extremely hazardous substance.’ 42 U.S.C. § 7412(r)(1). ‘Accidental release’ is defined as ‘an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.’ Id. § 7412(r)(2)(A). Congress also established the Chemical Safety Board (“CSB”) to investigate major accidental releases and issue reports to EPA “recommending measures to reduce the likelihood or the consequences of accidental releases and proposing corrective steps to make chemical [industrial processes] as safe and free from risk of injury as is possible.” Id. § 7412(r)(6)(C)(ii). ‘Whenever the [CSB] submits a recommendation with respect to accidental releases to [EPA], the Administrator shall respond to such recommendation . . . not later than 180 days after receipt,’ indicating whether EPA will ‘initiate a rulemaking or issue such orders as are necessary to implement the recommendation in full or in part, pursuant to any timetable contained in the recommendation.’ Id. § 7412(r)(6)(I). If the Administrator decides not to implement the CSB’s recommendation in whole or part, ‘including any variation from the schedule contained in the recommendation,’ the Administrator must provide a statement “setting forth the reasons for such determination.”

## PUBLICATIONS

Brancalion PHS *et al* “Fake legal logging in the Brazilian Amazon” 2018 [Science Advances](#) 4(8) 15 August 2018

Kondas AJ, Lauer NE and Vengosh A “The intensification of the water footprint” 2018 [Science Advances](#) 4(8) 15 August 2018

ICLEI “Resilient Cities Report 2018 Tracking local progress on the resilience targets of SDG 11” ([Report](#) August 2018)

IEA “World Energy Investment 2018” ([Report](#) August 2018)

Neugarten Rachel A *et al* “[Tools](#) for measuring, modelling, and valuing ecosystem services Guidance for Key Biodiversity Areas, natural World Heritage sites, and protected areas” (August 2018)

Franciscan International “A [Toolbox](#) Human Rights, Sustainable Development & Climate Policies: Connecting the Dots” (August 2018)

Steffen W *et al* “Trajectories of the Earth System in the Anthropocene” 2018 [PNAS](#)

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

[Global Subsidies Initiative](#): Garg V “#G20takeaction now: Civil society organizations call for G20 governments to end subsidies to fossil fuels” 16 August 2018

[Science](#): Asher C “A new pesticide may be as harmful to bees as the old one” 15 Aug 2018

[The Conversation](#): Broekhuis F “Why cheetahs in the Maasai Mara need better protection from tourists” 12 August 2018

[The Conversation](#): Winowiecki L-A and Vågen T-G “Lessons from Kenya on how to restore degraded land” 15 August 2018

[The Conversation](#): Mehrabi Z *et al* “How to conserve half the planet without going hungry” 15 August 2018

[The Conversation](#): Sévellec F “Climate models predict the world will be ‘anomalously warm’ until 2022” 14 August 2018

[The Conversation](#): Shepherd K “How soil scientists can do a better job of making their research useful” 14 August 2018

[ISSD](#) SDG Knowledge Hub: Paul D “SIWI and Partners Plan “African Water Revolution” on Green Water” 14 August 2018

[ICLEI](#): “2018 Online Congress Proceedings” held in August in Bonn Germany

[LegalPlanet](#): Hecht SB “South Carolina Federal Court Blocks Trump EPA Attempt to Suspend Clean Water Rule” 16 August 2018

[IISD](#) SDG Knowledge Hub: Paul D “UNEA-4 Draft Outcome Reflects Three Priorities for SCP” 15 August 2018

[IISD](#) SDG Knowledge Hub: Mwangi W “IPBES Publishes “Roadmap” for Conducting and Communicating Assessments” 16 August 2018

[IISD](#) SDG Knowledge Hub: Temmer J “UNU-WIDER Database Contributes to Analyses of Global Inequality” 14 August 2018

[IISD](#) SDG Knowledge Hub: Wahlén CB “Summit Promotes Cooperation on Blue Carbon Initiatives” 14 August 2018

[UNU-Wider](#): Inequality Index 2018

[IISD](#) SDG Knowledge Hub: Mead L “Toolbox Highlights Interlinkages between Human Rights, Climate Change and Sustainable Development” 14 August 2018

[IISD](#) SDG Knowledge Hub: Ledaba AM “First Countries Report on Genetic Resources Use under Nagoya Protocol” 14 August 2018

[IISD](#) SDG Knowledge Hub: “2030WaterSecure Programme Scales Up Capacity-building Efforts in Africa” 14 August 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **ELA Student and Annual Conference: Links between Environmental Protection and Justice**

Date: 26 September 2018 (Student Conference)  
26 September 2018 evening (Juta Dinner)  
27 September 2018 (Annual Conference)

Venue: Senate Hall, South Campus, Nelson Mandela University, Port Elizabeth

Abstracts for Annual conference: **Due date 21 August 2018**

[Email](#) abstracts to the Secretariat

The Student Conference has two prizes – one for the best undergraduate paper and one for the best post-graduate paper

Find the brochures and more details:

[ELA Save the Date](#)

[ELA Call for Abstracts](#) - **Now closing 21 August 2018**

[ELA Student Essay Competition](#)

#### **Webinar | DEA Screening Tool | Go Live Training**

Date: Tuesday 21 August

Time: 14h00 - 16h30

On 21 August 2018 2:00 PM - 4:30 PM SAST, you have the opportunity to participate in a free 2.5-hour webinar demonstrating the new National Environmental Screening Tool by representatives of the South African Department of Environmental Affairs (DEA). The webinar, organized by the International Association for Impact Assessment (IAIA) and its South African affiliate, IAIAAsa, will walk users through the steps required to put in an application, what the many buttons and tabs represent, and how it is used to successfully achieve the end goal of generating a report. A Q&A session will be held during the final 30 minutes.

Click [here](#) for more information and to register.

### Department of Environmental Affairs stakeholder bilateral meetings: Draft Climate change Bill

Purpose: to engage stakeholder groups on the comments received in the public consultations to inform the refinement of the draft Climate Change Bill published for public comments.

Date: 27 August 2018

09:00-11:00 Industry/Business Community

13:00-15:00 Government / Sector Departments

15:00-17:00 Academia / Research Institutions

28 August 2018

09:00-11:00 Civil Society / Labour

Venue: The meetings will be held at a venue in the vicinity of the OR Tambo International Airport in Johannesburg.

Please confirm your participation by [e-mail](#) with indication of the organisation you represent and the session which you will be attending.

The agenda and further details will be communicated to confirmed participants.

### CBSS Training Workshops: Integrated Water Authorisations and Integrated Water and Waste Management Plans

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

**Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

### Imbewu: Environmental Law Workshop

Dates: Tuesday 28 August 2018 (08h30 – 16:30) and Wednesday 29 August 2018 (08h30 – 16:30)

Venue: IMBEWU's offices, Rosebank, Johannesburg

Contact: [Lulu](#) / 011 214 0660 / [website](#)

**Closing date** for registrations: **24 August 2018**

### Chief Directorate: Integrated Environmental Authorisations (IEA) of the

## **Department of Environmental Affairs (DEA) stakeholder engagement in the Environmental Impact Assessment Sector**

The Directorate has identified the need to interact closely with every stakeholder in the Environmental Impact Assessment sector with a view to improve work relations and improved implementation of the EIA Regulations, 2014 and Listing Notices, 2014. To this end, DEA, through the Chief Directorate: IEA, will be embarking on provincial visits in a form of seminars to engage with all sector stakeholders.

Venues: To be announced

Date and Place:       20 September 2018 – Port Elizabeth  
                              26 September 2018 – Upington  
                              18 October 2018 – Bloemfontein  
                              31 October 2018 – Rustenburg  
                              Provisionally mid-November 2018 – Pietermaritzburg  
                              Provisionally end January 2019 – George  
                              Provisionally mid February 2019 – Polokwane  
                              Provisionally end February 2019 – Mbombela  
                              Provisionally mid March 2019 - Pretoria

For any queries please do not hesitate to contact Mr. Franz Scheepers through [email](#).

## **International**

### **DRR, DLDD Impacts and the SDGs Session in IAIA19 Conference**

Place: Brisbane, Australia

Date: 26th April -2nd May, 2019.

This call for abstracts opens with other parallel sessions from 16 August 2018 – 19 October 2018.

We are pleased to announce the call for abstracts for our sessions “DRR, DLDD Impact and the SDGs” Session ID no: 151; at the 39th annual international conference of the International Association for Impact Assessment, (IAIA19) on the theme ‘Evolution or Revolution: what next for impact assessment’ to be held in.

We invite abstracts (max. 300 words) from researchers and practitioners from countries around the world, for research papers as well as discussion and briefing papers that address the subject matter of our sessions “DRR, DLDD Impact and the SDGs”. Abstract can be submitted through the IAIA [portal](#).

Details and Submission Deadlines:

- ☐ 19 October 2018  
Deadline for abstracts submission of up to 300 words
- ☐ 21 November 2018  
Authors notified of the abstract acceptance status
- ☐ 25 January 2018  
Registration and payment deadline for presenters to be listed in the final program and proceedings
- ☐ 27 February 2019  
Deadline for draft papers
- ☐ 25 March 2019  
Deadline for paper review

- Authors are expected to prepare comments on the abstract of two other participant.

□ 26 June 2019

Papers posted online

### **IBA Litigation and Dispute Resolution in Africa**

Dates: 15-16 November 2018

Place: Accra, Ghana

This essential conference organised by the IBA African Regional Forum and the IBA Litigation Committee, will focus on the specificities and the challenges of litigation in Africa; how the digital world is questioning procedures and the rules of court in Africa; the impact of technology and artificial intelligence on the law and in litigation; training young lawyers to new African legal issues; white collar crime and the challenges of gathering evidence on the continent.

For more information and to register your interest visit the [website](#).

### **IAIA special Symposium: Improving impact assessment and management in the mining sector**

Dates: 4-5 December 2018

Place: London, UK

How can we improve upon existing impact assessment and management processes and practices currently used in the mining sector? This symposium will highlight emerging issues in the sector and will use case studies to identify key challenges and solutions. Mining companies, regulators, financial institutions, environmental and social consultants, and civil society representatives will come together to discuss critical and emerging issues in the mining sector. IAIA will use the information, case studies, and lessons learned from this forum to prepare a practical guide for conducting impact assessment and management of mining projects.

See [website](#) for a preview of sessions, and read more about the [pre-symposium Human Rights training course here](#).

Registration is now open [here](#).

### **Inaugural African Conference for Linear Infrastructure and Ecology (ACLIE) 2019: Building Partnerships and Investing in Nature: The Linear Way in Africa**

Place: Kruger National Park

The conference will focus on the intersection of people and linear infrastructure, specifically how both people and nature are connected along, across and between different types of infrastructure. Please visit the [website](#) to register for the conference or to submit an abstract on the abstracts portal.

### **LLM Programme in Energy, Environmental and Climate Change Law**

Faculty of Law and Administration of the University of Warsaw, with the support of the Sustainability College Bruges (SCB)

Applications awaited for enrolment 1 October 2018

More [information](#)

## **Poverty, Inequality and Global Climate Change: Connecting The Discussions**

Date: 18 - 19 September 2018

Time: Day 1: 09:00 (registration)

Day 2: 09:00

Venue: Protea Hotel by Marriott OR Tambo Airport, Corner of York & Gladiator Streets, Rhodesfield, Johannesburg, Gauteng

RSVP: By 3 September 2018

([click here](#) to complete the online registration form)

The workshop is an initiative of ASSAf's Standing Committee on Science for the Reduction of Poverty and Inequality. The workshop aims to provide a platform for dialogue between communities of scientists in South Africa which have focussed respectively on matters of 'climate change' and 'poverty and inequality'. The immediate product of the workshop would be a proceedings report for wide dissemination summarising the discussions, but the longer term intention is to initiate a process of engagement that would lead to a more integrated framework for scientific research in the fields of climate change and poverty and inequality in South Africa.

Although there are individual cross-overs, the scientists working on 'global change' and 'poverty and inequality' generally form quite separate academic communities. It is a divide that impedes an adequate response to the sustainable development goals. Based on this premise, the first day of the programme will include presentations on research status on 'global climate change' and on 'poverty' and on 'inequality', before considering emerging and potential cross-overs on day two. The programme also includes a session providing international case studies with subsequent discussion.

Please note that attendance of the workshop is free of charge but travel and accommodation is for the account of the participants. Should you have any questions please email Ms [Nadia Algera](#).

## **Indigenous Solutions to Environmental Challenges Conference**

Place: Banff, Canada

Date: 10 – 12 November 2018

We invite you, your colleagues, students, NGO's, grass roots activists, corporate executives, indigenous communities, lawyers, judges, environmentalists, political leaders and the general public to [register](#) for this exciting and dynamic conference on Indigenous Solutions to Environmental Challenges.

The goal of this international, interdisciplinary conference is to develop understanding, awareness, and solutions to environmental challenges caused by resource extraction. By putting the spotlight on the *Aguinda v Chevron* case, the conference will bring into sharp focus not only fair and just reparations for the Ecuadorian peoples of the Amazon, it will reveal much broader implications the case represents to the rule of law, environmental protection, corporate responsibility, indigenous rights, and mass human rights violations around the world. International, national and local speakers will discuss the implications and importance of indigenous involvement to responsible stewardship of the global environment and what it means to the very survival of indigenous peoples everywhere. Please take a look at our conference [website](#) for more information about the conference and how to register.

## NEWS

### National

Niselow T “Mining industry to tackle 'unacceptable' rise in deaths” [Fin24](#) 20 August 2018

Steyn LL “What is killing Tourism Brand South Africa?” [eTN](#) 18 August 2018

Avery J “South Africa Tourism now includes licenses leopard hunting” [eTN](#) 17 August 2018

#### **General: Did coal samples switch allow R1bn Eskom rip-off?**

“Coal samples that enabled the Gupta family to pocket more than R1bn could have been switched during a lab test ordered by former Eskom acting CEO Matshela Koko, Treasury investigators have found, according to Business Day. The contract was to supply Eskom’s Majuba power station from the Gupta-owned Brakfontein colliery, despite findings that its coal was substandard. A draft report commissioned by the Treasury into alleged looting of Transnet and Eskom by the Guptas raises several red flags about the coal quality test, conducted at a laboratory belonging to the SA Bureau of Standards (SABS) on 29 August 2015. The draft report, the findings of which Koko disputes, concluded the Brakfontein contract, signed five months earlier in March 2015, was irregular because the officials responsible had ignored test reports that found the coal did not meet the Majuba plant’s specifications. According to the report, Eskom’s head of primary energy Vusi Mboweni, who signed the contract, and his officials should be held accountable for R1.3bn in irregular expenditure. The utility only stopped receiving coal from Brakfontein in February 2018, after the Guptas’ mining company Tegeta, which owned Brakfontein, was placed in business rescue. Sources at Eskom reportedly told Business Day they were placed under extreme pressure to award Tegeta a sweetheart deal at Brakfontein mine in March 2015 worth R3.8bn. Tegeta had been trying unsuccessfully since 2011 to secure a contract from Eskom. The report points to several anomalies with Koko’s SABS test in August 2015, which he used to justify allowing Tegeta to keep supplying Majuba with coal from Brakfontein, even though it had repeatedly failed quality tests since the contract was signed five months earlier.”

Full Business Day report (subscription needed) [Legalbrief](#) 17 August 2018

#### **Constitutional: Department seeks to appeal 'school norms' order**

“In the week that President Cyril Ramaphosa launched his initiative to provide schools with safe sanitation, it has emerged that the Department of Basic Education is appealing a High Court order that sets deadlines for them to fix school infrastructure, including toilets, notes a Mail & Guardian report. In July, the Eastern Cape High Court (Bhisho) sided with Equal Education when it ordered Basic Education Minister Angie Motshekga to meet the infrastructure targets that the state had set itself to fix public schools. The judgment pertains to the norms and standards regulations, which sets out deadlines for fixing schools infrastructure. The regulations say that by November 2016, schools must have been provided with access to water, electricity and decent sanitation. Last week, the department sent Equal Education its application to the Constitutional Court for leave to appeal the judgment. The appeal deals with the scope of section 29 of the Constitution, which affords everyone the right to basic education. In a

supporting affidavit, the department's acting chief director of legal and legislative services, Christopher Leukes, contends that leave to appeal should be granted on the basis that the High Court's judgment 'misdirected itself' in reading section 29 by attaching to it the provision of school infrastructure, water, sanitation, electricity, roads and other infrastructure. The High Court failed to give a proper interpretation to the right of basic education and exactly what that entails, the affidavit reads. Leukes argues that the Minister of Education should not be held liable to deal with fields of competence resting within the Departments of Public Works, Transport, Water & Sanitation and Energy. In its statement, Equal Education accused the department – and by extension Ramaphosa's government – of 'wasting desperately needed state resources and time to appeal the judgment'."

[Full Mail & Guardian report](#) *Legalbrief Today* 17 August 2018

### **General: Housing officials face legal action for shoddy construction**

"The Department of Human Settlements says it will be taking legal action against officials across the country who oversaw the construction of poor houses, notes GroundUp. It cited the construction of 162 duplex flats in Port Elizabeth, which were poorly built and have to be demolished. Director General Mbulelo Tshangana, speaking at a three-day *indaba* on human settlements in Port Elizabeth, laid the blame on officials from the Eastern Cape Housing Department, the Nelson Mandela Bay Municipality, as well as officials of the National Home Builders Registration Council (NHBC) for the poor construction of the duplexes in Motherwell. The NU29 project was commissioned in 2014 to benefit poor families in the metro. Construction was abandoned halfway, leaving many unfinished flats. ... A new Bill is under way that enforces provision of quality services."

[Full GroundUp report](#) *Legalbrief* 17 August 2018

### **Criminal: Charges laid for alleged cruelty by mohair farmers**

"The horror of the cruelty meted out to goats by some mohair farmers is revealed in a video released in May and has resulted in the National Council of SPCAs (NSPCA) laying charges against four mohair farmers. The controversial video by the animal rights group, People for the Ethical Treatment of Animals (PETA), which claims abuse on farms in the Eastern Cape and Western Cape, has led to a ban on the product by top clothing brands such as H&M, Zara, Gap and Topshop, notes TimesLIVE. The NSPCA's senior inspector Grace de Lange, manager of the NSPCA Farm Animal Protection Unit, says the organisation will 'relentlessly pursue justice for the animals that have suffered so tremendously'."

[Full TimesLIVE report](#) *Legalbrief Today* 17 August 2018

### **Legislation: Critical Infrastructure Bill ready for NCOP**

"Having completed its work on the Critical Infrastructure Protection Bill, the National Assembly's Committee on Police has tabled a report in the House detailing extensive changes largely informed by input received during last year's public hearings. According to a Parliamentary Monitoring Group record of a meeting on 3 July, the Bill now reflects recommendations from Advocate Wim Trengove SC for addressing concerns about the constitutionality of clauses dealing with the process of determining whether infrastructure or an infrastructure complex should be declared 'critical', as well as those providing for

offences and penalties.” Read full report in Policy Watch *Legalbrief* 17 August 2018

**Labour: ANC calls for dialogue over mining job cuts**

“The ANC yesterday called for dialogue with the mining sector over looming job cuts in the industry, reports TimesLIVE. ... Cosatu also came out strongly on Tuesday against retrenchments, both in the mining sector and in government where there is a purported plan to sack 30 000 employees.”

[Full TimesLIVE report](#) *Legalbrief* 16 August 2018

Van Aardt T “Asbestos deadline won’t be met” [Herald](#) 16 August 2018 [Source: *Legalbrief* 16 August 2018]

**Legislation: Pro-beneficiation scrap metal directive up for review**

“Parties affected by the 2013 preferential price directive on high quality ferrous and non-ferrous waste and scrap have two weeks to make input into the process of determining whether it should be extended (amended or otherwise), or replaced with an alternative measure underpinned by the same policy intention. Its purpose was to promote local industrialisation and scrap metal beneficiation.” Read full report in Policy Watch *Legalbrief* 16 August 2018

Ryan C “New Mining Charter is a lawsuit waiting to happen” [Moneyweb](#) 15 August 2018 [Source: *Legalbrief* 16 August 2018]

**Environmental: MPs want tougher laws to deter rhino poaching**

“Parliament has called on the Department of Environmental Affairs to review legislation in an effort to deter rhino poaching as it had worsened in five provinces, notes a Cape Times report. The department’s deputy director Shonisani Munzhedzi told the committee that 518 rhinos were killed in 2017 – a decrease compared to 2016, when 680 rhinos were killed. Despite several changes in the laws, in response to the threats to the rhino population, committee chairperson Philemon Mapulane said the punishment for poachers was too lenient. ‘When they get convicted there must be some minimum sentence. There must a deterrent. This thing of rhino poaching must be elevated to a very serious crime in this country. We must agitate for stricter legislation and laws to deter perpetrators. It won’t be easy for someone offered R100 000 to go poach just to merely accept it because they will know that once they’re caught, they will be dealt with. This will require legislative intervention,’ said Mapulane.”

Full Cape Times report (subscription needed) [Source: *Legalbrief* 15 August 2018]

**Environmental: Raw sewage still spilling into Vaal River – activist**

“The cash-strapped Emfuleni local municipality, currently under administration, risks being dragged to court again for failing to stop raw sewage spillages into the Vaal River. Save the Vaal Environment (SAVE) vice-chairperson Maureen Stewart said this was the worst crisis for the river yet, adding the watchdog had obtained nine court orders against the municipality over the years, notes a report in The Star. The recent interdict was granted in February by Gauteng High Court (Johannesburg) Judge Bashier Vally, stopping the municipality from allowing raw sewage from the wastewater management system and sewer reticulation system into the river’s catchment area. ‘SAVE will return to court if immediate action is not taken to deal with the disaster. As we speak, the municipality is in contempt

of court. The pollution, which poses a risk to people's health, has been going on for far too long, and we demand action. Daily 150 megalitres of raw sewage is flowing into the Rietspruit and Vaal rivers. Sewage pollution has flowed downstream beyond Parys. This town relies on water from the Vaal River, which is treated for domestic use,' Stewart said."

Full report in The Star (subscription needed) [Source: *Legalbrief* 15 August 2018]

## **International**

Mervis J "U.S. energy research agency doesn't need a scientist at the helm, Congress tells nominee" *Science Advances* 16 August 2018

"Burundi plans plastic bag ban" [News24](#) 14 August 2018

"Illinois sues Trump Tower over Chicago River water use" [BBC News](#) 15 August 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

#### **Head of Programme – Law**

HR Genie –Sandton Gauteng

My client is part of a listed Group on the JSE, providing top Higher Education Solutions in the South African Market.

They are in need of a Head of Programme for the Law Faculty rather urgently.

The position is within the central academic team and will report directly to the Head of Faculty.

HR Genie - Sandton, Gauteng

Minimum of an LLB Degree.

Ideally a B Com in Law / BA in Law with a post-graduate LLB

Masters Degree in Law or significant progress towards a Masters Degree in Law, is highly preferred with focus on Mercantile Law Subjects

More [information](#)

#### **Senior Manager, Stakeholder & Government Affairs – Africa**

More [information](#)

#### **Candidate Attorney FRRW Consulting - Melrose, Gauteng**

Mining and Shipping law

More [information](#)

#### **Compliance Officer** Oasis Group Holdings - City Bowl, Western Cape

More [information](#)

#### **Compliance Assistant - GERMAN speaking**

Tricruit Recruitment Specialists - Johannesburg, Gauteng

Permanent **Legal, Gauteng JHB - Northern Suburbs**

More [information](#)

#### **University of Pretoria: Office Of The Registrar: Legal Services Manager: Legal Services**

Closing date: 29 August 2018

More [information](#)

**Wits Law School: Associate Professor**

Applications are welcome from excellent academics/practitioners to teach in, among others, the following areas: delict, criminal law, criminal procedure, administrative law, taxation, banking law, labour (especially collective labour), company law, evidence, succession, family law, law of persons, insolvency and customary law.

Closing date: 31 August 2018

More [information](#)

**Wits Law School: Senior Lecturer**

Closing date: 31 August 2018

More [information](#)

**Wits Law School: Professor**

Closing date: 31 August 2018

More [information](#)

**Wits Law School: Lecturer**

Closing date: 31 August 2018

More [information](#)

**Full-Time Postgraduate Research Positions 2019**

The DST/NRF South African Research Chair: Mineral Law hereby invites applications for postgraduate research positions for 2019. 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 2019. Full-time PhD positions are made available for 3 years; full-time LLM positions are made available for 2 years, dependent on satisfactory progress.

*Eligibility requirements:*

- • South African citizenship / permanent residence
- • For the LLM positions: Applicants must hold at least an LLB degree no later than December of the year prior to award; For the PhD positions: Applicants must hold at least an LLM (research) degree no later than December of the year prior to award.
- • Willingness to reside in Cape Town full time.
- • Availability to work exclusively at the Chair (see “package” below). Part-time work/involvement outside of the Chair is not permitted.
- • 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.
- • 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 on their research projects and at realising the Chair's objectives at the Chair's offices, from 7 January 2019 until 20 December 2019, and every subsequent year of funding for the duration of the study period.
- • Regularly attend, contribute to the arrangement of and participate in the Chair's research skills development events, short courses, conferences, research projects and seminars
- • Attend the regular business meetings of the Chair's research group.
- • Work towards the deliverables of the Chair and the completion of their own postgraduate research projects roughly in a 35:65 ratio of dedicated time. This translates into an approximate ratio of 15:25 hours per week.
- • 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 UCT Law Faculty.
- • Use of a laptop computer for the duration of the research position where required.
- • 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 top-up of R70 000 per annum, paid in monthly installments.

*Application procedure:*

To apply, please submit the following documents to the MLiA Chair [administrator](#), CC the following [address](#) by 15 September 2018.

- • 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 2018.
- • A specimen of the candidate's recent academic writing, e.g. a research paper, dissertation or article, roughly 20 to 30 pages in length

## International

### [Assistant Professor in Criminology and Law & Society](#)

University of Toronto, Department in Sociology

### [Assistant Professor in Gender and Inequality](#)

University of Toronto, Department in Sociology

### [PhD candidate 'The Governance of Green and Atmospheric Water in Degrading Environments'](#)

University of Amsterdam, Faculty of Social and Behavioural Sciences – Faculty of Science

### **Executive Director**

International Association for Impact Assessment - Washington, DC

More [information](#)

### **IAIA Innovation Grants**

IAIA is now accepting applications for its next round of Innovation Grants. The purpose of the Innovation Grants is to encourage innovative, short-term projects (12 months or less) to advance the strategic direction of IAIA. Applications will be accepted through 13 September from any current IAIA member, Section, Branch, or Affiliate. A small number of grants will be given ranging from USD \$2,000 to \$5,000. Complete guidelines and application instructions are available [here](#).

### **United Kingdom: Chevening Scholarship**

All Masters

Closing date: 6 November 2018

More [information](#)

### **Brazil: Bachelor's/PhD**

All fields available at eligible institutions (*taught in Portuguese*)

Closing date: 31 August 2018

More [information](#)

### **CHILE: Nelson Mandela Scholarship 2019**

Fields: A wide range of fields are available including fields related to: Agriculture; Energy; Public Policy Management; Environment; Engineering; Public health or Science, etc.

Closing date: 31 August 2018

More [information](#)

### **JAPAN: UNESCO / Keizo Obuchi Research Fellowships Programme**

Closing date: 20 November 2018

More [information](#)

**Our call for a GYA membership from 2019 is open until 15 September 2018 (13h:00 UTC).**

Applications are currently being sought from young, independent scholars who combine the highest level of research excellence with a demonstrated passion for delivering social impact.

The GYA is a global organization that places a high value on its diversity. We encourage applications from all qualified candidates. All applicants receive consideration and will not be discriminated against with regard to race, colour, ethnicity, religion, creed, sex, marital status, ancestry, sexual orientation, gender identity or expression, physical or mental disabilities, or other factors. Applications from women, minority groups, researchers in the social sciences, arts and humanities, and scholars working in government, industry, and non-governmental sectors are particularly welcome.

More information on how to apply and our online application form can be found [here/](#)

**UN-Habitat Vacancy - Land Law Consultant**

The Legislation Unit of UN-Habitat is recruiting a Land Law Consultant for a research project on the basic legal and institutional structures that would support the implementation of the Global Land Tool network (GLTN) tools for Access to Land and Tenure Security and Land Administration and Information.

This is the [link](#) to the vacancy.

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## **ELA NEWSLETTER 33**

24 August 2018

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World Cleanup Day: 15 September 2018

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### **LEGISLATION**

#### **NOTICES**

Plant Breeders' Rights Act 15 of 1976 - GN 867 in GG 41854 of 24 August 2018  
- Receipt of applications for plant breeders' rights

National Heritage Resources Act 25 of 1999 - GN 868 in GG 41854 of 24 August 2018 - Draft Regulations on the Restitution of Heritage Objects - for comment

National Heritage Resources Act 25 of 1999 - GN 869 in GG 41854 of 24 August 2018 - Draft list of types of heritage objects that are protected and may not be exported without a permit from the South African Heritage Resources Agency (SAHRA) - for comment

Promotion of Access to Information Act 2 of 2000 – Gen Notice 495 in GG 41854 of 24 August 2018 - Description submitted in terms of s. 15 (1) by the Department of Public Service and Administration -

Legal Metrology Act 9 of 2014 - GN 877 in GG 41854 of 24 August 2018 - Legal Metrology Regulations, 2017

### **PROVINCES**

#### **Western Cape**

Draft Western Cape Laws Repeal Act, 2018 - PN 106 in PG 7971 of 17 August 2018 - together with the memorandum on the objects of the Bill - for comment

#### **North West**

Business Licensing Bill, 2018 - PN 162 in PG 7927 of 20 August 2018 - together with the memorandum on the objects of the Bill - for comment

## **Gauteng**

Gauteng Rationalisation of Local Government Affairs Act 10 of 1998; National Environmental Management Act 107 of 1998; Local Government: Municipal Systems Act 32 of 2000 and National Environmental Management: Air Quality Act 39 of 2004 - LAN 1372 in PG 230 of 17 August 2018 - Notice for request of public comment on the Draft Air Pollution Control By-laws and the Draft Air Quality Management Plan

## **KwaZulu Natal**

National Environmental Management: Protected Areas Act 57 of 2003 - MN 98 in PG 1988 of 23 August 2018 - Declaration of Nature Reserves - Burman Bush; Giba Gorge; Marion Wood; New Germany; Paradise Valley; Pigeon Valley; Silverglen; Springside and Virginia Bush Nature Reserves

## **CASES**

### **National**

*Bo-Kaap Civic and Ratepayers Association and Others v City of Cape Town and Others* (7031/17) [2018] [ZAWCHC](#) 101 (17 August 2018)

[1] The Bo-Kaap is situated on the slopes of Signal Hill above the city centre of Cape Town. It has a rich and diverse history. The area is known for its brightly coloured homes and cobble stoned streets. Bo-Kaap, including Riebeeck and Heritage Square, are all provincially declared heritage sites in terms of the National Heritage Resources Act ("the Heritage Act").

[2] Gentrification in all its form has become a chilling reality for the ordinary resident of Bo-Kaap. Understandably, the resistance to the gentrification of Bo-Kaap having regard to its historical significance can never be understated. At the heart of this matter is the planning approvals that were granted by the Second Respondent ("the MPT") and thereafter confirmed on appeal by the Third Respondent ("the Mayor") pursuant to an application by the Fourth Respondent ("the Developer"), for the proposed redevelopment of a section of a city block, into a multi storey, 60 metre mixed use building in close proximity to the Bo-Kaap, Riebeeck and Heritage Square.

[3] The First to Third Applicants seek the reviewing and setting aside of the planning approvals that were granted in terms of the City of Cape Town Municipal Planning By-Law 2015 ("the MPBL"). The Fourth Applicant ("HWC") had intervened and joined the other three Applicants in seeking the review of the approvals granted. The HWC also seeks a declaratory order that the development may not take place without a necessary permit granted in terms of section 27(18) of the Heritage Act. All four Applicants, for ease of reference, will be referred to as the Applicants unless otherwise indicated.

[4] This matter raises a number of questions regarding the exercise of planning powers, the interpretation and application of various provisions of the MPBL. The declaratory order sought by the HWC, on the other hand, raises the issue whether section 27(18) of the Heritage Act requires a

permit for the development of a place that is itself not a heritage site, as in this case.

## PUBLICATIONS

### National

Fourie W (ed) “Implementing Sustainable Development Goals in South Africa: Challenges and Opportunities” ([Report](#) August 2018)

### International

Pfaff Julia Terrapon; Gröne Marie-Christine, Dienst Carmen and Ortiz Willington “Productive Use of Energy – Pathway to Development? Reviewing the Outcomes and Impacts of Small-Scale Energy Projects in the Global South” 2018 [Renewable and Sustainable Energy Reviews](#) is available for free download (open access) until 26 September 2018.

Lovejoy TE and Hannah L “Avoiding the climate failsafe point” (Editorial) [Science](#) 4(8) DOI: 10.1126/sciadv.aau9981

2018 [Environmental Law Review](#) 48(2) – Issue on the Trump administration and the environment

Jordan A *et al* (eds) *Governing Climate Change* (May 2018) ([Open Access](#)) [Provided by A Gilder Climate Law]

Skovgaard J and Van Asselt H *The politics of fossil fuel subsidies and their reform* (Cambridge August 2018) ([Open Access](#)) [Provided by A Gilder Climate Law]

UCLG “Towards the Localization of the SDGs” (Local And Regional Governments’ Report to the 2018 HLPF 2nd [Report](#) August 2018)

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

### National interest

[PMG](#): “Plastics environmental impact & possible ban; Minamata Convention on Mercury” Department of Environmental Affairs Briefing 15 August 2018

[PMG](#): “Waste Management Bureau: legal opinion; SAWS Board interface with senior management: legal advice; Chemicals & Waste Management” Department of Environmental Affairs Briefing 16 August 2018

[Webber Wentzel](#): Webber Wentzel and Deloitte in Conversation: “2018 Draft Mining Charter III Headline Insights, Legal Analysis and Strategic Implications – Proceedings of breakfast meeting” 7 August 2018

[The Conversation](#): Fourie W “After a slow start, South Africa can still speed ahead on SDGs. Here’s how” 23 August 2018

[The Conversation](#): Harvey R “South Africa’s role in the trade in lion bones: a neglected story” 21 August 2018

[Scientific Ezemvelo](#): (video) “Magdel Boshoff Domestic rhino horn legislation” This talk was presented at the 2017 Symposium of Contemporary Conservation Practice held in the Midlands of KwaZulu-Natal, South Africa, between 6-10 November 2017. This event was hosted by the Scientific Services Division of Ezemvelo KZN

[Website](#): South African SDG Hub

[The Jurist](#): Brown T “Center for Biological Diversity files suit to protect whales” 17 August 2018

[BizCommunity](#): Mine rehabilitation: What can be achieved” 7 August 2018 [Source: Legalbrief Environmental 21 August 2018]

[The Conversation](#): Winkler H “South Africa’s new energy plan is imminent. What to look out for” 19 August 2018

### **African regional interest**

[The Conversation](#): Slaughter A “How Africa can up its game on water management for agriculture” 23 August 2018

[The Conversation](#): Avery S “Explainer: what’s driving the demolition of 4000 buildings in Nairobi” 19 August 2018

[The Conversation](#): Nowak K “Beehive fences and elephants: Tanzanian case study offers fresh insights” 21 August 2018

[The Conversation](#): Ngumbi EM “African agriculture has a lot to gain from increased access to big data” 20 August 2018

### **General in rest of the world**

[ABA](#): Huffman J “Another Take on *Juliana*: A Response to Rick Reibstein’s Article ‘Can Our Children Trust Us with Their Future?’” August 2018

[Science](#): Service RF “Powerful new battery could help usher in a green power grid” 23 August 2018

[Science](#): Supriya L “Climate change is making trees bigger, but weaker” 22 August 2018

[LegalPlanet](#): Hecht S “The Costs, Benefits, and Health Impacts of EPA’s Proposed Replacement for the Clean Power Plan” 21 August 2018

[LegalPlanet](#): Horowitz C “EPA to Propose Replacing Clean Power Plan with Something Much, Much Weaker” 20 August 2018

[LegalPlanet](#): Hankins M “One State, Two States, Red States, Blue States: Federalism Hypocrisy in Trump’s EPA” 21 August 2018

[IISD](#) SDG Knowledge Hub: Paul D “UN Special Rapporteurs Welcome Monsanto Ruling as ‘Substantial Warning’” 21 August 2018

[IISD](#) SDG Knowledge Hub: Ledaba AM “Plans Announced for Talks on Global Pact for the Environment” 21 August 2018

[The Conversation](#): Gamso J “Is China worsening the developing world’s environmental crisis?” 22 August 2018

[The Conversation](#): Eise J and White N “Coffee farmers struggle to adapt to Colombia’s changing climate” 22 August 2018

[The Guardian](#): Tree I “If you want to save the world, veganism isn’t the answer” 25 August 2018

[The Guardian](#): Wolfson S “Nearly 40,000 giraffe parts have been imported to the US in last 10 years” 23 August 2018

[The Guardian](#): Taylor M “UK fracking push could fuel global plastics crisis, say campaigners” 22 August 2018

[The Guardian](#): Vaughan K “Green energy tariffs ‘no longer an expensive luxury’, study finds” 22 August 2018

[The Guardian](#): Neslen A “Europe to ban halogen lightbulbs” 23 August 2018

[The Guardian](#): McVeigh K “Tropical disease outbreaks are growing threat in Europe as temperatures rise” 23 August 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **ELA Student and Annual Conference: Links between Environmental Protection and Justice**

Date: 26 September 2018 (Student Conference)  
26 September 2018 evening (Juta Dinner)  
27 September 2018 (Annual Conference)

Venue: Senate Hall, South Campus, Nelson Mandela University, Port Elizabeth  
The Student Conference has two prizes – one for the best undergraduate paper and one for the best post-graduate paper

Find the brochures and more details:

[ELA Save the Date](#)

[ELA Student Essay Competition](#)

Student Conference 26 September 2018 [link](#) to register

Annual Conference 27 September 2018 [link](#) to register

#### **EOH Environmental Law Course**

Dates: 12-14 September 2018

Contact: Jolene Mascini 083 739 2130 or by [email](#)

Other courses available on request

#### **Symposium of Contemporary Conservation Practice**

Date: 5-9 November 2018

Venue: St Ives, KwaZulu-Natal Midlands

[Website](#)

## **CBSS Training Workshops: Integrated Water Authorisations and Integrated Water and Waste Management Plans**

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

**Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## **Department of Environmental Affairs stakeholder bilateral meetings: Draft Climate Change Bill**

Purpose: to engage stakeholder groups on the comments received in the public consultations to inform the refinement of the draft Climate Change Bill published for public comments.

Date: 27 August 2018

09:00-11:00 Industry/Business Community

13:00-15:00 Government / Sector Departments

15:00-17:00 Academia / Research Institutions

28 August 2018

09:00-11:00 Civil Society / Labour

Venue: The meetings will be held at a venue in the vicinity of the OR Tambo International Airport in Johannesburg.

Please confirm your participation by [e-mail](#) with indication of the organisation you represent and the session which you will be attending.

The agenda and further details will be communicated to confirmed participants.

## **Chief Directorate: Integrated Environmental Authorisations (IEA) of the Department of Environmental Affairs (DEA) stakeholder engagement in the Environmental Impact Assessment Sector**

The Directorate has identified the need to interact closely with every stakeholder in the Environmental Impact Assessment sector with a view to improve work relations and improved implementation of the EIA Regulations, 2014 and Listing Notices, 2014. To this end, DEA, through the Chief Directorate: IEA, will be embarking on provincial visits in a form of seminars to engage with all sector stakeholders.

Venues: To be announced

Date and Place: 20 September 2018 – Port Elizabeth

26 September 2018 – Upington

18 October 2018 – Bloemfontein

31 October 2018 – Rustenburg

Provisionally mid-November 2018 – Pietermaritzburg

Provisionally end January 2019 – George

Provisionally mid February 2019 – Polokwane

Provisionally end February 2019 – Mbombela

Provisionally mid March 2019 - Pretoria

For any queries please do not hesitate to contact Mr. Franz Scheepers through [email](#).

**13<sup>th</sup> Southern African Energy Efficiency Confederation Conference**

Date 13-14 November 2018

Venue: Emperors Palace, Ekurhuleni, Gauteng

See [website](#)

**2018 National Biodiversity and Business Indaba: Theme: Biodiversity Offsetting for the Benefit of Biodiversity and Business**

Date: 30 – 31 October 2018

Place: Johannesburg

We are pleased to announce that the 2018 National Biodiversity and Business Indaba will be taking place in Johannesburg from 30 - 31 October. Centred on the theme of *Biodiversity Offsetting for the Benefit of Biodiversity and Business*, the Indaba will focus on case studies, as well as biodiversity offset design and implementation. Proceedings will be guided by experts in the field of biodiversity offsets, namely Susie Brownlie (deVilliers Brownlie Associates), Amrei von Hase (Forest Trends) and Dave Cox (Institute for Natural Resources). The Indaba will involve short formal training sessions as well as interactive sessions that draw on case studies and the experience of participants to facilitate learning. Day 1 will provide delegates with an opportunity to build their capacity on the theory of biodiversity offsetting, whilst on Day 2 delegates will be presented with the opportunity to delve deeper into the key practical issues.

The programme for the event will be circulated in the coming weeks. Seats are limited so please secure yours as soon as possible by emailing [Megan Murison](#).

**SASS5 Course starts in Grahamstown**

Date: 1 – 4 October 2018

Venue: Rennie Hall, Albany Museum, Grahamstown, Eastern Cape

GroundTruth and The Albany Museum will be holding a SASS5 Course in Grahamstown from 1 – 4 October 2018.

For the full advertisement, please visit the [Albany Museum](#) and [GroundTruth](#) websites.

**International**

**Call for Papers/Conference June 2019: Narratives and Practices of Environmental Justice**

We will establish a network of environmental and climate justice (Enjust). We will develop manifold transdisciplinary activities. So the conference is just a start!

Date: June 2019

Place: Kiel, Germany

More [information](#)

**Forum on Scenarios for Climate and Societal Futures**

Date: March 11-13, 2019

Venue: University of Denver, Denver, Colorado

[Website](#)

A rapidly expanding set of activities is extending and applying the new framework on integrated climate change scenarios. Researchers are using Shared Socioeconomic Pathways (SSPs), Representative Concentration Pathways (RCPs), and other approaches to characterizing future societal and environmental conditions to investigate global change issues, including the Sustainable Development Goals. The Scenarios Forum aims to bring together a diverse set of communities working with the new framework to share their experiences, progress, and plans. By taking stock of progress and facilitating scenario-related research, this meeting will inform the use of scenarios in the IPCC Sixth Assessment Report (AR6) and help ensure a research base sufficient to inform future assessments and policy initiatives.

The Scenarios Forum is open to anyone using, developing, or interested in scenarios to carry out research or policy analysis related to climate change and sustainability. The Forum is currently open for abstracts for oral or poster presentations on a wide range of topics including climate change impacts/adaptation/vulnerability, climate science and modeling, sustainability, integrated assessment modeling, biodiversity, futures studies, risk management, governance, and other areas of social science. Work that is relevant to multiple research communities is of particular interest. [Abstracts](#) may be submitted to one of the 40 sessions that have been proposed by the community, or to an Open category, through September 28, 2018.

## NEWS

### National

Phakath B “Review of fuel levy ‘is possible’” *BusinessDay* 23 August 2018 [Source: Legalbrief 23 August 2018]

Ensor L and Seccombe A “No need to change mining act” *BusinessDay* 23 August 2018 [Source: Legalbrief 23 August 2018]

Naki E “SA’s municipalities are increasingly drowning in their own human waste” [The Citizen](#) 16 August 2018 [Source: Legalbrief Environmental 21 August 2018]

### **Conservation: Private reserves near Kruger may lose hunting rights**

“Some of the private reserves in the Greater Kruger National Park appear to be violating the protocols and regulations that permitted them to drop fences with Kruger and hunt animals that cross over from the national park. As a result, Kruger is threatening to re-erect the fence. According to a report in *The Mercury*, one of the reserves, Umbabat, has been flagged by Kruger officials over its commitment to local community involvement and empowerment, and its contribution to community development programmes, as required by the 2018 Greater KNP Hunting Protocol. It states that ‘professional (commercial) hunting is conducted in these areas – the Associated Private Nature Reserves – with the goals of providing the income to contribute to the management of the environment and to support social initiatives of community development as per reserve specific programmes’. At Umbabat, however, hunting continues, undeterred by allegations of illegal hunting practices, poor governance and no

trace of conservation or community involvement. In Timbavati, hunting continues despite 'non-compliance with regards to certain trophy hunting classes and reporting, as per Protocol requirements'. In recent hunts, two elephants shot on Timbavati exceeded the maximum tusk weight allowed. The reserve also allegedly failed to submit the ages of 11 previously-hunted elephants, as required by the Hunting Protocol, apparently 'due to rodents eating the tags attached to the jaw bones'. KNP managing executive Glenn Phillips said, 'If Umbabat doesn't sort out their governance issues, KNP will re-erect the fence'."

Full report in The Mercury (subscription needed) [Source: Legalbrief Environmental 21 August 2018]

[CER](#) "NGOs call for a tougher Climate Change Bill" 14 August 2018 [Source: Legalbrief Environmental 21 August 2018]

Ritchie G and Kings S "Beaufort West runs out of water" [Mail & Guardian](#) 24 August 2018

## International

Hiar C "In battle over pesticide ban, Trump's EPA aims to undermine the science" [Science](#) 23 August 2018

Colman Z "Trump releases plan to roll back Obama administration climate rules aimed at power plants" [Science](#) 21 August 2018

"Proposal: Affordable Clean Energy (ACE) Rule" [EPA](#) 21 August 2018 [Also see **BLOGS** above]

Fleming N "Judge: 'Corrupt' health chief Lyon heads to trial on Flint crisis manslaughter charges" [TheDetroitNews](#) 20 August 2018

"Brazil: murder of indigenous leader highlights threat to way of life" [TheGuardian](#) 16 August 2018

Watts J "Arctic's strongest sea ice breaks up for first time on record" [TheGuardian](#) 21 August 2018

Readfearn G "Australia has no climate policy: a quick response to a drawn-out farce" [TheGuardian](#) 21 August 2018

Watts J "'They are taking out a generation of tuna': overfishing causes crisis in Philippines" [TheGuardian](#) 23 August 2018

Vaughan A "Norway's \$1tn wealth fund urged to keep oil and gas investments" [TheGuardian](#) 24 August 2018

"Spanish police shut down illegal turtle farm selling endangered species from across the world" [The Independent](#) 23 August 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

**NWU Faculty of Law: Senior Lecturer/ Associate Professor/ Professor (Mahikeng) x 3**

Fields of study: International Law, Administrative Law, Legal interpretation, Civil Procedure, Law of Evidence or anything else

Closing date: 31 August 2018

More [information](#)

**NWU Faculty of Law: Senior lecturer/Associate Professor/ Professor (Potchefstroom) x 3**

Closing date: 31 August 2018

More [information](#)

**NWU Faculty of Law: Manager: Student Support and Performance (Fixed term contract 4 years)**

Closing date: 31 August 2018

More [information](#)

**NWU Faculty of Law, Law Clinic: Supervising Attorney**

Closing date: 31 August 2018

More [information](#)

**NWU: Deputy Vice-Chancellor: Research and Innovation Technology Transfer & Innovation Support Vacancy: Chief Director**

Closing date: 31 August 2018

More [information](#)

**NWU: Office of the Vice-Chancellor Campus Operations Vacancy: Deputy Vice-Chancellor (Potchefstroom)**

Closing date: 31 August 2018

More [information](#)

**Educor Randburg: Law Lecturer**

More [information](#)

**Varsity College: Full time School of Law Lecturer**

More [information](#)

**Varsity College: Lecturer: School of Law - Sandton Campus**

More [information](#)

**University of KwaZulu-Natal: Senior Lecturer/Lecturer (Planning - Re-Advertisement)**

Closing date: 14 September 2018

More [information](#)

**University of Cape Town: Lecturer/Senior Lecturer/Associate Professor in Private law**

Closing date: 21 September 2018

More [information](#)

**Energy, Infrastructure & Projects - Associate - UK International Law Firm JHB, Gauteng**

More [information](#)

**Big Data and Transboundary Water Collaboration in Southern Africa: Apply for a SADC-Wide Research Funding Call**

This is an announcement of a special research funding call that has been released and is live on the WRC website. Attached are the Terms of Reference and Proposal Application template that you may use to complete to respond to the call.

Applications are open until: 30 September 2018

For more general programme enquiries please contact: [Clara Bocchino](#) or [Shanna Nienaber](#)

For technical ToR enquiries please contact: [Shafick Adams](#)

Please submit your proposal to: [Sarah Ravhudzulo](#)

## **International**

**[Environmental Law Prof Blog](#): Law Schools Interested in Environmental Law Hiring**

**PhD candidate 'The Governance of Green and Atmospheric Water in Degrading Environments'**

University of Amsterdam, Faculty of Social and Behavioural Sciences – Faculty of Science

Closing date: 4 September 2018

More [information](#)

**Global Professorships in the UK**

In case anyone is interested in a prolonged period of work in the UK, the British Academy has announced a scheme for Global Professorships. “Each award will provide funding for four years to an outstanding international researcher, not currently working in the United Kingdom, to bring their research experience to the UK. The purpose of the Global Professorships is to enable world-class scholars to further their individual research goals while strengthening the UK research base and advancing the research goals and strategies of their UK host universities. Each four-year appointment is intended to be a complete project in itself and is expected to involve a specific research focus, although the British Academy does not have a preferred model for the balance of time to be spent between research and teaching (which may vary over the course of the award and will depend on the UK host institution’s needs).”

Full details at <https://www.britac.ac.uk/global-professorships-2018>. The deadline is 12 September, but since the host institution is required to commit to financial as well as practical support, it will certainly need to have a detailed proposal well before then to get through the internal approval processes. The scheme will, however, be available for at least the next two years, allowing time for more relaxed planning for future rounds.

Members of the Environmental Law Association may subscribe to  
*Legalbrief Environmental*

and the

*South African Journal of Environmental Law and Policy.*

Discount available for ELA members.

## ELA NEWSLETTER 37

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World Rhino Day  
22 September 2018

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### LEGISLATION

#### NOTICES

National Environmental Management Act 107 of 1998 - GN 991 in [GG 41921](#) of 21 September 2018 - Financial Provisioning Regulations, 2015 amended and GN 1314 in GG 40371 of 26 October 2016

National Heritage Resources Act 25 of 1999 - GN 958 in [GG 41913](#) of 21 September 2018 - Serial declaration of historic sites associated to the University of Fort Hare, Alice, Eastern Cape as National Heritage Sites

Promotion of Access to Information Act 2 of 2000 - GN 967 in GG 41913 of 21 September 2018 - Department of Science and Technology: Section 14 manual

International Trade Administration Act 71 of 2002 – Gen Notice 576 in GG 41924 of 21 September 2018 - Renewal of the policy directive on the exportation of ferrous and non-ferrous waste and scrap metal from 21 September 2018 until 30 June 2019

National Environmental Management: Biodiversity Act 10 of 2004 - GN 961 in [GG 41913](#) of 21 September 2018 - Norms and standards for the marking of rhinoceros and rhinoceros horn and hunting of rhinoceros for trophy hunting purposes - GN 304 in GG 35248 of 10 April 2012 withdrawn

National Environmental Management: Biodiversity Act 10 of 2004 - GN 986 in [GG 41919](#) of 21 September 2018 - Draft Regulations relating to domestic trade in rhinoceros horn, 2018 - for comment

National Environmental Management: Biodiversity Act 10 of 2004 - GN 987 in [GG 41919](#) of 21 September 2018 - Draft notice prohibiting the carrying out of certain restricted activities involving rhinoceros horn - for comment

National Environmental Management: Biodiversity Act 10 of 2004 - GN 988 in [GG 41919](#) of 21 September 2018 - Draft notice amending the alien and invasive species list and the lists of critically endangered, endangered, vulnerable and protected species - for comment

National Environmental Management: Waste Act 59 of 2008 - GN 990 in [GG 41920](#) of 21 September 2018 - Regulations regarding the Planning and Management of Residue Stockpiles and Residue Deposits Amendment Regulations, 2018

National Environmental Management: Waste Act 59 of 2008 - GN 989 in [GG 41920](#) of 21 September 2018 - Notice of publication for comment of proposed revised Industry Waste Tyre Management Plans

## **PROVINCES**

### **KwaZulu Natal**

KwaZulu-Natal Planning and Development Act 6 of 2008 - PN 103 in *PG* 2000 of 20 September 2018 - Draft Consultation Paper and Norms and Standards for Telecommunication Infrastructure - for comment

KwaZulu-Natal Planning and Development Act 6 of 2008 - PN 104 in *PG* 2000 of 20 September 2018 - Draft Consultation Paper and Norms and Standards for Spatial Imperatives for Public Service Infrastructure - for comment

### **Free State**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – PN 91 in *PG* 66 of 21 September 2018 - Moqhaka Local Municipality - Fire Brigade Service By-law, 2018

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PNs 92, 93 & 95 in *PG* 66 of 21 September 2018 - Moqhaka Local Municipality - Street Trading By-laws, 2018, Tariff By-law, and Water Services Amendment By-law, 2018

### **Western Cape**

Constitution of the Western Cape First Amendment Bill [B5-2018] - PN 119 in *PG* 7978 of 12 September 2018 - together with memorandum - for comment

National Environmental Management: Integrated Coastal Management Act 24 of 2008 - LAN 57288 in *PG* 7980 of 14 September 2018 - Mossel Bay Local Municipality: Notice to comment on the Draft Klein Brak and Great Brak Estuarine Management Plans (EMPs)

## Eastern Cape

Disaster Management Act 57 of 2002 - LAN 189 in PG 4115 of 14 September 2018 - Kouga Local Municipality (EC108) - Declaration of a local state of disaster due to prevailing drought conditions as published under LAN 133 in PG 4081 of 12 July 2018 extended for a further month

## CASES

### National

*Gongqose and Others v Minister of Agriculture, Forestry and Fisheries and Others* 2018 (2) SACR 367 (SCA)

“Conservation - Fishing—Customary law—Rights—When legislation extinguishing—Whether Act extinguishing customary right of access to and use of marine resources—Marine Living Resources Act 18 of 1998. Conservation—Fishing—Contravention of s 43(2)(a) of the Marine Living Resources Act 18 of 1998—Defences—Excluding unlawfulness of act—Necessary authority—Statute making attempt to fish in marine protected area unlawful—Act performed under customary law right.”

*ABM Motors v Minister of Minerals and Energy and Others* 2018 (5) SA 540 (KZP)

“Administrative law - Administrative action—Review—Application—Service—Must be on all affected parties, not just decision-maker—Court may in interests of justice extend 180-day period where applicant failed to serve one of several affected parties—Promotion of Administrative Justice Act 3 of 2000, s 7(1).

Minerals and petroleum - Petroleum—Retail—Site licence—Refusal—Internal appeal against—Discretion of Minister—Minister did not err in taking into account impact on existing fuelling stations in area—Petroleum Products Act 120 of 1977, s 2B(2) and reg 18(2).

Practice - Applications and motions—Application proceedings—Service of documents initiating proceedings—On attorney of record of respondent—Attorney of record meaning attorney formally representing party in proceedings already instituted—Uniform Rules, rule 4(1)(aA).”

*Bryer NO and Others v Heritage Western Cape* 2018 (5) SA 597 (WCC)

“Heritage - Protection of heritage resources—Development of sites—Obligation of developer to notify provincial heritage authority where development will change character of site exceeding 5000 m<sup>2</sup> in extent (s 38(1)(c)(i) of NHRA)—‘Site’ meaning area of ground on which development in fact taking place, not ‘erf’—If footprint of development less than 5000 m<sup>2</sup>, notification not required, even where erf on which development located exceeds 5000 m<sup>2</sup>—National Heritage Resources Act 25 of 1999, s 38(1)(c)(i).”

## PUBLICATIONS

### National

“Resilient Cape Town Preliminary Resilience Assessment (Report September 2018)

### International

Olawuyi DS *Extractives Industry Law in Africa* ([Springer](#) 2018)

“Establishing a Holistic Environment, Health and Safety (EHS) Strategy for Kenya’s Petroleum Value Chain” Kenya Extractives Policy Dialogues Paper No. 3 (September 2018)

Calatrava J and Martínez-Granados D “Water buybacks to recover depleted aquifers in south-east Spain” 2018 *International Journal of Water Resources Development* <https://doi.org/10.1080/07900627.2018.1504756>

Touchette Yanick and Gass Philip “Public Cash for Oil and Gas: Mapping federal fiscal support for fossil fuels” [Canada] ([IISD](#) Report September 2018)

ICLEI “What’s Driving Changes in Local GHG Emissions? Results from Contribution Analysis” ([Report](#) September 2018)

2018 [Journal of Human Rights and the Environment](#) (JHRE) 9(2)

- Grant Evadne “Editorial: Indigeneity, Environment and Rights” [Free article for download]
- Watson Irene “Aboriginal relationships to the natural world: colonial ‘protection’ of human rights and the environment” [Free article for download]
- Parks Louisa “Spaces for local voices? A discourse analysis of the decisions of the Convention on Biological Diversity”
- Cullen Miriam “Eaten by the sea’: human rights claims for the impacts of climate change upon remote subnational communities”
- Bähr Cordelia Christiane *et al* “KlimaSeniorinnen: lessons from the Swiss senior women's case for future climate litigation” [Open access]
- Book Review: Gonzalez Carmen G “Lakshman Guruswamy, *Global Energy Justice: Law and Policy* (West Academic Publishing, St Paul, MN 2016) 214 pp”
- Book Review: May James R “Louis J Kotzé, *Global Environmental Constitutionalism in the Anthropocene* (Hart Publishing, Oxford 2016) 304 pp”

Wasser SK *et al* “Combating transnational organized crime by linking multiple large ivory seizures to the same dealer” [Science Advances](#) 4(9) DOI: 10.1126/sciadv.aat0625

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

### **National interest**

[The Conversation](#): Bouwman H “Does South Africa have a microplastics problem? Our research says yes” 16 September 2018

[The Conversation](#): Kritzinger A ‘Plant blindness’ is a real thing: why it’s a real problem too” 19 September 2018

[News24](#): Caboz J: “Amazing satellite photos show how alien trees are being wiped out in Cape Town” 20 September 2018

[Mail & Guardian](#): Kings S “Tiny beetles cause a giant crisis” 21 September 2018 [subscription needed]

### **African regional interest**

[The Conversation](#): Brown S “African countries aren’t doing enough to prepare for rising sea levels” 16 September 2018

[The Conversation](#): Olutola O “Why nuclear energy should be part of Africa’s energy mix” 16 September 2018

[The Conversation](#): Bladergroen BJ “Explainer: why lithium ion batteries could be a game changer in Africa” 18 September 2018

[Guardian](#): Margonelli L “A giant crawling brain: the jaw-dropping world of termites” 18 September 2018

[Mail & Guardian](#): Kings S “Food insecurity rising in Africa” 21 September 2018

### **General in rest of the world**

[The Conversation](#): Manderson L “Climate change, water and the spread of diseases: connecting the dots differently” 16 September 2018

[IISD](#) ENB: First Session of the Intergovernmental Conference on an International Legally Binding Instrument under the UN Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biodiversity of Areas beyond National Jurisdiction 4-17 September 2018 | UN Headquarters, New York

[Yale Climate](#) Connections Video: Myhre Sara and Kiehl Jeffrey “Textbook Trauma: The Emotions of Climate Change” September 2018.  
Two scientists discuss the emotional impacts of climate change.

[Global Wind Atlas](#) Version 2.2 – also read [blog](#) post

[IISD](#) SDG Knowledge Hub: Mead L “California Governor Signs 100% Renewables into Law as the State Aims for Carbon Neutrality” 20 September 2018

[IISD](#) SDG Knowledge Hub: Wahlén CB “Northern European Countries Rank Highest Among Rich Countries that Help Poor” 20 September 2018 – find the Index [here](#)

[IISD](#) SDG Knowledge Hub: Mead L “Revamped UN Climate Action Portal Aims to Capture and Drive Climate Action” 20 September 2018

[Independent](#): Bergman S “Everything you've been told about plastic is wrong – the answer isn't recycling” 21 September 2018

[Guardian](#): Carrington D “UN environment chief criticised by UN over frequent flying” 21 September 2018

[Guardian](#): Heacox A “Greed is killing Alaska's salmon habitat – but we can still save it” 21 September 2018

[Guardian](#): Carrington D “Microplastics can spread via flying insects, research shows” 19 September 2018

[Guardian](#): Barkham P “On the ‘Varsity Expressway’ route, fears grow of a tarmac hell” 16 September 2018

[Guardian](#): Smee B “Adani coalmine: full environmental statement not required to expand dam 450%” 18 September 2018

[Guardian](#): Moss S “Invisible killer: how one girl's tragic death could change the air pollution story” 22 September 2018

[Guardian](#): Neslen A “EU must end new petrol and diesel car sales by 2030 to meet climate targets – report” 20 September 2018

[News24](#): “WATCH: Bulgarian dams threaten the environment” 21 September 2018

[News24](#): “Propping up glaciers to avoid cataclysmic sea level rise” 21 September 2018

[News24](#): “Watch: a satellite has successfully shown it can snare space junk in orbit with this net” 21 September 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### NWU – Centre for Environmental Management Courses 2018

- **CEM-05.1.1 Environmental impact assesement for practitioners**  
Date: 8 - 12 October 2018
- **CEM-02.3.1b Environmental legal liability (Awareness)**  
Date: 9 October 2018
- **CEM-01.2.1 Safety, health, environmental and quality (SHEQ) management**  
Date: 15 - 26 October 2018
- **CEM-02.2.1 Occupational health and safety law**  
Date: 16 - 18 October 2018
- **CEM-03.1.1 Environmental management systems**  
Date: 22 - 26 October 2018
- **CEM-02.1.1 Environmental law**  
Date: 29 October - 2 November 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

### 2018 NACA Conference

Dates: 30 October – 1 November 2018

Venue: Riverside Sun, Vanderbijlpark

[Website](#) for more information

### Symposium of Contemporary Conservation Practice

Date: 5-9 November 2018

Venue: St Ives, KwaZulu-Natal Midlands

[Website](#)

### CBSS Training Workshops: Integrated Water Authorisations and Integrated Water and Waste Management Plans

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

**Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

### Chief Directorate: Integrated Environmental Authorisations (IEA) of the Department of Environmental Affairs (DEA) stakeholder engagement in the Environmental Impact Assessment Sector

The Directorate has identified the need to interact closely with every stakeholder in the Environmental Impact Assessment sector with a view to improve work relations and improved implementation of the EIA Regulations, 2014 and Listing Notices, 2014. To this end, DEA, through the Chief Directorate: IEA, will be embarking on provincial visits in a form of seminars to engage with all sector stakeholders.

Venues: To be announced

Date and Place:       18 October 2018 – Bloemfontein  
                              31 October 2018 – Rustenburg  
                              Provisionally mid-November 2018 – Pietermaritzburg  
                              Provisionally end January 2019 – George  
                              Provisionally mid February 2019 – Polokwane  
                              Provisionally end February 2019 – Mbombela  
                              Provisionally mid March 2019 - Pretoria

For any queries please do not hesitate to contact Mr. Franz Scheepers through [email](#)

## International

### **IAIA Free Webinar: A Rapid tour of emerging technologies and IA**

Emerging technologies are dramatically changing the ways that many professions approach their work, from law to medicine, from architecture to astronomy. How will impact assessment (IA) be affected? What should we know now, and what should we be thinking about in the future? Join IAIA Past President, Marla Orenstein, on 18 September for a free 45-minute webinar to explore this topic and address three questions:

- What emerging technologies may play an increasingly large role in impact assessment?
- What is the best use of artificial intelligence (AI) within impact assessment right now?
- What are the logistic, social and ethical implications of using emerging technologies within IA?

[Click](#) for a complete description and to register.

### **25th Biennial Colloquium of the Italian Association of Comparative Law Food Law: A Comparative Perspective (AIDC)**

Date: 23-25 May 2019

Place: Parma

The deadline for applications is January 7th, 2019

More information [here](#)

### **Environmental Justice MOOC starting 15 October**

This free 5 week online course is open to everyone around the world. For the first time the teaching is available in Spanish as well as English.

Understand how climate change, biodiversity loss and deforestation affect people, exploring justice in environment management.

Learn with the University of East Anglia's Global Environmental Justice Group - an interdisciplinary mix of scholars interested in social justice and environmental change.

Hear from activists around the world, and share your own experiences with other learners from many different backgrounds.

Enrol [here](#)

### **The "End" of Environmental Law? A Multi-disciplinary Conference**

Date: Friday 18 January 2018

Place: University of Arizona, James E Rogers College of Law, Tuscon, Arizona, USA

This one-day conference will question the current relevance of federal environmental law in view of political developments in Washington, D.C. and state houses around the country and abroad, on-going changes to the landscape resulting from climate change, and philosophical shifts that are challenging fundamental paradigms supporting federal environmental laws.

The conference will consist of three panels and a dinner, and guests are invited to stay through Saturday for a hike and other activities.

Panels:

- The "end" of the environment as we know it
- The "end of traditional paradigms associated with federal environmental law

- What "ends" should we be aiming for?

For more information contact: Prof [Kirsten Engel](#)

## **EU Workshop in SA on Policy-making in the field of water-energy-food-health: applications open**

More [information](#)

The target audience for this call is early to mid-career researchers from Africa.

## **NEWS**

### **National**

#### **Mining: Charter ready for Cabinet this week – Mantashe**

“The third iteration of the Mining Charter will be presented to President Cyril Ramaphosa early this week and debated in a Cabinet meeting on Wednesday, ahead of its implementation, says Mineral Resources Minister Gwede Mantashe, according to BusinessLIVE. After extending the public comment period on the draft charter to the end of August, 126 more submissions were made and these have been considered, he said. The report notes the third version of the charter has been extensively debated since Mantashe was appointed Mineral Resources Minister in February, replacing the discredited Mosebenzi Zwane, who oversaw an initial version of the third charter that was roundly criticised by mining companies, investors and lawyers. The draft version Mantashe put into the market in June, on the one-year anniversary of Zwane’s document, was regarded as an improvement, but still considered deeply flawed by the Minerals Council SA, with a 10% free-carry stake to be shared between labour and communities as part of their 16% stake in mining companies and projects. The draft also proposed a trickle dividend of 1% from the operating profit line, which was also picked out as problematic by the council. It remains to be seen what changes will be made to the final charter Mantashe will present to Ramaphosa today, and when it will be made public, notes the report. Mantashe said he would, at the same Cabinet meeting on Wednesday, propose scrapping the long-delayed and problematic Bill amending the Mineral and Petroleum Resources Development Act (MPRDA), allowing for the separation of the oil and gas sectors in the Act and putting them into their own Acts. Mantashe also took a swipe at Energy Minister Jeff Radebe for wanting to have the Bill amending the MPRDA expedited, noting it is a decision that rests with him alone.

[Full BusinessLIVE report](#) *Legalbrief* 17 September 2018

“Mining Charter gets the cabinet’s stamp of approval” [BusinessLive](#) 19 September 2018 [Source: *Legalbrief* 20 September 2018]

Mkokeli S, Njini F and Steyn S “State eases some of the more controversial provisions in Mining Charter” [BusinessLive](#) 21 September 2018 [Source: *Legalbrief* 21 September 2018]

Sain R “Hefty prison sentence for 'arch villain' in abalone syndicate” [IOL](#) 19 September 2018 [Source: *Legalbrief* 20 September 2018]

“De Lille: 'Apartheid spatial planning, drought affecting City's resilience’” [Weekend Argus](#) 21 September 2018

Reynolds K “Gwede Mantashe to meet Xolobeni residents opposed to mining” [GroundUp](#) 21 September 2018

Gous N “Good news in battle against rhino poaching” [TimesLive](#) 21 September 2018

Jordaan N “Let us regulate ourselves, say traditional healers” [TimesLive](#) 21 September 2018

Mitchley A and Cowan K “Gupta associate in court battle over Tegeta shares” [Mail & Guardian](#) 19 September 2018

“Cyril Ramaphosa’s rescue plan for SA in six key points” [BusinessLive](#) 21 September 2018

Sole S “Corruption in the courtroom: A sordid tale of sex, gambling, poachers and payoffs” [News24](#) 22 September 2018

Petersen T “Rhino horn syndicate: Another Mpumalanga cop arrested” [News24](#) 20 September 2018

Evans J “‘These are the guys making millions’ - Hawks after busting alleged rhino horn syndicate” [News24](#) 19 September 2018

Zietsman G “#WorldRhinoDay: ‘Magnificent Seven’ orphaned rhinos all grown up and thriving” [Traveller24](#) 22 September 2018

Evans J “SA has lost 96 million abalone to poaching since 2000 - new report” [News24](#) 19 September 2018

## **International**

“Paris, Brussels call for car-free day in Europe to ease air pollution” [Newsline](#) 15 September 2018

“Seychelles: Project Fishguard - Seychelles to Monitor Illegal Fishing with Unmanned Drones” [allAfrica](#) 16 September 2018

### **Cities and finance join forces to launch new global initiative to strengthen urban climate investment**

- Cities and finance join forces to launch new global initiative to strengthen urban climate investment
- Pilot initiative launched today - Global Climate City Challenge - to strengthen technical preparation and financing for cities in Africa, Asia and Latin America
- Global Covenant of Mayors for Climate & Energy and European Investment Bank partner to accelerate urban climate action

The Global Climate City Challenge launched in San Francisco today will address key technical and financing barriers to strengthen investment in green projects and programmes essential to improve resilience to a changing climate in cities home to millions of people. Urban climate action projects will be strengthened by accessing best-practice and technical assistance intended to mitigate the risks of climate change, enhance impact and improve financial sustainability of first time projects. Projects in an initial six cities will be selected to benefit from the Global Climate City Challenge and eligible schemes can get in touch today.

People living in cities around the world will benefit from the new initiative intended to mitigate the risks of climate change and enhance the impact of climate related investment. The new initiative seeks to transform financing for low-carbon and climate resilient infrastructure by mobilising significant private investment and increasing support from public resources. The programme will strengthen financing to help cities to cope better with a changing climate, cut energy bills, improve waste and water use and support low carbon and resilient sustainable development. Urban climate action to benefit from global perspective and unique financial expertise The Global Climate City Challenge is a joint initiative of the Global Covenant of Mayors for Climate and Energy, representing over 9,000 cities from six continents, and the European Investment Bank, the world's largest international public bank, and in collaboration with global and local city networks, including ICLEI – Local Governments for Sustainability and C40 Cities Climate Leadership Group. FELICITY, a technical assistance programme for low-carbon infrastructure projects in cities jointly led with the German Corporation for International Cooperation (GIZ) will also contribute to the Challenge. The German Federal Ministry of the Environment (BMU) envisages expanding FELICITY, which will contribute to Global Urbis and the respective partnership between GCoM and the EIB. The Global Climate City Challenge was launched at the Global Climate Action Summit by Mauricio Rodas, Mayor of Quito and Global Covenant of Mayors Board Member, and Jonathan Taylor, European Investment Vice President. [ICLEI Press Release]

Holden E “Nasa launches satellite to precisely track how Earth's ice is melting” [Guardian](#) 22 September 2018

Cox L “Bipartisan inquiry recommends Australia ban domestic ivory trade” [Guardian](#) 20 September 2018

Gerretsen I “More than just going green, two Dutch cities are aiming for a circular economy” [BusinessLive](#) 22 September 2018

“DNA sleuths bolster case against three ivory cartels” [News24](#) 21 September 2018

“Live animals, meat, ivory, wood seized in global trafficking stings” [News24](#) 21 September 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

**NWU SARChI Chair in Cities, Law and Environmental Sustainability (CLES): full-time LLM, LLD and Post-doc research positions**

The NWU SARChI *Chair in Cities, Law and Environmental Sustainability (CLES)* invites applications for full-time LLM, LLD and Post-doc research positions in 2019.

Applications close: 15 October 2018.

Detailed information available [here](#)

Any questions to be directed to the Chair: Prof [Anél du Plessis](#) -

**UKZN: College of Law and Management Studies School of Law Professor/  
Associate Professor / Senior Lecturer / Lecturer Howard College Campus  
(2 Posts) Pietermaritzburg Campus (1 Post) Reference Number: L01/2018**

Closing date: 30 September 2018

Click [here](#) for more information

**Nelson Mandela University: Senior Lecturer/Associate  
Professor/Professor (Mercantile Law)**

Closing date: 5 October 2018

More [information](#)

**Nelson Mandela University - Associate Lecturer/Lecturer (Criminal and  
Procedural Law)**

Core Purpose of Job: To provide teaching, research and engagement in the  
Department of Criminal and Procedural Law

Key Performance Areas: Teaching and research in the field of criminal justice  
and law enforcement; Supervision of research students in the relevant  
areas; Attending to administration and other duties related to the above-  
mentioned

Core Competencies: Ability to teach and conduct research or potential to grow  
in teaching and research in the field of criminal justice or law enforcement; Ability  
or potential to supervise in the relevant areas;

Requirements: Associate Lecturer: LLB degree with a good academic record;  
Lecturer: LLM degree; Demonstrable interest in becoming a successful  
academic; Demonstrable interest in criminal justice.

The following will be advantages: Relevant teaching or practical experience or a  
doctorate in law or progress towards a doctoral degree.

Enquiries: [A/Prof A.E. Tshivhase](#) / Tel: 041 504 2198

## **International**

Corporate and Legal Officer (SA and SADC countries)

More [information](#)

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## ELA NEWSLETTER 38

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### LEGISLATION

#### ACTS

Traditional Health Practitioners Act 22 of 2007 – Proc 29 in GG 41945 of 28 September 2018 - commencement of ss. 1, 2, 3, 11 (1) and 11 (2) - 1 October 2018

#### NOTICES

Mineral and Petroleum Resources Development Act 28 of 2002 - GN 1002 in GG 41934 of 27 September 2018 - Broad-Based Socio-Economic Empowerment Charter for the Mining And Minerals Industry, 2018 (Mining Charter, 2018) published and Broad-Based Socio-Economic Empowerment Charter for the Mining Industry, 2004 and Broad-Based Socio-Economic Empowerment Charter for the Mining and Minerals Industry, 2017 repealed

### PROVINCES

#### Gauteng

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and the Spatial Planning and Land Use Management Act 16 of 2013 - MN 104 in PG 2002 of 27 September 2018 - Newcastle Local Municipality - Amendments to the Spatial Planning and Land Use Management By-laws

National Building Regulations and Building Standards Act 103 of 1977 - MN 105 in PG 2002 of 27 September 2018 - Newcastle Local Municipality - Building By-laws

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and the Spatial Planning and Land Use Management Act 16 of 2013 - MN 106 in PG 2002 of 27 September 2018 - KwaDukuza Local Municipality: Municipality Planning and Land Use Management By-law, 2016 published with effect from 1 January 2019

Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) - MN 107 in *PG* 2002 of 27 September 2018 - Term of office for KwaDukuza Municipal Planning Tribunal (MPT) members appointed extended for a further two years

## **Limpopo**

National Building Regulations and Building Standards Act 103 of 1977 - PN 136 in *PG* 2944 of 21 September 2018 - Fetakgomo Tubatse Local Municipality - Notice of approval and adoption of the Building Regulations By-law

## **Western Cape**

Disaster Management Act 57 of 2002 - LAN 57291 in *PG* 7981 of 21 September 2018 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of disaster as a result of a devastating fire in the Imizamo-Yethu informal settlement situated in Hout Bay for a further one-month period from 1 October 2018 until 31 October 2018

Disaster Management Act 57 of 2002 - LAN 57292 in *PG* 7981 of 21 September 2018 - City of Cape Town Metropolitan Municipality - Extension of declaration of a local state of drought disaster for a further one month from 25 September 2018 to 25 October 2018

Western Cape Land Use Planning Act 13 of 2014 and Municipal Land Use Planning By-law, 2015 - LAN 57296 in *PG* 7981 of 21 September 2018 - Overstrand Local Municipality - Notice of intention to conduct a review of the Spatial Development Framework

## **Northern Cape**

Spatial Planning and Land Use Management Act 16 of 2013 - MN 32 in *PG* 2214 of 24 September 2018 - Kareeberg Local Municipality - Revision and expansion of the Spatial Development Framework (SDF) and the appointment of the service provider for the project

## **Gauteng**

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 1571 in *PG* 271 of 26 September 2018 - Merafong City Local Municipality - Notice of intention to adopt the Land Use Scheme, 2018

## **Mpumalanga**

Mpumalanga Tourism and Parks Agency Act 5 of 2005 - ON 4 in *PG* 2970 of 21 September 2018 - Determination of remuneration payable to Members of the Board

## CASES

### National

*Nedbank Limited v Thobejane; Firstrand Bank Limited v Malatjie and Another; Standard Bank of South Africa v Mpongo; Absa Bank Limited v Van der Merwe and Another; First Rand Bank Limited v Mahlangu; Standard Bank of South Africa v Wooditadpersad and Another; Nedbank Limited v Sonko; Standard Bank of South Africa Limited n Nkwinika; Firstrand Bank Limited v Langbehn and Another; Standard Bank of South Africa v Lempe; Standard Bank of South Africa v Goeieman and Another; Absa Bank Limited v Igwilo and Another; Absa Bank Limited v Pillay and Another* (84041/15; 93088/15; 99562/15; 36/16; 736/16; 1114/16; 1429/16; 3429/16; 6996/16; 16228/16; 29736/1; 30302/16) [2018] [ZAGPPHC](#) 692 (26 September 2018)

“[1] This matter concerns that are two-fold. The first is the ever increasing tendency by litigants, mainly banks and other commercial institutions, to enrol in the High Court, foreclosure applications with amounts falling within the jurisdiction of the Magistrates’ Courts. Secondly, litigants taking advantage of concurrent jurisdiction between the Gauteng Division, even where it involves parties located within the jurisdiction of the Gauteng Local Division, Johannesburg.

[3] The aforesaid raised concern for two reasons. The first being that, especially in matters brought by financial institutions, often impecunious defendants or respondents will have to travel in person from distances far away from the Court, to appear and oppose these matters, in other instances being unable to appear in person, due to the prohibitive transport and other related costs.

[4] This is of concern as the possibility arises that these people are denied proper access to justice. The second concern was that these matters, which could easily have been dealt with within the jurisdiction of other courts cause enormous congestion of the rolls and result in matters where the parties have no choice but to institute action in this Court.”

*WWF South Africa v Minister of Agriculture, Forestry and Fisheries and Others* (11478/18) [2018] [ZAWCHC](#) 127 (26 September 2018)

“The order of the court is as follows:

(a) The second respondent’s determination of the total allowable catch for West Coast Rock Lobster for the 2017/18 fishing season is declared to be inconsistent with the Constitution as read with s 2 of the National Environmental Management Act 107 of 1998 and s 2 of the Marine Living Resources Act 18 of 1998 and is accordingly declared invalid.”

*Rand Water v Zuikerbosch Biocal Products CC and Taroline (Pty) Ltd Joint Venture and Another* (52056/16) [2018] [ZAGPPHC](#) 679 (21 September 2018)

“Case Summary: Arbitration – Arbitration Act 42 of 1965 – s 33(1)(a) and (b) – Setting Aside of Arbitral Award – whether arbitrator has exceeded his powers, has misconducted himself in relation to his duties as arbitrator or has committed any gross irregularity in the conduct of the arbitration proceedings.”

“[1] The applicant, Rand Water, seeks the review and setting aside of the arbitral award made by the second respondent, Ezra Goldstein N.O. (the

arbitrator), on 24 May 2016, in arbitration proceedings between it and the Zuikerbosch Biocal Products CC (Zuikerbosch) and Taroline (Pty) Ltd (Taroline) joint venture (the joint venture). The application is brought in terms of s 33(1)(a) and (b) of the Arbitration Act 42 of 1965 (the Act), which provides for the setting aside by the court of an award where ‘(a) any member of an arbitration tribunal has misconducted himself in relation to his duties as arbitrator or umpire; or (b) an arbitration tribunal has committed any gross irregularity in the conduct of the arbitration proceedings or has exceeded its powers’.

[2] Rand Water is a public entity and bulk water supplier. Its water processing and purification processes produce significant quantities of sludge (containing agricultural lime). The sludge is deposited from its water purification plant into drying beds situated at its Panfontein sludge disposal site (Panfontein). The dried sludge is regularly removed from the drying beds for use in, *inter alia*, the agricultural sector by farmers to treat or improve the soil for agricultural purposes. The dried sludge is collected, crushed, screened/sieved and loaded onto trucks for sale to farmers as a ground improvement agent. Rand Water has over the years concluded short term contracts with various service providers to remove the sludge from the drying beds at their own cost in return for a nominal fee of less than R2 per ton of sludge. Traditionally, the sludge removed was delivered to farmers within a 150 km radius of Panfontein.”

## International

*Food & Water Watch v. United States Dep’t of Agric.*, No. CV 17-171 4 (BAH), 2018 [WL](#) 4283568 (D.D.C. Sept. 7, 2018)

“The plaintiff, Food & Water Watch (“FWW”), has filed a nine-count complaint against three defendants, the United States Department of Agriculture, the Farm Service Agency, and Deanna Dunning, in her official capacity as an FSA Farm Loan Officer (collectively, “defendants”), under the Administrative Procedure Act, 5 U.S.C. § 551, et seq., and the National Environmental Policy Act, 42 U.S.C. §§ 4321–70, seeking an order and judgment setting aside an environmental assessment completed by the defendants in connection with a nonparty farm’s ‘application for a guaranteed loan to construct and operate a poultry concentrated animal feeding operation,’ ‘[d]eclaring that Defendants violated NEPA by failing’ to complete an adequate environmental impact statement in connection with the loan application, and ‘[e]njoining implementation of Defendants’ loan guarantee.”

## PUBLICATIONS

### National

Sweet J *Managing Environmental Compliance in South Africa* (LexisNexis forthcoming January 2018) 10% discount for pre-orders – the book is not available yet

Lauriol Thierry and Raynaud Émilie “Oil, Gas and Mining Law in Africa” ([Juta](#) September 2018)

## International

Booth S *et al* "Productive Use of Energy in African Micro-grids Technical and Business Considerations for Developers and Entrepreneurs" ([Report](#) August 2018) Click [here](#) for more information

Booth S *et al* "Customer Agreement Considerations for Microgrids in sub-Saharan Africa" ([Report](#) August 2018)

Texas A&M University School of Law "Flooding Events Post Hurricane Harvey: Potential Liability and Dam and Reservoir Operators and Recommendations Moving Forward" ([Report](#) September 2018)

"Efficiency for Access & Practitioner Network: Survey Explores Demand & Impact of Off-Grid Appliances" ([Report](#) September 2018)

"Goal Keepers Report" ([Report](#) Bill and Melinda Gates Foundation September 2018) – more information [here](#)

Kaza, Silpa; Yao, Lisa C.; Bhada-Tata, Perinaz; Van Woerden, Frank *What a Waste 2.0 : A Global Snapshot of Solid Waste Management to 2050* (Urban Development Washington, DC World Bank © World Bank <https://openknowledge.worldbank.org/handle/10986/30317> License: CC BY 3.0 IGO 2018) Download book [here](#)

UNDP "Human Development Indices and Indicators: 2018 Statistical Update" ([Report](#) September 2018)

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

### National interest

[The Conversation](#): Broadbent A "Fourth industrial revolution: sorting out the real from the unreal" 23 September 2018

[Webber Wentzel](#): "E-Alert: Mining Charter III - what you need to know about the final version published" 28 September 2018

[World Bank](#): Worldwide Governance Indicators (WGI)

"The Worldwide Governance Indicators (WGI) project reports aggregate and individual governance indicators for over 200 countries and territories over the period 1996–2017, for six dimensions of governance:

- Voice and Accountability
- Political Stability and Absence of Violence
- Government Effectiveness
- Regulatory Quality
- Rule of Law
- Control of Corruption"

DEA National Screening Tool Webinar – recording available [here](#)

Wildlife Habitat Council: "Enhancing Habitat Connectivity through Corporate Conservation" ([White Paper](#) September 2018) [Source: National Biodiversity and Business Network - September 2018 Newsletter]

## **African regional interest**

[Extractives Baraza](#): Mugisha Ivan R “Rwanda alters mining law, pushing out small players” 26 September 2018

[The Conversation](#): Makindi S “Community lessons on how humans and wildlife can co-exist” 25 September 2018

[IISD](#) SDG Knowledge Hub: Mead L “Africa’s Environment Ministers Urge Action on Environmental Challenges through Innovative Solutions” 25 September 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén “Ministerial Roundtable Discusses Blue Economy in Southern Africa” 24 September 2018

[IISD](#) SDG Knowledge Hub: Mead L “Namibia Launches NDC Partnership Plan for Climate Action” 24 September 2018

## **General in rest of the world**

[Science](#): Perkins D “This ice-covered Icelandic volcano may emit more carbon dioxide than all of the country’s other volcanoes combined” 21 September 2018

[Science](#): Schembri F “Watch a hurricane put a dent in Earth’s crust” 19 September 2018

[Science](#): Voosen P “NASA climate mission Trump tried to kill moves forward” 28 September 2018

[Science](#): Pennisi E “Long-banned toxin may wipe out many killer whales” 27 September 2018

[Science](#): Reese A “Humans braved Australia’s hostile desert interior thousands of years earlier than thought” 26 September 2018

[Science](#): Cornwall W “Common weed killer—believed harmless to animals—may be harming bees worldwide” 24 September 2018

[Science](#): Schembri F “Testing and cleaning North Carolina’s water supply post-Florence could prove tricky. A microbiologist explains why” 21 September 2018

[IISD](#) ENB: 14th Meeting of the Persistent Organic Pollutants Review Committee of the Stockholm Convention 17-21 September 2018 | Rome, Italy

[IISD](#) SDG Knowledge Hub: Whitewater C “EEA Report Highlights Need for Action on Mercury” 27 September 2018

[IISD](#) SDG Knowledge Hub: Jungcurt S “FAO’s Agricultural Market Report Shows How Trade Policies Can Ensure Food Security under Climate Change” 27 September 2018

[IISD](#) SDG Knowledge Hub: Paul D “GWP Assists African Countries to Prepare Projects for GCF Financing” 27 September 2018

[IISD](#) SDG Knowledge Hub: Rajan PD and Prathapan KD “Convention on Biological Diversity: Overcoming Research Impediments” 24 September 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C “Experts Discuss Inequality in Preparation for 2019 Report” 25 September 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C “Conference Addresses Management Tools for Marine Biodiversity Areas beyond National Jurisdiction” 25 September 2018

[IISD](#) SDG Knowledge Hub: Mead L “America’s Pledge Report: Non-state Actors Bring the US “Within Striking Distance” of Paris Agreement Goal” 24 September 2018

[IISD](#) SDG Knowledge Hub: Paul D “WSSCC, 3ie Map Evidence for Effectiveness of WASH Interventions” 24 September 2018

[NOLA](#) “Ignoring climate change will get us 'extremely wet, extremely soon'” 25 September 2018

[FSU Law](#) Review Rehearing 2018 Transcript: Ryan E et al “Juliana v. United States: debating the fundamentals of the fundamental right to a sustainable climate” 13 April 2018

[The Guardian](#): Milman O “World 'nowhere near on track' to avoid warming beyond 1.5C target” 27 September 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### NWU – Centre for Environmental Management Courses 2018

- **CEM-05.1.1 Environmental impact assessement for practitioners**  
Date: 8 - 12 October 2018
- **CEM-02.3.1b Environmental legal liability (Awareness)**  
Date: 9 October 2018
- **CEM-01.2.1 Safety, health, environmental and quality (SHEQ) management**  
Date: 15 - 26 October 2018
- **CEM-02.2.1 Occupational health and safety law**  
Date: 16 - 18 October 2018
- **CEM-03.1.1 Environmental management systems**  
Date: 22 - 26 October 2018
- **CEM-02.1.1 Environmental law**  
Date: 29 October - 2 November 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

#### 2018 NACA Conference

Dates: 30 October – 1 November 2018

Venue: Riverside Sun, Vanderbijlpark

[Website](#) for more information

#### Symposium of Contemporary Conservation Practice

Date: 5-9 November 2018

Venue: St Ives, KwaZulu-Natal Midlands

[Website](#)

## **CBSS Training Workshops: Integrated Water Authorisations and Integrated Water and Waste Management Plans**

- **Cape Town**

Date: 12-14 February 2019 in (last date for registration 29 January 2019)

**Refresher Course: Integrated Water Resource Management, the National Water Act, Water Use Authorisations and Integrated Water and Waste Management Plans (if you previously attended the IWRM Course, and need updating with the New 2017 WULA Regulations)**

- **Cape Town**

Date: 14 February 2019 in (last date for registration 29 January 2019)

[Course description](#) and [registration details](#) and [Website](#)

Contact for additional information: [Glaudin Kruger](#) (Course Coordinator, Tel: 028 316 2905) or [Carin Bosman](#) (Course Presenter)

## **Chief Directorate: Integrated Environmental Authorisations (IEA) of the Department of Environmental Affairs (DEA) stakeholder engagement in the Environmental Impact Assessment Sector**

The Directorate has identified the need to interact closely with every stakeholder in the Environmental Impact Assessment sector with a view to improve work relations and improved implementation of the EIA Regulations, 2014 and Listing Notices, 2014. To this end, DEA, through the Chief Directorate: IEA, will be embarking on provincial visits in a form of seminars to engage with all sector stakeholders.

Venues: To be announced

Date and Place: 18 October 2018 – Bloemfontein  
31 October 2018 – Rustenburg  
Provisionally mid-November 2018 – Pietermaritzburg  
Provisionally end January 2019 – George  
Provisionally mid February 2019 – Polokwane  
Provisionally end February 2019 – Mbombela  
Provisionally mid March 2019 - Pretoria

For any queries please do not hesitate to contact Mr. Franz Scheepers through [email](#)

## **EWT National Biodiversity and Business Network 2018 Indaba: Biodiversity Offsetting for the Benefit of Biodiversity and Business**

Place: Johannesburg

Dates: 30 - 31 October 2018

Proceedings will be guided by experts in the field of biodiversity offsets, namely Susie Brownlie (deVilliers Brownlie Associates), Amrei von Hase (Forest Trends) and Dave Cox (Institute for Natural Resources). The Indaba will involve short formal training sessions as well as interactive sessions that draw on case studies and the experience of participants to facilitate learning. Day 1 will provide delegates with an opportunity to build their capacity on the theory of biodiversity offsetting, whilst on Day 2 delegates will be presented with the opportunity to delve deeper into the key practical issues.

Minimal registration fee required.

The programme for the event will be circulated in the coming weeks. Seats are limited so please secure yours as soon as possible by emailing [Megan Murison](#).

## International

### **UNITAR e-learning course: Renewable Energies for Sustainable Development**

Do you wish to gain a comprehensive overview of renewable energy as a means for fostering resilience in your community, village, country or neighbourhood? Then the United Nations Institute for Training and Research (UNITAR), the University of Strathclyde and Gaia Education cordially invite you to join the online programme Renewable Energies for Sustainable Development.

Access to energy is a prerequisite for economic and social development, as almost every type of productive activity needs energy as an input. With this course you will enhance your capacity as a change maker to take an informed decision on which renewable energy technologies will meet the emerging needs of your country, communities, villages or neighbourhoods.

We have now begun enrolling students, so be quick to book your place and learn from renewable experts in our global classroom.

The course starts on 8 October 2018, for a period of 8 weeks. In order to get the full benefit of the course we suggest you should dedicate 5 hours a week to your study.

For more information and / or to register, click [here](#)

Social Development Programme (UNITAR) [e-mail](#)

Gaia Education [email](#)

### **World Energy & Meteorology Council and the Technical University of Denmark (DTU): 6th International Conference Energy & Meteorology**

Place: Copenhagen, Denmark

Dates: 25-27 June 2019, with the pre-conference seminar on Monday 24 June.

Key Dates:

- Registration Opens: November 2018
- Abstract Submission Deadline: 25 January 2019
- Notification of Abstract Acceptance: 22 February 2019
- Early Bird Registration Closes: 19 April 2019

More details to follow via this [link](#)

On Twitter? Follow our dedicated ICEM2019 feed [here](#)

## NEWS

### **National**

“A Tribute to Minister Edna Molewa, by Dire Tladi” [IUCN](#) 24 September 2018

Reynolds K “Mantashe: I didn’t give the go-ahead on Xolobeni” [GroundUp](#) 26 September 2018

Dlamini P “Save the Vaal Environment proposes jail time for Vaal River polluters” [SowetanLive](#) 25 September 2018 [Source: Legalbrief 26 September 2018]

Yeld J “Damage to West Coast beaches from mining can be kept to “acceptable” levels, say consultants” [GroundUp](#) 25 September 2018 [Source: Legalbrief 26 September 2018]

Frykberg M “Cops accused of using excessive force in Xolobeni protest” [IOL](#) 25 September 2018 [Source: Legalbrief 26 September 2018]

Kings S “R700k wetland fine for luxury developer” [Mail & Guardian](#) 28 September 2018 [subscription needed]

Mkhize V “Vaal Pollution: 'It's Nomvula's fault'” [City Press](#) 30 September 2018

Magill T “Kogelberg under threat from City of Cape Town drilling programme” [City Press](#) 30 September 2018

Christie L “Panel discussions around legal uncertainty in SA Mining” *Mining Weekly* 24(37) 28 September – 4 October 2018 at 22

Oosthuizen J “Behavioural change a hurdle across industries” *Engineering News* 38(37) 28 September – 4 October 2018 at 36

### **Criminal: Eastern Cape High Court hears two abalone poaching cases**

“The mastermind in a multimillion-rand abalone enterprise, Morne Blignaut, was sentenced last week in the Eastern Cape High Court (Port Elizabeth) to an effective 20 years behind bars. IoL reports that Blignaut pleaded guilty and was convicted on two charges of racketeering and a charge of contravening the Marine Living Resources Act. He had initially pleaded not guilty to the charges but did an about-turn after it became apparent that the state had overwhelming evidence against him. Judge Daylin Chetty said Blignaut's guilty plea unveiled him as the mastermind behind the crimes. Chetty dismissed Blignaut's guilty plea as an indication of genuine remorse adding that if he was truly remorseful he would have, prior to the separation of his trial from that of his then co-accused, taken full responsibility for his role. Chetty found that Blignaut's role in a 'transnational criminal syndicate' was integral to its success and, given the duration of the activity on the Oliphants Kop farm, it must have yielded handsome financial rewards. 'The scale of the enterprise's activities extended far beyond provincial boundaries and establishes the reach of its organisational tentacles. It is not an issue that a substantial amount of the abalone found originated from the Western Cape, no doubt because of the plunder and depletion of the resources along the Eastern Cape coastline.' Chetty said Blignaut's previous conviction for possession of an excessive amount of abalone could not be ignored, adding that it pointed towards a tendency for repeat offences.” *Legalbrief Environmental* 25 September 2018

### **Environmental: Department's lobster quota ruled 'irrational'**

“The Western Cape High Court has set aside the government's lobster quota for 2017-18, ruling it irrational and unlawful, Die Burger reports. The World Wildlife Fund (WWF) took on the Ministry of Agriculture, Forestry & Fisheries about the decision to allow 1 924 tons of lobster to be caught on the West Coast. Judge Owen Rogers agreed with the environmental organisation that it was arbitrary and irrational to base the quotas from the previous year. The court held that the Minister and DG should have set the quota at 1 167 tons. The government should have set the quota based on best available scientific evidence as required by international law and not merely an adjustment of the previous season. Although the lobster catching season is over, the WWF says the judgment is important for the future. West Coast lobster numbers have declined dramatically over the last 50 years. The government was also ordered to pay the WWF's costs.” Full report in Die Burger (subscription needed) *Legalbrief* 27 September 2018

“Plastics industry should strive for zero pellet loss” *Engineering News* 38(37) 28 September – 4 October 2018 at 34

## International

Hall K “Federal appeals court overturns Tennessee coal ash cleanup order” [Jurist](#) 25 September 2018

Rohtla S “Federal judge rules Yellowstone grizzlies should remain protected” [Jurist](#) 25 September 2018

Rohtla S “California governor signs bill banning single-use plastic straws” [Jurist](#) 21 September 2018

Baynes C “Anti-fracking activists jailed for 'causing a public nuisance' during four-day protest” [The Independent](#) 27 September 2018

“Are consumers being duped by greenwashing that could harm the planet?” [The Independent](#) 26 September 2018

Taylor M “UK's children denied basic human right to clean air, says Unicef” [The Guardian](#) 28 September 2018

Vaughan A “UK government urged not to bury nuclear waste under national parks” [The Guardian](#) 28 September 2018

Remeikis A “PM claims Australia will meet Paris target 'in a canter' despite emissions climbing” [The Guardian](#) 30 September 2018

Vaughan A “Abandoning nuclear power plans 'would push up carbon emissions'” [The Guardian](#) 26 September 2018

Kuo L “Pollution pushes Mongolia's herders to reconsider city life” [The Guardian](#) 24 September 2018

Hood M “UN report confronts nations with tough choices on climate” [Mail & Guardian](#) 30 September 2018

Kwek G “It's not that bad! Science, tourism clash on Great Barrier Reef” [Mail & Guardian](#) 27 September 2018

“Wetlands disappearing three times faster than forests – study” [News24](#) 27 September 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

**NWU SARChI Chair in Cities, Law and Environmental Sustainability (CLES): full-time LLM, LLD and Post-doc research positions**

The NWU SARChI *Chair in Cities, Law and Environmental Sustainability (CLES)* invites applications for full-time LLM, LLD and Post-doc research positions in 2019.

Applications close: 15 October 2018.

Detailed information available [here](#)

Any questions to be directed to the Chair: Prof [Anél du Plessis](#) -

**Nelson Mandela University: Senior Lecturer/Associate Professor/Professor (Mercantile Law)**

Closing date: 5 October 2018

More [information](#)

**Nelson Mandela University - Associate Lecturer/Lecturer (Criminal and Procedural Law)**

Core Purpose of Job: To provide teaching, research and engagement in the Department of Criminal and Procedural Law

Key Performance Areas: Teaching and research in the field of criminal justice and law enforcement; Supervision of research students in the relevant areas; Attending to administration and other duties related to the above-mentioned

Core Competencies: Ability to teach and conduct research or potential to grow in teaching and research in the field of criminal justice or law enforcement; Ability or potential to supervise in the relevant areas;

Requirements: Associate Lecturer: LLB degree with a good academic record; Lecturer: LLM degree; Demonstrable interest in becoming a successful academic; Demonstrable interest in criminal justice.

The following will be advantages: Relevant teaching or practical experience or a doctorate in law or progress towards a doctoral degree.

Enquiries: [A/Prof A.E. Tshivhase](#) / Tel: 041 504 2198

**University of the Witwatersrand: Candidate Attorney at Wits Law Clinic**

Closing date: 12 October 2018

More [information](#)

**Province of the North-West Post 38/146 : Legal Administration Officer- MR 5 Ref No: 23/2018/19**

Directorate: Legal Services

Closing date: 5 October 2018

More [information](#)

**Department of Justice and Constitutional Development: Post 38/28 : Senior Assistant State Attorney, LP5-LP6 Ref No: 18/101/SA (X2 POSTS)**

The successful candidate will be required to sign a performance agreement.

Centre: State Attorney: Mahikeng

Closing date: 8 October 2018

More [information](#)

**Department of Justice and Constitutional Development: Post 38/29: Senior Assistant State Attorney, LP5-LP6 Ref No: 18/99/SA**

The successful candidate will be required to sign a performance agreement.

Centre: State Attorney: Port Elizabeth

Closing date: 8 October 2018

More [information](#)

**Department of Justice and Constitutional Development: Post 38/36: Copy Editor Ref No: 18/80/LD**

Centre: South African Law Reform Commission

Requirements : Appropriate Degree / National Diploma or equivalent in English, Publishing,

Closing date: 8 October 2018

More [information](#)

**Department of Justice and Constitutional Development: Post 38/146 : Legal Administration Officer- MR 5 Ref No: 23/2018/19**

Centre: Head Office

Requirements : Grade 12 or equivalent plus LLB Degree. At least 8 years appropriate post –qualification legal experience.

Closing date: 8 October 2018

More [information](#)

**Department of Justice and Constitutional Development: Post 38/42 : Assistant State Attorney LP3-LP4 Ref No: 18/104/SA**

Centre: State Attorney: Durban

Closing date: 8 October 2018

More [information](#)

**Department of Justice and Constitutional Development: Post 38/43 : Assistant State Attorney LP3-LP4 Ref No: 18/110/SA**

Centre : State attorney: Mafikeng

Closing date: 8 October 2018

More [information](#)

**Post 38/44 : Assistant State Attorney, (LP3-LP4) Ref No: 18/103/Sa (X2 Posts)**

Centre : State Attorney: Pretoria

Closing date: 8 October 2018

More [information](#)

**Post 38/45 : Assistant State Attorney, LP3-LP4 Ref No: 18/100/SA**

Centre : State Attorney: Johannesburg

Closing date: 8 October 2018

More [information](#)

**Varsity College Lecturer: Law - Cape Town Campus**

More [information](#)

Closing date: 5 October 2018

**Lecturer (Independent Contractor): School of Law - Sandton Campus**

Closing date: 16 October 2018

More [information](#)

**Project manager: natural capital accounting.**

The South African National Biodiversity Institute (SANBI) is looking for a highly motivated person to manage SANBI's projects related to Natural Capital Accounting (NCA), including the EU-funded Natural Capital Accounting and Valuation of Ecosystem Services project and the NCA component of the Ecological Infrastructure for Water Security Project. To read more and apply [click here](#).

**International**

**Utrecht University: Two Postdoctoral Researchers at the Centre for Global Challenges**

Closing date: 19 October 2018

More [information](#)

Members of the Environmental Law Association may subscribe to  
[\*Legalbrief Environmental\*](#)  
and the  
[\*South African Journal of Environmental Law and Policy\*](#).  
Discount available for ELA members.

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### LEGISLATION

#### NOTICES

Petroleum Products Act 120 of 1977 - GN R1022 in GG 41951 of 2 October 2018  
- Regulations in respect of petroleum products published in GN R924 in GG 41883 of 4 September 2018 substituted with effect from 3 October 2018

Petroleum Products Act 120 of 1977 - GN R1023 in GG 41951 of 2 October 2018  
- Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 3 October 2018

Petroleum Products Act 120 of 1977 - GN R1024 in GG 41951 of 2 October 2018  
- Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 3 October 2018

Occupational Health and Safety Act 85 of 1993 - GN 1028 in GG 41955 of 5 October 2018 - Amendment notice of direction regarding first aid training extended

Appropriation Act 4 of 2018 - GN 1079 in GG 41958 of 4 October 2018 - Allocations for drought relief funding for direct transfer to provinces and municipalities approved in terms of s. 6 (1)

### PROVINCES

#### Gauteng

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 1571 in PG 280 of 3 October 2018 - Merafong City Local Municipality - Notice of intention to adopt the Land Use Scheme, 2018

#### KwaZulu Natal

National Environmental Management: Protected Areas Act 57 of 2003 - PN 110 in PG 2004 of 4 October 2018 - Notice of intention to declare Nature Reserve: Mun-Ya-Wana Conservancy - for comment

## **Western Cape**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000: Drakenstein Local Municipality - LAN 57317 in PG 7983 of 28 September 2018 - Municipality Zoning Scheme By-law, 2018

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 57318 in PG 7983 of 28 September 2018 - Drakenstein Local Municipality - By-law on Municipal Land Use Planning, 2018

National Environment: Integrated Coastal Management Act 24 of 2008 - LAN 57314 in PG 7984 of 28 September 2018 - Mossel Bay Local Municipality - Draft Estuarine Management Plan (EMP) and the Mouth Management Plan (MMP) for the Hartenbos estuary – for comment

Disaster Management Act 57 of 2002 - LAN 57313 in PG 7984 of 28 September 2018 - Swartland Local Municipality - Extension of the declaration of a local state of disaster as a result of a devastating fire at the Swartland Hospital in Malmesbury for one month from 30 September to 30 October 2018

Disaster Management Act 57 of 2002 - LAN 57316 in PG 7984 of 28 September 2018 - Saldanha Bay Local Municipality - Declaration of a local state of drought disaster

Constitution of the Republic of South Africa, 1996 and Local Government – Municipal Systems Act 32 of 2000 - Oudtshoorn Local Municipality - LAN 57321 in PG 7985 of 28 September 2018 -: By-law on Municipal Land Use Planning

## **North West**

National Environmental Management: Air Quality Act 39 of 2004 - PN 200 in PG 7938 of 2 October 2018 - Dr Kenneth Kaunda District Municipality - Processing Fees for Atmospheric Emission Licence (AEL)

## **INTERNATIONAL**

Ramsar Convention on Wetlands “Global Wetland Outlook State of the world’s wetlands and their services to people 2018” ([Report](#) 2018)

## **CASES**

### **National**

*Umfolozi Sugar Planters Limited and Others v Isimangaliso Wetland Park Authority and Others* (873/2017) [2018] [ZASCA](#) 144 (1 October 2018)

Summary: Environmental law – publication of management plan – rendering relief sought moot.

## International

*Massachusetts Lobstermen's Association v. Ross* Civil Action No 17-406 (JEB)  
United States District Court for the District of Columbia [Memorandum Opinion](#) of  
5 October 2018

“Antiquities Act court battles: Judge Boasberg of the U.S. District Court for the District of Columbia granted the federal government's motion to dismiss in *Massachusetts Lobstermen's Association v. Ross*, upholding President Obama's declaration of the Northeast Canyons and Seamounts Marine National Monument. The monument is located about 130 miles off the coast of Massachusetts.

MLA argued that the ocean and its submerged lands are not ‘land’ for purposes of the Antiquities Act, that the federal government does not exercise sufficient ‘control’ over the Exclusive Economic Zone (the 200-nautical-mile-wide management zone in the ocean that all coastal nations can claim under international law) for the Antiquities Act to apply, and that the area designated was too big. Judge Boasberg ruled against MLA on all three arguments.

Two groups of law professors filed *amici* briefs with the court in support of the environmental intervenors and the federal governments.” [Summary of Robin K. Craig University of Utha Env Envlawprofs email list]

## PUBLICATIONS

### National

Muller G *et al* (eds) *Transformative Property Law Festschrift in honour of AJ van der Walt* ([Juta](#) 2018)

### International

2018 *Theoretical Inquiries in Law* on "The Tragedy of the Commons at 50: Context, Precedents, and Afterlife" The articles are available [here](#)

Yang T “The Emergence of the Environmental Impact Assessment Duty as a Global Legal Norm and General Principle of Law” [Hastings Law Journal](#)  
Forthcoming

Sindico F, Hirata R & Manganelli A “The Guarani Aquifer System: From a Beacon of hope to a Question Mark in the management/governance of Transboundary Aquifers” 2018 *Journal of Hydrology: Regional Studies* available [here](#)

Academic Working Group on Climate Engineering Governance “Governing Solar Radiation Management” ([Report](#) 2018)

Gerrard MB & McTiernan E “NY’s Expanded Ingredient Disclosure Requirements for Cleaning Products” 2018 [NYLJ](#) 13 September 2018

Gerrard MB and Hester T (eds) *Climate Engineering and the Law: Regulation and Liability for Solar Radiation Management and Carbon Dioxide Removal* ([Cambridge University Press](#) 2018)

Gattuso Jean-Pierre *et al* “Ocean Solutions to Address Climate Change and Its Effects on Marine Ecosystems” 2018 *Front Mar Sci* 4 October <https://doi.org/10.3389/fmars.2018.00337>

Terrapon-Pfaff Julia *et al* “Impact Pathways of Small-Scale Energy Projects in the Global South – Findings from a Systematic Evaluation” 2018 95 [Renewable and Sustainable Energy Reviews](#) 84-94

Wasunna Melba K and Muniafu Laura “Establishing a Holistic Environment, Health and Safety (EHS) Strategy for Kenya’s Petroleum Value Chain” (Kenya Extractives [Policy](#) Dialogues Paper No. 3 Extractives Baraza – Strathmore University 2018)

Artelle Kyle A “Working constructively toward an improved North American approach to wildlife management” 2018 [Science Advances](#) 4(10) eaav2571 DOI: 10.1126/sciadv.aav2571

Mawdsley Jonathan R *et al* “Artelle *et al.* (2018) miss the science underlying North American wildlife management” 2018 [Science Advances](#) 4(10) eaat8281 DOI: 10.1126/sciadv.aat8281

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

### **National interest**

[The Conversation](#): Fitchett J “Does sunny South Africa really have an ideal climate for tourism?” 4 October 2018

[IISD](#) SDG Knowledge Hub: Wagner L “51 Countries Preparing to Present National SDG Reviews at HLPF 2019” – find the reports [here](#) [SA not available yet]

[Helen Suzman Foundation](#): Van Dalsen A “Publication Of The New Mining Charter” 2 October 2018

[Mail & Guardian](#): Kings S “Bigger farms needed to feed nine billion: That’s not the research findings the proponents of small-scale, organic agriculture want to hear” 5 October 2018 (subscription needed/hard copy)

[Mail & Guardian](#): Kings S “The state of Joburg’s pipes” 4 October 2018

[Mail & Guardian](#): Kings S “Spoiler alert: Raw sewage flows through northern Joburg” 4 October 2018

[IOL](#): Bega S “The Vaal is 'not a river - its a sewage pit'” 6 October 2018

### **African regional interest**

[Extractives Baraza](#): “Eight Ways in which Extractive Companies in Africa can Improve their Engagement with Stakeholders” 3 October 2018

[Extractives Baraza](#): “Africa Mining Legislation Atlas (AMLA) Workshop-Summary Report” 3 October 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén “SDGs Center for Africa Establishes Zambia Center for Southern Africa” 2 October 2018

[The Conversation](#): Odume N “Why Nigeria is not prepared to deal with flooding” 1 October 2018

[IISD](#) SDG Knowledge Hub: Mwangi W “Ramsar Global Outlook: ‘Wetlands Under Far Greater Threat Than Forests’” 4 October 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén “Symposium Urges Strengthened Legal Frameworks to Tackle Wildlife Crime” 4 October 2019

[IISD](#) SDG Knowledge Hub: Wiebe K “Africa-Focused Portal Highlights SDG Successes, Opportunities” 4 October 2018 – read more on the Dashboard [here](#) – find the Africa SDG Index and Dashboards [here](#)

[The Guardian](#): Caton P “Fish dwindle in the traditionally rich waters of Tanzania – in pictures” 5 October 2018

[IOL](#): Ndiso J “More African ivory being smuggled into China despite ban – report” 2 October 2018

### **General in rest of the world**

[ICLEI](#): “Buenos Aires achieves 50 percent energy savings through streetlight retrofit with Signify” 18 September 2018 – for the case study click [here](#)

[Natural Justice](#): Moodley P “Land: Turning the tide” 2 October 2019

[IISD](#) SDG Knowledge Hub: Fishman A “Step Up Declaration Launched to Harness Technology, Reduce Emissions” 2 October 2018

[The Conversation](#): Hejazi W “How Canada can, and must, empower Indigenous communities” 1 October 2018

[World Economic Forum](#): “Harnessing the Fourth Industrial Revolution for Water” 25 September 2018 [Provided by Anél du Plessis]

[IISD](#) SDG Knowledge Hub: Mwangi W “Triennial ILC Report Finds Network ‘On Track’ in Advancing People-centered Land Governance” 4 October 2018 – find access to the report [here](#)

[IISD](#) SDG Knowledge Hub: Mwangi W “Landesa, UNEP and Partners Unveil Initiatives to Protect Land, Environmental Rights” 4 October 2018 – find link to [platform](#) here

[Sabin Centre](#) Climate Law Blog: “Seventh and Second Circuits Upheld Illinois and New York Subsidies for Nuclear Generation” 2 October 2018

[Sabin Centre](#) Climate Law Blog: “Silencing science tracker expanded to include state and local government actions” 24 September 2018

[Pace Land Use Law Centre](#): “Gaining Ground”

A research library intended to be Ground Control for practical and scholarly explorations of innovative land use laws, policies, and practices.

The Land Use Law Center's Gaining Ground Information Database is a free and ever-expanding online database featuring best practice models used by government to control the use of land in the public interest. It includes a collection of federal, state, and local ordinances; commentaries; research papers; research aids; and much more. [USA]

[The Jurist](#): Marotta M “ICJ rules Bolivia cannot force Chile to grant 'sovereign access' to Pacific Ocean” 2 October 2018

[The Independent](#): Prentice A “In Mali, donkeys help with the fight against waste” 6 October 2018

[The Independent](#): Phan A “Is turning plastic waste into green energy the most environmentally friendly option?” 3 October 2018

[The Guardian](#): Harvey F “Why the next three months are crucial for the future of the planet” 5 October 2018

[The Guardian](#): Barasi L “Climate change apathy, not denial, is the biggest threat to our planet” 5 October 2018

[The Guardian](#): McVeigh K “Huge rise in US plastic waste shipments to poor countries following China ban” 5 October 2018

[The Guardian](#): Harvey F “From London to Shanghai, world's sinking cities face devastating floods” 5 October 2018

[The Guardian](#): Shimo A “While Nestlé extracts millions of litres from their land, residents have no drinking water” 4 October 2018

[The Guardian](#): Marris E “‘A prisoner of environment’: is it time to leave the American west?” 5 October 2018

[The Guardian](#): Edenhofer O and Rockström J “Charge €30 a tonne for CO2 to avoid catastrophic 4C warming” 5 October 2018

[The Guardian](#): Nuccitelli D “New study finds incredibly high carbon pollution costs – especially for the US and India” 1 October 2018

[Mail & Guardian](#): Litvin D “Storm warning for the fossil-fuel industry” 2 October 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **IMBEWU: Environmental Law Update**

Date: 30 October 2019

Venue: IMBEWU's offices, Rosebank

Time: 08:30-16:30

Contact: [Lulu](#) or phone 011 214 0660

#### **IAIAsa: Gauteng Branch Event Turn Carbon Risks into Innovative Opportunities**

Date: Wednesday 17 October 2018

Time: 13H00 - 16h30

Venue: Sunset Boma, 79 Main Road (R55), Blue Hills, Midrand

[The invitation is available here](#)

Register [here](#)

## **NWU – Centre for Environmental Management Courses 2018**

- **CEM-03.1.1 Environmental management systems**  
Date: 22 - 26 October 2018
- **CEM-02.1.1 Environmental law (Master class)**  
Date: 29 October - 2 November 2018
- **CEM-06.6.1 Climate change management**  
Date: 5 - 9 November 2018
- **CEM-06.8.1 Integrated land management**  
Date: 5 - 9 November 2018
- **CEM-03.7.2 Occupational health and safety management system migration**  
Date: 5 - 6 November 2018
- **CEM-04.1.1 Environmental management system - lead auditor**  
Date: 12 - 16 November 2018
- **CEM-04.2.1 Occupational health and safety management system - lead auditor**  
Date: 12 - 16 November 2018
- **CEM-04.4.1 Legal compliance - lead auditor**  
Date: 12 - 16 November 2018
- **CEM-02.1.7a Environmental law - mine closure and rehabilitation (Introduction)**  
Date: 20 - 22 November 2018
- **CEM-06.1.1 Dangerous goods and hazardous substances management**  
Date: 20 - 22 November 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

## **2018 Biodiversity & Business Indaba: Theme: Biodiversity Offsetting for the Benefit of Biodiversity and Business**

Date: 30 & 31 October 2018

Venue: Anglo American, 55 Marshall Street, Marshalltown, Johannesburg

Registration or queries: [Megan Murison](#)

Registration closes on 26 October 2018

## **2018 NACA Conference**

Dates: 30 October – 1 November 2018

Venue: Riverside Sun, Vanderbijlpark

[Website](#) for more information

## **Symposium of Contemporary Conservation Practice**

Date: 5-9 November 2018

Venue: St Ives, KwaZulu-Natal Midlands

[Website](#)

## Chief Directorate: Integrated Environmental Authorisations (IEA) of the Department of Environmental Affairs (DEA) stakeholder engagement in the Environmental Impact Assessment Sector

The Directorate has identified the need to interact closely with every stakeholder in the Environmental Impact Assessment sector with a view to improve work relations and improved implementation of the EIA Regulations, 2014 and Listing Notices, 2014. To this end, DEA, through the Chief Directorate: IEA, will be embarking on provincial visits in a form of seminars to engage with all sector stakeholders.

Venues: To be announced

Date and Place: 18 October 2018 – Bloemfontein  
 31 October 2018 – Rustenburg  
 Provisionally mid-November 2018 – Pietermaritzburg  
 Provisionally end January 2019 – George  
 Provisionally mid February 2019 – Polokwane  
 Provisionally end February 2019 – Mbombela  
 Provisionally mid March 2019 - Pretoria

For any queries please do not hesitate to contact Mr. Franz Scheepers through [email](#)

## DEA Strategic Environmental Assessment for the Development of a Phased Gas Pipeline Network and Expansion

Public Meetings

More information [here](#)

Please register your interest in the project and confirm attendance to any of the abovementioned public meetings by submitting your name and contact details (i.e. contact number, email address and postal address), to the following [email](#): or on the SEA [website](#): Please confirm attendance by 2 October 2018. Should you have any queries, please contact Ms [Rohaida Abed](#) (Project Manager: CSIR) or Tel: (031) 242 2300

Province	Date	Venue	Time
Western Cape - George	8 October 2018	George Civic Centre (Banqueting Hall): 71 York Street, George	17h00 - 20h00
Eastern Cape - Port Elizabeth	9 October 2018	BPO (Business Process Outsourcing) Park: Discovery Building, Zone 4, Coega IDZ, Port Elizabeth	17h00 - 20h00
Eastern Cape - East London	10 October 2018	Premier Hotel Regent: Marine Park Complex, 22 Esplanade, Beachfront, Quigney, East London	17h00 - 20h00
KwaZulu-Natal - Durban	11 October 2018	CSIR: 359 King George V (5th) Avenue, Durban	17h00 - 20h00
Gauteng - Johannesburg	15 October 2018	CSIR: Corner of Carlow Road & Rustenburg Road, Auckland Park, Johannesburg	17h00 - 20h00
Northern Cape - Springbok	17 October 2018	Kokerboom Motel: Next to N7, Droëdap Road, Springbok (Co-ordinates: 29°42'45.2"S; 17°53'15.4"E)	17h00 - 20h00
Western Cape - Cape Town	22 October 2018	CSIR: 15 Lower Hope Road, Rosebank, Cape Town	17h00 - 20h00

## International

### International Network for Environmental Compliance and Enforcement (INECE) 10th International Conference: Future of Environmental Compliance

Place: Edinburgh, Scotland

Date: 25-27 September, 2019

## NEWS

### National

“Edna Molewa to be laid to rest today” [News24](#) 6 October 2018

#### **Environmental: Judge proposes independent EIA tribunal**

“A High Court judge has suggested that an independent tribunal be set up for environmental authorisations, saying the processes in place do not adequately cater for justice to be served to those most exposed to exploitation, writes *Legalbrief*. Judge Glenn Goosen, delivering the opening address at the annual Environmental Law Association conference in Port Elizabeth last week, said while there was no doubt that institutions of justice were necessary, they were not enough to address the 'dichotomy between the idealised notion of the just society and the lived experience of the poor, vulnerable and marginalised'. Goosen said the capacity to adapt to environmental degradation was dependent upon access to resources, both individual and public and for as long as there were massive disparities in wealth and the extent of poverty, environmental degradation will disproportionately impact the poor and marginalised. 'What this points to is the need to re-conceptualise the process in a way that ensures that unequal access to resources and the legacy of particular power relations is addressed. Many critical environmental authorisations are susceptible to challenge by reliance only upon other rights, such as the right to procedurally fair and rational decision making, and the substantive issues are not addressed,' he said. He called on delegates to consider the development of an independent mechanism for environmental authorisations, similar to the tribunal established to deal with land use planning authorisations in terms of the Spatial Planning Land Use Management Act. He also said there was scope for critical engagement with the basic process of environmental protection provided by the National Environmental Management Act. 'The mere provision of rights and mechanisms for protection for those vulnerable to environmental exploitation was no guarantee that justice would be delivered to them,' he said.” *Legalbrief* 1 October 2018

#### **Policy: Mining Charter guidelines ‘haggling’ set for 60 days**

“Mining companies face more anxiety over the development of the third iteration of the Mining Charter as haggling and horse-trading continue over the next 60 days on creating guidelines for the document. A *Business Day* report says to give Mineral Resources Minister Gwede Mantashe his due, he beat his target of October or November for a finalised charter, replacing the disastrous document of Mosebenzi Zwane, and trying to mend the deep divisions and bitter mistrust between the regulator and the Minerals Council SA, the former Chamber of Mines. While the responses to the charter gazetted on 27 September have been generally positive – albeit with some reservations – it is clear that Mantashe,

caught between an electorate demanding a radical overhaul of the charter and the business imperatives of attracting and retaining investment in mining, has delivered a compromise document that is workable. However, the next phase is to develop the guidelines of what is expected from mining companies in their compliance with the third version of the charter to govern transformation of the sector since 2004, as the evolution of the document has delivered increasing layers of complexity and demands. 'While the fact that we at last have a greater degree of certainty in regard to the policy framework, it is regrettable that the concept of 'implementation guidelines' has been introduced. It is not known what these guidelines will cover or what their legal status will be,' says Allan Reid, of Cliffe Dekker Hofmeyr. The report says it is not likely this charter will be dragged into court, despite the industry's concerns that the renewal of mining rights under the new charter will have to comply with the 30% ownership target and other elements of the document." Legalbrief 1 October 2018 See also Seccombe A "News Analysis: Final horse-trading under way for Mining Charter" [BusinessLive](#) 1 October 2018 [subscription needed]

### **Finance: SFF crude would be costly to replace**

"If the state-owned Strategic Fuel Fund (SFF) had wanted to use the proceeds of the illegal sale of 10.3m barrels of crude oil made in December 2015 to buy back the oil, it would have only had enough money to pay for 4m barrels at the oil price that prevailed at end-March. A Business Day report notes the 10.3m barrels were sold to Nigerian firm Taleveras, Swiss firm Glencore and Dutch firm Vitol without the required authorisation of Treasury. The crude oil was sold at an average price of \$28 a barrel – at a time when the Brent oil price ranged between \$37.22 and \$44.44 a barrel. The SFF, whose role is to procure and store fuels on behalf of SA, and its parent company, the Central Energy Fund, have applied to the Western Cape High Court to have the sale annulled on the grounds that it was unlawful, invalid and unconstitutional. The buyers of the oil are opposing this." Full Business Day report Legalbrief 1 October 2018

Broughton T "SCA ruling is a win for environment" [Timeslive](#) 1 October 2018 [Source: Legalbrief 2 October 2018]

Steyn S "Bid to halt sale of Optimum mine dismissed" [BusinessLive](#) 2 October 2018 [Source: Legalbrief 2 October 2018]

### **Energy: Standard Bank may withdraw coal plant funding**

"As Standard Chartered Bank pulls global funding for new coal-fired power plants (See World section), locally, Standard Bank has advised the Director-General of the Department of Energy, Thabani Zulu, of the bank's new policy position to stop funding the construction of any new coal-fired power plants, in line with new Organisation for Economic Co-operation and Development country protocols. A **Fin24** report notes that it is not clear exactly how this will impact the funding by Standard Bank of construction of the Thabametsi and Khanyisa projects, which are included in the draft Integrated Resource Plan for electricity, IRP 2018, for completion in 2023 and 2024. However, Standard Bank advised the developers of both Thabametsi and Khanyisa on 21 September 2018 of its new corporate policy, and it is understood that discussions and negotiations between the bank and the developers are ongoing at this time. According to the Centre for Environmental Rights, both Thabametsi and Khanyisa are mired in multiple legal challenges that in all likelihood will continue for years. Credible high court

challenges are underway, and atmospheric emission licences, water-use licences, and generation licences for both projects are either outstanding or being challenged. While Standard Bank is not the only financier of the planned Thabametsi and Khanyisa IPP projects, the big fear by the Department of Energy and the developers is that if Standard Bank pulls its funding, the other SA banks, including Nedbank, Absa and FirstRand may follow suit, putting both projects at risk of reaching financial closure.”

Full Fin24 report: Yelland C “Funding of two new coal IPPs in South Africa may be under threat” [Fin24](#) 26 September 2018 See also Full Legalbrief Environmental report 2 October 2018

Bulbulia “Makhado project’s environmental authorisation faces fresh appeal” [Mining Weekly](#) 28 September 2018 [Source: Legalbrief Environmental 2 October 2018]

### **Legislation: Slow progress with biofuels blending framework**

“The process of finalising a ‘biofuel blending framework’ for tabling in Cabinet drags slowly on, but is nevertheless expected to have been concluded ‘before the end of next March’ (Engineering News). According to Department of Energy chief director responsible for energy planning, Thabang Audat, it will have three pillars: the mandatory purchase of biofuels by licensed petrol and diesel manufacturers, regulations for which are already in force; a biofuels feedstock protocol; and transport-sector-specific standards for biofuel blending. Nearly three years have passed since former Energy Minister Tina Joemat-Pettersson undertook in her 2016/17 budget vote speech to present Cabinet with a framework outlining ‘how the nascent biofuels industry ... (would) be financially supported’ and the projects concerned selected.”

Read full report in Legalbrief Policy Watch - Legalbrief 4 October 2018

Magill T “Unesco ready to help protect Kogelberg biosphere amid drilling programme” [News24](#) 6 October 2018

## **International**

Steinmetz JT “UN: Seychelles just became 14,840 square km larger” [eTN](#) 30 September 2018

“Toward a Smaller American Footprint on Okinawa” [New York Times](#) 1 October 2018

“Truckers up in arms over high fuel transport levy” [Kenya] [Extractives Baraza](#) 3 October 2018

“Violation of contracts is costing Kenyan taxpayers” [Extractives Baraza](#) 3 October 2018

“Cities Nationwide Petition to Join Litigation to Support Federal Clean Car Standards” [Sabin Center](#) 4 September 2018

“Kivu, Africa's Great Lakes battleground” [News24](#) 6 October 2018

“Bangladesh kids turn the tide on climate change aboard floating schools” [News24](#) 5 October 2018

“Climate changing faster than feared, but why are we surprised?” [News24](#) 4 October 2018

Readfearn G “Earth's climate monsters could be unleashed as temperatures rise” [The Guardian](#) 5 October 2018 – read also IPCC [Press Release](#)

Alfreds D “Here's how much plastic every South African uses - and the number is shocking” [News24](#) 4 October 2018

“New species of hummingbird identified in Ecuador” [News24](#) 4 October 2018

Cockburn H “Fracking in Lancashire halted at last minute by legal challenge” [The Independent](#) 5 October 2018

Cockburn H “Walkers Crisps introduces recycling scheme amid outcry over packaging waste” [The Independent](#) 5 October 2018

Batchelor T “Cost of cigarettes must rise to reflect environmental damage from tobacco industry, WHO says” [The Independent](#) 3 October 2018

Mathews-King A “Fracking protesters' 'absurdly harsh' jail sentences spark calls for judicial review backed by hundreds of scientists” [The Independent](#) 2 October 2018

Vaughan A “Shell approves \$12bn liquefied natural gas project in Canada” [The Guardian](#) 2 October 2018

Wahlquist C “Victoria's renewable energy boom set to create thousands of jobs” [The Guardian](#) 1 October 2018

Ghaddar A and Bousso R “Plastics and petro-chemical goods ensure oil demand to 2050: Plastics and petrochemical products will feed the demand for oil for the foreseeable future” [BusinessLive](#) 5 October 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

#### **ELA Student Essay Competition**

Closing date: 28 February 2019

Find details attached to the email

#### **NWU SARChI Chair in Cities, Law and Environmental Sustainability (CLES): full-time LLM, LLD and Post-doc research positions**

The NWU SARChI *Chair in Cities, Law and Environmental Sustainability (CLES)* invites applications for full-time LLM, LLD and Post-doc research positions in 2019.

Applications close: 15 October 2018.

Detailed information available [here](#)

Any questions to be directed to the Chair: Prof [Anél du Plessis](#) -

#### **University of the Witwatersrand: Candidate Attorney at Wits Law Clinic**

Closing date: 12 October 2018

More [information](#)

#### **Lecturer (Independent Contractor): School of Law - Sandton Campus**

Closing date: 16 October 2018

More [information](#)

### **Provincial Administration: Western Cape: Vacancies**

Closing date: 15 October 2018

More [information](#) on adverts on Departments in Western Cape

#### **Department of Agriculture:**

- Post 39/260 Lecturer: Agricultural Extension Ref No: Agr 2018-51  
Enquiries : Mr W Weimers at (021) 808 5495

#### **Department of Environmental Affairs and Development Planning:**

- Post 39/265 : Environmental Officer Specialised Production: Air Quality Regulatory Services Ref No: EADP 2018-40  
Enquiries: Dr J Leaner at (021) 483 2888
- Post 39/266 : Environmental Officer (Production): Environmental Impact  
Enquiries: Mr E van Boom at (021) 483 2877
- Post 39/267 : Environmental Officer (Production): Environmental Economy Ref No: Eadp 2018-36 (6-Month Contract Position)  
Enquiries: Mr G Maguire at (021) 483 2566

#### **University of the Witwatersrand: Postgraduate Officer**

Closing date: 15 October 2018

Click [here](#) for more information

#### **University of Cape Town: Dean Faculty of Law**

Closing date: 15 October 2018

More [information](#)

#### **Editor Cape Town**

Also background in law

Closing date:

More [information](#)

### **International**

#### **Call: Alexander von Humboldt: International Climate Protection Fellowship**

Application deadline: 1 March 2019

The Alexander von Humboldt Foundation grants up to 20 fellowships to prospective leaders from non-European transition or developing countries, who are active in any of the following areas: scientific, engineering-based, legal, economic, health-related or social aspects of climate change. The young climate experts will come to Germany for a year to work alongside a host of their own choosing on a research-related project.

##### *Fellowship benefits*

- A monthly fellowship of between E2,150 and 2,650, depending on career stage
- Individual mentoring during the stay in Germany
- Additional financial support for items such as family allowances, travel expenses or a German language course
- A three-week introductory phase, during which fellows will have the opportunity to make contact with other climate protection fellows and visit companies, research institutions and cultural events in Germany

- Extensive alumni sponsorship, especially support for networking with collaborative partners in Germany during the fellow's entire professional career
- Application requirements*

- Citizenship of a non-European transition or developing country which is also the applicants habitual residence and place of work
- Bachelors or equivalent academic degree completed less than twelve years ago
- A mentoring agreement signed by a host in Germany
- A proposal which candidates must draw up on their own and coordinate with their host.
- Clearly visible leadership potential
- Extensive theme-related professional experience or a successfully completed doctorate

Further information, a list of all application requirements and a link to the online application form are available at [www.humboldt-foundation.de/web/ICF](http://www.humboldt-foundation.de/web/ICF).

*Advice and contact*

If you have any questions regarding the International Climate Protection Fellowship Programme or would like individual guidance, please contact us at [info@avh.de](mailto:info@avh.de).

### **Swiss Excellence Scholarship: PhD, Postdoctoral and Research Fellowships**

Deadline for scholarship applications is 15 December 2018

Click [here](#)

### **Nelson Mandela Scholarship 2019**

Master's scholarships at Chilean higher education institutions in 2019 are available for application in fields such as agriculture, energy, public policy, environment, mining and geology, astronomy, information technology, education, engineering, business and economics, public health and science.

Closing date: 31 October 2018

Read [more](#)

### **Chevening Scholarship 2019**

One-year Master's degree scholarships awarded to outstanding professionals from South Africa and beyond in any subject at any UK university.

Deadline for scholarship applications is 6 November 2018

[Read more](#)

### **Chevening Scholarship 2019**

One-year Master's degree scholarships awarded to outstanding professionals from South Africa and beyond in any subject at any UK university.

Deadline for scholarship applications is 6 November 2018

Read [more](#)

### **UNESCO / Keizo Obuchi Research Fellowship**

Fellowship for candidates who have completed their Master's and intend to do research in Japan in one of the following fields: Environment (Disaster Risk Reduction); Intercultural dialogue; Information and Communication Technologies; Peaceful conflict resolution

Deadline for fellowship applications: **20 November 2018**

[Read more](#)

**Vermont Law School Distinguished Environmental Scholars Programme  
2019 Summer**

Please consider applying to our [Distinguished Environmental Scholars](#) program for the 2019 Summer Session. Through this program, we are able to host four scholars in the areas of Environmental Law, International Environmental Law, Energy Law, and Sustainable Agriculture and Food Systems. As in past years, VLS covers each scholar's travel expenses, provides housing and office space, and awards a \$5,000 honorarium. Scholars give a public lecture at VLS and are invited to participate in informal gatherings with faculty and students. To apply or to nominate a colleague, please send a cover letter and CV to [Courtney Collins](#) by November 1.

**Two Postdoctoral Researchers at the Centre for Global Challenges Utrecht  
University, Faculty of Law, Economics and Governance**

Closing date: 19 October 2018

More [information](#)

Members of the Environmental Law Association may subscribe to  
[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## ELA NEWSLETTER 40

12 October 2018

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### LEGISLATION

#### BILLS

Draft Fertilizer Bill, 2018 - GN 1083 in [GG](#) 41970 of 12 October 2018 - for comment

#### NOTICES

National Water Act 36 of 1998 - GN 1097 in GG 41970 of 12 October 2018 - Reserve determination of water resources for the Mvoti to Umzimkulu Catchments

### PROVINCES

#### Mpumalanga

National Environmental Management: Protected Areas Act 57 of 2003 - PN 127 in PG 2975 of 12 October 2018 - Pixley Ka Seme Local Municipality - Notice of intention to exclude an area as part of the an existing Mabola Protected Environment - for comment

#### KwaZulu Natal

Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) - MN 109 in PG 2008 of 11 October 2018 - Msunduzi Local Municipality - Appointment of members to the Municipal Planning Tribunal and the Appeal's Advisory Panel

### NORTHERN CAPE

Constitution of the Republic of South Africa – Gen Notice 116 in PG 2218 of 8 October 2018 - Northern Cape Planning and Development Act Repeal Bill, 2018 and explanatory summary - for comment

#### Western Cape

Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 57326 in PG 7988 of 5 October 2018 - George Local Municipality - Draft amendment of the Spatial Development Framework – for comment

## Eastern Cape

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 218 in PG 4126 of 8 October 2018 - Ndlambe Local Municipality - Establishment of the Municipal Planning Tribunal and notice of commencement of operations of the Municipal Planning Tribunal

## CASES

### International

[ECLI](#):NL:GHDHA:2018:2610 - Gerechtshof Den Haag, 09-10-2018 / 200.178.245/01 [Netherlands]

Climate case Urgenda. Duty of care under Articles 2 and 8 ECHR. Reduction greenhouse gas emissions. [See also **Blogs – International** and **News - International**]

*Future Generations v. Ministry of the Environment and Others “Demanda Generaciones Futuras v. Minambiente”* 2018 [Reporter Info](#): 11001 22 03 000 2018 00319 00

“25 youth plaintiffs between the ages of 7 and 26 years old have sued several bodies within the Colombian government, Colombian municipalities, and a number of corporations to enforce their claimed rights to a healthy environment, life, health, food, and water. The plaintiffs allege that climate change along with the government's failure to reduce deforestation and ensure compliance with a target for zero-net deforestation in the Colombian Amazon by the year 2020, (as agreed under the Paris Agreement and the National Development Plan 2014-2018), threatens plaintiffs' fundamental rights. The youth plaintiffs have filed a special constitutional claim called a “tutela” used to enforce fundamental rights.”

## PUBLICATIONS

### National

### International

Pascall M “Meeting the Challenge of Mining in Africa” (Brenthurst Foundation [Discussion Paper](#) 9/2018 August 2018)

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

### National interest

[The Conversation](#): Mamvura TA “Why South Africa should look to biomass for clean, water-wise energy” 10 October 2018

[News24](#): Zietsman G “Getting fishy: What you should know about SA's 19 marine protected areas” 11 October 2018

[News24](#): Suddason K “Abalone price at all time high, sustainable options decreasing – investigative journalist” 10 October 2018

[News24](#): Dagada R “Is pooled funding the answer for municipalities?” 12 October 2018

### **African regional interest**

[The Conversation](#): Scoles R “What southern Africa needs to do to manage rising temperatures” 10 October 2018

[The Conversation](#): Mjimba V “Africa can get more from its minerals by building industries to service mines” 8 October 2018

[The Conversation](#): Okyere SA, Tasantab JC and Abunyewah M “Accra’s informal settlements are easing the city’s urban housing crisis”

[Extractives Baraza](#): “Africa can get more from its minerals” 11 October 2018

[News24](#): “Watch: Conservationists in Tanzania use tech platform to protect endangered species” 10 October 2018

### **General in rest of the world**

[The Conversation](#): Atkins E “Jair Bolsonaro’s Brazil would be a disaster for the Amazon and global climate change” 9 October 2018

[Georgetown Law School](#): “Environmental and Energy Law” Fall Issue 2018

[Science](#): Waldman S “New climate report actually understates threat, some researchers argue” 12 October 2018

[The Jurist](#): Slobe E “Climate change report draws call for action from UN rights expert” 8 October 2018

[The Guardian](#): Taylor M “Top climate scientist blasts UK’s fracking plans as ‘aping Trump’” 13 October 2018

[Science](#): Cho A “Nobel Prize for the economics of innovation and climate change stirs controversy” 8 October 2018

[Science](#): Normile D “Key climate panel, citing impending crisis, urges crash effort to reduce emissions” 8 October 2018

[The Independent](#): Carroll R “Mary Robinson on climate change: ‘Feeling “This is too big for me” is no use to anybody’” 12 October 2018

Tilburg University [Environmental law Blog](#): Verschuuren J “Urgenda Climate Change Judgment Survives Appeal in the Netherlands” 9 October 2018

[News24](#): “Watch: Just 100 Companies Are Responsible for 70% of Global Emissions” 13 October 2018

[Science](#): Stokstad E “France’s decade-old effort to slash pesticide use failed. Will a new attempt succeed?” 11 October 2018

[Science](#): Perkins S “Italy’s Mount Etna could be collapsing into the sea” 10 October 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C “GEF Increases Funding to Tackle Wildlife Trafficking and Trade” 11 October 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C “SC70 Recommends Suspensions in Rosewood, African Grey Parrots and Pangolin Trade” 11 October 2018

[IISD](#) SDB Knowledge Hub: Ledaba AM “WWF, TRAFFIC Data Show Positive Effects of China’s Ivory Ban” 11 October 2018

[Reuters](#): Moloney A “Colombia's top court orders government to protect Amazon forest in landmark case” 6 April 2018 Read also [here](#)

[IISD](#) SDG Knowledge Hub: Fishman A WEF Paper Highlights Importance, Examples of City Agility across Sectors” 11 October 2018

[The Guardian](#): Vaughan A “Fracking to restart in UK after last-minute legal bid fails. High court rejects request to temporarily block Cuadrilla operation in Lancashire” 12 October 2018

[The Guardian](#): “The Guardian view on fresh air: a public good” 12 October 2018

[The Guardian](#): Colwell M “A forestry boom is turning Ireland into an ecological dead zone” 10 October 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **IMBEWU: Environmental Law Update**

Date: 30 October 2019

Venue: IMBEWU’s offices, Rosebank

Time: 08:30-16:30

Contact: [Lulu](#) or phone 011 214 0660

#### **Symposium of Contemporary Conservation Practice**

Date: 5-9 November 2018

Venue: St Ives, KwaZulu-Natal Midlands

[Website](#)

#### **Chief Directorate: Integrated Environmental Authorisations (IEA) of the Department of Environmental Affairs (DEA) stakeholder engagement in the Environmental Impact Assessment Sector**

The Directorate has identified the need to interact closely with every stakeholder in the Environmental Impact Assessment sector with a view to improve work relations and improved implementation of the EIA Regulations, 2014 and Listing Notices, 2014. To this end, DEA, through the Chief Directorate: IEA, will be embarking on provincial visits in a form of seminars to engage with all sector stakeholders.

Venues: To be announced

Date and Place: 18 October 2018 – Bloemfontein

31 October 2018 – Rustenburg

Provisionally mid-November 2018 – Pietermaritzburg

Provisionally end January 2019 – George

Provisionally mid February 2019 – Polokwane

Provisionally end February 2019 – Mbombela

Provisionally mid March 2019 - Pretoria

For any queries please do not hesitate to contact Mr. Franz Scheepers through [email](#)

#### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-03.1.1 Environmental management systems**  
Date: 22 - 26 October 2018
- **CEM-02.1.1 Environmental law (Master class)**  
Date: 29 October - 2 November 2018
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- **CEM-02.1.7a Environmental law - mine closure and rehabilitation (Introduction)**  
Date: 20 - 22 November 2018
- **CEM-06.1.1 Dangerous goods and hazardous substances management**  
Date: 20 - 22 November 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

#### **DEA Strategic Environmental Assessment for the Development of a Phased Gas Pipeline Network and Expansion**

Public Meetings

More information [here](#)

Please register your interest in the project and confirm attendance to any of the abovementioned public meetings by submitting your name and contact details (i.e. contact number, email address and postal address), to the following [email](#): or on the SEA [website](#): Please confirm attendance by 2 October 2018. Should you have any queries, please contact Ms [Rohaida Abed](#) (Project Manager: CSIR) or Tel: (031) 242 2300

Province	Date	Venue	Time
Gauteng - Johannesburg	15 October 2018	CSIR: Corner of Carlow Road & Rustenburg Road, Auckland Park, Johannesburg	17h00 - 20h00
Northern Cape - Springbok	17 October 2018	Kokerboom Motel: Next to N7, Droëdap Road, Springbok (Co-ordinates: 29°42'45.2"S; 17°53'15.4"E)	17h00 - 20h00
Western Cape - Cape Town	22 October 2018	CSIR: 15 Lower Hope Road, Rosebank, Cape Town	17h00 - 20h00

## NEWS

### National

#### **Environmental: 'Missing millions' linked to Vaal River pollution**

“More than R800m that ‘went missing’ from the Emfuleni Municipality is offered as one of the reasons why pollution of the Vaal River is reaching critical proportions. According to a *Beeld* report, the Auditor-General found contraventions of the National Environmental Management Act, the National Health and Safety Act and other legislation in his report on the municipality. The R872m that ‘went missing’ was earmarked for services and upgrading of infrastructure. Some of the money was dished out via unlawful contracts to people working for the state, the AG found. The audit report made 19 adverse findings against the municipality’s environmental department. Refuse removal ground to a halt and illegal dumping sites were formed in residential areas. Resident were prejudiced as the municipality had ‘other priorities’ that superseded waste management and maintenance of water and sewerage infrastructure, the report notes. The Human Rights Commission is investigating pollution of the Vaal River system and opposition parties in Emfuleni have reported the municipality to the Green Scorpions.”

Full Beeld report (subscription needed) Legalbrief 11 October 2018

#### **Department of Water and Sanitation in shambles**

“Makwetu has also painted a shambolic picture of the state of the Water and Sanitation Department, which *The Star* says logged R6.156bn in irregular expenditure under former Minister Nomvula Mokonyane. Makwetu found the department to have been without adequate systems of control, including proper project management and costing techniques in line with norms and standards. He also found that no disciplinary action was taken against officials responsible for incurring or permitting irregular expenditure in the previous years because not all investigations took place during the year. And more than R800m that ‘went missing’ from the Emfuleni Municipality is offered as one of the reasons why pollution of the Vaal River is reaching critical proportions. According to a *Beeld* report, the Auditor-General found contraventions of the National Environmental Management Act, the National Health and Safety Act and other legislation in his report on the municipality.”

Full report in [The Star](#) / Full [Beeld](#) report Legalbrief Forensic 11 October 2018

Ntongana T “Canals remain an open sore in Masiphumele Wetlands” [GroundUp](#) 12 October 2018

Evans J “Brave rangers and sniffer dog find pipe bomb in Kruger National Park” [News24](#) 13 October 2018

## International

Neslen A “Dutch appeals court upholds landmark climate change ruling” [The Guardian](#) 9 October 2018 – also see report in [The Jurist](#)

### **Citing Lack of Transparency for Publicly Traded Companies, New CAP Report Calls for Stronger ESG Disclosure Standards**

Washington, D.C. — This week, investors representing more than \$5 trillion in assets under management filed a [petition](#) for rule-making at the U.S. Securities and Exchange Commission (SEC) to create a standard disclosure framework for environmental, social, and governance (ESG) issues facing public companies. Current signers cover city and state retirement systems, religious organizations, investment firms, pension funds, and premier academics. To accompany this new effort, the Center for American Progress today released a new [report](#) that examines the excessive corporate focus on short-term results in today’s capital markets and makes the case that shareholders and stakeholders of all types and sizes do not have access to the long-term-oriented information they need—in particular, ESG information—in a consistent, comparable, and reliable manner.

“On environmental, social, and governance issues, investors are demanding far more transparency of publicly traded companies, and the SEC must lead the way on setting strong disclosure standards. Transparency benefits investors, companies, and the broader U.S. economy alike,” said [Andy Green](#), managing director of Economic Policy at CAP and co-author of the report. “Strong ESG disclosure standards will ensure that long-term investors are better protected, capital is more effectively allocated, and the public interest is better served.”

CAP’s report recommends that the SEC update its disclosure regime and related tools to better align interests of investors, management, and the public toward long-term economic success and the public interest. CAP’s recommendations include:

- Requiring high-quality, consistent ESG disclosure on both marketwide and sectoral bases
- Looking to expert, nongovernmental standards or standard-setters for ESG disclosure standards
- Defending an investor-oriented, public-interest approach to the disclosure mandate
- Updating audit and data tagging standards to boost the availability and reliability of information
- Empowering SEC staff to be the voice of long-termism on behalf of investors and the public
- Bringing clear, bold enforcement actions and support similar actions by states and private investors
- Boosting board attention to corporate long-termism and sustainability
- Boosting shareholder voice in favor of ESG and long-termism

The report also examines workforce training and climate change as two case studies for how insufficient ESG information is limiting the long-term orientation of markets and companies, which harms shareholders, workers, and the public. Today’s report represents CAP’s ongoing work in this space and is a follow-up to earlier CAP reports looking at the role of public policy in promoting long-term investments, as well as a [major convening](#) focused on broad economic trends, producing shared prosperity, and the role of business in doing so.

[Click here](#) to read “Corporate Long-Termism, Transparency, and the Public Interest” by Andy Green and Andrew Schwartz. Click [here](#) for more information [Press release Centre for American Progress]

### **Litigation: Monsanto may get new trial over cancer ruling**

“A California judge has moved to grant the agrochemical company Monsanto a new trial after a landmark jury verdict found its herbicide had caused a man’s terminal cancer. According to a report in *The Guardian*, Dewayne ‘Lee’ Johnson, a former groundskeeper, won a \$289m award in August in a trial alleging that the popular Roundup weedkiller had made him sick and that Monsanto had failed to warn him of the risks. Monsanto, now owned by Bayer, the German pharmaceutical company, immediately appealed the verdict, which included punitive damages and economic losses and also found that Monsanto had ‘acted with malice or oppression’. The San Francisco Superior Court Judge Suzanne Bolanos cited the ‘insufficiency of the evidence to justify the award for punitive damages’ in a tentative written ruling issued before a hearing this week. She is expected to make a final decision after attorneys submit additional arguments. Monsanto sought to overturn the verdict and has continued to argue that it is safe to use glyphosate, the world’s most widely used herbicide. Glyphosate-based products, including the Roundup and Ranger Pro brands, are now worth billions of dollars in revenues, approved for use on more than 100 crops, and registered in 130 countries. Johnson is not expected to live more than two years, and doctors have previously said he might only have months left.”

Full report in *The Guardian* Legalbrief 12 October 2018

“Fracking is too high a price to pay for cheap energy” [The Independent](#) 12 October 2018

“At least 30 killed in Nigeria pipeline fire” [News24](#) 13 October 2018

Slobe E “Department of Energy allowed to stop construction of mixed oxide fuel plant” *The Jurist* 11 October 2018

Offutt L “Supreme Court hears arguments in immigration, maritime asbestos cases” [The Jurist](#) 11 October 2018

Fares L “Supreme Court denies appeal of Kavanaugh opinion on aerosol chemical regulation” *The Jurist* 10 October 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

#### **ELA Student Essay Competition**

Closing date: 28 February 2019

Find details attached to the email

#### **WWF-SA Environmental Leaders: Graduate Internship Programme 2019 Call for Applications**

Deadline for applications: 9 November 2018

More [information](#)

**University of the Witwatersrand: Postgraduate Officer**

Closing date: 15 October 2018

Click [here](#) for more information

**NWU SARCHI Chair in Cities, Law and Environmental Sustainability (CLES): full-time LLM, LLD and Post-doc research positions**

The NWU SARCHI *Chair in Cities, Law and Environmental Sustainability (CLES)* invites applications for full-time LLM, LLD and Post-doc research positions in 2019.

Applications close: 15 October 2018.

Detailed information available [here](#)

Any questions to be directed to the Chair: Prof [Anél du Plessis](#)

**University of Cape Town: Dean Faculty of Law**

Closing date: 15 October 2018

More [information](#)

**Rhodes University: Faculty of law: Lecturer: New Generation of Academics Programme (nGAP)**

Closing date: 22 October 2018

More [information](#)

**Rosebank College: Lecturer - Legal/ Media Law - Braamfontein**

Closing date: 2 November 2018

More [information](#)

**University of the Western Cape: Lecturer Mercantile Law and Labour law**

Closing date: 29 October 2018

More [information](#)

**Rhodes University Law Clinic: Principal Attorney - Queenstown**

Closing date: 15 October 2018

More [information](#)

Members of the Environmental Law Association may subscribe to

[Legalbrief Environmental](#)

and the

[South African Journal of Environmental Law and Policy](#).

Discount available for ELA members.

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19 October 2018

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### LEGISLATION

#### BILLS

Draft Compensation for Occupational Injuries and Diseases Amendment Bill, 2018 - GN 1133 in GG 41985 of 18 October 2018 - for comment

#### NOTICES

Veterinary and Para-Veterinary Professions Act 19 of 1982 – Gen Notice 642 in GG 41982 of 19 October 2018 - Veterinary and para-veterinary professions regulations published under GN R2085 in GG 8402 of 1 October 1982 amended

Compensation for Occupational Injuries and Diseases Act 130 of 1993 - GN 1105 in GG 41977 of 16 October 2018 (p4) and GN 1132 in GG 41984 of 18 October 2018 - Proposed regulations relating to new compensation fund assessment model - for comment

Constitution of the Republic of South Africa, 1996 - Proc 30 in GG 41979 of 17 October 2018 - Establishment and terms of reference of Commission of Inquiry into allegations of impropriety regarding the Public Investment Corporation (PIC)

National Environmental Management: Biodiversity Act 10 of 2004 - GN 1109 in GG 41982 of 19 October 2018 - Draft National Biodiversity Framework - for comment

Measurement Units and Measurement Standards Act 18 of 2006 - GN 1131 in GG 41982 of 19 October 2018 - National measurement standards published in GN R814 in GG 40125 of 8 July 2016 amended

Special Economic Zones Act 16 of 2014 - GN 1130 in GG 41982 of 19 October 2018 - Designation of the Atlantis Special Economic Zone

### PROVINCES

#### Limpopo

Spatial Planning and Land Use Management Act 16 of 2013 and Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 - PN 156 in PG 2954 of 19 October 2018 - Thulamela Local

Municipality - Notice for the establishment and commencement of the Municipal Planning Tribunal (MPT) and the Municipal Planning Appeal (MPA)

Spatial Planning and Land Use Management Act 16 of 2013 and Polokwane Municipal Planning By-law 2017 - LAN 142 in *PG* 2954 of 19 October 2018 - Polokwane Local Municipality: Adoption and approval of the Land Use Scheme, 2017

## **Gauteng**

Spatial Planning and Land Use Management Act 16 of 2013 - PN 1055 in *PG* 295 of 17 October 2018 - Lesedi Local Municipality - Call for nominations for persons to be appointed as Chairperson and Deputy Chairperson to the Municipal Planning Tribunal

## **Northern Cape**

Spatial Planning and Land Use Management Act 16 of 2013 – Gen Notice 117 in *PG* 2219 of 15 October 2018 - Notice of review of the Draft Spatial Development Framework (SPDF) - for comment

## **Western Cape**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 128 in *PG* 7992 of 12 October 2018 - Declaration of a nature reserve: Destiny Nature Reserve

## **Eastern Cape**

Disaster Management Act 57 of 2002 - LAN 225 in *PG* 4129 of 12 October 2018 - Kouga Local Municipality - Declaration of a local state of drought disaster as published under LAN 189 in *PG* 4115 of 14 September 2018 extended for a further month

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 226 in *PG* 4130 of 15 October 2018 - King Sabata Dalindyebo Municipality - Appointment of members to the Municipal Planning Tribunal

## **INTERNATIONAL**

Convention on International Trade in Endangered Species of Wild Fauna and Flora Seventieth meeting of the Standing Committee Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018 Global Wildlife Programme – [Status Report](#) (as of September 2018)

[IPPC](#) “Global Warming of 1.5°C” (Special Report 2018)

## CASES

### National

*PSA obo Members v Minister of Health and Others* (J3106/18) [2018] [ZALCJHB](#) 345 (12 October 2018)

[1] The applicant has initiated these proceedings on behalf of its members employed by the first respondent, the Department of Health, in the Civitas Building, located at 22 Thabo Sehume Street, Pretoria. They contend that the building is unsafe. In this application, they seek a final order, amongst other things, directing the respondents in terms of s 8 of the Occupational Health and Safety act, 85 of 1993 (OHSA), to provide and maintain, as far as reasonably practicable, a working environment that is safe and without risk to the health of its employees, further directing the respondents to comply with the recommendations contained in reports on the surveys conducted by the National Institute for Occupational Health (NIOH) in respect of an indoor air quality survey and an area noise survey, and directing the respondents to move the applicants to a safer working environment free of the risks and hazards identified in these reports. The applicant also seek orders declaring that the members' refusal to work in the building does not amount to a strike, and interdicting the first and second respondents from disciplining its members for refusing to enter the Civitas building.

## PUBLICATIONS

### International

2018 *Bioenergy Magazine* (October 2018) Articles available free [download](#)

Carbon Tracker "Nowhere to hide: Using satellite imagery to estimate the utilisation of fossil fuel power plants" ([Report](#) October 2018)

Goffman J "Reconstruct an Administrative Agency" [The Environmental Forum](#) (Nov/Dec 2018)

Penny D "The demise of Angkor: Systemic vulnerability of urban infrastructure to climatic variations" [Science Advances](#) 17 October 2018 DOI: 10.1126/sciadv.aau4029

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

### National interest

Global Green Economy [Index](#) 2018

[The Conversation](#): Rogan M "Informal economies are diverse: South African policies need to recognise this" 15 October 2018

### African regional interest

[The Conversation](#): Baudron F "Study in Ethiopia links healthy soils to more nutritious cereals" 8 October 2018

[The Conversation](#): Hendriks SL, Mkandawire E and Mabuza N “African countries’ policies must shift to achieve zero hunger” 16 October 2018

[The Conversation](#): Ngumbi EN “How insects can help fight hunger in the world” 16 October 2018

[The Conversation](#): Wu Y-S, Alden C and Van Staden C “Ties between African countries and China are complex. Understanding this matters” 15 October 2018

[The Conversation](#): Nilsen AG “Why the World Bank’s optimism about global poverty misses the point” 17 October 2018

## **General in rest of the world**

[IISD](#) SDG Knowledge Hub: Paul D “UNECE Publishes Assessment of Progress on Water Convention” 9 October 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C “African Statisticians Reflect on Data Needs for SDGs, Agenda 2063” 9 October 2018

[IISD](#) SDG Knowledge Hub: Fishman A “UN-Habitat Database Provides Budget, Expenditure Data for Over 100 Cities” 9 October 2018

[IISD](#) ENB: 70th Meeting of the Standing Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora 1-5 October 2018 | Sochi, Russian Federation

[IISD](#) ENB: 48th Session of the Intergovernmental Panel on Climate Change (IPCC-48) 1-6 October 2018 | Incheon, Republic of Korea

[Environmental Law at Harvard](#): “Legal Analysis of the Proposals to Repeal and Replace the Clean Power Plan” October 2018

Oposa Tony “Shooting Stars and Dancing Fish – A Walk to the World We Want” ([Book](#) for Young People 2017) You may share it with anyone you wish.

Oposa Tony: [Short film](#): “Seacamp” (April 2018)

IAIA: “Incorporating Climate Change Considerations in Impact Assessments” ([leaflet](#) October 2018)

[The Nature of Cities](#): Braspies R “A Comic Book Sparks Kids Toward Environmental Justice”

[IISD](#) IGF Bulletin: 14th Annual General Meeting of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development 15-18 October 2018 | Palais des Nations, Geneva, Switzerland

[IISD](#) UNISDR Bulletin: Africa-Arab Platform on Disaster Risk Reduction 9-13 October 2018 | Tunis, Tunisia

[American University](#): Institute for Carbon Removal Law & Policy: “Why Talk About Carbon Removal?” click [here](#)

[Acclimatise News](#): Darby M “Climate Lawyers to use UN 1.5c Report to Sue Governments” 15 October 2018

[The Hill](#): Rodrigo CM “Chief justice halts discovery, trial in youth climate lawsuit” 10 October 2018

[Science](#): Blaustein R “Climate change prompts a rethink of Everglades management” 19 October 2018

[Science](#): Waldman S “Climate change doubters are finalists for Environmental Protection Agency Science Advisory Board” 18 October 2018

[Science](#): Pennisi “World's biggest whooping crane breeding program winds down” 17 October 2018

[Science](#): Perkins S “Sea-level rise could drown dozens of Mediterranean heritage sites” 16 October 2018

[Science](#): Stokstad E “Several species of insects have almost completely vanished from some tropical forests” 15 October 2018

[CPR Blog](#): Mintz J “Justice Delayed: Mercedes-Benz's Diesel Pollution Remains Unprosecuted” 16 October 2018

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A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

## Professor Jan Glazewski, Environmental Law - Valedictory Lecture

Date: 14 November 2018

Venue: Oliver Tambo Moot Court | 5th Floor | Kramer Building, UCT Middle Campus

*Time:* 17h30 lecture followed by refreshment

Professor Jan Glazewski will be leaving the Faculty at the end of 2018. To mark this moment in his long career, Jan will deliver his Valedictory Lecture in November. Jan has contributed significantly to the development of Environmental Law in South Africa, and to ensuring the inclusion of environmental rights in both the South African and Namibian constitutions. Join us in bidding Professor Glazewski a celebratory farewell!

### **Postgraduate Certificate Course in Climate Change and Energy Law**

Climate Change and Energy Law will provide students with a comprehensive understanding of the international climate change regime, South African climate change policy, and the country's commitment to mitigate its greenhouse gas emissions. The course will thereafter examine, from the perspective of meeting demand for electricity and transport fuels in light of South Africa's climate change obligations, the governance and regulation of fossil fuels (coal, oil and natural gas), unconventional gas (fracking), nuclear power, and renewable energy.

Course details, entry requirements and application process can be found on the Mandela Institute [website](#).

Other postgraduate certificate courses available are: Basic Administrative Law for Regulators; Company Law I; Competition Law; Human Rights and the Marketplace; Individual Labour Law; International Business Transactions Law; International Environmental Law; Introduction to Law for Non-Lawyers; Labour Dispute Resolution Practice; Law of Banking and Financial Markets; Local Government Law; Media Law; Mining Tax Law; Pensions Law I; Private Security Services Law; Research Methodology; Risk, Compliance and Governance

Venue: Mandela Institute of the School of Law, University of the Witwatersrand, Johannesburg

Date: 4 February to 17 May 2019

Closing date for registration is Friday 30 November 2018.

Registration and enquiries: [Mandela Institute](#), Tel: 011 717 8435/8438; [E-mail](#)

### **International**

#### **Webinar: DSM University Ireland: Changing Energy Behaviour – What Works?**

When: Thursday 25 October 2018 at 15.00 CET

Check your [local time](#)

Register [here](#)

#### **4th Virtual Workshop on Dignity Rights**

Date: 30 November 2018

Time: 10 a.m. to noon (EDT)

Check your [local time](#)

Do you know what the UN Charter, UN Sustainable Development Goals, Stockholm Declaration on the Human Environment, 160 constitutions, and other key international, regional, and domestic laws have in common? The goal of advancing human dignity, and with it, the Universal Declaration of Human Rights.

Please consider joining us from 10 a.m. – noon on Friday, November 30, 2018 for the, commemorating the 70th anniversary of the Universal Declaration of Human Rights (December 10, 2018). The workshop is sponsored by the Dignity Rights Project, a unique initiative that puts dignity rights into action through education, litigation support and advocacy throughout the world by means of a practicum class, symposia, scholarship, presentations, lay and professional training, program support, and partnerships.

The DRP's Virtual Workshops foster scholarship and understanding about dignity rights and to support the growing community of scholars, lawyers, judges, and activists who are dedicated to advancing human dignity around the world. Past Virtual Workshops have included participants from every continent, engaging in

conversation about dignity in relation to the environment and climate change, gender discrimination and sexual violence, tribal identity, prison conditions, children's rights, and more. Because they're virtual (using Zoom), these workshops are entirely carbon- and cost-free and yet they encourage participants to engage with each other in a focused, serious, and yet informal way.

Participants are invited to share reflections or research regarding the UDHR in context of 21st century challenges. If interested, please contact either of us.

Professors [Erin Daly](#) & [James R. May](#)

### **Sixth Annual International & Comparative Urban Law Conference**

Place: University of New South Wales Law – Sydney, Australia

Date: 11-12 July 2019

Since 2014, this annual Conference has welcomed leading scholars from a range of urban law perspectives to present their research. Now in its sixth year, the Conference will build on this tradition, again providing a dynamic forum for legal scholars from around the globe to share diverse international, comparative, and interdisciplinary perspectives on the intersection of cities and law.

Topics: The Conference invites scholars to address the full range of urban law topics, including:

- The structure and functions of local authority and autonomy
- Urban and metropolitan governance, finance, and urban political economy
- Economic and community development
- Housing laws and the built environment
- Legal challenges facing cities in developing nations and the Global South
- Citizenship, participation and urban activism
- Migration and citizenship laws
- Urban equity, inclusion, and urban public health
- Sustainability, climate change, and resilience

The Conference will facilitate engagement across sub-specialties within the legal academy and across legal systems internationally to help deepen our understanding of urban law in the twenty-first century

Deadline for proposals: January 10, 2019, although earlier submissions are encouraged.

Publication: The Urban Law Center has developed a book series compiling cross-cutting global perspectives on law and urbanism, with a core focus on comparative enquiry. The first volume in the series, [Law Between Buildings: Emergent Global Perspectives in Urban Law](#), was released in 2017, and the second volume, [Global Perspectives in Urban Law: The Legal Power of Cities](#), is forthcoming in December 2018. While publication is contingent on publisher acceptance, if you are interested in potentially being a part of a future volume in this series, please indicate this interest with your proposal. Acceptance for contribution to the book series will not be determined until after the Conference, and the decision is based on a variety of factors including quality of the submission, explicit relation to urban law, and the thematic development of the series.

About the Urban Law Center: The Urban Law Center is committed to investigating the role of the law and legal systems in contemporary urbanism through scholarship, pedagogy, programming, and applied research. For more details, please visit the [website](#).

About UNSW Law: UNSW Law is one of the world's top-ranking law schools, with a focus on progressive and rigorous legal education and research. The Faculty has particular strengths in property law, as well as urban governance. UNSW is located in the beachside suburbs of Australia's largest city, Sydney. For more details, please visit the [website](#).

### **The coming paradigm: natural resource governance without government?**

Date: 15-17 April 2019

Organised by: [Centre](#) for Corporate Social Responsibility, IUCN Academy of Environmental Law and the Australian [Centre](#) for Agriculture and Law, Australia  
Call for papers to be found [here](#)

Professor [Paul Martin](#), University of New England ()

Dr [Ciprian Radavoi](#), University of New England ()

Professor [Lez Rayman-Bacchus](#), University of Winchester ()

### **Cities Conference 2019**

Dates: 20-22 June 2019

Place: UCD Dublin Ireland

More [information](#)

### **ISES webinar on Women in Solar Energy**

Date: 8 November 2018

Time: 2pm GMT

As the largest international solar organization worldwide, ISES is committed to equality and sees it as one of the integral pillars to a successful energy transition. Women have held leading positions within ISES, as presidents, board members and team members - working as engineers, researchers, developers they have shaped the ISES profile and together with their colleagues contributed to the success of ISES on a global scale.

This technical and engaging webinar on women in solar energy will be the first of a two-part series on this topic ISES. In the October webinar, the invited speakers will talk about their careers, personal experiences working in solar energy, running solar businesses and founding new networks. This webinar will also introduce the Global Women's Network for the Energy Transition and the IRENA Gender Study collecting data on gender and renewable energy.

To join the webinar, register [here](#)

## **NEWS**

### **National**

"Sick miners to bring class action lawsuit against coal mining companies"  
[TimesLive](#) 18 October 2018 [Legalbrief Today 19 October 2018]

### **General: Ramaphosa asked to make water plants key points**

Water and Sanitation Minister Gugile Nkwinti wants President Cyril Ramaphosa to declare water treatment plants as national key points. A Cape Times report says Nkwinti told the Water and Sanitation Portfolio Committee in the National Assembly that he has already made a request to Ramaphosa. This was after the EFF's Sibongile Khawula raised concerns about protests led by workers causing water treatment plants to be shut down, resulting in water supply being cut to communities. She named workers at the Amatola Water, Mhlathuze and Umgeni

Water as culprits. In August, Buffalo City Municipality considered seeking an interdict to prevent disgruntled residents from closing off the Zwelitsha wastewater treatment works project. The Sedibeng Water Treatment Plant project in Gauteng has experienced delays due to protests from the local community. Nkwinti said the issue of protests was something that needed to be dealt with. He said protests had occurred at the Vaal Dam. 'This is becoming unfortunate. That is part of the reason we requested the President to consider making these water treatment works and all water-related facilities (national key points). Water is a security matter,' Nkwinti said. He said in Sebokeng the community went on strike and blocked access to the treatment plant, a move that led to engineers being unable to access it. 'If it was a national key point, this would never happen because that would have been secured by the defence force,' he said.

Full Cape Times report (subscription needed) *Legalbrief* 19 October 2018

Baxter R "With some changes and clarifications the Mining Charter is aces" [City Press](#) 18 October 2018 [*Legalbrief* 19 October 2018]

Smith C "7 ways to 'decolonise' urban planning in SA – academic" [News24](#) 21 October 2018

Paton C "Business groups call for realistic energy plan" [News24](#) 17 October 2018

Ledwaba L "amaHlubi's battle against colonial legacy heads to high court" [Mail&Guardian](#) 19 October 2018

Shivambu R and Matsinhe "They've taken our sand and left nothing" [Mail&Guardian](#) 19 October 2018

Yeld J "State loses bid to postpone coal mining hearing" [GroundUp](#) 18 October 2018

Yeld J "Court drama as state tries to force through coal mining plan" [GroundUp](#) 17 October 2018

## International

Kraker D "Surprise acquittal in Enbridge pipeline protesters' case" [MPRNews](#) 9 October 2018

"Battle for compensation as Flourspar mining firm exits" [Kenya] [Extractives Baraza](#) 17 October 2018

Gabbatiss J "Anti-fracking activists jailed for climbing onto Cuadrilla lorries at Lancashire drilling site freed on appeal - Judge rules sentences given to protesters were 'manifestly excessive'" [The Independent](#) 17 October 2018 [*Legalbrief* 19 October 2018]

Hennessey-Fiske Molly "Environmental groups file suit to block waivers for Texas border wall" [Los Angeles Times](#) 18 October 2018

Hsu C "Environmental advocates challenge border wall plans" [The Jurist](#) 19 October 2018

Moore R "Climate change suit allowed against US government but not Trump" [The Jurist](#) 16 October 2018

“Small earthquakes detected at fracking site in Lancashire” [The Independent](#) 19 October 2018

Davidson E “Climate change is exacerbating world conflicts, says Red Cross president” [The Guardian](#) 21 October 2018

Chan G “Look after the soil, save the Earth: farming in Australia's unrelenting climate” [The Guardian](#) 21 October 2018

Lawrence F and McSweeney E “Migrants building £2.6bn windfarm paid fraction of minimum wage” ” [The Guardian](#) 21 October 2018

Taylor M “UK is endangering people's health by denying their right to clean air, says UN” [The Guardian](#) 19 October 2018

Saracoglu Gokce and Laville Sandra “Turkey’s plastic waste imports from the UK are booming – but at what cost?” [The Guardian](#) 18 October 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

#### **ELA Student Essay Competition**

Closing date: 28 February 2019

Find details attached to the email

#### **WWF-SA Environmental Leaders: Graduate Internship Programme 2019 Call for Applications**

Deadline for applications: 9 November 2018

More [information](#)

#### **Rosebank College: Lecturer - Legal/ Media Law - Braamfontein**

Closing date: 2 November 2018

More [information](#)

#### **University of the Western Cape: Lecturer Mercantile Law and Labour law**

Closing date: 29 October 2018

More [information](#)

#### **Contract Lecturers/senior Lecturers: Shanya Projects CC**

Bloemfontein, Free State

We are looking for Lecturers/Senior Lecturers in any of the following Faculties for a University:

\*Geology

\*Agricultural Economics

\*Disaster Management \*

\*Law/Humanities \*

Only candidates with relevant qualifications and at least 3 yrs working experience in the Tertiary industry will be considered. Apply to: [lenikahrsolutions@gmail.com](mailto:lenikahrsolutions@gmail.com) with:

\* Detailed CV and cover letter

\* Certified academic certificates

\* Certified ID or Work Permit Indicate in subject line which Faculty you are interested in.

**Juta Law Journal Publisher: Juta Law**

Closing date: 31 October 2018

More [information](#)

**University of Limpopo: Senior Lecturer X2: Department of Jurisprudence, Legal Pluralism, Criminal Law and Procedure**

Closing date: 2 November 2018

More [information](#)

**University of Limpopo: Lecturer X3: Department of Mercantile and Labour Law and Department of Public and Environmental Law**

Closing date: 2 November 2018

More [information](#)

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

- Associate Professor/Professor (Mahikeng) (2x)
- Junior Lecturer/Lecturer (Mahikeng)
- Senior Lecturer/Associate Professor/Professor (Mahikeng)
- Senior Lecturer/Associate Professor/Professor 3x (Potchefstroom)

Closing date: 2 November 2018

More information [here](#)

**International**

**Assessment of legal and policy frameworks addressing plastic pollution**

IUCN is seeking legal experts from Kenya, Mozambique, South Africa, Thailand and Vietnam to undertake an assessment of legal and policy frameworks related to addressing plastic pollution affecting the marine environment. The Terms of Reference can be found [here](#).

Interested experts should send a cover letter and CV to [Justine Brossard](#) no later than Monday 29 October at 9am CET

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## ELA NEWSLETTER 42

26 October 2018

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### LEGISLATION

#### BILLS

Revised draft Economic Regulation of Transport Bill, 2018 published for comment (GN 1135 in GG 41992 of 24 October 2018)

#### NOTICES

National Environmental Management: Biodiversity Act 10 of 2004 - GN 1143 in GG 41996 of 26 October 2018 - Draft National Biodiversity Framework - for comment

National Environmental Management: Air Quality Act 39 of 2004 - GN 1144 in GG 41996 of 26 October 2018 - 2017 National Framework for Air Quality Management in the Republic of South Africa

National Energy Regulator Act 40 of 2004 - GN 1136 in GG 41993 of 24 October 2018 - National Energy Regulator of South Africa (NERSA): Notice of public hearings on Eskom's third Multi-Year Price Determination (MYPD3) Regulatory Clearing Account (RCA) Year 5 (2017/18) and Fourth Multi Year Determination (MYPD4) Applications and indicative timelines for the determination process

### PROVINCES

#### Gauteng

Gauteng Provincial Laws General Amendment Bill, 2018 – Prem Notice 3 in PG 307 of 24 October 2018 - for comment

#### North West

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - Madibeng Local Municipality - LAN 129 in PG 7946 of 23 October 2018 - Public Parks By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - Madibeng Local Municipality - LAN 129 in PG 7946 of 23 October 2018 - Open Space By-law

## **Western Cape**

Disaster Management Act 57 of 2002 - LAN 57371 in *PG* 7993 of 19 October 2018- City of Cape Town Metropolitan Municipality - Extension of declaration of a local state of drought disaster for a further one month from 26 October 2018 to 26 November 2018

Disaster Management Act 57 of 2002 - LAN 57372 in *PG* 7993 of 19 October 2018 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of disaster as a result of a devastating fire in the Imizamo-Yethu informal settlement situated in Hout Bay for a further one-month period from 1 November 2018 until 30 November 2018

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 57379 in *PG* 7994 of 22 October 2018 - Knysna Local Municipality - Electricity Supply By-law

Nature and Environmental Conservation Ordinance 19 of 1974 - PN 131 in *PG* 7995 of 26 October 2018 - Hunting seasons, daily bag limits and hunting by the use of prohibited hunting methods, 2019

Sea-Shore Act 21 of 1935 - PN 132 in *PG* 7995 of 26 October 2018 - Hessequa Local Municipality - Notice of proposal to enter into a lease for the installation of an intake and discharge infrastructure below the high-water mark of the Breede River Estuary (Farm 723, Swellendam) - for comment

Sea-Shore Act 21 of 1935 - PN 133 in *PG* 7995 of 26 October 2018 - Swellendam Local Municipality - Notice of proposal to enter into a lease with Mr P J Winterbach for the construction of a jetty below the high-water mark of the Breede River: Erf 450, Malagas - for comment

## **Mpumalanga**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 84 in *PG* 2978 of 26 October 2018 - Dr Pixley Ka Isaka Seme Local Municipality - Street Trading By-law

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 85 in *PG* 2978 of 26 October 2018 - Notice of review of the Draft Spatial Development Framework (SPDF) - for comment

## CASES

### National

*Maledu and Others v Itereleng Bakgatla Mineral Resources (Pty) Limited and Another* [2018] [ZACC](#) 41

“Mineral and Petroleum Resources Development Act 28 of 2002 — Section 54 — Other satisfactory remedy Interim Protection of Informal Land Rights Act 31 of 1996 — Section 2 — Deprivation of informal land rights”

*Bright Idea Projects 66 (Pty) Ltd v Former Way Trade and Invest (Pty) Ltd* 2018 (6) SA 86 (KZP)

“Minerals and petroleum - Petroleum—Arbitration—Whether eviction proceedings to be stayed, pending outcome of s 12B arbitration of fairness of brand fee—Petroleum Products Act 120 of 1977, s 12B.”

*Molobi v South African National Parks and Others* 2018 (6) SA 217 (LCC)

“Constitutional law - Legislation—Validity—Extension of Security of Tenure Act 62 of 1997, s 1 sv ‘occupier’ para (c)—Persons with monthly income above income threshold excluded from definition of ‘occupier’ and therefore protection of Act—Whether provision amounting to infringements of rights to equal protection and benefit of the law, to not be unfairly discriminated against, and to legally secure tenure—Paragraph (c) of ‘occupier’ not unconstitutional—Constitution, ss 9(1) and (3) and 25(6).”

*Witzenberg Properties (Pty) Ltd v Bokveldskloof Boerdery (Pty) Ltd and Another* 2018 (6) SA 307 (WCC)

“Water - Groundwater—Abstraction—Interim interdict sought by neighbouring landowner—Standing—Applicant claiming abstraction from boreholes on neighbouring farm draining its dam—Mere connectivity between boreholes and dam not enough to show harm actually committed or reasonably apprehended—No standing—Interdict denied—National Water Act 36 of 1998.

Water - National Water Act—Effect—Water law removed from private law to public law domain—National Water Act 36 of 1998.”

## PUBLICATIONS

### National

Paterson Alexander "Mining in nature reserves – providing partial legal certainty where ambiguity prevailed" 2018 *Stellenbosch Law Review* 29(2): 199-219

Cartwright A *et al* “Developing Prosperous and Inclusive Cities in Africa – National Urban Policies to the Rescue?” ([Working Paper](#) Coalition for Urban Transitions October 2018)

## International

The Columbia Journal of Environmental Law is seeking submissions for its Climate Change Symposium Issue to be published in Spring 2019. Authors whose articles are selected for publication will have the opportunity to present them at CJEL's annual Climate Change Symposium at Columbia Law School in March. Articles on any legal topic related to climate change will be considered. Please submit articles to [jrnenv@law.columbia.edu](mailto:jrnenv@law.columbia.edu).

Scott Andrew and Pickard Sam "Energy safety nets: A literature review" ([CAFOD](#) ODI September 2018)

Burger M and Gundlach J *Climate Change, Public Health, and the Law* ([Cambridge University Press](#) October 2018)

"Malawi villagers search through river silt in new gold rush" [News24](#) 26 October 2018

"Climate change swelling Central American migration to US – experts" [News24](#) 25 October 2018

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

### National interest

[The Conversation](#): Pieters R *et al* "Cancer causing toxicants found in a tributary of South Africa's second largest river" 22 October 2018

[Webber Wentzel](#): "Reportable Irregularities spilling over into Environmental Compliance" 25 October 2018

[The Conversation](#): Winkler H "Why South Africa can't make a massive shift to renewables - yet" 22 October 2018

[The Conversation](#): Colenbrander S and Palmer I "African cities can raise more money. Kenya and South Africa offer useful lessons" 23 October 2018

### African regional interest

[The Conversation](#): Dapel Z "Snap shot pictures of poverty in Nigeria aren't accurate. Here's the real deal" 22 October 2018

[The Conversation](#): Wasunna MK "What Kenya needs to do to better protect those working in the oil sector" 24 October 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C "Governments Recommit to Tackle Illegal Wildlife Trade as Serious, Organized Crime" 23 October 2018

[The Guardian](#): Fuller G "Pollutionwatch: generating a problem across Africa" 25 October 2018

## General in rest of the world

[The Conversation](#): Eise J and Foster K “World hunger has risen for three straight years, and climate change is a cause” 22 October 2018

[The Conversation](#): Eisenberg M and Brouwer A “Sewage surveillance is the next frontier in the fight against polio” 19 October 2018

[IISD](#) SDG Knowledge Hub: Antonich B “Getting Carbon Prices Right: Whether Incentives or Tax, Climate Costs Must be Part of Production and Consumption Costs” 25 October 2018

[IISD](#) SDG Knowledge Hub: Mead L “Aarhus Centres Assess Work to Advance SDGs, Convention Principles” 25 October 2018

[CIDSE](#): Bondi G “EU climate finance: more than a numbers' game?” 12 October 2018

[The Conversation](#): Wood M and Blumm MC “These kids and young adults want their day in court on climate change” 23 October 2018 – find science reports [here](#)

[IISD](#) SDG Knowledge Hub: Antonich B “GCF Board Approves Over US\$1 Billion for 19 Projects in Developing Countries” 23 October 2018

[IISD](#) SDG Knowledge Hub: Jungcurt S “CFS 45 Expresses “Deepest Concern” About Rising Hunger, Decides to Develop Guidelines on Food Systems and Nutrition” 23 October 2018

[IISD](#) SDG Knowledge Hub: Mead L “Global Commission Launches with Calls to Accelerate Climate Adaptation” 23 October 2018

[IISD](#) SDG Knowledge Hub: Mead L “World Bank, Governments Launch Risk Financing Facility for Vulnerable Countries” 23 October 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C “European Investment Bank, Government Partners Launch Initiative to Clean up Oceans” 23 October 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C “Guatemala to Use Bio-fences to Reduce Plastic Pollution” 23 October 2018

[IISD](#) SDG Knowledge Hub: Mead L “Documentary Films Show Business Advantages of Each SDG” 23 October 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C “Task Force Discusses Public Participation in Chemical Decisions, Protecting Environmental Defenders” 23 October 2018

[IISD](#) ENB: Second UN World Data Forum - 22-24 October 2018 | Dubai, United Arab Emirates

[The Guardian](#): Carrington D and Taylor M “Air pollution is the ‘new tobacco’, warns WHO head” 27 October 2018

[The Guardian](#): Taylor M “‘We have a duty to act’: hundreds ready to go to jail over climate crisis” 26 October 2018

[The Guardian](#): Watts J “Latest land defender murder cements Mexico's deadly reputation” 26 October 2018

[The Guardian](#): Neslen A “Ban entire pesticide class to protect children's health, experts say” 25 October 2018

[The Guardian](#): Nuccitelli D “Canada passed a carbon tax that will give most Canadians more money” 26 October 2018

[The Guardian](#): Cox L “Great Barrier Reef forecast warns entire system at risk of bleaching and coral death this summer” 26 October 2018

[The Guardian](#): Milman O and Holden E “Lawsuit alleges ExxonMobil deceived shareholders on climate change rules” 24 October 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **IMBEWU: Environmental Law Update**

Date: 27 November 2018

Venue: IMBEWU's offices, Rosebank

Time: 08:30-16:30

Contact: [Lulu](#) or phone 011 214 0660

#### **Symposium of Contemporary Conservation Practice**

Date: 5-9 November 2018

Venue: St Ives, KwaZulu-Natal Midlands

[Website](#)

#### **Chief Directorate: Integrated Environmental Authorisations (IEA) of the Department of Environmental Affairs (DEA) stakeholder engagement in the Environmental Impact Assessment Sector**

The Directorate has identified the need to interact closely with every stakeholder in the Environmental Impact Assessment sector with a view to improve work relations and improved implementation of the EIA Regulations, 2014 and Listing Notices, 2014. To this end, DEA, through the Chief Directorate: IEA, will be embarking on provincial visits in a form of seminars to engage with all sector stakeholders.

Venues: To be announced

Date and Place: Provisionally mid-November 2018 – Pietermaritzburg

Provisionally end January 2019 – George

Provisionally mid February 2019 – Polokwane

Provisionally end February 2019 – Mbombela

Provisionally mid March 2019 - Pretoria

For any queries please do not hesitate to contact Mr. Franz Scheepers through [email](#)

#### **Professor Jan Glazewski, Environmental Law - Valedictory Lecture**

Date: 14 November 2018

Venue: Oliver Tambo Moot Court | 5th Floor | Kramer Building, UCT Middle Campus

Time: 17h30 lecture followed by refreshment

Professor Jan Glazewski will be leaving the Faculty at the end of 2018. To mark this moment in his long career, Jan will deliver his Valedictory Lecture in November. Jan has contributed significantly to the development of

Environmental Law in South Africa, and to ensuring the inclusion of environmental rights in both the South African and Namibian constitutions. Join us in bidding Professor Glazewski a celebratory farewell!

#### **NWU – Centre for Environmental Management Courses 2018**

- **CEM-06.6.1 Climate change management**  
Date: 5 - 9 November 2018
- **CEM-06.8.1 Integrated land management**  
Date: 5 - 9 November 2018
- **CEM-03.7.2 Occupational health and safety management system migration**  
Date: 5 - 6 November 2018
- **CEM-04.1.1 Environmental management system - lead auditor**  
Date: 12 - 16 November 2018
- **CEM-04.2.1 Occupational health and safety management system - lead auditor**  
Date: 12 - 16 November 2018
- **CEM-04.4.1 Legal compliance - lead auditor**  
Date: 12 - 16 November 2018
- **CEM-02.1.7a Environmental law - mine closure and rehabilitation (Introduction)**  
Date: 20 - 22 November 2018
- **CEM-06.1.1 Dangerous goods and hazardous substances management**  
Date: 20 - 22 November 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

#### **DWS Sub-Directorate In-stream Water Use will be hosting two separate training courses for “Section 21 (c) or (i) water use authorisation”**

Venue: DWS Training Centre Roodeplaat

Dates: One session on 21 November 2018 and another session on 22 November 2018.

Please choose one of the two dates as it will be a repeat of the same session to accommodate more people.

We are delighted to inform you that this course is now accredited by SACNASP and you will receive 1.0 CPD point by attending any one of the sessions (Certificates with the Validation number will be issued after completion of the course).

The training courses are open to all DWS staff and ALL external stakeholders, so please distribute as wide as possible.

Training is for free but no lunch will be provided so bring your own lunch, tea and coffee will be provided.

Section 21 (c) and (i) water use authorisation training on 21 or 22 November 2018 at Roodeplaat Training Centre

Start time 9H00 – 16H00

Please RSVP before 10 November 2018 for the respective courses!

## **IAIAsa 2019 Conference: The Role of Integrated Environmental Management the Economic Revival of South Africa – Save the Date**

Place: ATKV Klein Kariba, Bela-Bela Limpopo

Date: 21-23 August 2019

### **LLM in International Law: University of Johannesburg**

Are you interested in current affairs? Do you want to further your studies in a vibrant and dynamic field of the law? Does the idea of studying international law at the historic Women's Gaol at Constitution Hill appeal to you? Whether you are interested in armed conflict, international criminal justice, the protection of human rights, or environmental law as a fundamental rights issue, the LLM in International Law offered by the Faculty of Law of the University of Johannesburg offers you a chance to specialise in these fields. This LLM takes an interdisciplinary approach and critically assesses international legal questions from a variety of perspectives.

The lecturing style is interactive to ensure students benefit from close contact with their lecturer and experts from the legal field. The diversity of the participants in the LLM program contributes significantly to the educational experience. Further, students have access to the Faculty's superb library and electronic resources, as well as the excellent recourses at the Constitutional Court Library. The LLM consist of three taught modules, namely international criminal/humanitarian law; international human rights law; and international environmental law. Students are also expected to complete a minor-dissertation on any topic in international law. The minimum admission requirement is an average of 65% for the law subjects in the student's LLB degree.

For further information and enquiries regarding entry requirements, the application procedure, and the substance of the LLM, please contact [Dr Mispa Roux](#) at or [Mrs Phaladi Magongoa](#).

## **International**

Environmental Peacebuilding Association issued a call for proposed papers, panels, and roundtables at the First International Conference on Environmental Peacebuilding (to be held October 23-25, 2019 in Irvine, CA). The Conference will highlight two special themes: (1) technology and innovation in environmental peacebuilding, and (2) the case of Colombia. In addition, the Conference will cover a range of other topics concerning environment, conflict, and peace.

More information on the call and the submission process are available [here](#).

The deadline for submissions is December 15, 2018. To submit a proposal, please [click here](#).

### **ISES webinar: Powering Renewables - Women in Solar Energy**

Date: 8 November 2018

Time: 8 - 2pm GMT.

Register [here](#)

About the webinar:

The International Solar Energy Society envisions a world with 100% renewable energy for everyone used wisely and efficiently and one of the biggest steps towards achieving this goal is the empowerment of women working in solar research, development and the solar industries.

This technical and engaging webinar on women in solar energy will be the first of a two-part series on this topic ISES. In the October webinar, the invited speakers will talk about their careers, personal experiences working in solar energy, running solar businesses and founding new networks. This webinar will also introduce the Global Women's Network for the Energy Transition and the IRENA Gender Study collecting data on gender and renewable energy - the results of this survey together with a new set of speakers will follow up as the second instalment of this webinar topic in early 2019.

The aim of this webinar is to highlight the perspective of women working in solar energy, their professional as well as personal experience, their achievements and to demonstrate that a successful energy transformation can only be achieved when renewables become powered by equality!

## NEWS

### National

“DAFF fails to uphold legal mandate to conserve marine resources” [eTN](#) 22 October 2018 – read also [here](#) the *GroundUp* report

Mabuza E “‘Massive victory’ for small community in mining rights case – LHR” [TimesLive](#) 25 October 2018

Ryan C “Bid to have Lonmin’s mining licence suspended” [GroundUp](#) 24 October 2018

Kings S “Raw sewage flows as little changes” [Mail&Guardian](#) 26 October 2018

### **Environmental: Department ordered to produce water quality report**

“The parliamentary portfolio committee has issued a scathing warning to the Department of Water and Sanitation, saying its failure to release water quality reports is illegal, notes a Business Day report. Officials from the department, which since 2014 has failed to release reports measuring the quality of SA’s water resources, appeared before the committee this week. Water users have in the past four years not had any assurances about the quality of water. However, some municipalities have released such reports. The portfolio committee said the department’s actions were illegal. The committee hit out at ‘laxity’ in the department, which it said was not fulfilling its obligation to release the report annually. The committee said the negligence contributed directly to water pollution in many rivers, mainly because ‘assessment mechanisms’ were not being implemented. Parliamentary committee chairperson Mlungisi Johnson said the department promised in January 2017 to deliver the report in October. ‘We are now a year from that promised date yet the report is still not here. What the department is doing is illegal, because this laxity undermines the responsibility to ensure the quality of our water resource,’ he said. The committee instructed the department to produce a report detailing the quality of rivers and wastewater treatment infrastructure in 14 days.

Full Business Day report *Legalbrief* 26 October 2018

## International

Steinmetz JT “Hawaiian Island vanished in Honolulu County” [eTN](#) 25 October 2018

### **Litigation: Botswana mine liquidation spat intensifies**

“The legal battle between Norilsk Nickel and the liquidators of Botswana’s state-owned BCL over a \$300m deal has intensified, with the Russian miner’s lawyers questioning the liquidator’s motives. The argument over BCL’s nonpayment of \$300m for Norilsk’s 50% stake in Nkomati Nickel has pitted the Russian mining company against the Botswana Government in a long-running feud over the failed deal. Business Day reports that the liquidators argue that the agreement with Norilsk is void because BCL was in dire financial difficulties by the time SA’s Department of Mineral Resources considered and then granted a transfer of mining rights from Norilsk to a broke BCL subsidiary. They say this violated the Mineral and Petroleum Resources Development Act and should be cancelled. In terms of the Act, the applicants for the transfer of a mining right had to prove they had the requisite financial and technical ability not only to operate the deposit but to meet social and labour obligations. Norilsk accused liquidator Nigel Dixon Warren of wasting time and money on the court process and appealed to SA’s Mineral Resources Minister Gwede Mantashe to intervene.”

Full Business Day report (subscription needed) *Legalbrief Forensic* 25 October 2018

“Rwanda halts oil exploration on Lake Kivu” [EB Newsletter](#) 25 October 2018

“Kenya wins case against Cortec Mining on Rare Earths, Niobium Licence” [EB Newsletter](#) 24 October 2018

Gabbatiss J “Oxford-Cambridge housing development will destroy area of countryside size of Birmingham, campaigners warn” [The Independent](#) 26 October 2018

Neslen A “European parliament approves sweeping ban on single-use plastics” [The Guardian](#) 24 October 2018

Rohta S “Germany court rules for shareholders in Porsche suit over VW emissions scandal” [The Jurist](#) 26 October 2018

Offutt L “Chevron settles claims for violating Clean Air Act” [The Jurist](#) 25 October 2018

Offutt L “Trump signs water infrastructure bill into law” [The Jurist](#) 24 October 2018

Dehghan SK “Iran charges five wildlife activists with capital offences” [The Guardian](#) 24 October 2018

Walker A “Fracking: second tremor in 24 hours recorded in Blackpool” [The Guardian](#) 27 October 2018

Neslen A “Spain to close most coalmines in €250m transition deal” [The Guardian](#) 26 October 2018

Healy N “Blood coal: Ireland’s dirty secret” [The Guardian](#) 25 October 2018

Gabbatiss J “There is not enough fruit and vegetables in the world for everyone to have healthy diet, new study reveals” [The Independent](#) 26 October 2018

Gabbatiss J “Protections for England’s coastal communities ‘not fit for purpose’ as sea levels rise, say government climate advisers” [The Independent](#) 26 October 2018

Hall K “California judge upholds Monsanto verdict but reduces award to \$78 million” [The Jurist](#) 23 October 2018

Brown T “Supreme Court puts climate change lawsuit on hold” [The Jurist](#) 22 October 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

#### **ELA Student Essay Competition**

Closing date: 28 February 2019

Find details attached to the email

#### **WWF-SA Environmental Leaders: Graduate Internship Programme 2019 Call for Applications**

Deadline for applications: 9 November 2018

More [information](#)

#### **Rosebank College: Lecturer - Legal/ Media Law - Braamfontein**

Closing date: 2 November 2018

More [information](#)

#### **University of Limpopo: Senior Lecturer X2: Department of Jurisprudence, Legal Pluralism, Criminal Law and Procedure**

Closing date: 2 November 2018

More [information](#)

#### **University of Limpopo: Lecturer X3: Department of Mercantile and Labour Law and Department of Public and Environmental Law**

Closing date: 2 November 2018

More [information](#)

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

- Associate Professor/Professor (Mahikeng) (2x)
- Junior Lecturer/Lecturer (Mahikeng)
- Senior Lecturer/Associate Professor/Professor (Mahikeng)
- Senior Lecturer/Associate Professor/Professor 3x (Potchefstroom)

Closing date: 2 November 2018

More information [here](#)

#### **University of Cape Town: Faculty of Law: Senior Lecturer/Associate Professor: Criminology**

Closing date: 23 November 2018

More information [here](#)

**University of KwaZulu-Natal: Professor/Associate Professor/Senior Lecturer/Lecturer (3 Posts)**

Closing date: 11 November 2018

More information [here](#)

**Competition Law Associate - City Of Johannesburg Metro Johannesburg, Gauteng**

Closing date: 28 October 2018

More information [here](#)

**Compliance - BCom Law or BA Law - Johannesburg, Gauteng**

Closing date: 28 October 2018

More information [here](#)

**Nelson Mandela University: Senior Lecturer/ Associate Professor/ Professor**

Nelson Mandela University has the above-mentioned vacancies within the Faculty of Law, Department of Mercantile Law

Key Performance Areas: Manage and coordinate teaching and learning activities in undergraduate and

postgraduate academic or clinical programmes; Facilitate effective teaching and learning at undergraduate and postgraduate level; Provide successful research supervision of postgraduate students, including doctoral candidates; Assist and/or lead the development and implementation of a research strategy for the department; Perform independent research and publish in peer reviewed journals; Lead collaborative research projects within and external to the university; Provide evidence of being able to secure research funding and generate third stream income; Provide leadership within the institution, nationally and internationally through consultancy, policy development or project involvement as well as Provide leadership in the academic administration of the department.

**Core Competencies**

A sound knowledge of research theory and applications in law

- Extensive experience at facilitating teaching and learning at undergraduate and postgraduate levels or other relevant experience
- Contribute to the creation of knowledge by virtue of published research and/or by successfully supervising masters and doctoral candidates
- Involvement in relevant engagement/consulting activities or other scholarly outputs.

**Minimum Requirements:**

- A doctorate in a sub-discipline of Mercantile Law
- At least 1 year of experience in a teaching, learning and research environment or relevant other experience (Senior Lecturer), OR 5 years of experience in a teaching, learning and research environment or other relevant experience (Associate Professor/Professor)
- Proven record of research outputs, including accepted peer-reviewed publications and proven leadership abilities
- It will be advantageous to be an NRF rated researcher or to be able to become an NRF rated-researcher within the next few years.

Apply [online](#) before 2 November 2018

**University of Pretoria: Lecturer/Senior Lecturer Education Law (two positions)**

Closing date: 8 November 2018

More information [here](#)

**Unisa: CLAW - E-Tutor (3 Year Contract)**

Closing date: 16 November 2018

More information [here](#)

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[\*Legalbrief Environmental\*](#)  
and the  
[\*South African Journal of Environmental Law and Policy\*](#).  
Discount available for ELA members.

## ELA NEWSLETTER 44

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### LEGISLATION

#### BILLS

Science and Technology Laws Amendment Bill, 2018 [B42-2018]

#### NOTICES

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 - GN 1213 in GG 42021 of 9 November 2018 - Notice of publication for comment of proposed amendments to regulations relating to farm feeds

Petroleum Products Act 120 of 1977 - GN R1209 in GG 42018 of 6 November 2018 - Regulations in respect of petroleum products published in GN R1022 in GG 41951 of 2 October 2018 substituted with effect from 7 November 2018

Petroleum Products Act 120 of 1977 - GN R1210 in GG 42018 of 6 November 2018 - Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 7 November 2018

Petroleum Products Act 120 of 1977 - GN R1211 in GG 42018 of 6 November 2018 - Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 7 November 2018

### PROVINCES

#### Eastern Cape

National Environmental Management: Protected Areas Act 57 of 2003 - PN 237 in PG 4143 of 5 November 2018 - Intention to declare Nature Reserves and Protected Environments: Indalo, Buffalo Kloof, Kromme-Geelhout, Balloch and Entle Protected Environments; Elandsberg Private Nature Reserve and Golden Fleece and Oubos-Grootrivier Nature Reserves - for comment

#### Western Cape

National Environmental Management: Protected Areas Act 57 of 2003 - PN 135 in PG 7997 of 2 November 2018 - Declaration of a nature reserve: Vergelegen Nature Reserve

Disaster Management Act 57 of 2002 - LAN 57392 in PG 7997 of 2 November 2018 - Swartland Local Municipality - Extension of the declaration of a local state of disaster as a result of a devastating fire at the Swartland Hospital in Malmesbury for one month from 31 October to 30 November 2018

Disaster Management Act 57 of 2002 - LAN 57395 in PG 7997 of 2 November 2018 - Saldanha Bay Local Municipality - Extension of the declaration of a local state of drought disaster for one month from 30 October 2018 to 30 November 2018

## CASES

### National

*Sasol Oil v CSARS* (923/2017) [2018] [ZASCA](#) 153 (9 November 2018)

**Summary:** Contracts for the sale of crude oil by one entity within the Sasol Group, to another, and the back to back sale of the same oil to yet another entity in the group, were not simulated in order to avoid a liability to pay tax; nor were they entered into solely for the purpose of avoiding the payment of tax for the purpose of s 103(1) of the Income Tax Act 58 of 1962.

*Mining and Environmental Justice Community Network of South Africa and Others v Minister of Environmental Affairs and Others* Case No 50779/2017 [Gauteng High Court](#) (Pretoria Division) Delivered 6 November 2018 [See also **NEWS**]

Environmental Law – permission to conduct mining activities in a declared protected environment – nature of Ministers’ discretions and duties in terms of National Environmental Management: Protected Areas Act 57 of 2003 evaluated.

Environmental law – permission to conduct mining activities in declared protect environment – Section 48(1)(b) of NEMPA interpreted and explained.

Environmental law – review of Ministerial permissions – application of sections 3 and 4 of Promotion of Administrative Justice Act 3 of 2003 and possible departure therefrom discussed.

### International

*Indigenous Environmental network and North Coast River Alliance v Northern Plains Resource Council, et al* [Case No](#) CV-17-29-GF-BMM and CV-17-31-GF-BMM In The United States District Court for the District of Montanagreat Falls Division

“Plaintiffs allege that the Department violated the Administrative Procedure Act (“APA”), the National Environmental Policy Act (“NEPA”), and the Endangered Species Act (“ESA”) when it published its Record of Decision (“ROD”) and National Interest Determination (“NID”) and issued the accompanying Presidential Permit to allow defendant-intervenor TransCanada Keystone Pipeline, LP (“TransCanada”) to construct a cross-border oil pipeline known as Keystone XL (“Keystone”). Plaintiffs have moved for summary judgment. (Docs. 139 & 145.) The Department and TransCanada (collectively “Defendants”) have filed cross motions for summary judgment.”

## PUBLICATIONS

### National

Muir A “Using the South African law of trusts to predict some features of the nascent South African public trust doctrine” 2017 *SAJELP* 5-30

Cooper N “Grassroots responses to water poverty, and the limitations of a right to water in South Africa and Malawi” 2017 *SAJELP* 31-73

Ghebretেকে TB “Challenges and strategies in the regulation of industrial pollution in Ethiopia: An overview” 2017 *SAJELP* 74-100

Liu B “Regulation of Chinese infrastructure companies’ environmental and social impacts in host countries overseas: A study of the Chinese-built standard gauge railway project in Kenya” 2017 *SAJELP* 101-141

Paterson A “Protected areas law, mining and the principle of non-regression – a South African perspective” 2017 *SAJELP* 142-194

Viljoen G “A note on licences as property: Some implications for the South African water regulatory regime” 2017 *SAJELP* 195-216

Coetzee L and Couzens E “Keeping the rhino (debate) alive: Swaziland’s proposal at CITES CoP17 in 2016” 2017 *SAJELP* 217-254

Kidd M “Obituary: John Milton” 2017 *SAJELP* 255-258

Blackmore Andrew Craig “Rediscovering the origins and inclusion of the public trust doctrine in South African environmental law: A speculative analysis” 2018 [RECIEL](https://doi.org/10.1111/reel.12239) <https://doi.org/10.1111/reel.12239>

### International

“Energy Technology Innovation in South Asia: Implications for Gender Equality and Social Inclusion” [Working Paper](#) (Asian Development Bank October 2018)

“Innovations in Land Use Planning in the Greater Mekong Subregion” [Working Paper](#) (Asian Development Bank September 2018)

Napolia NG and Petersen JC “Their Boot in Our Face No Longer? Administrative Sectionalism and Resistance to Federal Authority in the U.S. South” 2018 *State Policy and Society* <https://doi.org/10.1177/1532440018803960>

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

### National interest

[The Conversation](#): Hunter L “How we arrived at a \$1 billion annual price tag to save Africa’s lions” 5 November 2018

### African regional interest

[The Herald](#): “Environmental crimes boost terrorists in Africa” 8 October 2018

[Maldives Independent](#): “Housing ministry and water company slapped with environmental fines” 15 October 2018

[The Conversation](#): Abdulrahman SA “Agreements that favour Egypt’s rights to Nile waters are an anachronism” 4 November 2018

## **General in rest of the world**

[IISD](#) ENB: 30th Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer 5-9 November 2018 | Quito, Ecuador

[Grantham Research](#): Video: National Inquiry on Climate Change Commission on Human Rights of the Philippines, London Hearing 7 November 2018 – see also hearing on 6 November [here](#)

[The Hill](#): Houck OA “The children’s climate case: Our obligation to future generations” 6 November 2018

[Science Daily](#): “Coal power plant regulations neglect a crucial pollutant Researchers determine Texans would be healthier with stronger limits on sulfur dioxide” 29 October 2018

[Siskinds](#): Lombardi P “Environmental Assessments no longer necessary?” 24 October 2018

[Science](#): Stokstad E “New tracking system could show—at last—how pesticides are harming bee colonies” 8 November 2018

[Science](#): “Climate and energy measures fall flat in Colorado and Washington” 7 November 2018

[The Conversation](#): Haddad MA “Americans elected mayors who care about climate change” 9 November 2018

[Utility Dive](#): Jones KB “A PJM carbon pricing approach to bridge the state-federal energy policy divide” 8 November 2018

Youtube links to the Oceans Law conference held last week at George Washington Law: [Oceans Conference - 11/09/2018](#) and [Oceans Conference - 11/10/2018](#)

## **CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES**

### **National**

#### **IAIAsa KZN Branch Fifth Event Carbon Management and Reporting**

Date: 20 November 2018

Venue: uMhlathuze Municipality Auditorium

Time: 08:30-12:00

[Registration](#)

**“Save the date” for the upcoming implementation roadshows for the implementation of the Synchronisation of CARA-WULA-EIA-HIA processes in the Western Cape**

- Monday, 19 November 2018  
Time: 10:00 – 13:00  
Venue: Milnerton Library (Cape Town)
- Tuesday 20 November 2018  
Time: 10:00 – 13:00  
Venue: George Museum (George)  
RSVP information **attached to email**

**IMBEWU's Environmental Law Update**

Date: 27 November 2018

Time: 08:30-16:30

Venue: IMBEWU's offices, Rosebank

Contact: [Lulu](#) or phone [011 214 0660](tel:0112140660) or go to the [website](#)

**Nelson Mandela University Sustainability Research Unit Workshop: Conflict Management for Natural Resource Managers**

Date: 29-30 November 2018

Venue: Nelson Mandela University, George Campus

The Sustainability Research Unit at the Nelson Mandela University is offering a workshop aimed at developing the capacity of natural resource managers to deal with conflict in and around protected areas. Through a highly participatory and collaborative learning approach the workshop draws on participant experiences and real-world settings to help attendees develop the necessary conflict resolution and stakeholder engagement skills to cope with conflict within their own context.

Book your place on or before the 8th of November 2018 (only 25 places available).

More information: [Luzanne Visagie](#) (SRU Administrative Coordinator) or 044 801 5127

**IAIAsa 2019 Conference: The Role of Integrated Environmental Management the Economic Revival of South Africa – Save the Date**

Place: ATKV Klein Kariba, Bela-Bela Limpopo

Date: 21-23 August 2019

**NWU – Centre for Environmental Management Courses 2018**

- **CEM-02.1.7a Environmental law - mine closure and rehabilitation (Introduction)**  
Date: 20 - 22 November 2018
- **CEM-06.1.1 Dangerous goods and hazardous substances management**  
Date: 20 - 22 November 2018

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 / [email](#) / [website](#)

## International

### **IBA Environment, Health and Safety Law Committee of the Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL): African Regional Conference on the Environment**

Dates: 28–30 November 2018

Venue: Radisson Blu Waterfront, Cape Town, South Africa

Registration and more information [here](#)

### **6th Global Fisheries Enforcement Training Workshop**

Dates: 18 February 2019 – 22 February 2019

Location: Bangkok, Thailand

Organizer: The International MCS Network and Thailand's Department of Fisheries

### **ICON-S Conference: "Public Law in Times of Change?"**

Dates: 1-3 July 2019

Venue: Pontifical Catholic University of Chile in Santiago

#iconssantiago

More information [here](#)

## NEWS

### National

#### **Environment: Government surprised by Chinese rhino horn decision**

"The Department of Environmental Affairs learned from 'media reports' of a decision by the government of the People's Republic of China to legalise 'the domestic trade and use of rhino horn' for 'scientific, medical and cultural purposes'. This is according to a [media statement](#) issued yesterday. While the impact of the decision on SA's rhino population will need to be 'carefully monitored', the department nevertheless intends 'discussing' with Chinese officials its possible implications for measures in place to 'strictly control' domestic trade in the 'product'." Legalbrief Policy Watch Legalbrief 6 November 2018

Ngqakamba Sesona "Court sets aside decision allowing coal mine in Mabola Protected Environment" [News24](#) 8 November 2018 See also Centre for Environmental Rights ([CER](#))

Ngqakamba Sesona "2 people believed to be illegal miners found dead in Krugersdorp" [News24](#) 8 November 2018

"Annual West Coast Rock Lobster allocation cut by nearly half" [News24](#) 8 November 2018

## International

### **Policy: Harare targets environmental pollution**

"The Zimbabwean Government will soon start prosecuting individuals and organisations for environmental pollution as it seeks to curb the outbreak of diseases such as cholera which has claimed more than 50 lives. New Zimbabwe reports that this was confirmed by Environment and Tourism Minister Prisca Mupfumira who has also called for the phasing out of plastic products in the country in line with global trends. 'Our Constitution provides the environmental rights which every person should enjoy by living in a clean, safe and healthy environment,' Mupfumira said."

Full New Zimbabwe report Legalbrief 6 November 2018

"Federal judge blocks Keystone XL pipeline, saying Trump administration review ignored 'inconvenient' climate change facts" [The Washington Post](#) 8 November 2018

Rohtla S "Federal appeals court blocks climate change lawsuit" [The Jurist](#) 9 November 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

#### **ELA Student Essay Competition**

Closing date: 28 February 2019

Contact Secretariat for more information

#### **University of the Western Cape: Senior lecturer: Public law and Jurisprudence**

Closing date: 18 November 2018

More [information](#)

#### **University of the Western Cape: Faculty Officer (Specialising in Marketing and Communication)**

Closing date: 18 November 2018

More [information](#)

#### **United Nations Career: UNEP Intern - Programme Management, I (Temporary Job Opening)**

Closing date: 22 November 2018

Pretoria office

The United Nations Environment Programme (UN Environment) is the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment. This internship is located in UN Environment Africa Office, Pretoria, South Africa duty station. The Internship is UNPAID and full-time. Interns work five days per week (40 hours) under the supervision of a staff member in the department or office to which they are assigned. The internship is for a duration of three months with a possibility of extension up to a maximum of six months.

Read more [here](#)

**United Nations Development Programme (UNDP) intern – Office of Audit and Investigations**

Closing date: 22 November 2018

Read more [here](#)

**Varsity College: Contract & Property Law Lecturer (Independent Contractor) Pretoria Campus**

Closing date: 30 November 2018

More [information](#)

**Varsity College: Law Lecturer (Independent Contractor) Pretoria Campus**

Closing date: 30 November 2018

More [information](#)

**Varsity College: BCom Law Lecturer (Independent Contractor) Pretoria Campus**

Closing date: 30 November 2018

More [information](#)

**Varsity College: Tax Law Lecturer (Independent Contractor) Pretoria Campus**

Closing date: 30 November 2018

More [information](#)

**International**

**Commonwealth Scholarship: 2019: Master's and PhD scholarships in the United Kingdom**

Deadline for scholarship applications: **19 December 2018**

[Read more \(Master's\)](#)

[Read more \(PhD\)](#)

**UNESCO: Summer School for PHD Students / Early Career Researchers**

Global Ocean Oxygen Network (GO2NE) from the UNESCO Intergovernmental Oceanographic Commission (IOC-UNESCO) has organised an international Summer School that will be held in China on Xiamen University Xiang'an Campus from 2-8 September 2019.

The workshop has a limited amount of funds and will support in priority a limited number of eligible participants from developing countries.

Deadline for applications: **15 November 2018**

[Read more](#)

**Australia Awards - Africa**

**Master's scholarships** in agriculture, extractives, public policy starting in 2020

Deadline for scholarship applications: **3 December 2018**

**Short Courses** in extractives, agriculture, policy, environment, health and TVET available in 2019

Deadline for short course applications: **15 January 2019**

[Read more](#)

**Austria: ERASMUS+ Master in Research and Innovation in Higher Education (MARIHE) Programme: 2019**

**Master's scholarships** under the action of an Erasmus Mundus Joint Master Degree

Deadline for scholarship applications: **5 December 2018**

[Read more](#)

**Ireland: Kader Asmal Fellowship: 2019**

One-year **Master's scholarships** in various fields

Deadline for scholarship applications: **31 December 2018**

[Read more](#)

**Swiss Excellence Scholarship**

**PhD, Postdoctoral and Research Fellowships** are open for applications in any field

Deadline for scholarship applications: **15 December 2018**

[Read more](#)

**Japan: UNESCO / Keizo Obuchi Research Fellowship**

**Fellowship** for candidates who have completed their Master's and intend to do research in Japan in one of the following fields: Environment (Disaster Risk Reduction); Intercultural dialogue; Information and Communication Technologies); Peaceful conflict resolution

Deadline for fellowship applications: **20 November 2018**

[Read more](#)

**Azerbaijan: International Fellowship at Ada University**

**Bachelor's and Master's scholarships** are available (tuition fee only).

Deadline for applications: **5 April 2019** (early applications) / **1 July 2019** (late applications)

[Read more](#)

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and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

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### LEGISLATION

#### NOTICES

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 - GN 1237 in GG 42037 of 16 November 2018 - Proposed amendments to regulations relating to farm feeds – for comment

National Heritage Resources Act 25 of 1999 - GN 1238 in GG 42037 of 16 November 2018 - South African Heritage Resources Agency: Declaration of the Wreck of the São José as a National Heritage Site

Draft Carbon Tax Bill - Draft [Regulations](#) made in terms of Clause 19(c) of the Draft Carbon Tax Bill 12 November 2018 – for comment [provided by Andrew Gilder ClimateLegal]

Draft Carbon Tax Bill - [Explanatory Note](#) for Draft Carbon Tax Bill: Draft Regulations made in terms of Clause 19(c) of the Draft Carbon Tax Bill November 2018 See also [Media Statement](#) [provided by Andrew Gilder ClimateLegal]

### PROVINCES

#### Eastern Cape

Disaster Management Act 57 of 2002 - LAN 248 in PG 4146 of 12 November 2018 - Kouga Local Municipality - Declaration of a local state of drought disaster as published under LAN 225 in PG 4129 of 12 October 2018 extended for a further month

#### Western Cape

Spatial Planning and Land Use Management Act 16 of 2013; Western Cape Land Use Planning Act 3 of 2014 and Land Use Planning By-law - LAN 57409 in PG 8001 of 9 November 2018 - Bergrivier Local Municipality - Draft Municipal Spatial Development Framework (MSDF) – for comment

## **Gauteng**

Rationalisation of Local Government Affairs Act 10 of 1998 - LAN 1885 in *PG* 334 of 13 November 2018 - City of Johannesburg Metropolitan Municipality - Amendment of Emergency Services By-law – for comment

National Environmental Management: Biodiversity Act 10 of 2004 - PN 1204 in *PG* 335 of 14 November 2018 - City of Tshwane Metropolitan Municipality - Draft Bioregional plan – for comment

## **KwaZulu-Natal**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 129 in *PG* 2020 of 15 November 2018 - Correction notice to Mount Gilboa Nature Reserve as published under PN 2 in *PG* 370 of 14 January 2010

## **Limpopo**

National Environmental Management: Protected Areas Act 57 of 2003 - PN 174 in *PG* 2958 of 16 November 2018 - Intention to declare respective land parcels as a nature reserve - Bokgobelo Nature Reserve - for comment

Spatial Planning and Land Use Management Act 16 of 2013 and Spatial Planning and Land Use Management By-law, 2016 - LAN 156 in *PG* 2958 of 16 November 2018 - Thulamela Local Municipality - Draft Spatial Development Framework (SDF) – for comment

## **PUBLICATIONS**

### **National**

Murcott M “The procedural right of access to information as a means of implementing environmental constitutionalism in South Africa” in Daly E and May JR (eds) *Implementing Environmental Constitutionalism Current Global Challenges* ([Oxford](#) University Press November 2018)

Kotzé LJ “Six constitutional elements for the implementation of environmental constitutionalism in the Anthropocene” in Daly E and May JR (eds) *Implementing Environmental Constitutionalism Current Global Challenges* ([Oxford](#) University Press November 2018)

[Juta](#) Pocket Statutes Local Government: Municipal Systems Act 32 of 2000 & Regulations 5<sup>th</sup> edition

Van der Merwe Leoni "Life Healthcare Esidimeni: a (human rights) dream deferred" 2018 39 *Obiter* 289ff

Chauhan Raashi "Social justice for miners and mining-affected communities: the present and the future" 2018 39 *Obiter* 345ff

Vinti Clive "The case for “sufficient science”: *South African Poultry Association v The Minister of Agriculture, Forestry and Fisheries* Case Number: 39597/2016 (21/9/2016) (Gauteng Division, Pretoria)" 2018 39 *Obiter* 508ff

Tshoose Clarence “Forewarned is forearmed, *muthi* in the workplace: a reflection on *National Sugar Refining and Allied Industries Union on behalf of Mngomezulu and Tongaat Hulett Sugar Ltd*\_(2016) 37 ILJ 2441 (BCA)” 2018 39 *Obiter* 501ff

## International

Nassiry D *et al* “Clean energy project preparation facilities” ([Research Report](#) Evidence, Ideas, Change November 2018)

Etty T *et al* “Transnational Environmental Law in an Era of Radical Rethinking and Widespread Law Reform” 2018 [Transnational Environmental Law](#) 7(3)

Villavicencio Calzadilla P and Kotzé LJ “Living in Harmony with Nature? A Critical Appraisal of the Rights of Mother Earth in Bolivia” 2018 [Transnational Environmental Law](#) 7(3) <https://doi.org/10.1017/S2047102518000201>

Affolder N “Looking for Law in Unusual Places: Cross-Border Diffusion of Environmental Norms” 2018 [Transnational Environmental Law](#) 7(3) <https://doi.org/10.1017/S2047102518000080>

Sánchez LE “Impacts of the Fundão Dam failure A pathway to sustainable and resilient mitigation” (Rio Doce Panel Thematic [Report](#) No. 1 IUCN November 2018)

Hamman E and Deane F “The Control of Nutrient Run-Off from Agricultural Areas: Insights into Governance from Australia’s Sugarcane Industry and the Great Barrier Reef” 2018 [Transnational Environmental Law](#) 7(3) <https://doi.org/10.1017/S2047102518000018>

Oakes AR “Judicial Resources and the Public Trust Doctrine: A Powerful Tool of Environmental Protection?” 2018 [Transnational Environmental Law](#) 7(3) <https://doi.org/10.1017/S2047102518000213>

Epstein Y “Adversarial Legalism and Biodiversity Protection in the United States and the European Union” 2018 [Transnational Environmental Law](#) 7(3) <https://doi.org/10.1017/S2047102518000109>

Ryall A “Enforcing the Environmental Impact Assessment Directive in Ireland: Evolution of the Standard of Judicial Review” 2018 *Transnational Environmental Law* 7(3) doi: 10.1017/S2047102518000079

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

### National interest

[The Conversation](#): Winter K “Crisis proofing South Africa’s water security” 8 November 2018

[The Conversation](#): Barrington DJ and Sindall R “Toilets of the future must be designed with people in mind, not technology” 15 November 2018

[The Conversation](#): Van der Merwe P “Counting the contribution of hunting to South Africa’s economy” 15 November 2018

[The Conversation](#): Van Koppen B “Food security in Africa depends on rethinking outdated water law” 13 November 2018

[GroundUp](#): Clark C “32 Battalion veterans left in limbo in forgotten military town” 14 November 2018

[GroundUp](#): Venett K “Court stops Bo-Kaap residents from interfering with tower block construction” 13 November 2018

[TimesLive](#): Nair N “Drones collect valuable data so farmers can detect pests and disease” 16 November 2018

[Mail&Guardian](#): Kings S “Courts deliver big wins for environment” 16 November 2018

[Mail&Guardian](#): Kings S “SA is blowing its carbon budget” 16 November 2018 (subscription or paper based newspaper necessary to read)

[Mail&Guardian](#): Winter K “Crisis proofing South Africa’s water security” 12 November 2018

[Mail&Guardian](#): Kings S “R6.5-billion lost to alien invaders” 9 November 2018

### **African regional interest**

[Mail&Guardian](#): Larson N “Fin whale, mountain gorilla populations rise amid conservation action” 14 November 2018

### **General in rest of the world**

[IISD](#) ENB: 30th Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer 5-9 November 2018 | Quito, Ecuador

[IISD](#) ENB: 2018 UN Biodiversity Conference 14-29 November 2018 | Sharm El-Sheikh, Egypt

[Inside Climate News](#): Hasemyer D “Crab Fishers Sue Fossil Fuel Industry Over Climate Change Damage” 14 November 2018

[IISD](#) SDG Knowledge Hub: Kosolapova E “IEA Flagship Report Urges Government Action to Advance Energy-related SDGs, Paris Agreement” 15 November 2018

[IISD](#) SDG Knowledge Hub: Mead L “Finance to Close Global Energy Access Gaps to Meet SDG 7 Insufficient, SEforALL Report Warns” 15 November 2018

[IISD](#) SDG Knowledge Hub: Wahlén CB “European Commission, IOC-UNESCO Launch Marine Spatial Planning Initiative” 15 November 2018

[IISD](#) SDG Knowledge Hub: Wahlén CV “Government Initiative Aims to Increase Support for Sustainable Forest Management” 15 November 2018

[IISD](#) SDG Knowledge Hub: Wahlén CB “IMO Adopts Action Plan on Marine Litter” 15 November 2018

[IISD](#) SDG Knowledge Hub: Fishman A “African Data Revolution Report Previewed at UN World Data Forum” 15 November 2018

[IISD](#) SDG Knowledge Hub: Paul D “Special Rapporteur Presents Report on Human Rights to Water and Sanitation” 15 November 2018

[IISD](#) SDG Knowledge Hub: Mead L “UNDP Report Spotlights Successful Adaptation Projects in Africa, Urges Creative Financing” 15 November 2018

[The Conversation](#): Bicknell JJ, Slade E and Struebig M “Palm oil boycott could actually increase deforestation – sustainable products are the solution” 14 November 2018

[Center for Progressive Reform webinar](#): The outlook for the farm bill and the billions it funds for conservation 15 November 2018

[The Conversation](#): Amos C and Umgieser “Venice flooding is getting worse – and the city’s grand plan won’t save it” 13 November 2018

[The Jurist](#): Slobe E “Corporations failing to meet human rights obligations: report” 12 November 2018

[The Guardian](#): Carroll R “Green energy subsidies fuel rise of Northern Ireland mega-farms” 16 November 2018

[The Guardian](#): Watts J “Policies of China, Russia and Canada threaten 5C climate change, study finds” 16 November 2018

[The Guardian](#): Watts J “Brazil’s new foreign minister believes climate change is a Marxist plot” 15 November 2018

[The Guardian](#): Cox L “Australia’s most polluting industries are almost all in poor areas – report” 16 November 2018

[The Guardian](#): Buranyi S “The plastic backlash: what’s behind our sudden rage – and will it make a difference?” 13 November 2018

[The Guardian](#): Sample I “‘Sad surprise’: Amazon fish contaminated by plastic particles” 16 November 2018

[Science](#): Perkins S “In just 12 days, the world gets half of its annual rainfall” 15 November 2018

[Science](#): Gibbons A “Why 536 was ‘the worst year to be alive’” 15 November 2018

[Science](#): Marshall C “High-profile ocean warming paper to get a correction” 14 November 2018

[Independent](#): Jones J “Why it’s time conservation was subject to high scientific standards” 15 November 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **Panel discussion - Maintaining your Social License to Operate: Regulatory developments addressing environmental rehabilitation**

Date: Tuesday, 27 November 2018  
Time: 07:15-08:00 Breakfast and registration  
08:00 - 10:00 Panel presentation, discussion and Q&A  
Venue: EY, 102 Rivonia Road, Sandton  
RSVP: Please [click here](#) to RSVP by Tuesday, 20 November 2018.

#### **IMBEWU's Environmental Law Update**

Date: 27 November 2018  
Time: 08:30-16:30  
Venue: IMBEWU's offices, Rosebank  
Contact: [Lulu](#) or phone [011 214 0660](#) or go to the [website](#)

#### **Nelson Mandela University Sustainability Research Unit Workshop: Conflict Management for Natural Resource Managers**

Date: 29-30 November 2018  
Venue: Nelson Mandela University, George Campus  
The Sustainability Research Unit at the Nelson Mandela University is offering a workshop aimed at developing the capacity of natural resource managers to deal with conflict in and around protected areas. Through a highly participatory and collaborative learning approach the workshop draws on participant experiences and real-world settings to help attendees develop the necessary conflict resolution and stakeholder engagement skills to cope with conflict within their own context.  
Book your place on or before the 8th of November 2018 (only 25 places available).  
More information: [Luzanne Visagie](#) (SRU Administrative Coordinator) or 044 801 5127

#### **IAIAsa 2019 Conference: The Role of Integrated Environmental Management the Economic Revival of South Africa – Save the Date**

Place: ATKV Klein Kariba, Bela-Bela Limpopo  
Date: 21-23 August 2019

#### **Postgraduate Certificate Course in Mining Tax Law**

The Mining Tax Law postgraduate certificate course aims to provide candidates with a thorough grounding in the fundamental principles of mining tax and royalty law and to provide insight into the mining industry in general and gold, platinum, coal, diamonds and iron ore in particular.  
Course details, entry requirements and application process can be found on the Mandela Institute [website](#).  
Venue: Mandela Institute of the School of Law, University of the Witwatersrand, Johannesburg  
Date: 9 February to 22 June 2019  
Closing date for registration is Friday 30 November 2018.  
Registration and enquiries: [Mandela Institute](#), Tel: 011 717 8435/8438

## International

### **Turner Environmental Law Clinic 20th Anniversary Conference: The Future of Environmental Law: Where the Next 20 Years Will Lead Us**

Friday, January 18, 2019

8:30 a.m. to 3:30 p.m.

Emory University School of Law – Tull Auditorium

More [information](#)

## NEWS

### National

Sain R “Judgment delayed in multi-million rand abalone case” [IOL](#) 15 November 2018 [Source: Legalbrief 16 November 2018]

#### **Tax: Sasol Oil wins R1.3bn reprieve from SCA**

“Sasol Oil has won an appeal lodged with the Supreme Court of Appeal (SCA), over a ruling which required the oil company to pay R1.3bn to the SARS. Fin24 says the group issued a notice to shareholders indicating that the SCA upheld its appeal against the Tax Court of Johannesburg's ruling in favour of SARS in June 2017. Sasol Oil will reverse the accrual of R1.3bn, the shareholder notice stated. The litigation concerns international crude oil procurement activities for the 2005 to 2007 years of assessment. As a result of the Tax Court ruling, Sasol Oil made a provision in its 2018 annual financial statements of R1.3bn. After its appeal was upheld on Friday, it will not have to pay this amount to the tax agency. ‘SARS argued that on the basis of the substance over form doctrine, some crude oil procurement contracts between Sasol Oil and other Sasol companies should be disregarded for tax purposes leading to a higher tax liability for Sasol Oil,’ Sasol's Alex Anderson explained.”

[Full Fin24 report](#) *Legalbrief Forensic* 15 November 2018

#### **Litigation: Fisheries department crippled over infighting**

“The Department of Agriculture, Forestry and Fisheries is unable to perform many of its most basic tasks, including allocating fishing rights and enforcing regulations due to the rot and factional war at the top. A GroundUp report notes an exodus of skilled staff, including top scientists, has aggravated the problem. The problem has been laid bare by a power struggle between Director-General Mike Mlangana and his deputy, Siphokazi Ndudane. Over the past 18 months, their rift has played out in a bewildering sequence of suspensions, court cases and accusations of criminality. The department has spent tens of millions of rands on legal fees for both officials, in some cases hiring opposing sets of counsel. Over the past two years, the department has also commissioned at least three forensic reports into corruption, although even these have been tainted by allegations of improper influence.”

[Ground Up](#) *Legalbrief Forensic* 15 November 2018

#### **Environmental: Ministry orders firm to close landfill site**

“Landfill company Interwaste has been ordered to close its FG landfill site near the Midstream Estate in Gauteng within 10 days and to rehabilitate the area, Beeld reports. The Ministry of Environmental Affairs issued this directive after the JSE listed company challenged a similar directive from the Green Scorpions on

10 February. Residents in the area have complained about harmful gasses from the site that have reportedly led to widespread health problems. In terms of the latest directive, Interwaste may only re-open the landfill site after the department and Green Scorpions are satisfied that it has met 'all requirements'. The company has also been told to appoint experts to investigate the health and pollution concerns. Acting Minister Derek Hanekom says in his directive that Interwaste had access to reports compiled by other experts and that he has no reason to believe the air pollution was not caused by Interwaste. The company earlier denied any environmental law contraventions or wrong-doing. Interwaste says its lawyers are reviewing the directive."

Full Beeld report (subscription needed) *Legalbrief* 14 November 2018

### **General: Bo-Kaap dispute continues, as interdict served**

Bo-Kaap residents say they were surprised by an interdict brought by Blok Urban Living, barring them from 'unlawful conduct' at a developer's construction site. Blok was granted an interim interdict this week, only four months after it withdrew an initial interdict application. A Cape Times report notes the interdict was served on 'all persons causing obstructions, unlawfully conducting themselves or attempting to cause obstructions, or unlawfully conduct themselves' at the Lion Street site. The property developer had purchased the site in March last year, and the City had approved the development of 56 residential units. Construction started in April, and in July Blok asked the court to interdict, among others, the Bo-Kaap Youth Movement and 'all other persons trespassing' from entering the site. The Bo-Kaap Civic and Ratepayers Associations' Osman Shaboodien said it would challenge the interdict in court next month. Shaboodien said Blok wanted to bring a crane into the area, and so had brought the interdict. 'We were not party to the process of this interdict, and we will challenge it,' he said."

[Cape Times](#) *Legalbrief* 15 November 2018

### **First conviction in alleged Groenewald rhino mafia case**

"A Limpopo man who faces a string of criminal charges together with alleged rhino horn kingpin Dawie Groenewald, has been fined R100 000 in a separate matter. Nardus Rossouw, a professional hunter who was charged along with Groenewald's Musina Mafia in 2010, appeared in the Mokopane Regional Court after spending the past year in police custody for illegally trafficking rhino horns without permits. He is the first of Groenewald's co-accused to be convicted of and sentenced for illegally trafficking rhino horn. Rossouw chose to pay the fine, but remains behind bars for violating bail conditions applicable to his 2010 arrest. He could remain in jail until the Groenewald trial starts in 2021, pending a successful appeal. Rossouw also forfeited his previous bail of R20 000. Rossouw was fingered after a dodgy scheme designed to outwit Limpopo conservation officials and sell horns illegally on the black market went sour, says News24. According to the charge sheet, a number of rhinoceros were legally dehorned on 5 April 2016 at a Lephalale game farm belonging to Adriaan du Plessis, leaving him as the registered owner of 11 rhino horns. However, after experiencing a problem with the micro-chip scanner, Rossouw suggested the horns be taken to a veterinarian for scanning. After the scanning, a Limpopo Environment Department officer instructed Rossouw to take the horns back to Du Plessis. Later, the Hawks arranged an undercover operation after receiving information about a possible illegal rhino horn deal. Three people were later arrested with 18 rhino horns, seven of which originated from the dehorning at Du Plessis' farm.

Du Plessis acknowledged that he unlawfully gave 11 rhino horns to Rossouw without him being in possession of a valid permit. As part of a plea agreement, Du Plessis was sentenced to a R200 000 or five years' imprisonment, half of which was suspended."

[News24](#) *Legalbrief* 15 November 2018

### **Environmental: iSimangaliso mining proposal opposed**

An application for the right to prospect for iron ore and zircon near the protected iSimangaliso Wetland Park World Heritage Site has been opposed, says a report in The Mercury. The objectors claim that the indigenous Sokhulu Forest – directly abutting iSimangaliso's boundary and within which the proposed prospecting area is located – has already been earmarked for inclusion into the wetland park. This is because of a 2011 proclamation, when 500 hectares of land was transferred from the Department of Agriculture, Forestry and Fisheries to the Department of Environmental Affairs to be incorporated into the World Heritage Site. The Wild Equity Foundation's Andrew Zaloumis, in his official submission, said no mention was made of this in the draft basic assessment report (Bar) and draft environmental management programme report compiled for the prospecting rights applicant, Eyamakhosi Resources (Pty) Ltd. It was one of several flaws and omissions in the draft Bar, Zaloumis said, going on to urge the applicant to abandon the plan or that it be refused by the Department of Mineral Resources on the basis that the area was recognised for its ecological and biodiversity importance. Zaloumis argued that prospecting and mining would leave visible scars for years to come and would imperil community-based tourism investment opportunities in the proposed prospecting area. He added that it was clear the Bar failed to take into consideration the conservation status and ecological sensitivities of the area.

Full report in The Mercury (subscription needed) *Legalbrief* 14 November 2018

## **International**

### **Tanzania: Security clampdown sees mining profits soar**

"Tanzania has recorded increased revenues from sales of tanzanite, which authorities attribute to the 24km perimeter wall surrounding the mines in Mirerani in the northern Manyara Region. It was constructed in April to curb the smuggling of the rare gemstone. Tanzanite revenues rose to \$461 000 in September, from a low of \$74 000 registered in January 2015, thanks to new laws and regulations that have seen better reporting of exports and increased payment of royalties to the government. The East African reports that Minerals Minister Angela Kairuki also attributed the remarkable growth in revenues to tightened security at airports and border points, through which the rare gemstone was being smuggled out of the country. The government hopes to generate \$136.6m from mining this year, up from \$132.6m last year."

[Full East African report](#) *Legalbrief Forensic* 15 November 2018

### **Litigation: German bank embroiled in DRC land dispute**

"A German state-owned bank has found itself at the centre of a battle in the DRC over agricultural land dating back to the Belgian colonial period. Representatives from nine communities in the DRC last week called on DEG – a branch of public development bank KfW – to activate a dispute resolution mechanism over land farmed for palm oil. A report on the News24 site notes that they say palm oil producer PHC, owned by Canada's Feronia, has 'illegally stolen' ancestral lands

and forests for three plantations and factories. The land was part of 'a gigantic tract of a million hectares unilaterally granted to British Lord Leverhulme' by Belgian colonial authorities in 1911. The German bank told *AFP* 'it is to be welcomed' that the plaintiffs have turned to the dispute mechanism it set up with Dutch development bank FMO. 'An international group of independent experts will now rule on whether the request can be heard,' it said."

[News24](#) *Legalbrief Forensic* 15 November 2018

#### **Fraud: Chevron accused of tax evasion**

"Chevron has been asked to appear before the OECD for arbitration in a dispute about where it pays tax. Tax evasion and avoidance by multinationals have been identified for decades as prime contributors to continuing global inequality. A consortium of trade unions and NGOs last month launched a case in the Netherlands against the fuel giant to compel it to pay its share of tax. Unusually, the case is not being brought before a court of law but being taken to the OECD, specifically the national contact point, a facility set up in each member country, which is being asked by the complainants to arbitrate the dispute. A Mail & Guardian Online report notes that the complainants are Dutch trade union federation FNV, the International Transport Workers' Federation, Public Services International and IndustriALL Global Union, with support from the NGO Friends of the Earth. The respondents are 14 Chevron companies registered at two Dutch addresses, one in Amsterdam and the other in Rotterdam. FNV's Lucia van Westerlaak says Chevron had been singled out partly because the federation had research on its activities, although many other multinationals also avoided paying tax."

[Mail & Guardian](#) *Legalbrief Forensic* 15 November 2018

Muchira N "Kenya to ban use of mercury in gold mines" [Extractives Baraza](#) 14 November 2018

"China postpones lifting ban for rhino and tiger products" [TimesLive](#) 12 November 2018

Brown T "ECJ rules UK backup power subsidies are illegal" [The Jurist](#) 15 November 2018

Taylor M and Gayle D "Thousands gather to block London bridges in climate rebellion" [The Guardian](#) 17 November 2018

### **VACANCIES / OPPORTUNITIES / FUNDING ETC**

#### **National**

##### **ELA Student Essay Competition**

Closing date: 28 February 2019

Contact Secretariat for more information

##### **Unisa: Senior lecturer Administrative/Environmental Law**

Closing date: 30 November 2018

More [information](#)

**Intern: Faculty of Law: University of the Free State**

Closing date: 19 November 2018

More [information](#)

**Unisa: Senior Lecturer Property Law**

Closing date: 3 December 2018

More [information](#)

**University of Zululand: Postdoctoral Research Fellowships**

More [information](#)

**International**

**Sabin Center for Climate Change Law: Climate Law Fellow**

The Sabin Center for Climate Change Law seeks a Climate Law Fellow for a two-year appointment beginning September 1, 2019. The Fellow must have received a JD or LLM within three years of the start date. Applications are due January 15.

Under the supervision of Michael Gerrard, Faculty Director and Michael Burger, Executive Director, the fellow will work on a wide variety of research and writing projects concerning climate change mitigation and adaptation; contribute to advocacy-oriented programs and projects; help organize conferences, seminars, and collaborative publications; contribute to conceptualization, management and implementation of the Center's web resources; and oversee student interns and volunteers, among other projects.

Our past fellows have gone on to high-impact positions with leading environmental groups, government agencies, boutique and Big Law firms, financial sector firms, philanthropies and in academia.

Further information is available [here](#).

**York University, Department of Social Science Full Time Alternate Stream - Assistant Lecturer in Law and Society**

Closing date: 30 November 2018

More [information](#)

**University of Waterloo (Canada), Department of Sociology and Legal Studies in the Faculty of Arts Assistant Professor in Crime, Law, and Security**

Closing date: 30 November 2018

More [information](#)

**Stipendium Hungaricum: 2019: Bachelor's, Master's and PhD scholarships in Hungary**

Deadline for scholarship applications: **15 January 2019**

[Read More](#)

Members of the Environmental Law Association may subscribe to  
[\*Legalbrief Environmental\*](#)  
and the  
[\*South African Journal of Environmental Law and Policy\*](#).  
Discount available for ELA members.

## **ELA NEWSLETTER 46**

23 November 2018

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### **LEGISLATION**

#### **ACTS**

Public Audit Amendment Act 5 of 2018 - GG 42045 of 20 November 2018 – date of commencement to be proclaimed

#### **BILLS**

Carbon Tax Bill, 2018 [B46-2018]

#### **NOTICES**

Petroleum Products Act 120 of 1977 – Gen Notice 717 in GG 42053 of 23 November 2018 - Discussion Document on the review of the Basic Fuel Price (BFP) Structures for Petrol, Diesel and Illuminating Paraffin - for comment

National Water Act 36 of 1998 - GN 1297 in GG 42053 of 23 November 2018 - Proposed Classes of Water Resources and Resource Quality Objectives for the Mzimvubu Catchment - for comment

National Water Act 36 of 1998 – Gen Notice 1298 in GG 42053 of 23 November 2018 - Proposed classes of water resources and resource quality objectives for the Breede-Gouritz Water Management Area - for comment

National Environmental Management Act 107 of 1998 – Gen Notice 728 in GG 42053 of 23 November 2018 - 3rd Edition Environmental Implementation Plan (EIP) 2015–2020

Astronomy Geographic Advantage Act 21 of 2007 - GN 1299 in GG 42054 of 22 November 2018 - Notice of the Minister's decision regarding the proposed regulations on protection measures to be applied within declared Sutherland Central Astronomy Advantage Area

Astronomy Geographic Advantage Act 21 of 2007 - GN 1301 in GG 42057 of 23 November 2018 - Astronomy Geographic Advantage Act 21 of 2007 - Notice of Proposed Exemption for Radio Frequency Spectrum Use within the Karoo Central Astronomy Advantage Areas - for comment

## **PROVINCES**

### **Eastern Cape**

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 244 in *PG* 4151 of 19 November 2018 - Chris Hani District Municipality: Municipal Health By-law

### **Western Cape**

Constitution of Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 - LAN 57432 in *PG* 8002 of 15 November 2018 - Hessequa Local Municipality - Zoning Scheme By-law published and Riversdale Town Planning Regulations, September 1985; Still Bay Town Planning Scheme Regulations, May 2001; Heidelberg Town Planning Scheme Regulations, December 1983; Zoning Scheme Regulations in terms of section 8 of the Land Use Planning Ordinance, 1985, December 1988; and Slangrivier Town Establishment Conditions, June 1980 repealed

National Environmental Management: Protected Areas Act 57 of 2003 - PN 142 in *PG* 8003 of 16 November 2018 - Declaration of a nature reserve - Witteberg Nature Reserve

Constitution of the Republic of South Africa, 1996; Spatial Planning and Land Use Management Act 16 of 2013, Western Cape Land Use Planning Act 3 of 2014 and By-Law on Municipal Land Use Planning - LAN 57433 in *PG* 8003 of 16 November 2018 - Saldanha Bay Local Municipality - Final draft of the Municipal Spatial Development Framework (MSDF) – for comment

Constitution of the Republic of South Africa, 1996 - LAN 57439 in *PG* 8004 of 20 November 2018 - City of Cape Town Metropolitan Municipality - By-law Relating to the Repeal of By-laws, 2018

### **Gauteng**

Constitution of Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 and City of Tshwane Land Use Management By-law, 2016 - LAN 2007 in *PG* 347 of 21 November 2018 - City of Tshwane Metropolitan Municipality - Notice of adoption of the Regionalised Spatial Development Frameworks (RSDFs), 2018

### **North West**

Constitution of Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 - LAN 159 in *PG* 7955 of 20 November 2018 - Rustenburg Local Municipality: Spatial Planning and Land Use Management By-law, 2018

## Limpopo

Spatial Planning and Land Use Management Act 16 of 2013 and Spatial Planning and Land Use Management By-Law, 2016 - LAN 156 in PG 2959 of 23 November 2018 - Thulamela Local Municipality - Draft Spatial Development Framework (SDF)

## CASES

### National

*Global Environmental Trust and Others v Tendele Coal Mining (Pty) Ltd and Others* (11488/17P) [2018] [ZAKZPHC](#) 62 (20 November 2018)

“[3] This case concerns the Somkhele Mine (Somkhele) which carries on mining operations adjacent to the Hluhluwe-Imfolozi Park in northern KwaZulu-Natal. Somkhele is one of the largest resources of open-pit mineable anthracite in the country and is the principal supplier of anthracite to the ferrochrome industry in the Republic. The ferrochrome industry on its own provides employment for about 20 000 people in this country.

[4] This application is brought by 3 applicants: the first is Global Environmental Trust, a registered trust which has the general object of pursuing and supporting environmental causes and has the power to bring legal proceedings to advance its objects; the second is the Mfolozi Community Environmental Justice Organisation whose main object is to protect the rights of the members of the association who are members of the communities affected by open-cast mining in the area where they reside. The second applicant boasts a membership of 530 residents. The third is Sabelo Dumisani Dladla, an adult male student who resides in an area known as Nkolokotho which is near the site of the mining being conducted by the first respondent at Somkhele. Mr Dladla is the main deponent to the applicants’ founding papers.

[5] The application is brought in terms of s 24 of the Constitution of 1996 and also in terms of one or more of the provisions of s 38 of the Constitution, either in the public interest or as an affected party.”

*Liviero Civils (Pty) Ltd and Another v Amatola Water Boards* (2614/2018) [2018] [ZAECCGHC](#) 117 (20 November 2018)

“[1] This is an application for summary judgment. First plaintiff is Liviero Civils (Pty) Ltd (under Business Rescue), a company carrying on business in East London. Second plaintiff is Rough Seas Trading 15 (Pty) Ltd a company carrying on business at Mthatha. Defendant is Amatola Water Board, a National Government Business Enterprise as contemplated in the Public Finance Management Act no 108 of 1997, carrying on business as the supplier of water services at, *inter alia*, East London.

[11] Action was instituted against the defendant on 4 September 2018. It was served on defendant on 7 September 2018 and, in compliance with section 47 of the Services Act no 108 of 1997, it was served on the Minister of the National Department of Water and Sanitation on the same day. After defendant had given notice of its intention to defend the matter the present application for summary judgment was launched and served on defendant on 12 October 2018. On 26 October defendant gave notice of its intention

to oppose the application for summary judgment which had been set down for hearing on 30 October. On 29 October, however, defendant served a Rule 30 notice on plaintiffs and, on the morning of the hearing the following day, filed its opposing affidavit. This necessitated the postponement of the matter to 13 November when it was argued before me.

## **PUBLICATIONS**

### **National**

[Juta](#) Pocket Statutes: Mine Health and Safety Act 29 of 1996 & Regulations (October 2018)

### **International**

“2050 Today: Research and Strategies for Mid-Century Decarbonization” ([Executive Summary](#) ClimateWorks Foundation November 2018)

“Broadening the Dialogue: Exploring Alternative Futures to Inform Climate Action” ([Report](#) ClimateWorks, Future Earth and the MIT Center for Collective Intelligence November 2018)

Du Point YR and Meinshausen M “Warming assessment of the bottom-up Paris Agreement emissions pledges” 2018 [Nature Communications](#)

“Unconventional sources of fossil fuel in the European Union and China: Perspectives on trade, climate change and energy security,” in Hefele P, Palocz-Andresen M, Rech M and Kohler J-H (eds) *Climate and Energy Protection in the EU and China* (Cham: Switzerland Springer [Verlag](#) 2018) 129-142

United States of South Africa “Fourth National Climate Assessment - [Volume II](#): Impacts, Risks, and Adaptation in the United States” (November 2018)

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

### **National interest**

[Natural Justice](#): Martins C “World Fisheries Day: For traditional fishers, it shouldn’t be a matter of sink or swim” 21 November 2018

[The Conversation](#): Norton M “First steps to tackling South Africa’s abalone poaching” 21 November 2018

[The Conversation](#): Cheung H, Biggs D and Wang Y “China’s legalisation of rhino horn trade: disaster or opportunity?” 22 November 2018

[The Conversation](#): Mnwana Sonwabile “South African court resets power balance between villagers, mines and chiefs” 19 November 2018

[GroundUp](#): Wicomb W “Xolobeni judgment is vital to land debate” 23 November 2018

### **African regional interest**

[IISD](#) SDG Knowledge Hub: Paul D “African Ministers Adopt 10-Year Plan on Health and Environment Priorities” 22 November 2018

## General in rest of the world

[IISD](#) ENB: 2nd Meeting of the Conference of the Parties to the Minamata Convention on Mercury 19-23 November 2018 | Geneva, Switzerland

[New York Times Magazine](#): Lustgarten A “Palm Oil Was Supposed to Help Save the Planet. Instead It Unleashed a Catastrophe” 20 November 2018

[IISD](#) ENB: Enhancing Progress towards Aichi Target 11: Protected Planet and the IUCN Green List of Protected and Conserved Areas 15-29 November 2018 | Sharm El-Sheikh, Egypt

Earth Trusteeship [website](#) “The Hague Principles for a Universal Declaration on Responsibilities for Human Rights and Earth Trusteeship” Launch is 10 December – open for endorsement

[IISD](#) Wildlife Forum: Second Wildlife Forum - 21 November 2018 | Sharm El-Sheikh, Egypt

[The Conversation](#): Pazmany MM “Viral bear video shows how drones threaten wildlife – and what to do about it” 20 November 2018

[The Conversation](#): Hauser D, Stern H and Laidre K “As Arctic ship traffic increases, narwhals and other unique animals are at risk” 9 November 2018

[Science](#): Cosier S “Q&A: Escalating battle over Minnesota mine puts spotlight on studies of potential impacts” 21 November 2018

[Science](#): Silver A “Taiwanese scientists fight construction of a new port they say would damage a unique reef” 21 November 2018

[IISD](#) SDG Knowledge Hub: Mead L “Paris Peace Forum Recognizes Climate Change, Food Insecurity, Water Scarcity as Challenges for Peace and Security” 22 November 2018

[IISD](#) SDG Knowledge Hub: Risse N “UN Launches Website on Three Areas of Ongoing Reform” 22 November 2018

[IISD](#) SDG Knowledge Hub: “WWC Marks World Cities Day with Guide for Local Authorities” 22 November 2018

[IISD](#) SDG Knowledge Hub: Wiebe K “World Bank Shifts to Online Reporting for Development Indicators” 22 November 2018

[IISD](#) SDG Knowledge Hub: Whitewater C “IEA Renewables Market Forecast Highlights the Role of Bioenergy for the Energy Transition” 22 November 2018

[The Jurist](#): Zia MS “Is Unilateral Revocation of the Indus Water Treaty Permissible Under International Law?” 22 November 2018

Paris Equity Check - [website](#)

How much global warming is each country’s pledge too?

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **Panel discussion - Maintaining your Social License to Operate: Regulatory developments addressing environmental rehabilitation**

Date: Tuesday, 27 November 2018

Time: 07:15-08:00 Breakfast and registration  
08:00 - 10:00 Panel presentation, discussion and Q&A

Venue: EY, 102 Rivonia Road, Sandton

RSVP: Please [click here](#) to RSVP by Tuesday, 20 November 2018.

#### **IMBEWU's Environmental Law Update**

Date: 27 November 2018

Time: 08:30-16:30

Venue: IMBEWU's offices, Rosebank

Last date for registration: 23 November 2018

Contact: [Lulu](#) or phone [011 214 0660](#) or go to the [website](#)

#### **Nelson Mandela University Sustainability Research Unit Workshop: Conflict Management for Natural Resource Managers**

Date: 29-30 November 2018

Venue: Nelson Mandela University, George Campus

The Sustainability Research Unit at the Nelson Mandela University is offering a workshop aimed at developing the capacity of natural resource managers to deal with conflict in and around protected areas. Through a highly participatory and collaborative learning approach the workshop draws on participant experiences and real-world settings to help attendees develop the necessary conflict resolution and stakeholder engagement skills to cope with conflict within their own context.

Book your place on or before the 8th of November 2018 (only 25 places available).

More information: [Luzanne Visagie](#) (SRU Administrative Coordinator) or 044 801 5127

#### **IAIAsa 2019 Conference: The Role of Integrated Environmental Management the Economic Revival of South Africa – Save the Date**

Place: ATKV Klein Kariba, Bela-Bela Limpopo

Date: 21-23 August 2019

## NEWS

### National

#### **Legislation: Carbon Tax Bill SA's contribution to world – Mboweni**

"Finance Minister Tito Mboweni introduced the Carbon Tax Bill in the National Assembly this week, saying it would benefit all South Africans and was SA's contribution to the world. 'Climate change poses the greatest threat to humanity and SA intends to play its role in the world as part of the global efforts to reduce greenhouse gas emissions. This enables SA to be considered among the positive nations of the world.' According to a BusinessLIVE report, he noted that the process of preparing the Bill dated back to 2010 when the carbon tax

discussion paper was published. This was followed in 2013 by the Carbon Tax Policy Paper; the 2014 Carbon Offsets Paper; the 2015 Carbon Tax Bill; and the 2016 Draft Regulation on Carbon Offsets, all recorded by Legalbrief Policy Watch. The tax is due to take effect from June 2019, and while Parliament's Finance Committee expects to process the Bill before the end of the year, it does not envisage voting on it before Parliament rises in early December for the recess."

[BusinessLIVE report](#) Legalbrief 22 November 2018

### **Environmental: Activists fail in bid to shut down anthracite mine**

"Environmental justice activists, including the Global Environmental Trust, have failed in a bid to close down an anthracite mine next to the Hluhluwe-Imfolozi nature reserve in northern KZN. According to a TimesLIVE report, KZN High Court (Pietermaritzburg) Judge Rishi Seegobin ruled that the company, Tendele Coal Mining, was acting lawfully and that the applicants had simply failed to make any case for an interdict shutting down the mine. While the application was supported by some community members, traditional leadership structures in the area backed the company, saying the Somkhele mine had brought economic prosperity to the region and its closure would mean unemployment for many households. The mine is one of the largest resources of open-pit mineable anthracite in the country and activities have been ongoing for more than a century. In its papers, the company argued that the mine was unique as other anthracite producers could not produce the qualities and quantities consistently required by ferrochrome producers. Between 2006 and 2016, it had spent R719m paying local community employee salaries, R54m on community projects and R300m on procuring services from community-based black economic empowerment companies. It had also given the community a financial stake in the mine. The applicants alleged that the company had no environmental authorisation in terms of a plethora of relevant laws. But Seegobin knocked all of these arguments on the head. 'They seem to have adopted a scattergun approach, hoping to hit one target or another,' he said, dismissing the application with costs."

[Full TimesLIVE report](#) Legalbrief 22 November 2018

### **Legislation: Carbon Tax Bill tabled in Parliament**

"Tuesday's introduction of the Carbon Tax Bill in the National Assembly followed the release last week of a revised draft regulation on carbon offsets for public comment. The Bill includes a schedule proposing thresholds and maximum allowances for a raft of activities resulting in greenhouse gas emissions. This is noting that fuel combustion, industrial processes and fugitive emissions will be taxed at R120 per ton of carbon dioxide equivalent from 1 June 2019. It is envisaged that, 'until 31 December 2022', this rate would increase annually in line with consumer price inflation during the previous tax period plus 2%. According to yesterday afternoon's National Treasury media statement on the Bill, government will 'consider' extending the duration of the energy efficiency savings tax incentive introduced in 2013 with the aim of aligning it with the first implementation phase of the carbon tax."

Legalbrief Policy Watch Legalbrief 22 November 2018

### **Legislation: Land claims dog Overvaal Resorts Repeal Bill**

“‘Feuding’ among the beneficiaries of land claims to two resorts affected by the Repeal of the Overvaal Resorts Limited Bill have been dogging a process also delayed by incorrect Deeds Office records. Adopted this week by the National Assembly and now before the NCOP, the Bill retains the state’s rights to servitudes in the eight affected resorts. A Parliamentary Monitoring Group record of the National Assembly Public Enterprises Committee meeting at which these issues were discussed makes interesting reading. Public Enterprises Minister Pravin Gordhan and his department are required to report to the House on the claims and related issues within two months.”

Legalbrief Policy Watch Legalbrief 22 November 2018

“South Africa’s Coal Output Continues to Decline” [Extractives Baraza](#) 21 November 2018

### **Environmental: Sasol linked to Vaal River pollution**

“The focus of the Human Rights Commission’s hearings into the pollution of the Vaal River system has shifted to petroleum giant Sasol with accusations that this company has flouted environmental laws, Beeld reports. The HRC undertook to perform site visits at Sasol’s plants in Secunda and Sasolburg before the end of the year. Panel member Osmond Mngomezulu said they had received a report from the Department of Environmental Affairs clearly fingering Sasol for environmental transgressions between 2016 and 2017. Sasol’s head of environmental matters, Martin Ginster, told commissioners the river system is important to the company. He conceded that Sasol has ‘not always’ complied with its licence conditions, but tried to do so.”

Full Beeld report (subscription needed) *Legalbrief* 21 November 2018

### **Litigation: Landmark ruling changes face of mining regulation**

A landmark ruling not only gives the Eastern Cape community of Xolobeni the right to refuse mining in the pristine Wild Coast area but will extend this power to any community under customary law, according to a Business Day report. More than 15 years of fierce dispute over the potential mining of the titanium-rich dunes in the impoverished area culminated in Judge Annelie Basson, of the Gauteng High Court (Pretoria), ruling yesterday that Mining Minister Gwede Mantashe had no lawful authority to grant a mining right to an Australian company, Transworld Energy and Mineral Resources, unless ‘full and informed’ consent had been obtained from the surrounding Umgungundlovu community. But the victory is bigger than just that, says Johan Lorenzen, associate at Richard Spoor Attorneys, which represented the community. ‘It’s not just for the Xolobeni community. It means communities that are under customary law have a right to say no before mining rights are granted,’ he said. Basson’s judgment said it was not disputed that the Umgungundlovu community held informal rights to the land in terms of the Interim Protection of Informal Land Rights Act (IPILRA), which protects the rights of customary communities. She concluded that the Mineral and Petroleum Resources Development Act, under which mining rights are awarded, must be read together with the IPILRA. She ordered the Minister to obtain consent from the community, as a holder of rights in land, before a mining right can be granted. Lorenzen said until now the Department of Rural Development & Land Reform typically obtained consent by having the local chief hold a meeting where a resolution would be reached by majority vote, regardless

of whether the attendees have land rights or not. The department and the company were ordered to pay the community's legal costs.

[Full Business Day report](#) Legalbrief 23 November 2018

### **Local government: Recreational water activities to be regulated**

"A draft municipal by-law in Cape Town proposing to regulate recreational water-based activities such as yachting, canoeing and power boating will see people paying for a permit to enjoy these activities. A Cape Argus report notes that, according to the City's Recreational Water Use by-law, the city may prescribe fees as per its tariff schedule as well as authorise the issuing of permits for any activity or for the use of any amenity or facility provided by the city in connection with any recreational water. The report was tabled at this week's mayoral committee meeting and will be presented to the council next month for final adoption. The by-law's purpose is to regulate the use of recreational water within the jurisdiction of the city; to control the use of vessels on inland water bodies to provide for safe and environmentally sensitive recreation; and to provide for matters incidental thereto."

Full Cape Argus report (subscription needed) Legalbrief 23 November 2018

### **Corporate: Shareholders grill Sasol on emissions targets**

Shareholders representing communities from across SA and Mozambique grilled the Sasol board for two hours at last week's annual general meeting (AGM) about the petrochemical group's environmental record and greenhouse gas emissions, which they said presented a major risk for investors and employees. According to a Business Day report, the strong turnout marks a ratcheting up of engagement following Sasol's refusal to table a resolution submitted by the Raith Foundation at the AGM. The resolution called on Sasol to prepare an annual report detailing how it was assessing and ensuring long-term corporate resilience in a future low-carbon economy. Sasol refused to table the resolution on the basis of legal advice. Sasol, which produces oil and chemicals from coal and gas, is one of SA's 20 biggest companies and generated headline earnings of R17.8bn in 2018. It is also the biggest contributor to greenhouse gas (GHG) emissions on the JSE, pumping out more each year than Portugal, and has been identified as one of the 100 fossil fuel companies linked to 71% of global industrial greenhouse gas emissions since 1988. Tracey Davies of Just Share, a shareholder activism and responsible investment organisation, said Sasol's failure to set any greenhouse gas reduction targets meant it faced the possibility of some of its most profitable operations becoming stranded assets. 'This is a major risk for investors and employees,' Davies said. Kathie Satchwell of the Raith Foundation chided the board for not informing shareholders of the foundation's proposed resolution and warned the directors that they could be found liable for not allowing shareholder engagement on a critical issue."

Full Business Day report (subscription needed) *Legalbrief Environmental* 20 November 2018

### **Energy: KZN fracking possibility back on the cards**

An international petroleum exploration company has fired up a fresh application to explore for products in prime farmland in the central Drakensberg and Free State. According to a report in The Mercury, this follows a government decision to dismiss an appeal by farmers, environmentalists and rural dwellers against earlier controversial applications in the provinces last week. But the firm is likely

to face fierce legal opposition from farmers and environmentalists who are bracing for a fight both in and out of court. Rhino Oil and Gas Exploration South Africa (Pty) Ltd announced last week that it had lodged an application for an exploration right with the Petroleum Agency of SA. The application was received on 11 October. The application, which covers 6 060 farms over 1m ha, could eventually result in environmentally harmful 'fracking' to extract gas, environmentalists have warned, although the company will have to get more approvals for this if the exploration right is granted and the resources are discovered.

Full report in The Mercury (subscription needed) *Legalbrief Environmental* 20 November 2018

Kockott F "Activists lose bid to stop coal mine" [GroundUp](#) 21 November 2018

Kings S "SA fiddles while the world burns" [Mail & Guardian](#) 23 November 2018

Kings S "Gas prospectors to explore three provinces" [Mail & Guardian](#) 23 November 2018

Kings S "Past failures don't bode well for Mokonyane tenure" [Mail & Guardian](#) 22 November 2018

## International

Murphy S "Environmental protesters block access to Parliament Square" [The Guardian](#) 24 November 2018

Milman O "Climate change 'will inflict substantial damages on US lives'" [The Guardian](#) 23 November 2018

DeLorenzo T "U.S. government agencies release comprehensive climate change report warning of severe economic impact" [The Jurist](#) 23 November 2018

Vaughan A "Tory MPs demand net-zero carbon emissions by 2050" [The Guardian](#) 23 November 2018

"NSW dust storm: spike in reports of breathing difficulties as 'hazardous' front descends on Sydney" [The Guardian](#) 22 November 2018

Laville S "Tyres and synthetic clothes 'big cause of microplastic pollution'" [The Guardian](#) 22 November 2018

Zubizarreta T "IACHR approves settlement in death of Honduras environmentalist" [The Jurist](#) 21 November 2018

## VACANCIES / OPPORTUNITIES / FUNDING ETC

### National

#### **One year internship programme: South African National Biodiversity Institute (SANBI)**

One year internship to assist with legal work on SANBI's Biodiversity Information and Policy Advice Unit.

Closing date: 5 December 2018

More [information](#)

**North-West University (Potchefstroom Campus): Faculty of Law: Vacancy: Researcher**

*Purpose of the position:*

- Conduct and help coordinate research in the framework of the research agenda of the SARChI
- Chair: Cities, Law and Environmental Sustainability (CLES)
- Offer administrative support to the Chair holder in the execution of the Chair's research projects
- Assistant-supervision of LLB final year and LLM dissertations

Fixed Term Contract (1 January 2019 - 31 December 2020)

*Minimum Requirements...*

Must have LLB Law Degree or relevant qualification equivalent to NQF level 8

Must have LLM in Constitutional Law or Environmental Law or Local Government Law equivalent to NQF Level 9

PhD in Constitutional Law or Environmental Law or Local Government Law equivalent to NQF Level 10 serves as a strong advantage

2 years' Research experience - involvement in scholarly publication

1 year Lecturing experience at an undergraduate level will serve as a strong recommendation

1 year Research supervision / examination experience of LLB and LLM dissertations will serve as an advantage

2 years' project coordination experience involved in coordination of research and community projects.

*Other requirements*

Knowledge of South African local government and environmental law

Knowledge of international law and policy developments on urban development

Excellent communication skills

Excellent research skills

Excellent mastery of all Microsoft programmes – Excel, Word, PowerPoint etc.

Excellent organisational skills and competencies

Comfortable in the academic working environment

Adaptable and able to work individually as well as in a team

*Job Specification...*

Research

Student research supervision

Administrative support

Ad hoc assignments

*Enquiries:* Prof Anél du Plessis 018 299 1924

*Closing Date:* 10 December 2018

*Commencement Of Duties:* 1 January 2019

**NWU: Senior Lecturer / Centre for Water Sciences and Management**

Closing date: 26 November 2018

More [information](#)

**Student Essay Competition**

Closing date: 28 February 2019

Contact Secretariat for more information

**Unisa: Senior lecturer Administrative/Environmental Law**

Closing date: 30 November 2018

More [information](#)

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy.\*](#)

Discount available for ELA members.

## ELA NEWSLETTER 49

14 December 2018

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### LEGISLATION

#### NOTICES

Societies for the Prevention of Cruelty to Animals Act 169 of 1993 - BN 182 in GG 42100 of 14 December 2018 - National Council of Societies for the Prevention of Cruelty to Animals: Rules amended

National Energy Regulator Act 40 of 2004 - GN 1376 in GG 42102 of 12 December 2018 - National Energy Regulator of South Africa (NERSA): Notice of public hearings on Eskom's third Multi-Year Price Determination Regulatory Clearing Account (RCA) Year 5 (2017/18) and Fourth Multi-Year Price Determination Applications

#### PROVINCES

##### Western Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 50507 in PG 8018 of 10 December 2018 - Garden Route District Municipality: Health By-law

Western Cape Special Economic Development Infrastructure Company Bill, 2018 - PN 160 in PG 8022 of 12 December 2018 - together with the memorandum on the objects of the Bill - for comment

##### Eastern Cape

Disaster Management Act 57 of 2002 - LAN 277 in PG 4160 of 12 December 2018 - Kouga Local Municipality - Declaration of a local state of drought disaster as published under LAN 248 in PG 4146 of 12 November 2018 extended for a further month

#### INTERNATIONAL INSTRUMENTS

Presidents of COP 23 and COP 24 "Talanoa Call for Action" December 2018  
Click [here](#)

[UNFCCC](#) "New Era of Global Climate Action to begin under Paris Climate Change Agreement" 15 December 2018

## CASES

### National

*South African Veterinary Association v Speaker of the National Assembly and Others* (CCT27/18) [2018] [ZACC](#) 49 (5 December 2018)

Summary: Constitution — sections 59(1)(a), 72(1)(a) and 118(1)(a) — Parliamentary duty to facilitate public participation in the law-making process — non-compliance with duty

Medicines and Related Substances Act — section 22C(1)(a) — veterinarians require licences to compound and dispense medicines — constitutionally invalid

*C Rock (Pty) v H.C Van Wyk Diamonds Ltd and Others* (2355/2018) [2018] [ZANCHC](#) 91 (7 December 2018)

Business rescue – sale of prospecting rights – maintenance of mines

## PUBLICATIONS

### National

Iyer Desan and Datt Tewari Dev “An Analysis of the State’s Obligation to Provide Access to Sufficient Water: A South African Perspective” 2017 10 [African Journal of Legal Studies](#) 127–140

Michael Addaney, Hlengiwe Dube and Samrawit Getane “Light through the storm: safeguarding the human right to water in challenging landscapes in Africa” *Journal of Comparative Law in Africa* 2018 5(1):37-72

### International

Burck Jan *et al* “Climate Change Performance [Index](#)” (New Climate Institute 10 December 2018)

NrG4SD “2018 Brief [Report](#): Multi-level governance in climate change adaptation” (RegionsAdapt December 2018)

United Nations Office for South–South Cooperation “Good Practices in South–South and Triangular Cooperation for Sustainable Development” [Volume 2](#) (September 2018)

Ashukem Jean-Claude N “A Critical Analysis of the Disjuncture between the Constitutional and Legislative Limits on the Right to Access to Information in Uganda” 2017 10 [African Journal of Legal Studies](#) 205–225

Ojukwu-Ogba Nelson and Osode Patrick Reversing the ‘Resource Curse’ Phenomenon in Nigeria: An Assessment of the Nigeria Extractive Industries Transparency Initiative Act After a Decade 2017 10 [African Journal of Legal Studies](#) 141–162

Kotzé LJ “In search of a right to a healthy environment in International Law” in Knox J and Pejan R (eds) *The Human Right to a Healthy Environment* (Cambridge University Press 2018) 136-154 <https://doi.org/10.1017/9781108367530.008> (limited free access for celebrating Human Rights Day 2018)

Knox J and Pejan R (eds) *The Human Right to a Healthy Environment* (Cambridge University Press 2018) <https://doi.org/10.1017/9781108367530> (limited free access for celebrating Human Rights Day 2018)

Chenwi L “The Right to a Satisfactory, Healthy, and Sustainable Environment in the African Regional Human Rights System” in in Knox J and Pejan R (eds) *The Human Right to a Healthy Environment* (Cambridge University Press 2018) 59-85 <https://doi.org/10.1017/9781108367530.004> (limited free access for celebrating Human Rights Day 2018)

Bulto TS *The Extraterritorial Application of the Human Right to Water in Africa* (Cambridge University Press 2013) <https://doi.org/10.1017/CBO9781139381215> (limited free access for celebrating Human Rights Day 2018)

Mohan Mahdev “A Domestic Solution for Transboundary Harm: Singapore’s Haze Pollution Law” *Business and Human Rights Journal* 2(2) (limited free access for celebrating Human Rights Day 2018) <https://doi.org/10.1017/bhj.2017.10>

Peel J and Osofsky HM “A rights turn in climate change litigation?” *Transnational Environmental Law* 7(1) (limited free access for celebrating Human Rights Day 2018) <https://doi.org/10.1017/S2047102517000292>

Boyle A “Climate change, the Paris Agreement and human rights” *International & Comparative Law Quarterly* 67(4) (limited free access for celebrating Human Rights Day 2018) <https://doi.org/10.1017/S0020589318000222>

Adelman S “Human rights in the Paris Agreement: Too little, too late?” *Transnational Environmental Law* 7(1) (limited free access for celebrating Human Rights Day 2018) <https://doi.org/10.1017/S2047102517000280>

Papantoniou Angeliki “Advisory opinion on the environment and human rights” *American Journal of International Law* 112(3) (limited free access for celebrating Human Rights Day 2018) <https://doi.org/10.1017/ajil.2018.54>

Borràs Susana “New transitions from human rights to the environment to the rights of nature” *Transnational Environmental Law* 6(3) <https://doi.org/10.1017/S2047102517000255> (limited free access for celebrating Human Rights Day 2018)

Badrinarayana Deepa “A Constitutional Right to International Legal Representation: The Case of Climate Change” 2018 93 *Tulane L Rev* 48

Gerrard Michael B & Dernbach John C (eds) *Legal Pathways to Deep Decarbonization in the United States* (, Environmental Law Institute [Press](#))

Dernbach JC *The Dozen types of Legal Tools in the Deep Decarbonization Toolbox* 39 [Energy Law Journal](#) 101

Watts N *et al* "The 2018 report of the Lancet Countdown on health and climate change: shaping the health of nations for centuries to come" 2018 *Lancet* DOI:[https://doi.org/10.1016/S0140-6736\(18\)32594-7](https://doi.org/10.1016/S0140-6736(18)32594-7)

## **BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC**

### **National interest**

- **EIA and EAPs**

#### **EAPASA online registration system goes live:**

The Chairperson and EAPASA Board announce that the EAPASA Online Registration System will officially go live on 15 December 2018.

To access to online portal click on the [link](#)

Use the [Application Guideline Manual](#) provided and collect all your evidence before applying. [Source: IAIAsa News 2018/2019 | Interesting Bits & Pieces]

[DEA](#) National Social Infrastructure Guideline (2015) (S 24J NEMA) [Source: IAIAsa News 2018/2019 | 11 December 2018]

#### [SAIEA](#) EIA Review Form:

The Southern African Institute for Environmental Assessment (SAIEA) has developed and tested a standard EIA review form over the past 18 years for a range of different projects and many different clients throughout southern and eastern Africa. An early version of this review form is included in the guidelines on Review in EIA, Number 13 of the DEAT Integrated Environmental Management Information Series, published in 2004 and in its evolved form, it has formed the basis of many successful local, regional and international training courses on the subject of external review. The aim of the review form is to provide a systematic and comprehensive checklist of key elements that should be addressed in most EIAs. Use of the form assists EAPs to ensure that they have covered all key aspects in their EIRs, while authority reviewers should use the form to enable them to make sound and informed decisions about a project EIA in a structured manner. The review form is freely [available for download on the IAIAsa website](#) [Source IAIAsa News 2018/2019 | 11 December 2018]

FastTips No. 18: Download [Scoping](#) for a quick and useful resource.

The [FastTips series](#) helps to improve best practice by offering practical clarification on frequently-asked questions and is particularly helpful when there is no time for investigating or reviewing others' experience or formal guidance. [Source IAIAsa News 2018/2019 | 11 December 2018]

- **Mining**

[The Conversation](#): Mnwana S “Why South African community’s win against mining company matters” 13 December 2018

- **Local government and housing**

[GroundUp](#): Maregele B “More than half the plots earmarked for backyarders in Cape Town’s southern suburbs are on wetlands” 12 December 2018

## **African regional interest**

- **Biodiversity**

[The Conversation](#): Okafor-Yarwood I “Nigeria’s depleting fish stocks may pose a threat to regional security” 7 December 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C “AEWA Adopts Strategic Plan and Species Action Plans” 13 December 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C “2019 Climate Index Finds No Country Performed Well Enough to Receive Top Ranking” 13 December 2018

[Science](#): Bolevich M “Tourists may be making Antarctica’s penguins sick” 13 December 2018

- **Climate Change**

[Energy Mix](#): “The Energy Mix Yearbook 2018” 10 October 2018

[IISD](#) Knowledge Hub: Benson Wahlén C “Report Finds Regional Governments Implementing Over 260 Adaptation Actions” 13 December 2018

- **Miscellaneous**

[The Conversation](#): Appeaning KO “How we used drones to monitor coastal erosion in Ghana” 9 December 2018

[The Conversation](#): Mahed G “Southern African nations need to up their groundwater management game” 10 December 2018

## **General in rest of the world**

- **Climate Change**

[US News](#): Gerasimchuk Ivetta and Roth Joachim “The French Lesson on Climate Policy” 7 December 2018

[Global Subsidies Initiative](#): Roth J and Gerasimchuk I “What Lies Beneath the Yellow Vests’ Protests in France - Frequently Asked Questions” 7 December 2018

South Florida [SunSentinel](#): Mintiz JA “Midterm election results raise hopes among Trump’s opponents | Opinion” 16 November 2018

[IISD](#): CCAC Bulletin: 10th Meeting of the High Level Assembly of the Climate and Clean Air Coalition 11 December 2018 | Katowice, Poland

[C40](#): “Clean Energy Business Model Manual” (2018)

[IISD](#) SDG Knowledge Hub: Fibieger Byskov Morten and Hyams Keith “Indigenous Knowledge and Epistemic Injustice in National Climate Planning” 13 December 2018

[IISD](#) SDG Knowledge Hub: Mead L “Talanoa Dialogue Concludes with Call to Action” 13 December 2018

[IISD](#) SDG Knowledge Hub: Mead L “Adaptation Fund Receives Nearly US\$129 Million in New Pledges” 13 December 2018

[Science](#): Toner C “Power from peat—more polluting than coal—is on its way out in Ireland” 12 December 2018

[The Guardian](#): Yoder K “To take on climate change, we need to change our vocabulary” 16 December 2018

- **Local government**

[IISD](#) SDG Knowledge Hub: Bauer V “Why Sustainable Infrastructure Should Be at the Heart of Discussions at the COP 24 in Katowice” 13 December 2018 - Find the policy brief [here](#)

- **Mining**

[The Guardian](#): Smee B “Galilee Basin mine plans understated water impact, government report says” 14 December 2018

- **Miscellaneous**

The French Mission to the United Nations: “Strengthening Implementation of International Environmental Law” (10 December 2018 to coincide with the 70th Anniversary of UDHR) - Professor Nick Robinson presided – click here for [video](#) of the event – will be available for few days only.

[The New York Times](#): Uhlman D “Trump Wants to Weaken Clean-Water Rules” 12 December 2018 - read also [The Jurist](#)

[The Jurist](#): Barber M “Farm Bill compromise set to legalize hemp industry and protect food stamps” 11 December 2018

[Science](#): Wittenberg A and Bogardus K “PA claims ‘no data’ on impact of weakening water rule. But the numbers exist” 12 December 2018

[Science](#): Wittenberg A “Trump releases plan to reduce protections for wetlands” 11 December 2018

[The Guardian](#): Vaughan A “Sellafield boss warns on nuclear clean-up” 16 December 2018

[The Guardian](#): Smithers R “Why 2m kilos of Christmas cheese will end up in the bin” 16 December 2018

[The Guardian](#): Ravilious K “Terrawatch: Roman records show lasting effects of pollution” 4 December 2018

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **IAIAsa 2019 Conference: The Role of Integrated Environmental Management the Economic Revival of South Africa – Save the Date**

Place: ATKV Klein Kariba, Bela-Bela Limpopo

Date: 21-23 August 2019

#### **First Annual Integrated Coastal Management Lekgotla (ICMSA 2019) – Call for abstracts**

The Department of Environmental Affairs is proud to announce the call for abstracts and posters for the First Annual ICM Lekgotla (ICMSA 2019) that will be taking place from the 6th February 2018 – 8th February 2018 in Cape Town, Western Cape (venue to be confirmed). Details on the ICM Lekgotla can be accessed through its [website](#).

Queries on the ICM Lekgotla should be directed via [email](#). For details on abstract and poster submission deadlines [click here](#).

#### **WOSA 4 Conference**

Dates: 25-27 January 2019

Venue: Drakensberg Gardens KZN

There is still time to [register for this event](#). Please visit our web site to find out more about our indigenous [orchids](#):

#### **IMBEWU: Climate Change Law Workshop**

Venue: IMBEWU's offices, Rosebank, Johannesburg

Date: Tuesday 29 January 2019

Time: 08h30 to 16h30

Contact [Lulu](#) or see [website](#)

#### **Webber Wentzel: Mining Indaba Cocktail function**

Date: 5 February 2019 from 17:00

Venue: Our office - 15th Floor, Convention Tower, Heerengracht, Foreshore, Cape Town

Please join our annual Mining Indaba Cocktail Function for drinks (including local craft gins), networking and some of the most spectacular views the Mother City has to offer.

[RSVP here](#)

#### **Webber Wentzel: Panel Discussion | Spotlight on Zimbabwe | Mining Indaba 2019**

Join africapractice and Webber Wentzel at the 2019 Mining Indaba as we discuss policy options available to Zimbabwe's mining sector to attract quality investment and grow sustainably. With an ambitious reform agenda already underway, which includes part-privatisation of 17 state owned mining assets and incentives for new exploration investment, the sector is instrumental for Zimbabwe's economic recovery. Speaking on the panel will be some of the leading extractives sector experts from the World Bank, British Geological Society and Zimbabwe's mining sector.

An invitation including a full programme will be provided by 14 January 2019

For more information, please contact [B Devine](#)

**LaRSSA 7<sup>th</sup> Annual Conference Conference 2019 Rehabilitation in Practice:  
Save the Date**

Dates: 15-18 July 2018

Place: Magaliesburg/Cradle of Humankind

**International**

**The coming paradigm: Governance without Government**

Dates: 15-18 April 2018

Place: University of New England, Armidale, NSW, Australia

Closing date for abstracts: 31 January 2019

May also participate via web.

[Registration](#)

[Website](#)

Questions: [Ciprian Radavol](#) (61)0748 608 403

**IUCN Academy of Environmental Law 17<sup>th</sup> Annual Colloquium 2019 - Call  
for Abstracts: Achieving Sustainable Development Goals (SDGs): Law as Part of the  
Solution**

Dates: 7 – 9 August 2019

Place: [Universiti](#) Teknologi MARA in Shah Alam, Selangor, Malaysia

[Website](#)

Early bird registration starts: 30 November 2018

Early bird registration ends: 1 March 2019

Regular rate starts: 2 March 2019

Regular rate ends: 15 July 2019

IUCN Committee meetings/ workshops: 4 – 6 August 2019

Colloquium Trip: 9 – 10 August 2019

Call for Abstracts and [submission](#)

More information will follow, particularly the Academy's new grant program will be forthcoming in January. So if you will need financial assistance to attend, get your abstracts in early.

**2<sup>ND</sup> Edition of online course to analyse the multi-dimensional approach to  
energy access, focusing on the role of regulation**

Next Edition: 11 February – 24 June 2019

[Registration](#) Deadline: 14 January 2018

The FSR is offering a fully online 5-month course focusing on energy sector issues pertinent to emerging countries. This course will enable the learner in gaining a comprehensive vision to design appropriate policy and regulatory framework needed to ensure sustainable energy for all.

You will gain an in-depth understanding of: the interdependence of the tools available to address energy access including the technologies (traditional, clean & smart), finance, business models and regulatory instruments the wider impact energy access has on health, education and on overall socio-economic development, and more!

Contact: [Jessica Dabrowski](#), Course Facilitator

## IAIA 12-week “Foundations of Impact Assessment” online course

Dates: 28 January through 19 April 2019

Participants start and complete the course within this period according to the schedule they arrange with their trainer.

Applications for the course are open now until 14 January 2019.

The “Foundations of IA” course in EIA is the first in a planned series of online courses as part of IAIA’s Professional Development Program (PDP). It is designed for early-career professionals with some EIA experience and covers the basic principles and objectives of EIA, its core concepts and methods, and the fundamentals of EIA review processes and study management. The course adopts a comprehensive definition of “environment” to include the physical, biological, resource use, social, cultural, health, and economic dimensions of the project environment. Each course participant also receives personal support from an experienced IAIA trainer, especially through several online video conferences. The course should take about 20-30 hours to complete, and there is cost involved.

- January 14 – application deadline
- January 18 – payment deadline (first-come-first-serve up to 20 accepted applicants)
- January 28– course start date

More [information](#)

## NEWS

### National

- **Biodiversity**

#### **Conservation: MEC commits to migratory waterbird protection**

“SA and its KZN province are committed to the conservation of migratory waterbirds to preserve global biological diversity for future generations, Economic Development MEC Sihle Zikalala told delegates at an international conference which closed in Durban last week. According to a report on the IoL site, Zikalala was speaking at the seventh session of the meeting of parties (MOP7) on the agreement on the conservation of African-Eurasian migratory waterbirds. Zikalala said SA remained committed to sharing its expertise and experience with the rest of the parties in order to ensure that migratory birds did not disappear from the skies. The birds were also an important source of revenue for SA, he said. ‘A 2010 study by the Department of Trade and Industry on avitourism indicated that the size of the avitourism market is between 21 000 and 40 000 visitors annually,’ said Zikalala.”

[Full IoL report](#) *Legalbrief Environmental* 11 December 2018

- **Climate Change and energy**

#### **Legislation: Carbon tax will benefit SA companies – Treasury**

“The National Treasury says the carbon tax will not have a negative effect on trade but will help protect SA companies against punitive trade actions for failing to reduce greenhouse gas emissions. According to a Fin24 report, National Treasury Deputy Director-General Ismail Momoniat told the Standing Committee on Finance last week that once the carbon tax had been implemented, local companies would find more international companies

wanting to trade with SA. Momoniat said all companies worldwide were feeling the pressure to reduce emissions, which was a global problem. 'What we want is a mindset change from everybody,' he said. The Carbon Tax Bill has been in the making since 2010, with extensive consultations, public hearings and task teams shaping the text. 'It is the only tax I've seen where we are trying to provide as much information as we can about the next five or ten years .... The sooner there is certainty on the Bill in its final form, the sooner we will get all players to conform,' Momoniat said."

[Full Fin24 report](#) *Legalbrief Environmental* 11 December 2018

### **Energy: Midlands farmers slam fracking plans**

"KZN farmers and environmentalists have hit out at proposals to frack for oil and gas on prime land in the Midlands, saying it would contaminate underground water and affect produce. According to a Sunday Tribune report, Rhino Oil and Gas SA, a subsidiary of Rhino Resources, a US-based global energy company, announced that it intended to undertake a gas exploration survey. At a public meeting in Estcourt last week, Rhino Oil and Gas SA COO Philip Steyn told community members that fracking would be beneficial to the local economy, but they were not convinced. Steyn was accompanied by environmental consultancy SLR Consulting representative Matthew Hemming. A crop and goat farmer, Roy Caldecott, said farmers were ready to fight against fracking to protect the environment. 'If fracking goes ahead, the farming industry will suffer the consequences and farm workers will lose their jobs,' he warned. A retired adviser to the Southern African Faith Communities Environment Institute, Dr Stefan Cramer, said the Midlands thrived on farming and tourism, which would be disrupted if fracking was allowed to take place. 'The mere threat of fracking discourages investments in the rural economy.' Department of Mineral Resources spokesperson, Ayanda Shezi, said it was aware of the concerns raised by farmers and the public, and that no hydraulic fracking had been proposed by Rhino and Oil Gas SA in their work programme."

Full Sunday Tribune report (subscription needed) *Legalbrief Environmental* 11 December 2018

Macherez Y "Picket against new coal stations at energy summit" [GroundUp](#) 11 December 2018

- **In the courts**

### **General: Amnesty calls for Xolobeni judgment to be respected**

"Amnesty International (AI) has urged the government to respect the High Court decision that stopped mining in Xolobeni in the Eastern Cape because the community does not want their land to be mined. The Herald reports the precedent-setting judgment prevents the government from issuing a mining licence without the consent of the customary community that owns the land. Johan Lorenzen, a lawyer for the Xolobeni community, said the Department of Mineral Resources had until Thursday to issue its intention to appeal against the judgment and the community was expecting this to happen. Shenilla Mohamed, Amnesty International SA's executive director, said: 'We are calling on the government to respect the community's wishes.' AI said that mine rehabilitation had seldom been achieved in SA because the laws forcing companies to clean up after a mine was closed were poorly enforced."

Full report in The Herald (subscription needed) *Legalbrief Environmental* 11 December 2018

### **Litigation: Court battle looms over Eskom blackouts**

“City Press says a major court battle is looming against suppliers that Eskom blames for shoddy workmanship at Kusile and Medupi power stations, which contributed to last week’s load shedding. In Eskom’s sights is Mitsubishi Hitachi Power Systems Africa, which two senior Eskom engineers reportedly told City Press had contributed to knocking off as much as 1 000 megawatts of the power utility’s generation capacity in the past week. They say the design flaws affecting Medupi and Kusile – which are set to cost a combined R345bn – all relate to work contracted to the Japanese multinational, and resulted in Medupi’s three operational units either shutting down entirely or losing part of their output. Last week, every single one of SA’s 12 largest and most important power stations broke down, according to an internal Eskom document obtained by *Rapport*. Eskom’s plant breakdowns at old stations are reaching catastrophic levels, with a record-breaking 17 371MW – or 38% of Eskom’s total generating capacity – offline. Eskom’s chief operating officer, Jan Oberholzer, said that the load losses at Medupi and Kusile were ‘not negligible’, and the question was who would now pay to fix them. Another engineer said the R1.5bn Eskom recently allocated to fixing design problems at Medupi and Kusile ‘will definitely not cover it all’ and will be used while Eskom fights its contractors to make them pay instead. ‘A big court battle is coming,’ he said.”

[Full City Press report](#) *Legalbrief* 10 December 2018

De Lange I “Hunter in alleged Groenewald rhino poaching syndicate gets bail... again” [The Citizen](#) 7 December 2018 [Source: *Legalbrief* 10 December 2018]

De Lange I “Trial of alleged rhino poaching kingpin Hugo Ras delayed again” [The Citizen](#) 8 December 2018 [Source: *Legalbrief* 10 December 2018]

- **Mining**

Olalde M “Mintails directors may face criminal charges” [Business Day](#) 11 December 2018 [Source: *Legalbrief* 12 December 2018]

### **Liquidations: End of Aurora mines ... again?**

“The Aurora gold mines – looted by former President Jacob Zuma’s nephew Khulubuse Zuma and his partners – are heading for liquidation again after a falling-out between the SA and Chinese partners in the consortium that bought Aurora in 2012. A Mail & Guardian report notes lawyers for BEK Holdings – which owns 26% of China African Precious Metals (CAPM) – have applied to the Gauteng High Court (Johannesburg) for liquidation after a ‘breakdown’ in relations with its Chinese partner, Golden Haven, which owns 74% of CAPM. The move by BEK owner Elias Khumalo – a close associate of Jacob Zuma – comes after mediation by the Department of Mineral Resources (DMR) failed last week. CAPM employs about 460 workers at its Orkney gold mine, which went back into production after it was rehabilitated by CAPM. It is not clear at this stage whether they have been paid. CAPM’s bank accounts have been suspended by Standard Bank as a result of the liquidation application and the dispute between BEK and Golden Haven. The report says things soured between the partners in CAPM after new leaders at Golden Haven removed

Khumalo as CAPM executive director, appointed a new chief executive, and demoted Khumalo to a non-executive director with a salary of R15 000. Khumalo claims the decision, taken in August, was irregular because the board did not quorate. Khumalo's lawyer, Barnabas Xulu, said: 'We are forced to take this action as the relationship has broken down completely. There has been an undermining of the BEE component and an attempt to run the operation on a shoestring budget. DMR had attempted mediation but Golden Haven did not turn up, leaving us no other choice.' Xulu added the liquidation process would not place jobs in danger, but the suspended bank accounts were a concern in terms of paying workers."

[Full Mail & Guardian report](#) *Legalbrief Forensic* 13 December 2018

- **Local government**

- **Litigation: Municipality hits back in recycling bag case**

"The eThekweni Municipality claims it is under no contractual obligation to supply millions of orange recycling plastic bags to a group of contractors who have taken the city to court over the matter. In papers filed in the KZN High Court (Durban), the city claimed it had no contract with the parties and the orange plastic bag programme would resume once a new supplier had been appointed. According to a report in *The Mercury*, the city was responding to an application brought by five contractors – once part of the orange bag recycling programme – who took the municipality to court last month to get it to provide them with bags. In their application, the contractors said they could not continue with the project if they were not given the recycling bags. They said once they received the bags from the municipality, they distributed them to homes in their demarcated areas of operation. However, the municipality said before these contractors could seek an order of specific performance, they first needed to prove the existence of a contract that they sought to enforce. While the five companies had submitted a letter sent to them by the municipality as evidence that a contract existed between them, the municipality stated that it was only addressed to one company and the others could therefore not rely upon it. The municipality further argued that if it were to meet the contractors' demands, it would have to spend R70m on orange plastic bags over three years. It further contended that the manager who signed the letter had no authority to bind it to such a huge contract and that such action would have been in violation of the Municipal Finance Management Act and its supply chain management policy." Full report in *The Mercury* (subscription needed) *Legalbrief* 12 December 2018

- **Miscellaneous**

- **Pollution: Experts panel to advise on SO<sub>2</sub> management**

"The Minister of Environmental Affairs, Nomvula Mokonyane, intends to appoint a Panel of Experts to provide strategic and technical guidance towards effective management of sulphur dioxide (SO<sub>2</sub>) from old and existing power generation plants. According to a report on the DEAT (sic) site, the decision to appoint a Panel of Experts comes as result of the challenges faced by chemical and energy sector-players such as Eskom power stations, Sasol and other related industries. The industries have been unable to adequately and effectively manage sulphur dioxide emissions, thereby failing to comply with the minimum emission standards. The panel will conduct a comprehensive review on the

effectiveness of the implementation of the postponement provision and the associated SO<sub>2</sub> emission limits. It will also advise the Minister and affected companies in identifying and implementing mechanisms, technologies, technical and/or regulatory tools that would assist in addressing SO<sub>2</sub> compliance challenges.

Full report on the DEA [website](#) *Legalbrief Environmental* 11 December 2018

### **Water: Desalination plants slowed by algal bloom**

“Two multimillion-rand desalination plants built to help avert a now forgotten Day Zero scenario have stopped working. A Cape Argus report notes that Cape Town’s mayoral committee member for water waste services and energy Xanthea Limberg said both the Strandfontein and Monwabisi temporary desalination plants are unable to produce water without causing damage to the sensitive membrane filtration systems when the sea water is highly turbid or contains large numbers of algal cells, such as in the case of the recent natural algal bloom in False Bay. ‘The Strandfontein plant was not producing water over the period 1 to 7 November and the Monwabisi plant was operating normally for only three days during the same period. Both plants again stopped producing drinking water on 16 November due to the recent algal bloom. Water production at the desalination plants will be restarted once the algal bloom dissipates,’ Limberg said. ‘Periods of lower production of water are to be expected,’ she said. The two plants were expected to deliver 7m litres of waters a day and came at a cost of just more than R250m each. Members of civic group STOP COCT visited the two sites last week. The group’s founder Sandra Dickson said: ‘The 13 500 members of STOP COCT and the wider public feel cheated as they are burdened with extreme water tariffs, but nothing in terms of water security is delivered.’”

Full Cape Argus report (subscription needed) *Legalbrief Environmental* 11 December 2018

### **General: HRC asked to intervene over prison water shortage**

“Lawyers acting for inmates of the the Rooigrond prison in Mahikeng, North West, are seeking the urgent intervention of the Human Rights Commission as prisoners have allegedly been without water for weeks. A Beeld report notes one attorney, who would not be identified for fear of victimisation of his client, says the water shortage led to a violent riot in the prison last Sunday. The lawyers say there is no water in prison cells and prisoners get a bucket of water each for drinking, washing and flushing toilets. However, some prisoners do not get a bucket and have to ‘buy’ water from others with cigarettes. Correctional Services spokesperson Tshidi Mapole confirmed the riot and the water problems, but said the riot was caused by the water shortage. Mapole says deteriorating pipes have resulted in low water pressure. The matter is being attended to by the Department of Public Works, but in the meantime water is being transported to the prison.”

Full Beeld report (subscription needed) *Legalbrief* 14 December 2018

Kings S “Water-shedding will make load-shedding seem like a jol” [Mail & Guardian](#) 14 December 2018 [subscription / newspaper needed]

## International

- **Biodiversity**

“Cambodia seizes record three-tonne haul of African ivory” [The Guardian](#) 16 December 2018

“Namibia: Minister Urges Judiciary to Join Fight against Wildlife Crimes” [AllAfrica](#) 6 December 2018 [Source: *Legalbrief Environmental* 11 December 2018]

Cook M “10 rainforest animals that may go extinct because of climate change” [Business Insider](#) 15 December 2018

“Research shows dramatic impact of Australian shark culls” [News24](#) 14 December 2018

“US Congress okays bill to allow killing sea lions to help salmon” [News24](#) 13 December 2018

- **Climate Change and energy**

“COP24: Nations agree on global climate pact rules after impasse” [Mail & Guardian](#) 16 December 2018

Batchelor T “COP24: Environmental groups criticise ‘morally unacceptable’ climate deal reached after major Poland summit” [The Independent](#) 15 December 2018

Harvey F “Progress and problems as UN climate change talks end with a deal” [The Guardian](#) 15 December 2018

Harvey F “What was agreed at COP24 in Poland and why did it take so long?” [The Guardian](#) 16 December 2018

Hood M “Climate talks must be rescued from failure, warns UN chief” [Mail & Guardian](#) 12 December 2018

Cox L “Australia’s carbon emissions highest on record, data shows” [The Guardian](#) 13 December 2018

“Oil tanker owners find solace in shale as OPEC readies cuts” [Extractives Baraza](#) 13 December 2018

Federman A “Revealed: FBI kept files on peaceful climate change protesters” [The Guardian](#) 13 December 2018

“Liberia electricity crisis: 'About 60% of power stolen'” [BBC News](#) 5 December 2018 [Source: *Legalbrief Forensic* 12 December 2018]

- **Mining**

“Ranchers accuse Ministry of issuing land to mining firms” [Kenya] [Extractives Baraza](#) 13 December 2018

“Australia plans deal with US on 'critical minerals'” [Extractives Baraza](#) 13 December 2018

“Greece seeks to avert nickel producer Larco shutdown” [Extractives Baraza](#) 6 December 2018

Philips D “Illegal mining in Amazon rainforest has become an 'epidemic'” [The Guardian](#) 10 December 2018

- **In the courts**

Laville S “EU relaxation of diesel emission limits was illegal, court rules” [The Guardian](#) 13 December 2018

- **Miscellaneous**

“Oceans of garbage prompt war on plastics” [News24](#) 15 December 2018

“Water from sewage rivers used to grow vegetables in Bolivia” [News24](#) 13 December 2018

Baynes C “Indonesian volcano eruption sends ash 7,500 metres into sky” [The Independent](#) 16 December 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

#### **Senior Lecturer: School of Law – Lyceum**

Closing date: 19 December 2018

More [information](#)

#### **Faculty Head: Commerce and Law - Lyceum**

Closing date: 19 December 2018

More [information](#)

#### **Part time academic: Port Elizabeth**

More [information](#)

#### **Student EsPsay Competition**

Closing date: 28 February 2019

Contact Secretariat for more information

### **International**

#### **Postdoctoral fellow in Service Studies, spec Sustainability Lund University**

The Department of Service Management and Service Studies – inter-disciplinary studies possible

More [information](#)

#### **Chinese Government Scholarship: 2019**

Fields: Language Studies, Bachelor's, Master's, PhD and Research scholarships in China

Deadline for scholarship applications: 15 March 2019

Read [more](#)

**Russian Government Scholarship: 2019**

Fields: Bachelor's, Master's and PhD scholarships in Russia

Deadline for scholarship applications: 27 February 2019

Read [more](#)

**French Embassy Scholarship: 2019**

Fields: Master's and PhD scholarships in France, taught in English

Full and partial funding is available

Deadline for scholarship applications: 15 March 2019

[Read more](#)

**Swedish Institute Scholarship for South Africa: 2019**

Fields: Master's scholarships in Sweden in Environmental Technology / Sustainable development, Nanotechnology, Engineering, Design (eg industrial design, architecture, urban / regional planning), Computer Science and IT, Gender Studies, Public Health

1. Apply for Swedish university by 15 January 2019

2. Pay the university application fee on the central applications system by 1 February 2019 (application fee support is available from DHET for a limited number of applicants [click here](#) for more information)

3. Apply for scholarship between 4 and 14 February 2019

[Read more](#) (Swedish Institute)

Members of the Environmental Law Association may subscribe to

[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.

## **ELA NEWSLETTER 50**

21 December 2018

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**We wish all our ELA members a peaceful festive season and a greener 2019!**

**The next newsletter will be dated 4 January 2018**

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### **BILLS**

Draft Expropriation Bill, 2019 - GN 1409 in GG 42127 of 21 December 2018 - for comment

### **LEGISLATION**

### **NOTICES**

National Water Act 36 of 1998 - GN 1418 in GG 42127 of 21 December 2018 - Mzimvubu-Tsitsikamma Water Management Area (WMA 7) - Amending and limiting the use of water in terms of para. 6 (1) of Schedule 3 to the Act for urban, agricultural and industrial (including mining) purposes

National Water Act 36 of 1998 - GN 1419 in GG 42127 of 21 December 2018 - Proposed reserve determination of water resources for the Vaal catchment - for comment

National Heritage Resources Act 25 of 1999 - GN 1404 in GG 42127 of 21 December 2018 - South African Heritage Resources Agency - Declaration of the South African Astronomical Observatory (Royal Observatory) as a National Heritage Site

Mineral and Petroleum Resources Development Act 28 of 2002 - GN 1398 in GG 42118 of 19 December 2018 and GN 1421 in GG 42130 of 20 December 2018 - Broad-Based Socio-Economic Empowerment Charter for the Mining and Minerals Industry, 2018 (Mining Charter, 2018) amended

Mineral and Petroleum Resources Development Act 28 of 2002 - GN 1399 in GG 42122 of 19 December 2018 - Implementation Guidelines for the Broad-Based Socioeconomic Empowerment Charter for the Mining and Minerals Industry, 2018 (Implementation Guidelines for Mining Charter, 2018)

Astronomy Geographic Advantage Act 21 of 2007 - GN 1389 in GG 42116 of 14 December 2018 - Notice of workshop on the proposed exemption for Radio Frequency Spectrum Use within the Karoo Central Astronomy Advantage Areas

## **PROVINCES**

### **KwaZulu-Natal**

National Heritage Resources Act 25 of 1999 - PN 137 in *PG* 2028 of 14 December 2018 - KwaZulu-Natal Amafa and Research Institute Regulations, 2018

KwaZulu-Natal Amafa and Research Institute Act 5 of 2018 - Notice 11 in *PG* 2029 of 14 December 2018 – commenced 14 December 2018

National Environmental Management: Protected Areas Act 57 of 2003 - PN 138 in *PG* 2030 of 20 December 2018 - Consultation Process - Notice of intention to declare several protected areas - for comment

Constitution of the Republic of South Africa, 1006 and Local Government: Municipal Systems Act 32 of 2000 - MN 119 in *PG* 2030 of 20 December 2018 - Mpendle Local Municipality - Spatial Planning and Land Use Management Amendment By-law, 2016

Constitution of the Republic of South Africa, 1006 and Local Government: Municipal Systems Act 32 of 2000 - MN 120 in *PG* 2030 of 20 December 2018 - uMngeni Local Municipality - Spatial Planning and Land Use Management Amendment By-law, 2016

Constitution of the Republic of South Africa, 1006 and Local Government: Municipal Systems Act 32 of 2000 - MN 121 in *PG* 2030 of 20 December 2018 - uMshwathi Local Municipality - Spatial Planning and Land Use Management Amendment By-law, 2016

Constitution of the Republic of South Africa, 1006 and Local Government: Municipal Systems Act 32 of 2000 - MN 122 in *PG* 2030 of 20 December 2018 - Mkhambathini Local Municipality - Spatial Planning and Land Use Management Amendment By-law, 2016

Constitution of the Republic of South Africa, 1006 and Local Government: Municipal Systems Act 32 of 2000 - MN 123 in *PG* 2030 of 20 December 2018 - Mpofana Local Municipality - Spatial Planning and Land Use Management Amendment By-law, 2016

Constitution of the Republic of South Africa, 1006 and Local Government: Municipal Systems Act 32 of 2000 - MN 124 in *PG* 2030 of 20 December 2018 - Richmond Local Municipality - Spatial Planning and Land Use Management Amendment By-law, 2016

## Western Cape

Constitution of the Republic of South Africa, 1006 and Local Government: Municipal Systems Act 32 of 2000 – LAN 57528 in *PG* 8023 of 14 December 2018 - Central Karoo District Municipality - Air Quality Management By-law, 2018

Nature and Environmental Conservation Ordinance 19 of 1974 – PN 161 in *PG* 8024 of 14 December 2018 - Hunting seasons, daily bag limits and hunting by the use of prohibited hunting methods, 2019

Sea-Shore Act 21 of 1935 - PN 162 in *PG* 8024 of 14 December 2018 – Velddrift - Notice of proposal to enter into a lease with the Jan Kotze Familie Trust for the re-construction of a jetty below the high-water mark of the Berg River - for comment

Sea-Shore Act 21 of 1935 - PN 163 in *PG* 8024 of 14 December 2018 - Plettenberg Bay - Notice of proposal to enter into a lease with Ms S Vogel for the construction of an access route below the high-water mark of the Piesang River - for comment

Spatial Planning and Land Use Management Act 16 of 2013; Western Cape Land Use Planning Act 3 of 2014 and Breede Valley Municipality Land Use Planning By-law - LAN 57508 in *PG* 8024 of 14 December 2018 - Breede Valley Local Municipality - First draft of the amendment of the Spatial Development Framework (SDF) – for comment

Disaster Management Act 57 of 2002 - LAN 57514 in *PG* 8024 of 14 December 2018 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of drought disaster for a further month from 28 December 2018 to 28 January 2019

Disaster Management Act 57 of 2002 - LAN 57515 in *PG* 8024 of 14 December 2018 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of disaster as a result of a devastating fire in the Imizamo-Yethu informal settlement situated in Hout Bay for a further month from 1 January 2019 until 31 January 2019

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 57524 in *PG* 8024 of 14 December 2018 - Bitou Local Municipality - Draft Spatial Development Framework (SDF) – for comment

## CASES

### National

*Minister of Rural Development and Land Reform v Normandien Farms (Pty) Ltd and Others, and Another Appeal* 2019 (1) SA 154 (SCA)

“Environmental law - Conservation of agricultural resources—Prevention of erosion—Overgrazing—By livestock belonging to labour tenant—Labour tenant subject to statutory prohibition on overgrazing—Removal of livestock not constituting ‘eviction’ of labour tenant—State not obliged to provide tenants with alternative grazing land for displaced livestock—Conservation of Agricultural Resources Act 43 of 1983; Land Reform: Provision of Land and Assistance Act 126 of 1993, s 10(1).

Land - Agricultural land—Conservation—Prevention of erosion—Overgrazing—By livestock belonging to labour tenant—Labour tenant subject to statutory prohibition on overgrazing—Removal of livestock not constituting ‘eviction’ of labour tenant—State not obliged to provide tenants with alternative grazing land for displaced livestock—Conservation of Agricultural Resources Act 43 of 1983; Land Reform: Provision of Land and Assistance Act 126 of 1993, s 10(1).

Land - Land reform—Labour tenant—Overgrazing of land—Remedies of owner—Removal of livestock—Duty of state to relocate—Removal of livestock not constituting ‘eviction’ of labour tenant—State not obliged to provide tenants with alternative grazing land for displaced livestock—Conservation of Agricultural Resources Act 43 of 1983; Land Reform: Provision of Land and Assistance Act 126 of 1993, s 10(1).

Words and phrases - ‘Eviction’—Meaning of in Land Reform (Labour Tenants) Act 3 of 1996—Deprivation of right of occupation of land resulting from purported termination or repudiation of that right.

*S v Simba and Similar Matters* 2019 (1) SACR 90 (WCC)

Admission of guilt - Review—Fine determined by prosecutor where there were district limits set by magistrate of number of items involved in offence—Where number exceeding limit, admission-of-guilt fine manifestly not in accordance with determination—Conviction and sentence set aside. Admission of guilt - Review—Fine determined by prosecutor—Magistrate retaining discretion given by s 57(7) of Criminal Procedure Act 51 of 1977 to find that admission-of-guilt fine not in accordance with justice even where fine set within district limits.

**Admission of guilt** - Environmental offences—Rock lobster—Possession of undersized rock lobster—Accused in possession of 454 undersized rock lobster—Prosecutor setting admission-of-guilt fine of R9000 (ie R20 per lobster) where fine for district as determined by magistrate was R500 per lobster—Admission-of-guilt fine set aside by magistrate in exercise of discretion under s 57(7) of Criminal Procedure Act 51 of 1977.

## PUBLICATIONS

### National

Andrew B “The Application of and the Prospects for the Public Trust Doctrine in South Africa: A Brief Overview” 2018 *South Afr Law J* 631–641

Bischof-Niemz Tobias and Creamer Terence *South Africa’s Energy Transition A Roadmap to a Decarbonised, Low-cost and Job-rich Future* ([Routledge](#) 2018)

“State of South Africa’s Bird Report 2018” ([Birdlife South Africa](#) 2018)

### International

Jingu John “‘Resource misery’ and the politics of resource governance in the petro-states of Africa” 2017 *Journal of Law, Development and Society* DOI: <https://doi.org/10.25159/2520-9515/1094>

2018 *Journal of Energy and Natural Resources Law* click [here](#) for latest articles

Asian Development Bank “Strategic environmental assessment can help the Greater Mekong Subregion countries plan a more sustainable energy future” ([Report](#) 2018)

Sindico Francesco and McKenzie Kathryn "Human Rights Thresholds in the Context of Climate Change: A Litigation Perspective in the Wake of the IPCC Special Report on 1.5°C or the Week in which Everything Changed..." SCELG [Policy Brief](#) 15/2018

Sindico Francesco and Crook Nicola "Searching for the Voice of the Island Communities in the Islands (Scotland) Bill" SCELG [Policy Brief](#) 14/2018.

Crook Nicola and Sindico Francesco "Islands (Scotland) Bill 2018: A Brief Overview" SCELG [Policy Brief](#) 13/2018.

Logar Nathaniel, Salzman James, and Horowitz Cara “Ensuring Safe Drinking Water in Los Angeles County’s Small Water Systems” ([Pritzker Brief](#) December 2018)

Commission for Climatology “Guide to Climatological Practices” ([Report](#) 2018)

Akhtar-Khavari A and Richardson BJ (eds) *Ecological Restoration Law* ([Routledge](#) 2019)

ADB “Sustainable Transport Solutions: Low-Carbon Buses in the People's Republic of China” ([Report](#) November 2018)

ICLEI: “Multilevel Climate Action: The path to 1.5 degrees” ([Report](#) November 2018)

Whitton John, Cotton Matthew, Charnley-Parry Ioan M and Brasier Kathy (eds) *Governing Shale Gas Development, Citizen Participation and Decision Making in the US, Canada, Australia and Europe* ([Routledge](#) 2018)

Szolucha A (ed) *Energy, Resource Extraction and Society Impacts and Contested Futures* ([Routledge](#) 2018)

## BLOGS, DISCUSSIONS, WEBSITES, VIDEOS, ETC

### Africa

- **Local government**

[The Conversation](#): Peter C “How African cities can harness green technologies for growth and jobs” 19 December 2018

- **Mining**

[Extractives Baraza](#): Kenya “Gold miners told to keep off ‘toxic’ mercury” 19 December 2018

[Natural Justice](#): Chiponda L “Legal empowerment training in Zimbabwe strengthens ten communities’ responses to mining” 14 December 2018

- **Miscellaneous**

[The Conversation](#): Jayne T and Muyanga M “Medium-scale farms are on the rise in Africa. Why this is good news” 16 December 2018

### General in rest of the world

- **Biodiversity**

[IISD](#) ENB: 3rd Meeting of the Signatories to the Memorandum of Understanding on the Conservation of Migratory Sharks 10-14 December 2018 | Monaco

SCELG Strathclyde Blog:

- Vermeylen Saskia "[Some reflections on the draft Rutzolijirisaxik Voluntary Guidelines](#)" (November 2018)
- Schröder Mika and Parks Louisa "[The participation of local stakeholders in the context of the CBD: new questions and reflections ahead of the 2018 UN Biodiversity Conference](#)" (November 2018)
- Morgera Elisa "[What to expect on benefit-sharing from the upcoming 2018 UN Biodiversity Conference \(Part II: Nagoya Protocol\)](#)" (November 2018)
- Morgera Elisa "[What to expect on benefit-sharing from the upcoming 2018 UN Biodiversity Conference? \(Part I: Convention on Biological Diversity\)](#)" (November 2018)
- Elizabeth Karger, "[Digital sequence information \(Part I\) – Benefit-sharing expectations?](#)" (November 2018)
- Elizabeth Karger, "[Digital sequence information \(Part II\): views on multilateral benefit-sharing](#)" (November 2018)

- **Climate Change**

[Transport & Climate Initiative](#): USA “Transportation & Climate Initiative Statement” 18 December 2018

[IISD](#) SDG Knowledge Hub: Jackson C “SEI Policy Brief Visualizes SDGs through Climate Lens” 18 December 2018

[IISD](#) SDG Knowledge Hub: Benson Wahlén C “Ministers Adopt Katowice Declaration on Forests for Climate” 18 December 2018

[IISD](#) SDG Knowledge Hub: Whitewater C “Global Report on Energy Policies Cautions that Progress on SDG 7 is Too Slow” 18 December 2018

[IISD](#) SDG Knowledge Hub: Whitewater C “Report Reveals Lack of Ambition to Decarbonize Transport in G20 Countries” 18 December 2018

[IISD](#) SDG Knowledge Hub: Mwangi W “UNEP Report Decries Low Policy Attention to Adaptation in Mountain Ecosystems” 18 December 2018

[ODI](#) Media hub: Pickard S “‘Direct air capture’: can sucking CO<sub>2</sub> from the atmosphere really solve climate change?”

[IISD](#) SDG Knowledge Hub: Fishman A “UNFCCC, UNOSSC Report Highlights Potential of South-South, Triangular Cooperation for Climate Technologies” 20 December 2018

- **Local government**

[ICLEI](#): “ICLEI joins European Green Capital Network’s Call for Action for sustainable cities” 27 November 2018

[ICLEI](#) City Talk: “ICLEI’s commitment to mobility in 2019” 17 December 2018

[ICLEI](#): “An eventful week for ICLEI at the Africities 8 Summit in Marrakech” 27 November 2018

[IISD](#) SDG Knowledge Hub: Paul D “WaterAid, UNICEF, WSUP Produce Guide to Female-Friendly Public Toilets” 20 December 2018

[IISD](#) SDG Knowledge Hub: Fishman A “Development Co-operation Report Proposes Framework to Leave No One Behind” 20 December 2018

- **Miscellaneous**

SCELG Strathclyde Blog: Vermeylen Saskia "[Easter Island statues: international law is shifting against British Museum](#)"

[The Conversation](#): Mehling Michael "Emmanuel Macron’s carbon tax sparked gilets jaunes protests, but popular climate policy is possible" 19 December 2018

[The Conversation](#): Manseli S “Radium revealed: 120 years since Curies found the most radioactive substance on the planet” 19 December 2018

[The Conversation](#): Fishman A “SDG Knowledge Weekly: Spotlight on Green Growth and Investment in Africa” 19 December 2018

[The Conversation](#): Wagner L “Katowice Climate Change Conference Delivers Outcome to Facilitate Implementation of Paris Agreement” 20 December 2018

[IISD](#) SDG Knowledge Hub: Ledaba AM “ICEL Publishes 12 Charts Analyzing Proposed Global Environment Pact” 20 December 2018

[IISD](#) ENB: “55th Meeting of the Global Environment Facility Council” 17-20 December 2018 | Washington, DC, US

## CONFERENCES, WORKSHOPS, STUDY OPPORTUNITIES

### National

#### **IAIAsa 2019 Conference: The Role of Integrated Environmental Management the Economic Revival of South Africa – Save the Date**

Place: ATKV Klein Kariba, Bela-Bela Limpopo

Date: 21-23 August 2019

#### **First Annual Integrated Coastal Management Lekgotla (ICMSA 2019) – Call for abstracts**

The Department of Environmental Affairs is proud to announce the call for abstracts and posters for the First Annual ICM Lekgotla (ICMSA 2019) that will be taking place from the 6th February 2018 – 8th February 2018 in Cape Town, Western Cape (venue to be confirmed). Details on the ICM Lekgotla can be accessed through its [website](#).

Queries on the ICM Lekgotla should be directed via [email](#). For details on abstract and poster submission deadlines [click here](#).

#### **WOSA 4 Conference**

Dates: 25-27 January 2019

Venue: Drakensberg Gardens KZN

There is still time to [register for this event](#). Please visit our web site to find out more about our indigenous [orchids](#):

#### **IMBEWU: Climate Change Law Workshop**

Venue: IMBEWU's offices, Rosebank, Johannesburg

Date: Tuesday 29 January 2019

Time: 08h30 to 16h30

Contact [Lulu](#) or see [website](#)

#### **Webber Wentzel: Mining Indaba Cocktail function**

Date: 5 February 2019 from 17:00

Venue: Our office - 15th Floor, Convention Tower, Heerengracht, Foreshore, Cape Town

Please join our annual Mining Indaba Cocktail Function for drinks (including local craft gins), networking and some of the most spectacular views the Mother City has to offer.

[RSVP here](#)

#### **Webber Wentzel: Panel Discussion | Spotlight on Zimbabwe | Mining Indaba 2019**

Join africapractice and Webber Wentzel at the 2019 Mining Indaba as we discuss policy options available to Zimbabwe's mining sector to attract quality investment and grow sustainably. With an ambitious reform agenda already underway, which includes part-privatisation of 17 state owned mining assets and incentives for new exploration investment, the sector is instrumental for Zimbabwe's economic recovery. Speaking on the panel will be some of the leading extractives sector experts from the World Bank, British Geological Society and Zimbabwe's mining sector.

An invitation including a full programme will be provided by 14 January 2019  
For more information, please contact [B Devine](#)

**LaRSSA 7<sup>th</sup> Annual Conference Conference 2019 Rehabilitation in Practice: Save the Date**

Dates: 15-18 July 2018

Place: Magaliesburg/Cradle of Humankind

**Humboldt Kolleg: Land – (in)justice – poverty**

Dates: 5-7 September 2019

The place (most probably Pretoria) and venue will be given early in 2019.

The theme of the Kolleg will be Land – (in)justice – poverty, which should focus on the current South African land issue and debate. The papers could link two or three themes in their presentation. But most importantly, you should prepare a possible presentation from the viewpoint of your own specific subject field or discipline. We will build in some panel discussions into the programme, so that debate could take place. Depending on the number of presentations, you can prepare a paper with the length of 30 minutes (20 minutes presentation and 10 minutes discussion). We will also try to involve government (or other applicable) participants in the debate.

If you plan to do a presentation, provide us with a short abstract of 800-1000 words before 31 January 2019. We have to make a submission to AvH for possible funding. They need four months for the submission to be evaluated. Please indicate if you will attend the Kolleg just as a participant without making a formal presentation.

We plan to prepare an international book from this foreseen meeting, since the theme is highly relevant. Guideline for the presentation will be given in the new year.

Contact: [Dirk J Human](#)

Tel: +27 (0)12 420 3154/5

**International**

**The coming paradigm: Governance without Government**

Dates: 15-18 April 2018

Place: University of New England, Armidale, NSW, Australia

Closing date for abstracts: 31 January 2019

May also participate via web.

[Registration](#)

[Website](#)

Questions: [Ciprian Radavol](#) (61)0748 608 403

**IUCN Academy of Environmental Law 17<sup>th</sup> Annual Colloquium 2019 - Call for Abstracts: Achieving the Sustainable Development Goals (SDGs): Law as Part of the Solution**

Dates: 7 – 9 August 2019

Place: [Universiti](#) Teknologi MARA in Shah Alam, Selangor, Malaysia

[Website](#)

Early bird registration starts: 30 November 2018

Early bird registration ends: 1 March 2019

Regular rate starts: 2 March 2019

Regular rate ends: 15 July 2019

IUCN Committee meetings/ workshops: 4 – 6 August 2019

Colloquium Trip: 9 – 10 August 2019

Call for Abstracts and [submission](#)

More information will follow, particularly the Academy's new grant program will be forthcoming in January. So if you will need financial assistance to attend, get your abstracts in early.

### **Legal Aspects of Sustainable Development: conference track call**

Dates: 26-28 June 2019

Place: Nanjing/China

Website [link](#)

Abstracts limited to 300-500 words can be still send till the extended final deadline of 15th January 2019 via the [online system](#) provided at the link above (see the [guide](#) for authors).

Submissions will be reviewed by an international review panel before being accepted.

Negotiations for edited volumes as outcome of this track have already started, for example with Routledge.

On 25 June 2019 also a [PhD-workshop](#) will take place for early stage researchers.

Contact for questions or comments: [Volker Mauerhofer](#)

### **Indigenous Knowledge Forum: Garuwanga: Forming a Competent Authority to Protect Indigenous Knowledge: Call for Papers**

Project Forum: Models for a Competent Authority – Facilitating Self-Determination

Dates: 12-13 June 2019

Venue: University of Technology Sydney

The 2019 Indigenous Knowledge Forum will be launching the Garuwanga Project draft report for general public discussion and consultation providing an opportunity for revision before the final report is released. This is the last activity for the Garuwanga Project.

The Nagoya Protocol, which came into force on 12 October 2014, has already been ratified by 113 UN member states and the European Union. Implementation of the Protocol requires the establishment of national focal points and competent national authorities (which may be one and the same). Such authorities, if created as non-government organisations and/or if governed by representatives of the communities they are intended to protect, could help Indigenous communities to achieve self-determination in accordance with the United Nations Declaration on the Rights of Indigenous Peoples. Self-determination refers to a peoples' right to freely determine their political status and freely pursue their economic, social and cultural development. The theme of this Forum is, therefore: *Models for a Competent Authority – Facilitating Self-Determination*. Focussing on access to and the sharing of benefits from the use of traditional or Indigenous knowledge and culture, this Forum will bring together scholars and experts with the objective of facilitating discussion and information exchange on international experiences with competent authorities.

The Indigenous Knowledge Forum invites interested participants to submit an abstract of 300 words by 25 January 2019. Abstracts should include the speaker's name and institutional affiliation and be emailed to:

Dr [Ann Cahill](#) (Garuwanga Project Research Fellow)

There will be no registration fee for the Forum. Details of the Forum and how to register will be available in due course on the Indigenous Knowledge Forum [website](#).

Questions regarding proposed papers should be sent to:

Professor [Natalie Stoianoff](#) (Garuwanga Lead Chief Investigator)

## NEWS

### National

- **Climate Change and energy**

New M, Otto F and Wolski P "Global warming has already raised the risk of more severe droughts in Cape Town" [The Conversation](#) 19 December 2018

- **Local government**

"Don't dump 'ovens, sheep heads, chairs' in Cape Town sewers – municipality" [News24](#) 22 July 2018

### International

- **Biodiversity**

"Japan considering leaving International Whaling Commission and resuming commercial hunting" [ABC News](#) 20 December 2018

- **Climate Change and energy**

Kings S "Cop-out stalls climate action" [Mail & Guardian](#) 20 December 2018

Groenewald Y "COP24 ignores dire climate warnings" [Mail & Guardian](#) 18 December 2018

Neslen A "EU coal subsidy phase-out 'completely inconsistent with Paris deal'" [The Guardian](#) 19 December 2018

Zubizarreta T "UN rights expert praises Fiji on climate change and human rights leadership" [The Jurist](#) 18 December 2018

Watts J "Risks of 'domino effect' of tipping points greater than thought, study says" [The Guardian](#) 20 December 2018

Marine Laouchez, Lachlan Carmichael "EU to cut new car emissions by 37.5% by 2030" [Mail & Guardian](#) 18 December 2018

- **Mining**

Biesemans B and Fitzpatrick M "With emotional goodbye, Germany shuts last black coal mine" [Mail & Guardian](#) 21 December 2018

- **In the courts**

Hours C “NGOs launch legal action against France over climate” [Mail & Guardian](#) 18 December 2018

“Judge fines Thames Water £2m over river pollution” [The Guardian](#) 21 December 2018

Chapman B “British Gas owner Centrica launches legal challenge to energy price cap” [The Independent](#) 22 December 2018

Summers H “Great Pacific garbage patch \$20m cleanup fails to collect plastic” [The Guardian](#) 20 December 2018

- **Miscellaneous**

Laurance W “Madagascar elections: An environmental disaster in waiting” [Mail & Guardian](#) 18 December 2018

“Scary statistic: 90.5% of plastic is not recycled” [News24](#) 20 December 2018

## **VACANCIES / OPPORTUNITIES / FUNDING ETC**

### **National**

**Varsity College: Midrand: Programme Manager: School of Law (Waterfall Campus)**

Closing date: 21 December 2018

More [information](#)

### **International**

**UCLA Emmett/Frankel Fellowship in Environmental Law and Policy 2019-2021**

More [information](#)

Closing date: 14 January 2018

**Emmett Climate Engineering Fellowship in Environmental Law and Policy 2019-2021**

More [information](#)

Closing date: 14 January 2018

Members of the Environmental Law Association may subscribe to  
[\*Legalbrief Environmental\*](#)

and the

[\*South African Journal of Environmental Law and Policy\*](#).

Discount available for ELA members.