

Environmental Law Association Newsletter 1

6 January 2017

POLICY

Department of Co-operative Governance – Gen Notice 946 in GG 40515 of 23 December 2016 - Draft White Paper on Fire Services – for comment

Department of Energy – Gen Notice 948 in GG 40515 of 23 December 2016 - Draft Post-2015 National Energy Efficiency Strategy - for comment

LEGISLATION

NOTICES

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 – GN 1567 in GG 40498 of 15 December 2016 - Notice of publication for comment of proposed Regulations Relating to Fertilizers

Societies for the Prevention of Cruelty to Animals Act 169 of 1993 - BN 190 in GG 40496 of 15 December 2016 - National Council of Societies for the Prevention of Cruelty to Animals: Rules amended

Intellectual Property Rights from Publicly Financed Research and Development Act 51 of 2008 - GN 1563 in GG 40496 of 15 December 2016 - National Intellectual Property Management Office (NIPMO) Dispute Panel: NIPMO Dispute Panel Rules of Procedure

National Water Act 36 of 1998 - GN 1594 in GG 40515 of 23 December 2016 - Restrictions on the use of groundwater in terms of para. 6 (1) (i) of Schedule 3 to the Act for irrigation purposes from the Ventersdorp Eye Subterranean Government Water Control Area

National Forests Act 84 of 1998 - GN 1602 in GG 40521 of 23 December 2016 - List of protected tree species

National Environmental Management: Protected Areas Act 57 of 2003 - GN 1578 in GG 40510 of 19 December 2016 - Declaration of the Tsitsikamma National Park Marine Protected Area in terms of s. 22A published and existing Tsitsikamma Marine Protected Area declared in stipulation 2 (19) of GN R1429 in GG 21948 of 29 December 2000 withdrawn

National Environmental Management: Protected Areas Act 57 of 2003 - GN R1579 in GG 40511 of 19 December 2016 - Tsitsikamma Marine Protected Area Regulations published and Tsitsikamma Marine Protected Area declared in stipulation 2 (19) of GN R1429 in GG 21948 of 29 December 2000 repealed

Special Economic Zones Act 16 of 2014 - GN 1590 in GG 40515 of 23 December 2016 - Designation of the DubeTradeport Industrial Development Zone as a Special Economic Zone

National Heritage Resources Act 25 of 1995 – GN 1065 in GG 40526 of 30 December 2016 - Declaration of Mendi Memorial as national heritage site

National Water Act 36 of 1998 – GN 1616 in GG 40531 of 30 December 2016 - Classes of water resources and the resource quality objectives for the catchments of the Inkomati

National Water Act 36 of 1998 – GN 161 in GG 40531 of 30 December 2016 - Classes of water resources and the resource quality objectives for the catchments of the Letaba

PROVINCES

WESTERN CAPE

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54295 in PG 7711 of 9 December 2016 - City of Cape Town Informal Trading By-law - City of Cape Town (Tygerberg District): Informal Trading Plan for Parow Industria

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54296 in PG 7711 of 9 December 2016 - City of Cape Town Informal Trading By-law - City of Cape Town (Northern District): Informal Trading Plan for Kraaifontein CBD and immediate surrounds published and PG 6191 of 10 December 2004 revoked

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54297 in PG 7711 of 9 December 2016 - City of Cape Town Informal Trading By-law - City of Cape Town (Tygerberg District): Informal Trading Plan for Old Paarl Road, being ward 3

EASTERN CAPE

National Environmental Management: Integrated Coastal Management Act 24 of 2008 – Gen Notice 41 in PG 3777 of 19 December 2016 - Nahoon Estuarine Management Plan

National Environmental Management: Integrated Coastal Management Act 24 of 2008 – Gen Notice 42 in PG 3777 of 19 December 2016 - Public Boat Launch Sites

National Environmental Management: Integrated Coastal Management Act 24 of 2008 – Gen Notice 43 in PG 3777 of 19 December 2016 - Nelson Mandela Bay Coastal Management Lines

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - PN 260 in PG 3777 of 19 December 2016 - Joe Gqabi District Municipality - Notice of establishment of a District Municipal Planning Tribunal, co-operation agreement and the appointment of tribunal members

International

Environmental Law Institute Model Law Implementing the Nationally Determined Contributions Submitted Under the Paris Agreement Through Domestic Legislation (2016)

https://www.inece.org/assets/Publications/585945f75f988_ELIModelLawForImplementingNationallyDeterminedContributions_Full.pdf see also <https://www.inece.org/library/show/585945f75f988>

CASES

National

Gees v Provincial Minister of Cultural Affairs and Sport, Western Cape and Others 2017 (1) SA 1 (SCA)

While the building sought to be demolished was not worthy of protection, the surrounding area was, due to its large concentration of art deco buildings, which were conservation-worthy, so conditions were issued for the replacement building to be harmonious with its surroundings.

National monuments - Buildings of historical interest—Alteration or demolition—Building older than 60 years—No formal heritage status—Heritage authority granting demolition permit on condition that new development in harmony with existing building's (i) town-planning envelope and (ii) façade—Conditions lawfully imposed—National Heritage Resources Act 25 of 1999, s 34(1) and s 48(2).

Gerstle and Others v Cape Town City and Others 2017 (1) SA 11 (WCC)

Building plans were submitted that, if put into effect, would have obscured the view of other owners, in a group housing development. There were two rows of houses facing the sea, the first row single storey and the second row double storey. Could the concept of 'harmonious architectural entity' be extended to create rights to a view?

Local authority- Buildings—Building plans—Approval—Properties for which plans submitted located in 'group housing scheme'—Putting plans into effect would obscure view of other owners—Whether plans complying with zoning scheme regulations—'Group housing' defined in amended Cape Townships Ordinance 33 of 1934 as inter alia a group of dwellings planned, designed and built as a 'harmonious architectural entity'—Whether plans negatively affecting 'harmonious architectural entity'—National Building Regulations and Building Standards Act 103 of 1977, s 7(1)(a); Cape Townships Ordinance 33 of 1934.

S v Okah 2017 (1) SACR 1 (SCA)

The offences related to bombings that took place in Nigeria. The accused was a leader of a militant group opposed to the government's handling of oil exploration in the Niger Delta. He was in Nigeria at the time of the bombings and his acts relating to those offences were committed outside of South Africa, however, it was found that the appellant conspired, planned and instructed people in relation to the execution of a bombing while he was in South Africa.

International

Competitive Enterprise Institute And Rand Simberg v Michael E Mann Case No. 14-CV-101 District of Columbia Court of Appeals 22 December 2016
<http://biotech.law.lsu.edu/blog/Michael-Mann-Defamation-Appeals-Court.pdf>

Michael Mann's right to go to trial on his defamation claim has been upheld by the DC appeals court. Mann is a well-known climate scientists and appellants criticised Mann's ideas on global warming.

Klamath Irrigation, et al., and John Anderson Farms, Inc., et al Nos. 1-591L; 7-194C; 7-19401C; 7-19402C; 7-19403C; 7-19404C; 7-19405C; 7-19406C; 7-19407C; 7-19408C; 7-19409C; 7-19410C; 7-19411C; 7-19412C; 7-19413C; 7-19414C; 7-19415C; 7-19416C; 7-19417C; 7-19418C; 7-19419C; 7-19420C
United States et al United States Court of Federal Claims Filed: 21December 2016

Water Rights; Physical vs. Regulatory Takings; Endangered Species Act; Motions in Limine https://ecf.cofc.uscourts.gov/cgi-bin/show_public_doc?2001cv0591-474-0

Kwafel CC v Kwa Dukuza Municipality and Others (9959/2016) [2017]
ZAKZDHC 1 (5 January 2017)

Objection to tender for grasscutting – failure to produce solid waste management plan – organic matter

PUBLICATIONS

Glazeweski J and Esterhuysen S (eds) *Hydraulic Fracturing in the Karoo: Critical Legal and Environmental Perspectives* (Juta Cape Town 2016)
<http://juta.co.za/products/hydraulic-fracturing-in-the-karoo-critical-legal-and-environmental-perspectives/>

Van der Schyff E *Property in Minerals and Petroleum* (Juta Cape Town 2016)
<http://juta.co.za/products/property-in-minerals-and-petroleum/>

Lim Tung Odile Juliette “Organic Food Certification in South Africa: A Private Sector Mechanism in Need of State Regulation?” 2016 *PER*
<http://journals.assaf.org.za/per/article/view/584>

Ashukem Jean Claude N “Included or Excluded: An Analysis of the Application of the Free, Prior and Informed Consent Principle in Land Grabbing Cases in Cameroon” 2016 *PER* <http://journals.assaf.org.za/per/article/view/1222>

IEA statistical report Energy efficiency indicators
<http://www.iea.org/publications/freepublications/publication/energy-efficiency-indicators-highlights-2016.html>

IASS Policy Brief “An Ambitious Energy Agenda for the G20” IASS Policy Brief 5/2016 (Potsdam November 2016) http://www.iass-potsdam.de/sites/default/files/files/policy_brief_5_2016_en_energy_agenda_g20.pdf

Stec S “Humanitarian limits to sovereignty: Common concern and common heritage approaches to natural resources and environment” 2010 12 *International Community Law Review* 361-389 DOI: 10.1163/187197310X51743 brill.nl/iclr

Daly E and May J “Bridging Constitutional Dignity and Environmental Rights Jurisprudence” 2016 *Journal of Human Rights and the Environment* 7(2):218–242
<http://dx.doi.org/10.4337/jhre.2016.02.02>, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2773781

Binder Denis “Criminal law—the increasing application of criminal law in disasters and tragedies: a global phenomenon” 2016 *Western New England Law Review* <http://digitalcommons.law.wne.edu/lawreview/vol38/iss3/2/>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

The Conversation: Lenferna Georges Alexandre “The world needs to consider how to manage the end of the fossil fuel era” 14 December 2016
<http://bit.ly/2hOuZze>

The Conversation: Rose P “Africa’s most toxic lakes are a paradise for fearless flamingos” 5 January 2017 <http://bit.ly/2hZTJER>

The Conversation: Pereira Laura et al “Incubating ideas on how southern Africa can manage the Anthropocene” 5 January 2016 <http://bit.ly/2jiDxR2>

IFC Launches Off-Grid Market Opportunity Tool for Expanding Energy Markets in Africa: <https://energydata.info/>

Leaving No-One Behind: Crowdfunding for Climate Change (CF4CC) and SDG Crowd-Investing Made Easy: <http://community.businessfightspoverty.org/profiles/blogs/crowd-investment-platform-for-sustainable-development-cip4sd>

FY16 Annual Report for the Powering Agriculture: An Energy Grand Challenge for Development initiative has been released: <http://poweringag.org/docs/annual-report-fy-2016>

Vermont Law's 2017 Top 10 Environmental Watch List: 'Has the Clean Power Plan Been Trumped?'

Environmental faculty and student editors of the *Vermont Journal of Environmental Law* (VJEL) at Vermont Law School today announced publication of their annual “Vermont Law Top 10 Environmental Watch List,” highlighting critical law and policy issues they believe will escalate in 2017. The list, in its seventh year, features articles co-authored by legal scholars on topics ranging from the Dakota Access Pipeline controversy to how President-elect Donald Trump might quash the Clean Power Plan and limit the authority of the Environmental Protection Agency (EPA).

<http://vjel.vermontlaw.edu/current-watch-list/>

UN Biodiversity Conference: 2-17 December 2016 Cancún, Mexico: Summary and analysis: <http://www.iisd.ca/biodiv/cop13/enb/>

NOAA's Arctic Report Card 2016 (<http://arctic.noaa.gov/Report-Card>).
<http://blog.ucsusa.org/brenda-ekwurz/arctic-breaks-many-records-arctic-report-card-2016>

The Conversation: Parenteau Patrick “Will Obama's Offshore Drilling Ban Be Trumped?” 3 January 2017 <https://theconversation.com/will-obamas-offshore-drilling-ban-be-trumped-70125>

Climate Mirror: <http://climatemirror.org/>

The goal is to store the data redundantly across the world. To see their current mirrors, visit climate.daknob.net - they also have several torrents that you can use to both retrieve data and assist in maintaining them.

#DataRefuge: <http://www.ppehlab.org/>

To build a refuge for US federal climate and environmental data vulnerable under an administration that denies the fact of ongoing climate change.

The Conversation: Witbooi E “Organised crime in the fisheries sector starts to get the attention it deserves” 4 January 2016 <http://bit.ly/2hXKVB4>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Imbewu: Environmental & Occupational Health & Safety Legal Training Workshop

Date: 31 January 2017

Venue: IMBEWU's Offices – Rosebank, Johannesburg

Time: 08.30am to 17.00pm

Contact: www.imbewu.co.za or Lulu at lulu@imbewu.co.za or 011 214 0660/1

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 20-21 February (Potchefstroom)
19-20 April 2017 (Pretoria)
4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 27 February-3 March 2017
- **Safety, Health, Environmental and Quality Management Systems (CEM-03.5.3)**
Date: 27 February -10 March 2017
- **Environmental law (CEM-02.1.1)**
Dates: 6-11 March 2017
- **Environmental Management Systems (CEM-03.1.1)**
Date: 27-31 March 2017
- **Occupational Health and Safety Management Systems (CEM-03.2.1)**
Dates: 27-31 March 2017

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

Africa Energy Indaba

Date: 21-22 February 2016

Venue: Sandton Convention Centre

More information and registration: <http://www.africaenergyindaba.com/>

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

International

Four year PhD programme in Energy Demand - UCL/Loughborough University - up to 15 fully funded studentships available for 2017/18

Industrialised economies face three major energy challenges: climate change, energy affordability and security of supply. Over 40% of the UK's energy demand, and carbon emissions, is associated with buildings, yet there is much we can do to improve our built stock and how we interact with it. Energy demand and buildings is a complex socio-technical problem and must be understood better if we are deliver UK targets. However, the sector faces a skills shortage: we need more highly qualified graduates to work in government, industry, NGOs and academia.

The London – Loughborough EPSRC Centre for Doctoral Training in Energy Demand (LoLo CDT) is the premier centre for energy demand research in the built environment in the UK, bringing together two leading energy research universities, UCL and Loughborough University. LoLo is funded to train a large student cohort to address our skills shortage. Our graduates are expected to take senior roles throughout the economy. We provide world-class PhD training, including opportunities to work with leading researchers, placements with industry and a comprehensive skills and development programme. Applicants are welcomed with good degrees from diverse backgrounds, reflecting our multidisciplinary research; previous experience of energy and buildings is not required.

We are offering up to 15 fully funded studentships for entry into the 2017/18 academic year.

Closing date – 30 January 2017 (5PM GMT). Join us and help make a difference!

Find out more at www.lolo.ac.uk & watch our short video www.lolo.ac.uk/lolo-colloquium-2016

Pace University's Elisabeth Haub School of Law and the K.G. Jebsen Centre for the Law of the Sea Workshop "Natural Marine Resource Management in a Changing Climate"

Date: 13-14 June 2017

Place: Tromsø, Norway.

Call for Participation and Abstracts:

http://www.law.pace.edu/sites/default/files/environmental/Call%20for%20Abstract%20-%20climate%20change_FINAL.pdf

Conference of the Commission on Legal Pluralism

The next International Conference of the Commission on Legal Pluralism will take place in Syracuse (New York, USA) on August 9-11, 2017. The conference is organised in collaboration with the Maxwell School of Citizenship and Public Affairs, Syracuse University. The conference theme is: Citizenship, Legal Pluralism and Governance in the Age of Globalization. You can submit your paper proposal until January 31, 2017. Prior to the conference, from 4-7 August, a course will be organized for young scholars on

the main theories, themes and methodologies of legal pluralism. For more information on panel themes and abstract submissions, please visit <http://commission-on-legal-pluralism.com/nl/home>

MDP in Environmental Policy and Law at University of Eastern Finland

Reminder: Application period open until 13th January 2017

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.

Courses offered include:

- Climate Change Law and Policy
- Environmental Policy Instruments and Natural Resources Governance
- International Environmental Law
- EU Environmental Law
- Food and Society
- International Energy Law and Policy
- EU Energy Law and Policy
- Global Environmental Politics
- Environmental and Social Impact Assessment
- Mining, Environment and Society
- Environmental Collaboration and Responsive Solutions in Natural Resources Conflicts
- Contemporary Issues in Environmental Policy
- WTO: Clean Energy, Environment and Natural Resources
- Sustainability and Natural Resources
- Forests and International Law

Study and application essentials:

- Two-year Master's degree programme (120 ECTS) with interactive study methods.
- Two alternative majors: 1) Environmental and Climate Change Law; and 2) Natural Resource Governance.
- Minimum admission criteria: Appropriate Bachelor's degree or equivalent university degree and proof of English language proficiency.
- Application period: 1 December 2016 – 13 January 2017.
- Tuition fees: There are no tuition fees for students from EU/EEA countries. For non-EU/EEA students, tuition fee is €8,000 per year. Scholarships are available to cover tuition for non-EU/EEA students.

More information, detailed admission criteria and information on available courses are available at <http://www.uef.fi/en/web/envlawandpolicy>

The Master's Degree Programme benefits from the research and education networks of the Institute for Natural Resources, Environment and Society (LYY). The Institute combines expertise in social and cultural research and applies it to the analysis of natural resource use and the environment. The LYY has made the University of Eastern Finland one of Finland's leading places

for social-scientific environmental research, focusing especially on issues of natural resource governance and policies of sustainable development.

The Master's Degree Programme also benefits from the UEF Centre for Climate, Energy and Environmental Law (CCEEL), which brings together four professors and more than 20 researchers specializing in climate, energy and environmental law. The Centre hosts regular events, including the annual UEF-UNEP Course on Multilateral Environmental Agreements.

For more information, contact: envirolawpol@uef.fi

Energy Decentralization – ICPP Singapore 2017

This is a reminder for the call for papers for the panel “Energy Decentralization” at the International Public Policy Association Conference to be held in Singapore on 28-30 June 2017.

Abstracts (300-500 words) have to be submitted before 15th January 2017 through the Conference website:

<http://www.ippapublicpolicy.org/conference/icpp-3-singapore-2017/page/call-for-papers/20/7>

Panel number T17CP20

The ultimate goal of this panel is to create a community of researchers working on the issue of energy decentralization. The panel organizers plan to submit the papers selected in a peer-reviewed journal for a special edition on this topic.

Objectives and Scientific Relevance of the panel

The energy issue is a transversal topic which crosscuts several public policy fields and addresses several challenges (e.g. climate change, energy security, economic development, social inequalities). Taking action in this sector is therefore a priority for central governments for domestic reasons but also to tackle global challenges and build sustainable futures. In particular, the energy sector entails opportunities for climate co-benefits through the development of renewable energies, improvement of energy efficiency and the reduction of greenhouse-gases emissions

Yet, policy-makers and the scientific community have early recognised the role of local governments, and in particular cities, in the development of sustainable environmental policies and climate governance.

Traditional centralized energy systems seem outdated and a decentralized, new model of governance seems, for many actors, more adequate. In fact, scholars have shown that energy transition cannot be based only on a technical shift. Therefore a redistribution of powers and competencies across scales, as well as new patterns of intergovernmental relations, are keys to the efficiency of low-carbon policies.

Depending on the domestic institutional context, local governments may have important competencies in energy production and/or supply, planning and energy demand management. The aim of this panel is to examine experiences of decentralization in the energy sector or any reforms introduced to foster the phasing out of fossil (or fissile) energy based systems. Potential topics for the panel might include the following (indicative):

- Process and institutional steps which led to the decentralization of an energy “activity” (motivations, legislative steps, territorial levels to strengthen)

- National debates about the new balance of powers to promote between central States and local authorities (is decentralization a common consensual solution?)
- Powers, tools and financial support provided by central governments to local governments to foster low-carbon policies
- Impacts on local governance and environmental outcomes
- Barriers and drivers for local action
- Institutional and legal innovation
- Local autonomy in energy activities

This list is indicative and other pertinent paper proposals may be selected.

Call for papers

The aim of the panel “energy decentralization” is to explore the relations between central and local governments in the energy sector.

Depending on the domestic institutional context, local governments may have important competencies in energy production and/or supply, planning and energy demand management. The aim of the panel is to examine experiences of decentralization in the energy sector or any reforms introduced to foster the phasing out of fossil (or fissile) energy based systems.

Against this background the panel welcomes papers which address the above issue and in particular contributions presenting institutional reforms triggered at the national level, but also local initiatives or any multi-level action aiming at starting/enhancing an energy transition process.

Paper should, as much as possible, highlight the reasons motivating the transformations, their debates or controversies, their stages (e.g. legal landmarks) and advancement, the degree of involvement of other stakeholders (citizens, businesses...) impacts on citizens and environmental outcomes if available.

The deadline for submission is 15th January 2017.

INECE: Performance Measurement in Environmental Enforcement: A Webinar-Based Discussion Series

Beginning in early 2017, the International Network for Environmental Compliance and Enforcement (INECE) and Environment and Climate Change Canada (ECCC) will collaborate to plan a series of webinars. The purpose of this series is to facilitate discussion among interested environmental law enforcement professionals about the best ways to measure performance in this field of work.

See <https://www.inece.org/news/announcements/show/NewsItem-5323>

AWEA Wind Project Siting & Environmental Compliance Conference 2017

Date: 21 March 2017 – 22 March 2017

Place: Austin, Texas, United States

<http://www.awea.org/events/event.aspx?eventid=38650&navItemNumber=7910&navItemNumber=8239>

NEWS

Environmental: Minister ordered to pay costs for nukes 'ambush'

“Minister of Energy Tina Joemat-Pettersson was ordered by the Western Cape High Court to pay punitive costs, including the costs of four counsel, for Earthlife Africa and the Southern African Faith Communities Environment Institute (Safcei) after the state brought forward new evidence minutes before the case was set to begin. Tuesday’s case began with a postponement until February 2017, as it was revealed mere minutes before the hearing was to begin that the Minister had made a new nuclear energy determination – replacing a decision that was gazetted last December, reports **GroundUp**. Part of the relief sought by Earthlife and Safcei was for the old decision to be declared invalid. They also want the court to declare invalid the agreement between SA and Russia, as well as the tabling in Parliament of the deals with the US and Korea. The new decision now states that Eskom, not the Department of Energy – as was the case in the old determination – will be the procurement agency for 9 600 megawatts of nuclear energy.” *Legalbrief Today* 15 December 2016

Full GroundUp report: “Court orders punitive costs against minister in nuclear case” *GroundUp* 14 December 2016 <http://www.groundup.org.za/article/court-orders-punitive-costs-against-minister-nuclear-case/>

“Japan pulls plug on Monju, ending \$8.5 billion nuclear self-sufficiency push” *Reuters* 21 December 2016 <http://www.reuters.com/article/us-japan-nuclear-monju-idUSKBN14A0UX>

Rogers Guy “Shaving rhino horns proposed as part of 'conservative' approach to legalising trade” *TimesLive* 29 December 2016 <http://www.timeslive.co.za/local/2016/12/29/Shaving-rhino-horns-proposed-as-part-of-conservative-approach-to-legalising-trade>

Kings Siphos “Governments remain silent about bids to geoengineer the climate” *Mail&Guardian* 20 December 2016 <http://mg.co.za/article/2016-12-19-governments-remain-silent-about-bids-to-geoengineer-the-climate>

Magubane Khulekani “Court interdict puts a tangle in hake fishermen’s nets The interdict stops 27 fishing rights holders from trawling for hake and sole inshore” *BusinessLive* 6 January 2017 <https://www.businesslive.co.za/bd/business-and-economy/2017-01-06-court-interdict-puts-a-tangle-in-hake-fishermens-nets/>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Lewis & Clark seeks visiting assistant professor in environmental program

Lewis & Clark Law School is now accepting applications for a visiting assistant professor (VAP) position in our environmental, natural resources and energy law program. The VAP will have a two-year term for the 2017-2018 and 2018-2019 academic years. The position is ideal for those with at least two years of legal experience who are interested in transitioning to a career in academia. The VAP will have the opportunity to focus on teaching, scholarly research, and writing in preparation for that transition. The VAP will teach three courses per academic year and write at least one article or other scholarly piece per year. The VAP will be mentored by Lewis & Clark Law School's full-time faculty and will participate in faculty colloquia, committees, special visitor events, and other professional and social engagements throughout the academic year. Applications are due February 3, 2017.

Please pass this along to your top notch alums or any others who might be interested in this position. Interested folks can feel free to contact Melissa Powers at powers@lclark.edu or me at jweis@lclark.edu with any questions. More information and application details can be found at: http://law.lclark.edu/faculty/faculty_positions/

Cederberg Munisipaliteit Bursaries!

Application by 13 January 2017

<http://www.cederbergmun.gov.za/sites/default/files/documents/Bursary%20Advert%20MM%20final%202015-2016%20advert%20%283%29.pdf>

Mining Legal Secretary

An internationally recognised Law Firm in Sandton is looking for a senior legal secretary to join the Mining Law Department. Candidate must be familiar with mining commercial matters and practice procedures.

http://www.agclegal.co.za/agc_jobs/mining-legal-secretary-leg204/

Coordinator: Joint Rhino Anti-Poaching Operations KwaZulu-Natal

<https://www.gumtree.co.za/a-farming-veterinary-jobs/other/coordinator-joint-rhino-anti-poaching-operations/1001852456570910349380509>

WWF: Contract Position: Addressing Wildlife Trafficking Training Programmes and Materials

Apply: 20 January 2017

https://www.indeed.co.za/viewjob?jk=950f1219faf4132a&q=environmental+law+south+africa&tk=1b5qhib795u4p9mu&from=ifa&utm_source=publisher&utm_medium=cpc&utm_campaign=newifa&pub=b2324932bd33d468eae13b9d1f3a2fd40cace3277f6b99df

Department of Environmental Affairs: Control Environmental Officer Grade A: International Governance EAS02/2016

Apply 23 January 2017

<https://www.environment.gov.za/careers/vacancies>

Graduate Internship: Natural Resources at the South African Sugar Association

Qualifications: This programme specifically targets South African candidates who have completed a Bachelor's Degree and / or Post-Graduate Degree in Environmental, Natural Science, Sustainable Energy, Hydrology, Geography or related discipline

https://www.careerjunction.co.za/jobs/view/2053539/graduate-internship-natural-resources-in-kwazulu-natal?utm_campaign=free&utm_medium=msearche&utm_source=trovit&cid=msearche_trovit_free&utm_source=Trovit&utm_medium=CPC&utm_campaign=careerjunction_premium

Environmental officer: Mining Company Northern Cape

Qualification: Environmental Management

<http://jobs.trovit.co.za/listing/environmental-officer.Q1z1vIK1CUD>

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 2

13 January 2017

LEGISLATION

NOTICES

Promotion of Administrative Justice Act 3 of 2000 – Gen Notice 5 in GG 40540 of 9 January 2017 - Notice of publication for comment of draft Code of Good Administrative Conduct

PROVINCES

Western Cape

Constitution of the Republic of South Africa, 1996 - LAN 54324 in PG 7716 of 12 January 2017 - City of Cape Town - Constitution of the Transport and Urban Development Authority for Cape Town By-Law, 2016

North West

Spatial Planning and Land Use Management Act 16 of 2013 - Proc 1 in PG 7723 of 12 January 2017 - Spatial Development Framework, 2016

Nature Conservation Ordinance 12 of 1983; Bophuthatswana Nature Conservation Act 3 of 1973 and Cape Nature and Environmental Conservation Ordinance 19 of 1974 - PN 2 in PG 7721 of 3 January 2017 - North West Hunting Regulations, 2017 published with effect from a date to be determined by the MEC

North West Biodiversity Management Act 4 of 2016 - PN 3 in PG 7721 of 3 January 2017 – Date of commencement to be proclaimed

Kwazulu-Natal

Disaster Management Act 57 of 2002 - PN 1 in PG 1778 of 5 January 2017 - eThekweni Metropolitan Municipality - Extension of the declaration of a KwaZulu-Natal Provincial State of Drought Disaster for a period of one month from 11 January 2017 to 10 February 2017

Mpumalanga

Spatial and Land Use Management Act 16 of 2013 - PN 113 in PG 2767 of 30 December 2016 - Thaba Chweu Local Municipality - Notice of commencement of the Thaba Chweu Municipal Planning Tribunal

CASES

National

Aquila Steel (South Africa) Limited v Minister of Mineral Resources and Others (72248/15) [2016] ZAGPPHC 1071 (22 November 2016) <http://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZAGPPHC/2016/1071.html&query=aquila%20steel>

Promotion of Administrative Justice Act, 3 of 2000 (PAJA) – Mineral and Petroleum Resources Development Act 28 of 2002 – Ministerial decision to set aside prospecting and mining rights - institutional incompetence – overlapping rights -

Ekapa Minerals (Pty) Ltd and Others v Seekoei and Others Case No 2057/2016 High Court Northern Cape, Kimberley Decided 13 January 2017

Illegal mining of tailings – interdict

Da Cruz and Another v City of Cape Town and Another (6561/2015) [2017] ZAWCHC 1 (13 January 2017)

National Building Regulations – Urban conservation space – zoning – height restrictions

<http://www.saflii.org/za/cases/ZAWCHC/2017/1.html>

PUBLICATIONS

Cronje F and Laubscher E *PAIA What you need to know* (Juta 2016) <http://juta.co.za/products/paia-what-you-need-to-know/>

2016 *Africa Journal of Comparative Constitutional Law* <http://juta.co.za/products/africa-journal-of-comparative-constitutional-law-2/>

Christina Reichert, Franz Litz, Jonas Monast, Tim Profeta, and Sarah Adair “Revisiting the NAAQS Program for Regulating Greenhouse Gas Emissions under the Clean Air Act” Working Paper (Duke Nicholas Institute January 2017) <https://nicholasinstitute.duke.edu/climate/publications/revisiting-naaqs-program-regulating-greenhouse-gas-emissions-under-clean-air-act>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

The Conversation: Somerville K “Why Zimbabwe’s use of elephants to pay off old debt to China is problematic” 8 January 2017 <http://bit.ly/2i8INCw>

The Conversation: Hirsch A “Africa is poised for sustainable growth and development. But there are risks” 8 January 2017 <http://bit.ly/2i8hzer>

The Conversation: Githeko A “Response to climate change is critical as risk of disease outbreaks grows” 9 January 2017 <http://bit.ly/2iAtuTk>

Science: Obama: “The irreversible momentum of clean energy” 9 January 2016
<http://science.sciencemag.org/content/early/2017/01/06/science.aam6284.full>

Sustainable Cities Platform: <http://www.sustainablecities.eu/>
Transformative actions http://www.sustainablecities.eu/transformative-actions-database/?c=search&action_id=kt2q3iwi

US flood and coastal restoration materials: <http://sites.law.lsu.edu/coast/>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Imbewu: Environmental & Occupational Health & Safety Legal Training Workshop

Date: 31 January 2017

Venue: IMBEWU's Offices – Rosebank, Johannesburg

Time: 08.30am to 17.00pm

Contact: www.imbewu.co.za or Lulu at lulu@imbewu.co.za or 011 214 0660/1

Green Academy: Renewable Energy Financing & Modelling Course

Date: 6-9 February 2017

Place: Johannesburg

More details: If you want to talk in more detail about the courses please contact Alex Stein from Green Power Global on alex.stein@greenpowerglobal.com

To see the full course agenda, you can download the latest brochure by visiting www.greenpoweracademy.com/renewableenergyfinancingandmodelling

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 20-21 February (Potchefstroom)
19-20 April 2017 (Pretoria)
4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 27 February-3 March 2017
- **Safety, Health, Environmental and Quality Management Systems (CEM-03.5.3)**
Date: 27 February -10 March 2017

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

- **Environmental law (CEM-02.1.1)**
Dates: 6-11 March 2017
- **Environmental Management Systems (CEM-03.1.1)**
Date: 27-31 March 2017
- **Occupational Health and Safety Management Systems (CEM-03.2.1)**
Dates: 27-31 March 2017

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

DEA/UNCCD Workshop on Land degradation; World Wetlands day seminar; DEA Land rehab knowledge-sharing showcase

The Department of Environmental Affairs (DEA) is inviting stakeholders and interested and affected parties (I&APs) to several events of interest that will be taking place during this first quarter of 2017.

- 26 January 2017:** DEA/UNCCD pre inception workshop on land degradation neutrality target setting
RSVP before 21 January 2016 to Mr Asivhanzhi Makhale 012 399 8724 or amakhale@environment.gov.za
- 10 February 2017:** World Wetlands Day Seminar Programme
RSVP: Adri Laas adri@arc.agric.za or 082 445 6269
- 23 February 2017:** DEA Land rehabilitation knowledge sharing showcase
RSVP: Carina Malherbe cmalherbe@environment.gov.za

ENS Mine and Occupational Health and Safety Seminar 2017

ENSAfrica will be hosting its annual Mine and Occupational Health and Safety Seminar 7-8 March 2017.

Time: 08:00-16:15 (daily)

The event is acknowledged as the single best forum in this area of practice and is presented by speakers from ENSAfrica in the Mine and Occupational Health and Safety (MOHS) department who specialise in this field of law.

Willem le Roux, Pieter Colyn, Celeste Coles and Warren Hendricks will discuss critical developments, practical advice and guidelines for this complicated and challenging area of health and safety law in and outside of the mining industry.

For more detailed information

<https://www.ensafrika.com/Uploads/Marketing/MOHS%20Seminar%202017%20-%20Flyer.pdf>

International

2017 RP-PCP Conference Living (with)in TFCAs - Call for Papers

Deadline 27 January 2017

Research Platform - Production and Conservation in Partnership will host an international conference in May 2017, with the title Living (with)in TFCAs, wishing to explore the objectives and challenges of local people in TFCAs in the Southern African region.

For those of you who attended the 2014 Hwange joint conference of the Platform with the AHEAD-GLTFCA network, you already know it will be an amazing week of learning, discussion and networking.

The Call for Papers is open the deadline is the 27th January 2017 - it is tight but we have a long evaluation process. Please refer to the attached flyer and the Formatting for the Abstract.

If you are interested in supporting the conference and/or provide participation funding, please get in touch with us soon.

We look forward to receiving your abstract or to see you in the South-East Lowveld in May!

Clara Bocchino clara.bocchino@gmail.com

28th European Energy Law Seminar

The 28th European Energy Law Seminar (EELS) is opened for registration, and the deadline for early bird registration is approaching.

Registration website: <http://www.never.nl/site/>

Date: 23-24 January 2017

Place: The seminar will find place at the hotel Hampshire Babylon, The Hague, The Netherlands (30 min. from Schiphol airport).

Organisers: The EELS-seminar is a cooperation between the Dutch energy law Association, the Energy Law Centre of the University of Groningen and the Energy Law Department of the Scandinavian Institute of Maritime Law, University of Oslo.

On the programme: review of recent EU case Law, impacts of Brexit, winter package and electricity market design, cross-border infrastructures, future roles of DSOs and TSOs, capacity market mechanisms, renewable energy investments, cross-border projects, recast of the renewable energy Directive, prosumers, security of gas supply, future role of gas.

We hope to see you there for once again some fruitful discussions around EU energy law topics with other European colleagues.

Do not hesitate to take contact if you have any questions catherine.banet@jus.uio.no

The George Washington University Law School J.B. and Maurice C. Shapiro Symposium: Private Environmental Governance Symposium

Date: 2-3 March 2017

Venue: The George Washington University Law School

The George Washington University Law School, Journal of Energy and Environmental Law, and School of Business; the Vanderbilt University Law School and Department of Sociology; and the Environmental Law Institute will hold an interdisciplinary symposium on private environmental governance for March 2 and 3, 2017 in Washington, D.C., at GW Law.

We think of private environmental governance as occurring when private organizations take actions that supplement (or perhaps displace in some instances) the traditionally governmental functions of reducing negative externalities, managing common pool resources and producing public goods. Private governance may prove especially important in light of the recent election, which may result in a reduced federal role in at least some areas of

environmental governance. Our goal is to identify common research questions across disciplines, to discuss what we know about the reasons private governance is being pursued and the structure of these programs, to better understand how companies monitor performance of private governance systems, to explore whether and how private governance is or is not contributing to better environmental outcomes, and to examine how linkages between private and public governance systems might produce better outcomes.

Those interested in receiving CLE credit should include the state for which CLE credit will be sought on the registration form. The cost of the symposium is \$75. There is no charge to register for GW and Vanderbilt faculty, staff, students, and alumni. Requests for waiver of the registration fee for government staff and non-profit employees should be sent to Lee Paddock, lpaddock@law.gwu.edu

Registration:

http://browse.calendar.gwu.edu/EventList.aspx?fromdate=3/1/2017&todate=3/31/2017&display=&type=public&eventidn=13755&view=EventDetails&information_id=25519

Training Course: Formulating Proposals for Low Carbon Climate Resilient Development

The University of Twente's Department of Governance and Technology for Sustainability is pleased to announce that registration is open up to January 27, 2017 for the short course 'Formulating Proposals for Low Carbon Climate Resilient Development: Designing Green Climate Fund (GCF) Projects'.

Course dates: 16 weeks online (23 February-to 9 June 2017); 2 weeks residential in the Netherlands (12 to 23 June 2017).

The aim of the course is to develop participants' skills in preparing proposals in the fields of clean energy access, environment and climate change so that they can mobilise climate finance, particularly from the Green Climate Fund, and catalyse clean energy deployment in developing countries.

Participants from backgrounds related to energy, environment and climate change will be admitted, such as: staff from National Designated Authorities (NDAs), staff from Accredited Entities or those seeking accreditation, entrepreneurs, consultants, project developers, government officials, policy advisors, and staff of utility companies and NGOs.

The course is non-profit making and is delivered by the University of Twente (a public university) in partnership with the UNEP DTU Partnership, Risø, Denmark and Eco Ltd.

ICREP was the 2016 Dutch nomination for the UNESCO-Japan Prize on Education for Sustainable Development.

In answer to the evaluation question 'would you recommend ICREP to a colleague?' participants from ICREP 2016 gave a resounding 'yes!' (score of 4,9 out 5).

More information and an application form can be found on the website:

<http://www.utwente.nl/bms/cstm/education/icrep/>

NEWS

Rhino Translocation from South Africa to Rwanda *ETN* 9 January 2017
<http://etn.travel/rhino-translocation-south-africa-rwanda-9023/>

Slabbert A “Dear Eskom, that is not correct – CSIR” *Moneyweb* 12 January 2017
<http://today.moneyweb.co.za/article.php?id=640168&acid=HCPzFfpNeMeZeuwhd4cWQ%3D%3D&adid=Ytg5Tk0DExyZgljL7JoXSA%3D%3D&date=2017-01-12#.WHdmK1V96Un>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

The Centre for Human Rights, University of Pretoria, is seeking a new Director
This vacancy and the procedure to apply is available online: <https://goo.gl/BILvxi>

Join us on
Facebook
<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>
The ELA is registered as a Public Benefit Organisation
www.elasa.co.za

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

Environmental Law Association Newsletter 3

20 January 2017

LEGISLATION

ACTS

Performing Animals Protection Amendment Act 4 of 2016 - GG 40555 of 19 January 2017) - *date of commencement: to be proclaimed*

NOTICES

Preferential Procurement Policy Framework Act 5 of 2000 - GN R32 in GG 40553 of 20 January 2017 - Preferential Procurement Regulations, 2017 published

Local Government: Municipal Finance Management Act 56 of 2003 - GN R31 in GG 40553 of 20 January 2017 - Amendment to the Municipal Supply Chain Management Regulations

PROVINCES

Western Cape

Disaster Management Act 57 of 2002 - LAN 54320 in PG 7714 of 13 January 2017: Central Karoo District Municipality - Extension of declaration of a local drought disaster

Kwazulu-Natal

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 – Mthonjaneni Local Municipality - MN 2 in PG 1783 of 19 January 2017 - Planning and Land Use Management By-law, 2015

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 – 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 – uMhlabuyalingana Local Municipality - MN 3 in PG 1783 of 19 January 2017 - Planning and Land Use Management By-law, 2016

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 – Nkandla Local Municipality - MN 4 in *PG 1783* of 19 January 2017 - Spatial Planning and Land Use Management By-law, 2016

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 – AbaQulusi Local Municipality - MN 5 in *PG 1783* of 19 January 2017 - Planning and Land Use Management By-law, 2016 published () (p378)

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 – uPhongolo Local Municipality - MN 6 in *PG 1783* of 19 January 2017 - Planning and Land Use Management By-Laws, 2015

Spatial Planning and Land Use Management Act 16 of 2013 and Spatial Planning and Land Use Management Regulations - MN 7 in *PG 1783* of 19 January 2017 - Ulundi Local Municipality - Planning and Land Use Management By-law, 2015

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 – eDumbe Local Municipality - MN 8 in *PG 1783* of 19 January 2017 - Planning and Land Use Management By-Laws, 2015

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 – uMfolozi Local Municipality - MN 9 in *PG 1783* of 19 January 2017 - Planning and Land Use Management By-Law, 2016

Mpumalanga

Mpumalanga Nature Conservation Act 10 of 1998 - PN 7 in *PG 2772* of 20 January 2017 - Open Season: Ordinary Game

CASES

National

Gees v Provincial Minister of Cultural affairs and Sport, Western Cape and Others (974/2015) [2016] ZASCA 136; 2017 (1) SA 1 (SCA) (29 September 2016)

Summary: Provincial heritage resources authority granting a permit in terms of s 34 of the National Heritage Resources Act 25 of 1999 for the demolition of a structure older than 60 years situated on a property with no formal heritage status: in so doing conditions were imposed controlling

future development on the property: held that such conditions were lawfully imposed.

Eskom Holdings Ltd v Halstead-Cleak 2017 (1) SA 333 (SCA)

Consumer protection - Supplier—Strict liability—Unsafe or defective goods—Ambit of liability—Not extending to electricity supplier if plaintiff not consumer vis-à-vis it—Plaintiff injured by low-hanging Eskom power line while cycling—No supplier/consumer relationship—Eskom not liable—Consumer Protection Act 68 of 2008, s 61.

Electricity - Supply—Liability of Eskom for injuries sustained as result of supply to person who is not in supplier/consumer relationship with Eskom.

Minister of Water and Environmental Affairs and Another v Really Useful Investments 219 (Pty) Ltd and Another [2016] ZASCA 156

Environmental law - Protection of the environment—Control of activities detrimental to environment—Compensation for loss in terms of s 34 of ECA—Whether available to landowner for loss resulting from steps taken as per directive in terms of s 31A of ECA—Since s 31A was a regulatory provision to prevent environmental harm, statutory compensation claim not available—Environment Conservation Act 73 of 1989, ss 31A and 34.

Environmental law - Protection of the environment—Compensation for loss in terms of s 34 of ECA—Statutory provisions providing for limitation of liability not applicable thereto— Environment Conservation Act 73 of 1989, ss 34 and 37; National Environmental Management Act 107 of 1998, s 49.

Transnet Soc Ltd v Total South Africa (Pty) Ltd and Another [2016] ZASCA 116

Minerals and petroleum - Petroleum—Tariffs payable for transportation of crude oil—Setting and approval—Contract pertaining to tariff entered into with Transnet under previous legislative regime governing conveyance of crude oil—Contract affording discount to petroleum supplier—Whether still enforceable despite subsequent change in legislative regime, and establishment of new regulatory body tasked with setting and approving tariffs—Relevant legislation entitling Transnet, as licensee, to allow discount—Not amounting to discrimination under Act where differentiation based on sound reasons—Application of principle that new legislation presumed not to interfere with vested rights—Transnet bound by contract—Petroleum Pipelines Act 60 of 2003, ss 21 and 28.

International

Catskill Mountains Chapter of Trout Unlimited, Inc. v. EPA (Catskill III) Case No 14-1823 (L) United States Court of Appeal for Second Circuit Decided 18 January 2017

Second Circuit upheld the Water Transfer Rule

http://www.ca2.uscourts.gov/decisions/isysquery/c523a1f3-e7cc-41e6-aea5-26703b92e633/3/doc/14-1823_complete_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/c523a1f3-e7cc-41e6-aea5-26703b92e633/3/hilite/

PUBLICATIONS

Olivier Nic, Williams Clara, Badenhorst Pieter “Competing Preferent Community Prospecting Rights: A Nonchalant Custodian?” 2017 *PER*

<http://journals.assaf.org.za/per/issue/view/231>

Kuokkanen Tuomas “Water Security and International Law” 2017 *PER*

<http://journals.assaf.org.za/per/issue/view/231>

Honkonen Tuula “Water Security and Climate Change: The Need for Adaptive Governance” 2017 *PER* <http://journals.assaf.org.za/per/issue/view/231>

Couzens Ed, Maduramuthu Devarasi, Bellengère Adrian “Water Security and Judicial and Administrative Confusion in South Africa: The Trustees of the Time Being of the Lucas Scheepers Trust, IT 633/96 and Others v MEC for the Department of Water Affairs, Gauteng and Others Case nr 40514/2013” 2017 *PER* <http://journals.assaf.org.za/per/issue/view/231>

Soyapi Caiphaz Brewsters “Water Security and the Right to Water in Southern Africa: An Overview” 2017 *PER* <http://journals.assaf.org.za/per/issue/view/231>

Geduld Allison “The Search for Environmental Justice (Book Review)” 2017 *PER* <http://journals.assaf.org.za/per/issue/view/231>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Pricing carbon: California’s unfinished climate priority <http://ow.ly/3fmb307U9dl>

IISD SDG Knowledge Hub:Wahlen CV “Africa Resilience Forum Highlights Poverty, Youth Unemployment and Climate Change” 17 January 2017

<http://sdg.iisd.org/news/africa-resilience-forum-highlights-poverty-youth-unemployment-and-climate-change/>

Symposium on Climate Displacement, Migration, and Relocation (Dec. 13-14, 2016)

<http://blog.hawaii.edu/elp/news-events/uncategorized/summary-of-symposium-on-climate-displacement-migration-and-relocation-by-guest-contributor-erin-shew-deputy-associate-director-for-climate-equity-white-house-council-on-environmental-quality/>

(Second) Hawaii Marine Resources Enforcement Conference (Dec. 16-17, 2016)

<http://blog.hawaii.edu/elp/elp-conferences-symposia/hawaii-marine-resources-enforcement-conference/>

The Conversation: Diallo Penda “The African towns falling into decline and poverty after mining companies use resources then exit” 17 January 2017

<http://bit.ly/2jAfmGH>

The Conversation: Adende A “How Africa can perform better in the new round of UN development goals” 16 January 2017 <http://bit.ly/2iUKTso>

MOOCs on ecological monitoring and protected areas management

The IUCN Program on African Protected Areas & Conservation (IUCN-Papaco) is launching a new MOOC on Ecological Monitoring. We thought this news may interest some of your colleagues and students, please feel free to share it if you think it is relevant.

Second step of our free online training on protected areas, this MOOC will start in February. Following this 4-module course, participants will acquire a good basis on what monitoring is and how it should be conducted.

Registrations are free and open: https://courseware.epfl.ch/courses/course-v1:EPFL+eco-monitoring+2017_T1/about

As for our MOOC on protected areas management, registrations are still open: www.coursera.org/learn/protected-areas

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Imbewu: Environmental & Occupational Health & Safety Legal Training Workshop

Date: 31 January 2017

Venue: IMBEWU's Offices – Rosebank, Johannesburg

Time: 08.30am to 17.00pm

Contact: www.imbewu.co.za or Lulu at lulu@imbewu.co.za or 011 214 0660/1

Green Academy: Renewable Energy Financing & Modelling Course

Date: 6-9 February 2017

Place: Johannesburg

More details: If you want to talk in more detail about the courses please contact Alex Stein from Green Power Global on alex.stein@greenpowerglobal.com

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

To see the full course agenda, you can download the latest brochure by visiting www.greenpoweracademy.com/renewableenergyfinancingandmodelling

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 20-21 February (Potchefstroom)
19-20 April 2017 (Pretoria)
4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 27 February-3 March 2017
- **Safety, Health, Environmental and Quality Management Systems (CEM-03.5.3)**
Date: 27 February -10 March 2017
- **Environmental law (CEM-02.1.1)**
Dates: 6-11 March 2017
- **Environmental Management Systems (CEM-03.1.1)**
Date: 27-31 March 2017
- **Occupational Health and Safety Management Systems (CEM-03.2.1)**
Dates: 27-31 March 2017

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

DEA/UNCCD Workshop on Land degradation; World Wetlands day seminar; DEA Land rehab knowledge-sharing showcase

The Department of Environmental Affairs (DEA) is inviting stakeholders and interested and affected parties (I&APs) to several events of interest that will be taking place during this first quarter of 2017.

26 January 2017: DEA/UNCCD pre inception workshop on land degradation neutrality target setting
RSVP before 21 January 2016 to Mr Asivhanzhi Makhale 012 399 8724 or amakhale@environment.gov.za

10 February 2017: World Wetlands Day Seminar Programme
RSVP: Adri Laas adri@arc.agric.za or 082 445 6269

23 February 2017: DEA Land rehabilitation knowledge sharing showcase
RSVP: Carina Malherbe cmalherbe@environment.gov.za

ENS Mine and Occupational Health and Safety Seminar 2017

ENSAfrica will be hosting its annual Mine and Occupational Health and Safety Seminar 7-8 March 2017.

Time: 08:00-16:15 (daily)

The event is acknowledged as the single best forum in this area of practice and is presented by speakers from ENSAfrica in the Mine and Occupational Health and Safety (MOHS) department who specialise in this field of law.

Willem le Roux, Pieter Colyn, Celeste Coles and Warren Hendricks will discuss critical developments, practical advice and guidelines for this complicated and challenging area of health and safety law in and outside of the mining industry.

For more detailed information

<https://www.ensafrika.com/Uploads/Marketing/MOHS%20Seminar%202017%20-%20Flyer.pdf>

South African Energy Law with a Focus on Renewable Energy

Law@work and the Institute of Marine and Environmental Law of the UCT Faculty of Law, in collaboration with leading experts in the field, are pleased to present an introductory course on South African energy law with a particular focus on renewable energy.

This two-day course is designed to give participants an understanding of the new and rapidly developing area of energy law, given the speedy development of potential sources of energy including wind and solar energy. These range from oil and gas law, including the potential of shale gas, nuclear energy to renewable energy sources, such as solar and wind energy. The course will cover commercial law, revenue law, and environmental law as well as related areas and will give participants a basic understanding of the law relating to energy and will provide a broad understanding of the legal environment in which local and international transactions occur.

Course dates: 25 to 26 April 2017

Course fee: R5,000 per delegate, which includes parking, teas, lunches and course materials

To register, please contact Don Coue or call: 021 650 3242 don.coue@uct.ac.za

More information <http://www.lawatwork.uct.ac.za/lw/courses/climate-renewable-energy/>

You are also welcome to visit our website to view other short courses on offer <http://www.lawatwork.uct.ac.za/lw/courses>

International

Copernicus Symposium on Climate Services for the Energy Sector

We are delighted to invite you to the Copernicus on Climate Change Services <http://climate.copernicus.eu/> (C3S) Symposium for the Energy Sector, 22–23 Feb 2017 in Barcelona, Spain.

The Symposium is a joint event organised by the two proof-of-concept climate services European Climatic Energy Mixes (ECEM) and CLIM4ENERGY funded by the C3S programme and brings together leading climate and energy scientists, industry practitioners and policy makers, to present and explore newly emerging tools and opportunities for managing climate risk in the energy sector.

Register by 3rd February 17 for a place on the two-day Symposium.

Register and programme: <https://www.eventbrite.co.uk/e/copernicus-symposium-on-climate-services-for-the-energy-sector-tickets-29441442146>

Further information email: sonia.firion@lsce.ipsl.fr (C4E) or lesley.penny@uea.ac.uk (ECEM)

Call for papers: ISREE 2017

Date: June 19-22,

Place: Stromstad, Sweden

The 12th International Symposium on Renewable Energy Education (ISREE2017) will be organized by Stromstad Academy. The conference web site (<http://www.isree.se/>) is now open for registrations and abstract submissions. Abstracts should be submitted by the end of April.

NEWS

Environmental: Eskom bound to sign IPP deal – legal advice

“Renewable energy independent power producers whose new build plans have been held up by Eskom can take the power utility to court to force its hand, according to legal opinion by Webber Wentzel. The opinion, sought by the SA Renewable Energy Council (Sarec), follows Eskom’s refusal to issue final budget quotes to preferred bidders in the Renewable Energy Independent Power Producer (IPP) Procurement Programme, notes a Fin24 report. ‘The preferred bidders would be entitled to approach a court to enforce the signature of the power purchase agreements,’ Advocate David Unterhalter, senior counsel at Webber Wentzel, pointed out. Sarec released the legal opinion yesterday, but said it was not its first choice to go the legal route. Sarec chair Brenda Martin said the body would continue to engage through talking with Eskom and government stakeholders. However, she **said** ‘it is reassuring to know that the legal opinion is very clear; were we to go to court, we would be likely to get an enforcement order that Eskom should sign all outstanding power purchase agreements’. The legal opinion was sought for 37 affected IPPs that would bring over R50bn in investment into the country. Eskom said it would not sign on more IPPs as there is a surplus of capacity and the added agreements would have a negative financial effect on the utility.”

Full Fin24 report *Legalbrief Today* 19 January 2017

General: Outa questions timing of energy strategy publication

“The Organisation Undoing Tax Abuse (Outa) has called for an extension for public comments on the New Energy Efficiency Strategy (NEES), which was gazetted on 23 December, says a report on the Polity site. The organisation believed the timing of the gazette’s release and the rationality of publishing an energy strategy before the Integrated Energy Plan or the Integrated Resource Plan (IRP) have been finalised, was questionable. As such, Outa has written to Energy Minister Tina Joemat-Petterson, requesting an extension of the comment period to 90 days after the finalisation of the IRP. ‘(The NEES, which) will impact heavily on SA’s energy future, is being sneaked past an unsuspecting public,’ it said, noting that the public had been given only 30 days to comment on a comprehensive energy strategy for the next 15 years. Outa’s Ted Blom stated that by publishing a gazette for comment ‘in the heart of the summer holidays’ – and then only providing society with 30 days to comment – was unacceptable. ‘In our opinion, government could be accused of trying to sneak this document past the unsuspecting taxpayers, and that the haste of the

gazette may be linked to the unexplained haste to pave the way to add nuclear to SA's future energy mix,' said Blom."

Full report on the Polity site *Legalbrief Today* 19 January 2017

Environmental: R1.6m boost to aid municipal dump problems

"The Makana municipality has been given a grant of R1.6m that may go some way to address problems with the municipal rubbish dump. A Daily Dispatch report says the money – provided by the Eastern Cape Department of Economic Development, Environmental Affairs and Tourism – will help the municipality to meet its obligations for its permit to operate the waste disposal site 5km outside Grahamstown following a 2015 High Court order. Civil society organisation Makana Unity League had taken the municipality to court on the basis that the dump had become a health hazard to the city's residents. It produced evidence that the municipality complied with less than 2% of its permit conditions and was in conflict with the Constitution, national environmental legislation and other laws. The municipality acknowledged in subsequent reports to the court that over some years it faced financial and equipment challenges that had resulted in it being unable to meet the requirements of the permit allowing it to operate the waste disposal site."

Full Daily Dispatch report (subscription needed) *Legalbrief Today* 18 January 2017

"Carbon tax laggards may pay dearly, cautions environmental firm" *Fin24* 12 January 2017 <http://www.fin24.com/Economy/carbon-tax-laggards-may-pay-dearly-cautions-environmental-firm-20170112>

"Tsitsikamma fishing debate continues" *The Citizen* 10 January 2017 <http://citizen.co.za/news/news-national/1392021/tsitsikamma-fishing-debate-continues/>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Environmental Law Graduate Fellow Positions at Pace University's Haub Environmental Law Program

Please pass this announcement on to any students or alumni you may know that would be interested in a Fellowship and LLM in environmental law.

Pace University's Elisabeth Haub School of Law is pleased to announce that it will hire several environmental law graduate fellows for the 2017-18 academic year. Fellows earn an LLM in Environmental Law while working part time within the Haub Environmental Law Program or one of its centers. Fellows receive a full tuition waiver as well as a modest stipend to help cover living costs. Fellowships begin this summer and run a full calendar year. Applications are due by March 1, 2017.

Available Positions:

The Environmental Law Graduate Fellow works with environmental faculty and staff undertaking research, including the bench brief for the National Environmental Law Moot Court Competition, developing and implementing new projects, and other duties as assigned.

The Global Environmental Law Graduate Fellow works with faculty and staff of the Global Center for Environmental Legal Studies on various research, project development, and event planning in connection with our partnerships with the International Union for Conservation of Nature (IUCN) and other international organizations.

The Energy and Climate Law Graduate/EASE Fellow works with faculty and staff of the Pace Energy and Climate Center and Earthjustice on equitable access to renewable energy and other research.

The Land Use Law Graduate Fellow works with faculty and staff of the Land Use Law Center on a wide range of issues related to land use and sustainable development law.

The Food and Agriculture Law Graduate Fellow works with faculty and staff of the Food and Beverage Law Clinic and the Pace-NRDC Food Law Initiative on various research, program development and communication initiatives.

You can learn about current and former environmental law graduate fellows <http://www.law.pace.edu/enviro-grad-research-fellows>

Vacancy for Post-doc researcher with Energy Policy and Modelling Group at UCC

Vacancy for one post-doc researcher for two years with Energy Policy and Modelling Group at UCC

Closing date for applications January 31st 2017.

<https://www.ucc.ie/en/hr/vacancies/research/full-details-731590-en.html>

UN-Habitat consultancy: Case studies on environmental reviews in urban development

UN-Habitat is conducting a research project on environmental decision making in urban development. Through case studies, we intend to produce new knowledge and empirical evidence on the relationship between environmental and development decision-making in the urban context and to identify the principal challenges and options to address them efficiently at country and city levels. <https://careers.un.org/lbw/jobdetail.aspx?id=72642>

Central European University Programme Scholarships M&D studies

The Central European University (CEU) in Budapest is offering scholarships for postgraduate students in the fields of Social Sciences, the Humanities, Law, Management and Public Policy. Being one of the most culturally diverse universities in the world, CEU is known for its distinct method of teaching and research. The university focuses on good governance, sustainable development and social transformation.

Degree level

Masters

Doctoral Programmes

Deadline

The application deadline is Wednesday, 1 February 2017.

Eligibility Criteria

Masters:

- Applicants must have a degree from a recognized university or institution of higher education.
- Applicants registering for the one-year Master's programme need to have completed a four year university degree.
- Applicants registering for the two year Master's programme need to have completed a three year university degree.

Doctoral:

- Applicants must have a Master's degree, in a related field, from a recognized university or institution of higher education.
- Students who are enrolled for a programme at the CEU should not be enrolled at any other institution of higher education.
- Candidates must demonstrate proficiency in English by submitting standardized English language test scores.

What the scholarship covers

Stipend

- Tuition
- Housing
- Health insurance

Fields of Study

The scholarship is strictly for postgraduate studies (Master's and PhD). There are 1 year and 2 years Master's degree programmes. Kindly visit the scholarship website <https://www.ceu.edu/> for the list of fields of study.

Application process

Application forms can be obtained from the website <https://www.ceu.edu/>.

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 4

27 January 2017

LEGISLATION

NOTICES

National Water Act 36 of 1998 - GN 60 in GG 40577 of 27 January 2017 - Limiting the use of water in terms of para. 6 (1) (i) of Schedule 3 to the Act for irrigation, domestic and industrial purposes from the Tosca Molopo Groundwater Aquifer

National Environmental Management Act 107 of 1998 - GN 59 in GG 40577 of 27 January 2017 - Department of Trade and Industry (DTI): Fourth Edition Environmental Implementation Plan 2015-2020

South African Weather Service Act 8 of 2001 - GN 45 in GG 40572 of 25 January 2017 - Proposed regulations regarding fees for the provision of aviation meteorological services - for comment

PROVINCES

Limpopo

National Environmental Management: Protected Areas Act 57 of 2003 - PN 5 in PG 2781 of 27 January 2017 - Declaration of Olifants West Nature Reserve

Mpumalanga

Mpumalanga Economic Regulator Bill, 2017 - ON 1 in PG 2775 of 27 January 2017 - for comment

Spatial Land Use Management Act 16 of 2013 - Proc 1 in PG 2773 of 27 January 2017 - Emalahleni Local Municipality - Notice of commencement of the Emalahleni Municipal Planning Tribunal

CASES

National

Bedrock Mining Support (Pty) Ltd v Greater Tzaneen Local Municipality and Another (66861/2014) [2017] ZAGPPHC 15 (25 January 2017)

Claim for damages caused by fire spreading from local government land – partial destruction of plantation - duty of care – National Veld and Forest Fire Act 101 of 1998 – Fire Brigades Services Act 99 of 1987

<http://www.saflii.org/za/cases/ZAGPPHC/2017/15.html>

International

Board of Water Works Trustees of the City of Des Moines, Iowa vs. SAC County Board of Supervisors, as Trustee of Drainage Districts 32, 42, 65, 79, 81, 83, 86 Case No 16–0076 Supreme Court of Iowa

<https://localtvwhotv.files.wordpress.com/2017/01/16-0076.pdf>

“Water utility seeks monetary and injunctive relief from upstream drainage districts on claims arising from the cost to remove nitrates from drinking water.”

PUBLICATIONS

Fisher-Jeffes Lloyd et al “Stormwater harvesting: Improving water security in South Africa’s urban areas” 2017 *South African Journal of Science*

[http://sajs.co.za/stormwater-harvesting-improving-water-security-south-africa%E2%80%99s-urban-areas/lloyd-fisher-jeffes-kirsty-carden-neil-p-armitage-kevin-winter?ct=t\(1/2_SAJ_S_2017\)](http://sajs.co.za/stormwater-harvesting-improving-water-security-south-africa%E2%80%99s-urban-areas/lloyd-fisher-jeffes-kirsty-carden-neil-p-armitage-kevin-winter?ct=t(1/2_SAJ_S_2017))

Humphries Marc S et al “Witwatersrand wetland important for region’s future water supply” 2017 *South African Journal of Science*

[http://sajs.co.za/attenuation-pollution-arising-acid-mine-drainage-natural-wetland-witwatersrand/marc-s-humphries-terence-s-mccarthy-letitia-pillay?ct=t\(1/2_SAJ_S_2017\)](http://sajs.co.za/attenuation-pollution-arising-acid-mine-drainage-natural-wetland-witwatersrand/marc-s-humphries-terence-s-mccarthy-letitia-pillay?ct=t(1/2_SAJ_S_2017))

Humphries Marc S et al “Attenuation of pollution arising from acid mine drainage by a natural wetland on the Witwatersrand” 2017 *South African Journal of Science*

[http://sajs.co.za/attenuation-pollution-arising-acid-mine-drainage-natural-wetland-witwatersrand/marc-s-humphries-terence-s-mccarthy-letitia-pillay?ct=t\(1/2_SAJ_S_2017\)](http://sajs.co.za/attenuation-pollution-arising-acid-mine-drainage-natural-wetland-witwatersrand/marc-s-humphries-terence-s-mccarthy-letitia-pillay?ct=t(1/2_SAJ_S_2017))

Craig R "Putting Resilience Theory into Practice: The Example of Fisheries Management" 2017 *Winter Natural Resources & Environment* 31(3):3-7

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2896834

Craig R, Francis Leslie & George Erika "FDA's Troubling Failures to Use Its Authority to Regulate Genetically Modified Foods" 2016 71 *Food & Drug Law Journal* 105

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2847303

Craig R "Learning to Live with the Trickster: Narrating Climate Change and the Value of Resilience Thinking" 2016 33 *Pace Environmental Law Review* 351

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2716895

Craig R "Water, Energy, and Technology: The Legal Challenges of Interdependencies and Technological Limits" in Brownsword Roger, Scotford Eloise & Yeung Karen *Oxford Handbook on the Law and Regulation of Technology, Part V: Energy and the Environment* (Oxford University Press: online publication January 2017), <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199680832.001.0001/oxfordhb-9780199680832-e-70>

Craig R "Dealing with Ocean Acidification: The Problem, the Clean Water Act, and State and Regional Approaches" 2015 90 *Washington Law Review* 1583 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2633051

Light SE "Precautionary Federalism and the Sharing Economy" 2017 66 *Emory LJ* 333 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2760985

IRENA "Rethinking Energy 2017: Accelerating the global energy transformation" (2017) <http://www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36&CatID=141&SubcatID=3802>

Chiang John "Growing The U.S. Green Bond Market Volume 1: The Barriers and Challenges" (January 2017) http://www.eenews.net/assets/2017/01/24/document_cw_01.pdf

WBA Global Bioenergy Statistics Report 2016 <http://worldbioenergy.org/content/wba-gbs>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

SAJS: Butler-Adam J "What could scientists do about 'post-truth'?" (January 2017) http://sajs.co.za/sites/default/files/publications/pdf/SAJS-113-1-2-Butler-Adam_Leader.pdf

"When Science Goes Silent: With the Muzzling of Scientists Harper's Obsession with Controlling the Message Verges on the Orwellian" <http://www.macleans.ca/news/canada/when-science-goes-silent/>

ACOEL Blog: Parenteau Patrick A "Trump Greenlights Keystone and Dakota Access Pipelines, but the Battle is Far From Over" 26 January 26, 2017 <http://acoel.org/>

Institute for Advanced Sustainability Studies ("IASS") in Potsdam, Germany: interview of Matthias Honegger on climate geoengineering: <http://theglobalenergyandenvironmentallaw.podbean.com/e/climate-geoengineering-and-its-governance/>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 20-21 February (Potchefstroom)
19-20 April 2017 (Pretoria)
4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 27 February-3 March 2017
- **Safety, Health, Environmental and Quality Management Systems (CEM-03.5.3)**
Date: 27 February -10 March 2017
- **Environmental law (CEM-02.1.1)**
Dates: 6-11 March 2017
- **Environmental Management Systems (CEM-03.1.1)**
Date: 27-31 March 2017
- **Occupational Health and Safety Management Systems (CEM-03.2.1)**
Dates: 27-31 March 2017

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

DEA/UNCCD Workshop on Land degradation; World Wetlands day seminar; DEA Land rehab knowledge-sharing showcase

The Department of Environmental Affairs (DEA) is inviting stakeholders and interested and affected parties (I&APs) to several events of interest that will be taking place during this first quarter of 2017.

10 February 2017: World Wetlands Day Seminar Programme
RSVP: Adri Laas adri@arc.agric.za or 082 445 6269

23 February 2017: DEA Land rehabilitation knowledge sharing showcase
RSVP: Carina Malherbe cmalherbe@environment.gov.za

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

ENS Mine and Occupational Health and Safety Seminar 2017

ENSAfrica will be hosting its annual Mine and Occupational Health and Safety Seminar 7-8 March 2017.

Time: 08:00-16:15 (daily)

The event is acknowledged as the single best forum in this area of practice and is presented by speakers from ENSAfrica in the Mine and Occupational Health and Safety (MOHS) department who specialise in this field of law.

Willem le Roux, Pieter Colyn, Celeste Coles and Warren Hendricks will discuss critical developments, practical advice and guidelines for this complicated and challenging area of health and safety law in and outside of the mining industry.

For more detailed information

<https://www.ensafrika.com/Uploads/Marketing/MOHS%20Seminar%202017%20-%20Flyer.pdf>

International

LLM programmes in Europe (and information on the Strathclyde Centre for Environmental Law and Governance)

Strathclyde Law School in Glasgow, Scotland, has just launched a new LLM that combines the study of international environmental law, comparative environmental law and EU environmental law:

<http://www.strath.ac.uk/courses/postgraduatetaught/globalenvironmentallawgovernance/>

As a side-effect of the BREXIT referendum outcome, Scotland has become one of the "hottest" places to study and research EU Environmental Law. The public debate has been remarkably open and insightful, based on the values of multilateralism, solidarity and human rights:

<http://www.strath.ac.uk/research/strathclydecentreenvironmentallawgovernance/news/2016/involvementofscelgindebatesontheimplicationsofbrexitfortheukandscottishenvironment/> (at this link you can also freely download four policy briefs on BREXIT from different environmental law perspectives).

Website of the Strathclyde Centre for Environmental Law and Governance:

<http://www.strath.ac.uk/research/strathclydecentreenvironmentallawgovernance/>

Research projects on Benelex and Marine Benefits have a new institutional and virtual home too at:

<http://www.strath.ac.uk/research/strathclydecentreenvironmentallawgovernance/benelex/> and <http://www.strath.ac.uk/research/strathclydecentreenvironmentallawgovernance/marinebenefits>

Call for Papers - 2017 International Energy Workshop

Call for Papers of the 2017 International Energy Workshop

Venue: College Park, Maryland USA

Date July 12-14, 2017

Deadline for Submission: February 1st, 2017

The 36th edition of the International Energy Workshop (IEW) will be hosted by the Joint Global Change Research Institute of Pacific Northwest National Laboratory (PNNL) and University of Maryland (UMD) in College Park, Maryland, USA on July 12-14, 2017.

The IEW (www.internationalenergyworkshop.org) is a leading conference for the international energy modelling community. In a world of environmental and economic constraints, energy modelling is an increasingly important tool for

addressing the complexity of energy planning and policy making. The IEW provides a venue for scholars and researchers to compare quantitative energy projections, to understand the reasons for diverging views of future energy developments, and to observe new trends in global energy production and consumption.

Researchers and practitioners from countries around the world are invited to submit original papers with new and innovative results on scientific, technical and practical experience on the economics of energy and climate systems. As is customary for the IEW, papers should be quantitative and rigorous.

A (non-exclusive) list of potential conference topics is:

- Energy and Climate Systems with a focus on adaptation and mitigation strategies
- Economics of renewable energy technologies
- Modelling sustainable systems and meeting sustainable development goals
- Energy demand and supply, and energy efficiency
- Smart cities, stable grid and metering
- Socioeconomics of the energy transition
- Addressing uncertainties in the transformation of the energy system
- Post Paris climate policy and implementation approaches for Nationally Determined Commitments
- Mid-century carbon management strategies for energy systems

Selected papers will be presented and discussed in thematic and poster sessions, circulated during the meeting, and also posted on the meeting website.

Submission of Papers

Full papers or long abstracts (minimum 1000 words) in .pdf format should be submitted online at www.internationalenergyworkshop.org/meetings-10.html no later than February 1st, 2017.

Contact: info@internationalenergyworkshop.org

Join the Rotterdam Summerschool of 2017

Rotterdam, a place to study during summer? Absolutely! The Rotterdam Summer School offers courses and activities on an academic level for students and professionals from all over the world. You can choose from a wide range of inspiring summer courses from the Erasmus University and other outstanding institutes of higher education in Rotterdam. Join us at the Rotterdam Summer School 2017 and experience the most vibrant city of the Netherlands. Visit www.rotterdamsummerschool.com and apply now.

Courses include Human Rights and Sustainability in the Global City

Call for Papers: 2nd Symposium on Universities and Climate Change: The Role of Climate Change Research and Projects in Fostering Climate Action

Place: London, United Kingdom

Date: 12th-13th December 2017

Many universities across the world perform state-of-the-art research on matters related to climate change, both in respect of mitigation, and adaptation. Yet, as shown by the latest 21st Conference of the Parties of the UN Convention on Climate Change (COP 21), held in Paris in December 2015, there is much room for improvements in the role played by universities in the negotiations and in influencing decision-making on a matter of such a global importance.

There are unfortunately relatively few events where a multidisciplinary overview of university-based research efforts and projects on climate change can be showcased, and where researchers from across the spectrum of the natural and social sciences have had the opportunity to come together to discuss research methods, the results of empirical research or exchange ideas about on-going and future research initiatives focusing on climate change mitigation and adaptation.

It is against this background that the 2nd Symposium “Universities and Climate Change” is being organized by Manchester Metropolitan University, Queen Mary University of London (UK), and HAW Hamburg, Germany, under the auspices of the International Climate Change Information Program (ICCIP).

It will involve researchers in the field of climate change in the widest sense, not only from traditional climate science, but also from the fields of environment, human geography, business and economics, arts, administration and media studies. The Symposium will focus on the role of climate change research and projects in fostering climate action, and will contribute to the further development of this fast-growing field.

A peer-reviewed publication titled “The Role of Climate Change Research and Projects in Fostering Climate Action” will be published, with all accepted papers. This will be a unique, state-of-the-art publication, which will document and promote the research on climate change taking place at universities across the world. The publication will be part of the award-winning “Climate Change Management Sustainability Series” (launched in 2008), published by Springer, one of the world’s top five scientific publishers.

Further details can be seen at <https://www.haw-hamburg.de/en/ftz-als/events/universities2017.html>

Unitar: Green Economy and Trade e-learning

Date: 13 March to 21 April 2017

We are happy to inform you that a new edition of the e-learning course “Green Economy and Trade” will take place from 13 March – 21 April 2017. A large number of fellowships for the course are available for policy-makers and practitioners! The course will be delivered in English.

Significant opportunities exist for developing and developed countries to achieve long-term and sustainable economic development by diversifying their economies and benefitting from the growing global demand for green goods

and services. In this context, sustainable trade can serve as an effective means to advance an inclusive green and energy efficient economy.

To meet the learning needs and build capacities of national stakeholders, UNITAR and UN-Environment are collaborating within the Partnership for Action on Green Economy (PAGE), to deliver the first interactive e-learning course at the nexus of trade and the green economy. The practice-oriented course seeks to provide interested participants from government, business and civil society with an introduction to various approaches to promote and harness opportunities related to sustainable trade.

You can register for the course at: <https://www.unitar.org/event/full-catalog/green-economy-and-trade-0>

A limited number of fellowships are available for eligible candidates. UNITAR, working in close collaboration with UN-Environment, will identify and select the participants to be awarded with a fellowship.

The fellowship application deadline is 20 February 2017.

For more information on the e-course and the fellowship application process please contact: page@unitar.org

NEWS

Hyman Aron “‘We will stop plunder of SA marine resources’ – Hawks hail abalone conviction” *TimesLive* 20 January 2017

<http://www.timeslive.co.za/local/2017/01/20/%E2%80%98We-will-stop-plunder-of-SA-marine-resources%E2%80%99-%E2%80%93-Hawks-hail-abalone-conviction>

Laing Robert “BHP, Vale agree deadline to settle claims over deadly Samarco dam disaster” *BDLive* 19 January 2017

<http://www.businesslive.co.za/bd/companies/mining/2017-01-19-bhp-billiton-and-vale-settle-civil-claim-for-samarco-tragedy/>

Policy: Department considers ending free water provision

“Minister of Water and Sanitation Nomvula Mokonyane has directed her department to review its free water provision policy for indigent households, as the burden on subsidised state services piles up and funds for delivery become scarce. A Business Day report says the department is expected to review the policy that allows for 25 free litres of water per household per day for the first time since the policy’s inception, as outlined in the Water Services Act of 1997. Statistics SA’s Kefiloe Masiteng said the number of households that had access to a functional water service was poised to increase from 85% in 2013 to 90% in 2017. But there still were areas where households lived further than 500m from their water source. Among SA’s eight metropolitan municipalities, only 54.3% of households paid for municipal water, she said.”

Full Business Day report (subscription needed) *Legalbrief Today* 25 January 2017

Environmental: Residents file Paia application over foul smell

“Residents of Hillcrest, Shongweni, Kloof, Dassenhoek and surrounding neighbourhoods in KZN have lodged a Promotion of Access to Information Act (Paia) application to find out exactly what hazardous waste is being dumped and how it is being treated at EnviroServ’s Shongweni landfill site, which they allege is causing a noxious odour affecting their health. The Mercury reports Lauren Johnson, director of Upper Highway Air – an NPO residents formed to tackle the odour – said there had been a ‘complete breakdown of trust’ between residents and EnviroServ, which she alleged had refused to provide residents with information about how it was accepting and processing hazardous waste at the site. Johnson and other residents have alleged that their, and especially their children’s health, has been negatively impacted by the stench, with many voicing concerns about children battling to breathe, nose bleeds and constantly getting sick. EnviroServ has repeatedly denied it is the sole cause of the smell and pointed fingers at other businesses in Shongweni and Giba Industrial Park.” Full report in The Mercury (subscription needed) *Legalbrief Today* 25 January 2017

Environmental: Poor water quality may cost municipalities licences

“Water quality has deteriorated sharply, forcing the Department of Water and Sanitation to consider revoking the water licences of some municipalities. A Business Day report says the Blue Drop ratings of six of the country’s nine provinces declined substantially between 2012 and 2014. One province had no system that was able to achieve Blue Drop status. Yesterday, the department briefed Parliament’s Committee on Water and Sanitation on its Green Drop and Blue Drop assessment tools as well as on how councils and water authorities performed on the tool indices. Nationally, the number of Blue Drop certifications awarded fell from 98 in 2012 to 44 in 2014. According to the department, 152 water service authorities were assessed. The department’s Noxolo Ncapayi told the committee that the decline in water systems moving out of the critical risk category was encouraging, even though there was a decline in systems achieving Blue Drop status. She said the Blue Drop progress report for 2015 had been done and a draft report was expected by the end of April. She added the 2016 Blue Drop progress assessment was expected by the end of October.” Full Business Day report (subscription needed) *Legalbrief Today* 26 January 2017

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Visiting Scholar-in-Residence in Environmental Rights at Delaware Law, 2017-18

We write to invite expressions of interest to join us in the 4th Annual Visiting Scholar-in-Residence in Environmental Rights for 2017-18 at Widener University Delaware Law School. Now in its fourth decade, Delaware Law’s award-winning environmental program focuses on environmental rights and features one of the longest-running representational environmental law clinics in the world. For more, see Delaware Law Environmental Program -

<http://delawarelaw.widener.edu/prospective-students/jd-program/jd-academics/signature-programs/environmental-law/>

While no money changes hands for this position, all you need to do is get here, and we handle most of the rest. We provide a comfortable on-campus residence, an office in the law school, technical and research support, and access to university life. Scholars give talks, meet with faculty, staff, students and community members, and are invited to collaborate on environmental rights-related projects.

This year's scholars include:

Randall S. Abate (Professor of Law, Director of the Center for International Law and Justice, and Project Director of the Environmental, Development & Justice Program at Florida Agricultural and Mechanical University (FAMU) College of Law, Orlando, Florida)

Ana Lucía Maya Aguirre (Professor of Environmental Law, JorgeTadeo Lozano University, Bogotá, Colombia)

Judge Bashier Vally (Judge of the High Court of South Africa; Acting-Judge of Appeal of the Competition Appeal Court; Johannesburg, South Africa)

Judge Merideth Wright (Vermont Environmental Court (1990–2011); Distinguished Environmental Scholar, Environmental Law Institute, Washington, D.C.)

Jason J. Czarnecki (March 14-17, 2017) (Gilbert and Sarah Kerlin Distinguished Professor of Environmental Law and Associate Dean & Executive Director of Environmental Law Programs at the Elisabeth Haub School of Law, Pace University, White Plains, New York)

Victor B. Flatt (April 3-7, 2017) (Tom & Elizabeth Taft Distinguished Professor of Environmental Law; Director, Center for Climate, Energy, Environment and Economics (CE3); Co-Director, North Carolina Coastal Resources Law, Planning, and Policy Center University of North Carolina School of Law, Chapel Hill, North Carolina)

For more, see Delaware Law Environmental Visiting Scholars, 2016-17: <http://delawarelaw.widener.edu/files/resources/scholarinresidenceglobalenviroflyer201617.pdf>

Please share expressions of interest by March 1, 2017, along with a paragraph about how the project focus of your visit involves environmental rights. We hope that you will consider joining us. Erin Daly, Ken Kristl & Jimmy May James May jmay@widener.edu

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 5

3 February 2017

BILLS

Traditional Courts Bill, 2017 [B1-2017]

Criminal Procedure Amendment Bill, 2017 [B2-2017]

LEGISLATION

NOTICES

National Environmental Management Act 107 of 1998 – Gen Notice 57 in GG 40593 of 3 February 2017 - Notice of adoption and publication of Mapungubwe Cultural Landscape World Heritage Site Environmental Management Framework

Disaster Management Act 57 of 2002 - GN 81 in GG 40593 of 3 February 2017 - Classification of a local disaster in the O.R. Tambo District Municipality in terms of s. 23 of the Act

Local Government: Municipal Finance Management Act 56 of 2003 - GN 91 in GG 40593 of 3 February 2017 - Municipal Regulations on Minimum Competency Levels, 2007: Exemption of municipalities and municipal entities from Regulations 15 and 18

National Environmental Management: Protected Areas Act 57 of 2003 - GN 83 in GG 40593 of 3 February 2017 - Proposed Cultural Heritage Survey Guidelines and Assessment Tools for Protected Areas in South Africa - for comment

PROVINCES

Western Cape

Sea-Shore Act 21 of 1935 - PN 28 in PG 7721 of 27 January 2017 – Swellendam - Proposal to enter into leases with applicants for the construction/legalisation of various structures below the high-water mark of the Breede River - for comment

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 - PN 317 in *PG* 106 of 3 February 2017 - Phumelela Local Municipality - By-law on Municipal Land Use Planning published with effect from the date that the Spatial Planning and Land Use Management Act 16 of 2013 comes into operation in the municipal area of the Municipality

KwaZulu-Natal

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 10 in *PG* 1785 of 2 February 2017 - uMngeni Local Municipality - Notice of Draft Spatial Development Framework - for comment

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 6 in *PG* 2070 of 30 January 2017 - Dawid Kruiper Local Municipality - Notice of intention to compile an all-inclusive Spatial Development Framework (SDF) and Land Use Management System (Zoning Scheme, Land Development Procedures and Regulations - LUMS)

CASES

National

Isago@N12 Development (Pty) Ltd v City of Matlosana Local Municipality and Others (54750/2016) [2017] ZAGPPHC 20 (2 February 2017)

Development without authorisation – general plan – township approval - Town Planning and Townships Ordinance, 15 of 1986 – no stormwater, roads or sewage planning – contravention of environmental authorisation
“The interest of the environment and the flood line, the watercourse and other related aspects ... show that there could be meaningful damage to the environment and other persons' properties upstream and downstream, including the properties being developed by the applicant.” [par 12]

PUBLICATIONS

DEA-NBBN “Overview of current approaches and practices of South African businesses to the mainstreaming of biodiversity: a preliminary baseline assessment” (2015) [Source National Biodiversity and Business Network (NBBN) - January Newsletter]

<http://www.ewt.org.za/BUSINESSDEVELOPMENT/pdf/NBBN%20DEA%20Report%20Feb%202015.pdf>

Integrated Reporting Committee (IRC) “Disclosure of Performance against Strategic Objectives: An Information Paper” (2016) [Source National Biodiversity and Business Network (NBBN) - January Newsletter] http://www.integratedreportingsa.org/Portals/0/Documents/INTEGRATED_REPORTING_COMMITTEE.pdf

Vrancken P and Ntola SY “Land sovereignty and the Law of the Sea Convention: Chagos Marine Protected Area Arbitration (*Republic of Mauritius v United Kingdom*)” 2014 *South African Yearbook of International Law* i <http://juta.co.za/products/south-african-yearbook-on-international-law>

IUCN Draft Guiding Principles and Recommendations for Responsible Business Operations in and around Key Biodiversity Areas (KBAs)

The technical guidance outlines how businesses in any economic sector, should operate in and around KBAs, whether they are within protected areas or not. A second draft of these guidelines are available for comment until 10 March 2017. [Source National Biodiversity and Business Network (NBBN) - January Newsletter]

https://www.iucn.org/theme/business-and-biodiversity/our-work/business-approaches-and-tools/key-biodiversity-areas?dm_i=2GI3.Z6L4.48BTMK.2S0XE.1

Röhrkasten S, Thielges S and Quitzow R (eds) “Sustainable Energy in the G20: Prospects for a Global Energy Transition” IASS Study, December 2016. http://www.iass-potsdam.de/sites/default/files/files/iass_study_dec2016_en_sustainableenergyg20_0.pdf

UNDP “From MDGs to Sustainable Development For All: Lessons from 15 Years of Practice” (2017) <http://www.undp.org/content/undp/en/home/librarypage/sustainable-development-goals/from-mdgs-to-sustainable-development-for-all.html>

Van der Gaast Wytze *et al* “Transition Pathways and risk Analysis for Climate Change Mitigation and Adaptation Strategies: D2.2 – Complementarity of qualitative and quantitative analytical tools” (31 December 2016) <http://www.transrisk-project.eu/sites/default/files/Documents/D2.2%20Complementarity%20of%20Qualitative%20and%20Quantitative%20Analytical%20Tools.pdf>

2016 *Transnational Environmental Law Volume 5* Free access until end April 2017 <http://bit.ly/2jZEj1H>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

2016 NBBN Biodiversity & Business Indaba Proceedings on “Transforming risk into opportunity” of 25 & 26 October 2016 available at <https://www.ewt.org.za/BUSINESSDEVELOPMENT/indaba.html> [Source National Biodiversity and Business Network (NBBN) - January Newsletter]

SANBI: “Using SANBI's Biodiversity Information to inform the electricity Grid Infrastructure SEA” (9 December 2016) <http://www.sanbi.org/news/using-sanbis-biodiversity-information-inform-electricity-grid-infrastructure-sea> [Source National Biodiversity and Business Network (NBBN) - January Newsletter]

SANBI: “Small scale farmers observe yield increases due to the uMngeni Resilience Project (URP) interventions” (9 December 2016) <http://www.sanbi.org/news/small-scale-farmers-observe-yield-increases-due-umngeni-resilience-project-urp-interventions> [Source National Biodiversity and Business Network (NBBN) - January Newsletter]

Business and Biodiversity Campaign: “New guidance on biodiversity in environmental management systems” (January 2017) [Source National Biodiversity and Business Network (NBBN) - January Newsletter] <http://www.business-biodiversity.eu/default.asp?Menue=49&News=1976>

OECD website: “Mainstreaming biodiversity” [Source National Biodiversity and Business Network (NBBN) - January Newsletter] <http://www.oecd.org/environment/resources/mainstream-biodiversity/>

Myanna Dellinger interview podcast: Craig Morris on the bottom-up German energy transition "Energiewende" (2017) <http://theglobalenergyandenvironmentallaw.podbean.com/e/transitioning-energy/>

US Bill: H.R.673 - To prohibit United States contributions to the Intergovernmental Panel on Climate Change, the United Nations Framework Convention on Climate Change, and the Green Climate Fund <https://www.congress.gov/bill/115th-congress/house-bill/673?q=%7B%22search%22%3A%5B%22congressId%3A115+AND+billStatus%3A%5C%22Introduce%22%22%5D%7D&r=54>

ENB+ Video on "Sustainable Ocean Night" (December 2016)

“On Monday, 5 December 2016, the Sustainable Ocean Night took place in Cancun, Mexico, during CBD COP13. Organized by the Secretariat of the Convention on Biological Diversity (CBD) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the event celebrated commitments from multiple stakeholders to achieve the Aichi Biodiversity Targets and sustainable development goals (SDGs) through ocean conservation. Produced by Nicole de Paula, Ph.D., and filmed/edited by Hernán Aguilar.” <http://www.iisd.ca/videos/biodiv/cbd-cop13-side-events/sustainable-ocean-night/?autoplay>

World Nuclear Power Reactor Construction, 1951-2017: <http://ow.ly/z0vS307P5IV>

Does deep de-carbonization require nuclear power? <http://ow.ly/U2G0307OXDD>

Symposium report: Getting to deep de-carbonization: What role for nuclear power? <http://ow.ly/aBEe307P5yO>

IISD SDG Blog: “SDG Implementation: What’s on the Horizon for 2017?” 10 January 2017 <http://sdg.iisd.org/commentary/policy-briefs/sdg-implementation-whats-on-the-horizon-for-2017/>

University of Colorado Denver’s Center for Sustainable Urbanism (Dep’t of Arch & Planning) and Drake University School of Law are partnering to update the *Sustainable Community Development Code*. The Code will provide local

governments with best practices on land use issues relevant to sustainability. Over the next year, we expect to update the Code and website. The 2009-10 version can be found at:

http://www.ucdenver.edu/academics/colleges/ArchitecturePlanning/AboutCAP/ResearchCenters/CCSU/Sustainable_Community_Development_Code_Framework/Pages/Code-Framework.aspx

The Conversation: Wood A “How farmers in Africa are finding ways to sustainably use wetlands” 1 February 2017 <http://bit.ly/2l2rwgf>

World Economic Forum: Global Risks 2017 <http://reports.weforum.org/global-risks-2017/global-risks-landscape-2017/#/landscape>

The Huffington Post Blog: Ashford N “Trump Rejects Science, Technology, Economics, and the Constitution With His Two-for-One Executive Order” 1 February 2017

http://www.huffingtonpost.com/nicholas-ashford/trump-rejects-science-tec_b_14552756.html

The Daily Maverick: Poplak Richard “Trainspotter: The Border Management Authority – transforming South Africa into an open-air prison” 2 February 2017

<https://www.dailymaverick.co.za/article/2017-02-02-trainspotter-the-border-management-authority-transforming-south-africa-into-an-open-air-prison/>

The Daily Maverick - Sound Africa Podcast: “Nuclear SA: Ep 3 – Uranium Rush” 31 January 2017 <https://www.dailymaverick.co.za/article/2017-01-31-nuclear-sa-ep-3-uranium-rush/#.WJTSVVV97IU>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

UP and JUTA Book Launch: Glazewski and Esterhuyse: Hydraulic Fracturing in the Karoo

An expert multi-disciplinary panel discussion chaired by Jan Glazewski

Date: 16 February 2017

Time: 18:00 for 18:30

Venue: Hogan Lovells, 22 Fredman Drive, Sandton

RSVP: Carmen Timm ctimm@juta.co.za

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

ELA and IAIAasa North-West: New Beginnings: Perspectives on Reform and Other Recent Developments in Planning and Environmental Law

Date: 3 March 2016

Place: North-West University (Potchefstroom Campus)

Time: 11:00-16:00

The seminar is aimed at the interactive sharing of information and ideas on a number of recent developments and projects in the area of environmental law reform, state of the environment reporting at city-level and aspects concerning the implementation of the Spatial Land-Use Management Act (SPLUMA).

Cost: ELA/IAIAasa members: Free; non-members R200; non-member post-graduate students/retirees R100; non-member graduate students: R50

Remember to register for the event online at: <https://iaiasaelanwseminarevent.myactive.co.za/capturedetails/registration.aspx> by 24 February 2017.

For more information please contact Carli Otte or Leandri Kruger at iaiasanw@gmail.com / Anel du Plessis at Anel.DuPlessis@nwu.ac.za

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 20-21 February (Potchefstroom)
19-20 April 2017 (Pretoria)
4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 27 February-3 March 2017
- **Safety, Health, Environmental and Quality Management Systems (CEM-03.5.3)**
Date: 27 February -10 March 2017
- **Environmental law (CEM-02.1.1)**
Dates: 6-11 March 2017
- **Environmental Management Systems (CEM-03.1.1)**
Date: 27-31 March 2017
- **Occupational Health and Safety Management Systems (CEM-03.2.1)**
Dates: 27-31 March 2017

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

DEA/UNCCD Workshop on Land degradation; World Wetlands day seminar; DEA Land rehab knowledge-sharing showcase

The Department of Environmental Affairs (DEA) is inviting stakeholders and interested and affected parties (I&APs) to several events of interest that will be taking place during this first quarter of 2017.

10 February 2017: World Wetlands Day Seminar Programme
RSVP: Adri Laas adril@arc.agric.za or 082 445 6269

23 February 2017: DEA Land rehabilitation knowledge sharing showcase
RSVP: Carina Malherbe cmalherbe@environment.gov.za

ENS Mine and Occupational Health and Safety Seminar 2017

ENSAfrica will be hosting its annual Mine and Occupational Health and Safety Seminar 7-8 March 2017.

Time: 08:00-16:15 (daily)

The event is acknowledged as the single best forum in this area of practice and is presented by speakers from ENSAfrica in the Mine and Occupational Health and Safety (MOHS) department who specialise in this field of law.

Willem le Roux, Pieter Colyn, Celeste Coles and Warren Hendricks will discuss critical developments, practical advice and guidelines for this complicated and challenging area of health and safety law in and outside of the mining industry.

For more detailed information

<https://www.ensafrika.com/Uploads/Marketing/MOHS%20Seminar%202017%20-%20Flyer.pdf>

Waste Management Indaba

Date: 20 & 21 April 2017

Venue: Emperors Palace, Kempton Park, Johannesburg

For more information: 011 886 0433 / 010 211 9100 / info@vukanicomms.co.za

Mandela Institute Wits School Courses

The Mandela Institute at Wits School of Law is pleased to inform you of the upcoming short courses in law that you or colleagues might like to consider for your professional development.

The Institute is currently accepting applications until 21 April 2017 for four short courses starting in May: Competition Law, Local Government Law and Private Security Services Law.

The full list of 2017 short courses, with information on entrance requirements, course content, application process etc is available on the Mandela Institute's website at www.wits.ac.za/mandelainstitute/short-courses Applications will be open from 1 March – 31 May 2017 for second semester courses.

Risk, Compliance and Governance Law short course

If you need to have a complete grasp of new and rapidly changing global and local initiatives, processes and procedures to ensure that your organisation's activities are compliant with legal and regulatory requirements you will be interested in the Risk, Compliance and Governance Law short course that the Mandela Institute at Wits School of Law is offering. This block release course from 22-26 May 2017 aims to embed knowledge of how to design, implement

and maintain financial institutions' internal and external systems of control that will enhance good governance.

Other courses to be held in May are Competition Law, Local Government Law and Private Security Services Law.

Applications for May courses close on 21 April 2017.

Entry requirements, course content, dates and duration, and application process can be found on the Short Courses pages of the Mandela Institute website - <http://www.wits.ac.za/mandelainstitute/short-courses/>

Enquiries: Please email mandela.institute@wits.ac.za or call: 011 7178438/35.

Applications will open from 1 March – 31 May 2017 for second semester courses listed below: Access to Information and Privacy Law; Advanced Administrative Law; Advanced Company Law II; Collective Labour Law; Court Annexed Mediation; Economics of International Trade & Investment; Energy and Climate Change Law; Intellectual Property Law; International Criminal Law; International Law on Foreign Investments; International Nuclear Law; International Trade Law; Introduction to Law for Non-Lawyers; Labour Dispute Resolution Practice; Law & Sustainability II; Pension Law II as well as Prospecting and Mining Law

International

35th Annual Public Interest Environmental Law Conference: One cause, one voice

Date: 2-5 March 2017

Venue: University of Oregon, School of Law

Registration and more information: <http://www.rsvpbook.com/event.php?489352>

Executive Certificate on Environmental Governance or the Executive Master on Environmental Governance and Policy-Making

Part-time degrees begin in Geneva on March 6, 2017

See more details on the programmes at http://graduateinstitute.ch/environment?utm_source=mailing&utm_campaign=env_2017&utm_medium=email&utm_content=certificate and http://graduateinstitute.ch/environment?utm_source=mailing&utm_campaign=env_2017&utm_medium=email&utm_content=master

*Limited number of 50% scholarships still available for nationals from LDCs and developing countries

* Gain critical insights and the skills to navigate the interplay between four key domains: water; food; energy; and climate change, all critical elements of the SDGs.

For more information and to apply: graduateinstitute.ch/environment

We also kindly invite you to attend a free webinar presenting our programmes on 8 February 13:00 UTC+1

<http://graduateinstitute.ch/home/executive/events.html/> /events/executive/2017/webinar-env

Call for Abstracts: The Politics and Governance of Negative Emissions Technologies: Between the Paris Agreement and the Anthropocene

Date: 15-16 June 2017

Place: Utrecht, Netherlands

Date for abstracts closed

More information: Jesse Reynolds (J.L.Reynolds@uu.nl) of Utrecht University
<https://www.inece.org/news/announcements/show/NewsItem-5332>

NEWS

Bloch Simon “Lawyers for suspect in rhino ‘slaughterhouse’ case file urgent bail application” *TimesLive* 30 January 2017

<http://www.timeslive.co.za/scitech/2017/01/30/Lawyers-for-suspect-in-rhino-%E2%80%99slaughterhouse%E2%80%99-case-file-urgent-bail-application>

Chernick Ilanit “Concern over leopard-hunting quota” *IOL* 26 January 2017

<http://www.iol.co.za/news/south-africa/concern-over-leopard-hunting-quota-7509107>

“VW pleads guilty to emissions cheating” *BBC News* 11 January 2017

<http://www.bbc.com/news/business-38590197>

Environmental: City ordered to clean informal settlement

“The Green Scorpions have found that the City of Cape Town has contravened the National Environmental Management Act for its failure to provide adequate ablution facilities, stormwater and solid waste management at an informal settlement which borders Masiphumelele, near Kommetjie. A Cape Times report says the City has been told to ‘undertake a thorough and effective clean-up, remove stock piles of refuse and carry out maintenance of toilets, washing facilities, canals and other wastewater infrastructure’ by the Green Scorpions at the Wetland informal settlement. The contraventions constitute a significant danger to the health and well-being of Masiphumelele residents. The directive ordered a progress report to be submitted within 14 days of its issue.”

Full Cape Times report (subscription needed) *Legalbrief Today* 2 February 2017

Africa highlights: Zimbabwe mine seizure threat, AU leaders get tongue-lashing

BBC News 31 Jan 2017 <http://www.bbc.com/news/live/world-africa-38281583>

Christenson Aaron Flint residents sue over delayed EPA response *Jurist* 31 January 2017 <http://www.jurist.org/paperchase/2017/01/flint-residents-sue-over-delayed-epa-claims.php>

“Court rules Ivanplats can proceed with relocation of graves” *TimesLive* 2 February 2017 <http://www.timeslive.co.za/local/2017/02/02/Court-rules-Ivanplats-can-proceed-with-relocation-of-graves1> [Source *Legalbrief Today* 3 February 2017]

Cosgrove J “Lawsuit filed against EPA over mercury discharge rule recission” *Jurist* 1 February 2017 <http://www.jurist.org/paperchase/2017/02/lawsuit-filed-against-epa-over-mercury-discharge-rule-recission.php> [Source *Legalbrief Today* 3 February 2017]

Cama Timothy “GOP lawmaker withdraws bill to sell federal land” *TheHill* 2 February 2017 <http://thehill.com/policy/energy-environment/317514-gop-rep-pulls-bill-to-sell-federal-land>

Savides Matthew “Controversial Durban landfill could be shut down: Environmental Affairs Department” *TimesLive* 3 February 2017 <http://www.timeslive.co.za/local/2017/02/03/Controversial-Durban-landfill-could-be-shut-down-Environmental-Affairs-Department>

Savides Matthew “EnviroServ responds to threats to shut down its Shongweni landfill” *Timeslive* 3 February 2017 <http://www.timeslive.co.za/local/2017/02/03/EnviroServ-responds-to-threats-to-shut-down-its-Shongweni-landfill1>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Climate Policy Fellow opening at Berkeley Law

Berkeley Law's Center for Law, Energy, and the Environment is hiring a Climate Policy Fellow. The fellow will work with CLEE on climate change law and policy issues in California and beyond. The focus will be on implementation of California's efforts to reduce greenhouse gas emissions, but projects may also cover multi-state and international topics. Specific research areas will depend on the fellow's background and interests, but will likely include: renewable energy, energy efficiency, electric vehicle deployment, energy storage, low-carbon transit, and sustainable real estate development. The fellow will collaborate with project partners at other academic institutions, in state government, from the business and nonprofit communities, and other stakeholders. The fellow must be willing to travel occasionally within California and sometimes out of state. The full posting and information on how to apply are here: <https://www.law.berkeley.edu/research/clee/about/hiring-climate-fellow/>

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 6

10 February 2017

BILLS

Mineral and Petroleum Resources Development Amendment Bill, 2013 [15C-2013] & [15D-2013]

Plant Breeders' Rights Bill, 2015 [11A-2015] & [11B-2015]

Protected Disclosures Amendment Bill, 2015 [B40A-2015] & [B40B-2015]

Ballast Water Management Bill, 2017 (Gen Notice 340 in GG 36330 of 3 April 2013)
– Gen Notice 111 in GG 40614 of 10 February 2017 - Extension of comment period on the draft bill

LEGISLATION

NOTICES

National Water Act 36 of 1998 - GN 99 in GG 40598 of 6 February 2017 - Implementation of measures to mitigate the impact of periodic shortage of water in Richards Bay: Declaration of the short-term and long term interventions as an emergency government waterworks

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 74 in GG 40601 of 8 February 2017 - Draft regulations for the domestic trade in rhinoceros horn, and products or derivatives of rhinoceros horn, 2017 - for comment

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 75 in GG 40601 of 8 February 2017 - Draft norms and standards for the management and monitoring of the hunting of leopard in South Africa for trophy hunting purposes - for comment

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 76 in GG 40601 of 8 February 2017 - Proposed amendment of the Invasive Species List and proposed listing of species that are threatened or protected, restricted activities that are prohibited and exemption from restriction - for comment

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 77 in GG 40601 of 8 February 2017 - Intention to prohibit the powdering or shaving of rhinoceros horn, the domestic selling or otherwise trading in, giving, donating, buying, receiving, accepting as a gift or donation, or in any way disposing or acquiring, of powdered or shaved rhinoceros horn, and the export of powdered or shaved rhinoceros horn - for comment

PROVINCES

Western Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54393 in PG 7729 of 10 February 2017: Witzenberg Local Municipality - Notice of intention to adopt and amend the Scheme Regulations as published under PN 1048 of 1988

Disaster Management Act 57 of 2002 - LAN 54407 in PG 7729 of 10 February 2017 - West Coast District Municipality: Declaration of a local drought disaster

Constitution of the Republic of South Africa and Local Government: Municipal Systems Act 32 of 2000: City of Cape Town - LAN 54392 in PG 7729 of 10 February 2017 - Amendment to the City Ombudsman By-law, 2015 as published under LAN 58145 in PG 7419 of 3 July 2015

KwaZulu-Natal

Promotion of Access to Information Act 2 of 2000 - MN 12 in PG 1789 of 9 February 2017 - King Cetshwayo District Municipality – Access to Information Manual

Mpumalanga

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - Proc 2 in PG 2780 of 10 February 2017 - Gert Sibande District Municipality – Waste By-laws, 2016

CASES

National

The Business Zone 1010 CC t/a Emmarentia Convenience Centre v Engen Petroleum Limited and Others [2017] ZACC 2

Summary: Petroleum Products Act 120 of 1977 - interpretation of section 12B - single act constitutes a contractual practice under section 12B - decision of Controller of Petroleum Products and Minister of Minerals and Energy reviewable in terms of section 6(2)(d) of Promotion of Administrative Justice Act 3 of 2000 - referral by the High Court confirmed.

PUBLICATIONS

2017 *International Climate Policy Magazine* No 44
<http://www.iccgov.org/en/iccgstudies/international-climate-policy-n-44/>

Jones Gregory QC and Scotford Eloise (eds) *The Strategic Environmental Assessment Directive - A Plan for Success?* (Bloomsbury 2017)
<http://www.bloomsburyprofessional.com/uk/the-strategic-environmental-assessment-directive-9781849466332/#sthash.fq0Ovo3R.dpuf>

Sustainable Energy for All “Global Tracking Framework” Report 2017 – open for comment until 13 February 2017 <http://ren21plus.ren21.net/group/seforall-global-tracking-framework-2017/>

ACFE “Report To The Nations On Occupational Fraud And Abuse 2016 Global Fraud Study” <http://www.acfe.com/rtn2016/docs/2016-report-to-the-nations.pdf>

Matt Ampleman and Kysar Doug “Living with owning: 2017 *indiana Law Journal* http://ilj.law.indiana.edu/articles/15_Kysar-Ampleman_Printer-final.pdf

Special Rapporteur on Human Rights and the Environment: Knox J “Biodiversity” Special Rapporteur on human rights and the environment - Annual reports Report A/HRC/34/49 (2017)
<http://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/Annualreports.aspx>

Miranda Boettcher, Stefan Schäfer “Reflecting upon 10 Years of Geoengineering Research Crutzen + 10 Special Issue” 2017 *Earth’s Future* <http://onlinelibrary.wiley.com/doi/10.1002/2016EF000521/full>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

The Conversation: Feldhaus C and Koraan R “Explainer: how South Africa’s first private prosecutions unit will work” 3 February 2017 <http://bit.ly/2kDcYFJ>

The Conversation: Bond Jennifer and Sturt Charl “Behind the conflict in central Kenya that’s costing lives and hitting tourism” 7 February 2017 <http://bit.ly/2ImWMWx>

National Geographic: Ali Saleem H, Archer Cristina and Firestone Jeremy “Why the U.S. Environmental Protection Agency reflects Patriotism” 7 February 2017 <http://voices.nationalgeographic.com/2017/02/07/epa-patriotism/>

The Guardian: Nuccitelli Dana Trump is copying the Bush censorship playbook. Scientists aren't standing for it 31 January 2017 [Source: Legalbrief Environmental 7 February 2017]
<https://www.theguardian.com/environment/climate-consensus-97-per-cent/2017/jan/31/trumps-copying-the-bush-censorship-playbook-scientists-arent-standing-for-it>

Richmond Times Dispatch: Cale Jaffe column: “Trump might be creating an opportunity for environmentalists” 8 February 2017
http://www.richmond.com/opinion/their-opinion/guest-columnists/article_333a687a-38df-572b-879c-13ee218abe59.html

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

UP and JUTA Book Launch: Glazewski and Esterhuyse: Hydraulic Fracturing in the Karoo

An expert multi-disciplinary panel discussion chaired by Jan Glazewski

Date: 16 February 2017

Time: 18:00 for 18:30

Venue: Hogan Lovells, 22 Fredman Drive, Sandton

RSVP: Carmen Timm ctimm@juta.co.za

ELA and IAIAAsa North-West: New Beginnings: Perspectives on Reform and Other Recent Developments in Planning and Environmental Law

Date: 3 March 2016

Place: North-West University (Potchefstroom Campus)

Time: 11:00-16:00

The seminar is aimed at the interactive sharing of information and ideas on a number of recent developments and projects in the area of environmental law reform, state of the environment reporting at city-level and aspects concerning the implementation of the Spatial Land-Use Management Act (SPLUMA).

Cost: ELA/IAIAAsa members: Free; non-members R200; non-member post-graduate students/retirees R100; non-member graduate students: R50

Remember to register for the event online at: <https://iaiasaelanwseminarevent.myactive.co.za/capturedetails/registration.aspx> by 24 February 2017.

For more information please contact Carli Otte or Leandri Kruger at iaiasanw@gmail.com / Anel du Plesis at Anel.DuPlessis@nwu.ac.za

Imbewu: Discussion Forum: National Water Act 36 of 1998: General Water Use Authorisations

Date: 28 February 2017

Venue: Imbewu's Offices – Rosebank Johannesburg

Time: 09:00-11:00

RSVP: lulu@imbewu.co.za or call us on 011 214 0660/1

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

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 20-21 February (Potchefstroom)
19-20 April 2017 (Pretoria)
4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 27 February-3 March 2017
- **Safety, Health, Environmental and Quality Management Systems (CEM-03.5.3)**
Date: 27 February -10 March 2017
- **Environmental law (CEM-02.1.1)**
Dates: 6-11 March 2017
- **Environmental Management Systems (CEM-03.1.1)**
Date: 27-31 March 2017
- **Occupational Health and Safety Management Systems (CEM-03.2.1)**
Dates: 27-31 March 2017

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

University of Pretoria: Short Course in Environmental Law

Date: 27 March 2017

Venue: Pretoria

Time: 08:00 – 16:00

Contact: saskia.moritz@enterprises.up.ac.za or 012 434 2606

DEA/UNCCD Workshop on Land degradation; World Wetlands day seminar; DEA Land rehab knowledge-sharing showcase

The Department of Environmental Affairs (DEA) is inviting stakeholders and interested and affected parties (I&APs) to several events of interest that will be taking place during this first quarter of 2017.

23 February 2017: DEA Land rehabilitation knowledge sharing showcase

RSVP: Carina Malherbe cmalherbe@environment.gov.za

ENS Mine and Occupational Health and Safety Seminar 2017

ENSAfrica will be hosting its annual Mine and Occupational Health and Safety Seminar 7-8 March 2017.

Time: 08:00-16:15 (daily)

The event is acknowledged as the single best forum in this area of practice and is presented by speakers from ENSAfrica in the Mine and Occupational Health and Safety (MOHS) department who specialise in this field of law.

Willem le Roux, Pieter Colyn, Celeste Coles and Warren Hendricks will discuss critical developments, practical advice and guidelines for this complicated and challenging area of health and safety law in and outside of the mining industry.

For more detailed information

<https://www.ensafrika.com/Uploads/Marketing/MOHS%20Seminar%202017%20-%20Flyer.pdf>

Webinar: "Not One Without the Other"

Date: 27 February 2017

Time: US 12:30 PM EST

The debate about the importance and cost of environmental protection and its impact on energy sources and utilization has grown since the inauguration of the Trump Administration. In this webinar, Heather Payne and Victor Flatt, from UNC School of Law, discuss their findings concerning the historic prioritization of environmental protection, jobs, and other important values in statutes. Payne and Flatt's article "Not One Without the Other" was published in 2015 in Environmental Law. It makes the case that environmental, energy, and economic policy must be considered simultaneously and reviews statutory prioritization to provide some guidance on relative importance of values. Joining Payne and Flatt will be Professor David Ardia of UNC School of Law and UNC's Journalism School.

Please register for webinar at:

<https://attendee.gotowebinar.com/register/2910651750826907394>

After registering, you will receive a confirmation email containing information about joining the webinar.

International

P-PCP Conference "Coexisting with(in) TFCAs: local perspectives": abstract deadline extended!

Please be aware that the deadline for submission of abstract, for the RP - PCP Conference "Living (with)in TFCAs: Local perspectives, has been extended to the **15th February 2017**.

Place: SE Lowveld of Zimbabwe,

Date: 22-27 May 2017

This conference is the outcome of the RenCaRe project (www.rp-pcp.org/projects/on-going/rencare/), which adopted from the beginning a participatory process to identify issues at stake for local communities living within the KAZA and GL TFCAs. Relevant issues for research were then translated into research questions that are currently addressed by postgraduate students from Zimbabwe, Botswana, Mozambique, Zambia and France. This conference also benefits from contributions of the EU-DREAM project (www.rp-pcp.org/projects/on-going/rencare/), which seeks to promote innovation and communication processes among local stakeholders involved in TFCA management, and from the support of the Zone Atelier Hwange (www.za-hwange.cnrs.fr/)

Therefore, abstracts submitted to this conference will be selected according to an innovative process: a combined scientific and community-based selection process. After an assessment of the eligibility and the basic scientific quality of the abstracts by the conference committee in March 2017, local communities and stakeholders in Malipati/Mabalauta (GLTFCA) and Dete/Main Camp (KAZA TFCA) will be invited to select the communications and finalise the program of the conference during participatory workshops. Each conference

session will then be co-chaired by an academic and a representative of the communities from TFCAs.

Thematic sessions:

- Access to natural resources
- Mitigation human wildlife conflicts
- Improving livestock and crop productions by local farmers
- Boundaries of protected areas
- Prevention and control of livestock/wildlife/human disease
- Sharing benefits generated by wildlife

The conference committee will consider abstracts for two types of presentations:

- Full-time presentation (15mn presentation + 5mn discussion).
- Poster presentation (A0 portrait format; including a 2mn speed presentation during plenary sessions to convince participants to come and see the posters.

Abstracts submitted as MS Word document, Arial 11pt, with the following sections: Preferred thematic session; Type of presentation (Full-time/Poster requested); Title (in bold), Authors with affiliations (speaker's name underlined); Summary of 300 words, single spacing.

Contact: Clara Bocchino clara.bocchino@gmail.com

4th Annual International & Comparative Urban Law Conference: Law and the New Urban Agenda Call For Conference Participants

Date: July 17th & 18th, 2017

Place: Cape Town, South Africa

The Fordham Urban Law Center, in partnership with the University of Cape Town (UCT) and UN Habitat, is pleased to announce a call for participation in the 4th Annual International and Comparative Urban Law Conference. The Conference will be held on Monday July 17th and Tuesday July 18th, 2017 at UCT in Cape Town, South Africa.

TOPICS: The Conference will provide a dynamic forum for legal and other scholars to engage diverse international, comparative, and interdisciplinary perspectives in urban law. The Conference is open to urban law topics across a broad spectrum, such as:

- Structure and workings of local authority and autonomy
- Urban and metropolitan governance and finance
- Economic and community development
- Housing and the built environment
- Unique challenges facing cities in developing nations and the Global South
- Urban public health
- Migration and citizenship
- Urban equity and inclusion
- Sustainability and resilience

While the Conference will foster a broad scholarly dialogue about cities and legal systems in comparative and international perspective, we specifically invite submissions focusing on the role of law in the New Urban Agenda adopted this past October by the United Nations at the Habitat III Conference in Quito, Ecuador. In particular, the Conference seeks to investigate legal tools to

advance the New Urban Agenda in a manner that is democratic, sustainable and equitable.

Proposal Submission: Please submit a proposal (maximum 500 words) to Gilberto Vargas, Associate Director, Fordham Urban Law Center, at urbanlaw@law.fordham.edu. Please put "[name of proposed paper]" in the subject line of your email. If you have a draft paper, please include it with your proposal. Participants do not need to have prepared a formal paper in order to join the program. The Center is also pleased to be able to award partial travel grants for this Conference, although funds are limited. Please indicate the extent of your funding needs. Deadline for proposal submissions: March 6, 2017.

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. If you are interested in potential publication, please indicate this interest at the time of your proposal submission.

About the Urban Law Center: The Urban Law Center at Fordham Law School in New York City is committed to investigating the role of the law and legal systems in contemporary urbanism through scholarship, pedagogy, programming, and applied research partnerships. Please visit <http://urbanlaw.org> for more details about the Center.

About UCT: Founded in 1829, The University of Cape Town is the oldest university in South Africa. UCT aspires to be the premier academic meeting point between South Africa, the rest of Africa and the world. Please visit <https://www.uct.ac.za> for more details about UCT.

Webcast: J.B. and Maurice C. Shapiro Symposium: Private Environmental Governance

Date: March 2-3: 2017

Venue: Jacob Burns Moot Court Room (20th & H entrance), 2000 H Street NW, Washington, DC

Registration: <http://browse.calendar.gwu.edu/EventRegistration.aspx?Rid=552&lid=25519&Frm=>

We think of private environmental governance as occurring when private organizations take actions that supplement (or perhaps displace in some instances) the traditionally governmental functions of reducing negative externalities, managing common pool resources and producing public goods. Private governance may prove especially important in light of the recent election, which may result in a reduced federal role in at least some areas of environmental governance. Our goal is to identify common research questions across disciplines, to discuss what we know about the reasons private governance is being pursued and the structure of these programs, to better understand how companies monitor performance of private governance systems, to explore whether and how private governance is or is not contributing to better environmental outcomes, and to examine how linkages between private and public governance systems might produce better environmental outcomes.

UNITAR Courses on Environmental Governance and Sustainable Development

Registrations are open! Online courses

“International Environmental Governance” and “International Economic Legal System and Sustainable Development”

UNITAR is pleased to inform that registrations are open for our upcoming online courses on International Environmental Governance and the International Economic Legal System and Sustainable Development!

Multilateral environmental agreements (MEAs) are the predominant legal method for addressing transboundary environmental problems. Nowadays several countries, particularly least developed countries and developing countries, need to develop their capacities for the better implementation of both environmental and economic obligations in order to ensure adequate application and compliance of MEAs. UNITAR contributes to this by delivering capacity development and knowledge sharing initiatives in the areas of good governance, environmental law, trade and investment agreements and effective global environmental protection.

Registration: <http://www.unitar.org/ksi/e-learning-portfolio>

Osgoode Environmental Justice and Sustainability Clinic and the York Research Chair in Environmental Law & Justice: International panel discussion on climate change litigation

Date: Monday, March 6, 2017

Time: 5:00-6:45 pm Eastern time

Place: Toronto.

Only a few spaces remain. Attend in person or register for the free live webcast at <http://ejsclinic.info.yorku.ca/event/climate-change-lawsuits-are-here-are-you-ready/>

NEWS

Myburgh Pieter-Louis “Eskom Dentons report shows serious breaches” *Fin24* 08 February 2017 [Source: Legalbrief Forensic 9 February 2017] <http://www.fin24.com/Economy/Eskom/breaking-eskom-dentons-report-shows-serious-breaches-20170208> see also report on *IOL* <http://www.iol.co.za/news/politics/da-cries-foul-over-eskoms-denton-report-plan-7653093>

Patel Jugal K “A Crack in an Antarctic Ice Shelf Grew 17 Miles in the Last Two Months” *The New York Times* 7 February 2017 https://www.nytimes.com/interactive/2017/02/07/science/earth/antarctic-crack.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=photo-spot-region®ion=top-news&WT.nav=top-news&_r=0

Maregele Barbara and Gontsana Mary-Anne “GroundUp: Mogale families living next to ‘toxic’ mine dump relocated” *Daily Maverick* 6 February 2017 [Legalbrief Environmental 7 February 2017] <https://www.dailymaverick.co.za/article/2017-02-06-groundup-mogale-families-living-next-to-toxic-mine-dump-relocated/#.WJyMyIV96UI>

Gosling M “Eskom will not oppose anti-nuke deal litigation” *Groundup* 6 February 2017 [Source Legalbrief Environmental 7 February 2017] <http://www.groundup.org.za/article/eskom-will-not-oppose-anti-nuke-deal-litigation/>

Energy: Coega wind farm parts factory may close

“Dozens of jobs and investments of more than R400m in the renewable energy industry in Nelson Mandela Bay are on the line if Eskom does not authorise a raft of long-delayed power purchase agreements (PPAs) in SA’s renewable energy sector. A report in **The Herald** notes that DCD Wind Towers, which was established in the Coega Industrial Development Zone with a total investment of more than R400m, is facing closure by April, just more than three years after the heavy engineering concern started production of its tower components for wind farms. The company, which halted production after completing its last contract in November, has since shed 29 jobs, with the remaining 143 people on short time and at risk of losing their jobs in April if no new wind farm projects are authorised. The company has been relying on Eskom’s authorisation of 26 renewable energy projects. DCD Wind Towers general manager Alta-Mari Grebe said: ‘I wish they (Eskom) would just wake up and sign those PPAs. It is not just about saving the company, it’s about saving jobs.’ Eskom has claimed that the renewable sector projects resulted in a R9bn net loss for the economy last year.” Full report in *The Herald* (subscription needed) Legalbrief Environmental 7 February 2017

Pieterse C “Sand mining free-for-all” *News24* 2 February 2017 [Source Legalbrief Environmental 7 February 2017] <http://www.news24.com/SouthAfrica/News/sand-mining-free-for-all-20170201>

Melissa Reitz “Tsitsikamma MPA re-opening: SA’s fish stocks at risk say experts” *Traveller24* 3 February 2017 [Source Legalbrief Environmental 7 February 2017] <http://traveller24.news24.com/Explore/Green/tsitsikamma-mpa-re-opening-sas-fish-stocks-at-risk-say-experts-20170203>

“Wildlife census to establish real numbers in key transboundary game area” *ETN* 10 February 2017 <http://etn.travel/wildlife-census-establish-real-numbers-key-transboundary-game-area-12460/>

Environmental: Draft rhino horn export rules raise concerns

“Environmentalists are up in arms over draft regulations on rhino horn export for personal purposes. According to a *Beeld* report, the draft regulations published this week allow anyone to export two rhino horns for personal purposes. A permit is needed and exports will only be allowed through OR Tambo International Airport, the draft regulations state. All horn has to be micro-chipped and the name and address of the importer must be specified. Several NGOs have pointed out that the regulations are ‘unexpected’ – as Minister Edna Molewa is still engaged in litigation about domestic rhino trade. The matter is in the hands of the Constitutional Court. NGO Save our Rhino said it will report Molewa to Cites, which still prohibits any international rhino trade. However, Izak du Toit, the lawyer for rhino breeder John Hume – who has launched litigation about domestic rhino trade – praised the draft regulations.

'The Minister has finally decided to do her job correctly. The sooner people realise that endangered species can only be protected if a monetary value is attached to them, the better.' The report adds interested parties may send comments on the draft regulations to mboshoff@environment.gov.za until 10 March." Full Beeld report (subscription needed) *Legalbrief Today* 10 February 2017

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Control Environmental Officer Grade A: EMI Legal Support (LACE10/2016)

Salary R409 989 per annum (Total package of R554 633 per annum/ conditions apply)

Centre: Pretoria

Requirements:

- An appropriate recognized LLB degree or relevant equivalent qualification, Knowledge of environmental, administrative, criminal and constitutional law and procedures;
- Extensive relevant experience in the research, analysis and application of legislation, the provision of legal advice and the development of policies and procedures related to law enforcement activities (experience related to the enforcement of environmental legislation will be an added advantage);
- Excellent written and verbal communication skills, particularly in the analysis of and provision of legal advice on the application of environmental law;
- Ability to interact with a wide range of stakeholders; as well as an understanding of intergovernmental relations and co-operative governance;
- Ability to be pro-active and think independently;
- Ability to apply legal principles to practical compliance and enforcement scenarios;
- Strategic, analytical, problem-solving and negotiation skills;
- Computer literacy and the ability to access legal information resources. Customer focus and responsiveness;
- A high level of personal accountability and attention to detail.

Duties:

- Analyse and interpret environmental legislation, civil and criminal court judgments, and other related legal resources;
- Provide legal support and advice to promote effective compliance and enforcement actions by the Environmental Management Inspectorate in the event of non-compliance with national environmental legislation; assess, develop and update appropriate legislation policies,
- Procedures and information resources in support of the Environmental Management Inspectorate;

- Provide input into draft environmental legislation with compliance and enforcement impacts; and to provide support to capacity-building programmes of the Environmental Management Inspectorate.

Enquiries: Mr M Jardine, tel: 012 399 9497

Attention: Mr R Mashele

Closing date: 20 February 2017

All applications must be submitted on a Z83 application form accompanied by certified copies of qualifications, identity document (ID) as well as a comprehensive curriculum vitae (CV) and Driver's License in order to be considered.

Application form:

https://www.environment.gov.za/sites/default/files/docs/forms/Z83_application_for_employment.pdf

North-West University: Lecturer/Senior Lecturer/Associate Professor: PC08538VACANCY

Proven expertise with regard to substantive law, teaching-learning and/or research in any of the following subject fields with regards to the South African Legal System: Civil Procedure in the High Courts; Civil Procedure in the Magistrates Courts; Alternative Dispute Resolution; Law of Evidence

Contact: Lionel Eksteen lionel.eksteen@nwu.ac.za / Prof Flip Schutte flip.schutte@nwu.ac.za

Closing Date: 17 February 2017

www.nwu.ac.za/vacancies

Pace University: Five Environmental Law Graduate Research Fellowships Openings

Pace University's Elisabeth Haub School of Law is pleased to announce that it will hire several environmental law graduate fellows for the 2017-18 academic year. Fellows earn an LLM in Environmental Law <http://law.pace.edu/llm-environmental-law> while working part time within the Haub Environmental Law Program or one of its centers. They receive a full tuition waiver as well as a modest stipend to help cover living costs.

Full details on each position, and information on how to apply for these fellowships can be found at <http://law.pace.edu/environmental-graduate-research-fellows>. Note that applicants must apply concurrently to the Environmental LLM program at the Elisabeth Haub School of Law to be considered for a fellowship. Applications are due by March 1, 2017.

Positions:

The *Environmental Law Graduate Fellow* works with environmental faculty and staff undertaking research, including the bench brief for the National Environmental Law Moot Court Competition, developing and implementing new projects, and other duties as assigned.

The *Global Environmental Law Graduate Fellow* works with faculty and staff of the Global Center for Environmental Legal Studies on various research, project development, and event planning in connection with our partnerships with the International Union for Conservation of Nature (IUCN) and other international organizations.

The *Energy and Climate Law Graduate/EASE Fellow* works with faculty and staff of the Pace Energy and Climate Center and Earthjustice on equitable access to renewable energy and other research.

The *Land Use Law Graduate Fellow* works with faculty and staff of the Land Use Law Center on a wide range of issues related to land use and sustainable development law.

The *Food and Agriculture Law Graduate Fellow* works with faculty and staff of the Food and Beverage Law Clinic and the Pace-NRDC Food Law Initiative on various research, program development and communication initiatives.

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 6

17 February 2017

LEGISLATION

NOTICES

Plant Breeders' Rights Act 15 of 1976 - GN 121 in GG 40621 of 17 February 2017 - Regulations relating to plant breeders' rights amended with effect from 1 April 2017

Agricultural Pests Act 36 of 1983 - GN R133 in GG 40622 of 17 February 2017 - Control Measures amended with effect from 1 April 2017

Agricultural Pests Act 36 of 1983 - GN R134 in GG 40622 of 17 February 2017 - Regulations amended with effect from 1 April 2017

Occupational Health and Safety Act 85 of 1993 - GN R136 in GG 40622 of 17 February 2017 - Proposed Incorporation of the Code of Practice for zip lines into the Driven Machinery Regulations, 2015 - for comment

Genetically Modified Organisms Act 15 of 1997 - GN 121 in GG 40621 of 17 February 2017 - Regulations amended with effect from 1 April 2017

Genetically Modified Organisms Act 15 of 1997 - GN 121 in GG 40621 of 17 February 2017 - Tariffs for services amended with effect from 1 April 2017

Marine Living Resources Act 18 of 1998 - GN 145 in GG 40626 of 17 February 2017 - Draft Policy on Boat-Based Whale and Dolphin Watching - for comment

Marine Living Resources Act 18 of 1998 - GN 146 in GG 40626 of 17 February 2017 - Draft Policy on White Shark Cage Diving - for comment

National Water Act 36 of 1998 – Gen Notice 131 in GG 40621 of 17 February 2017 - Regulations Requiring that the Taking of Water for Irrigation Purposes be Measured, Recorded and Reported

National Environmental Management: Protected Areas Act 57 of 2003 – Gen Notice 118 in GG 40621 of 17 February 2017 - Notice of intention to declare certain land situated in the Eastern Cape Province as part of the Addo Elephant National Park - for comment

National Environmental Management: Protected Areas Act 57 of 2003 – Gen Notice 119 in GG 40621 of 17 February 2017 - Declaration of land to be part of the West Coast National Park

National Environmental Management: Protected Areas Act 57 of 2003 – Gen Notice 121 in GG 40621 of 17 February 2017 - Notice of intention to declare certain land situated in the Western Cape Province as part of the Table Mountain National Park - for comment

National Environmental Management: Protected Areas Act 57 of 2003 – Gen Notice 122 in GG 40621 of 17 February 2017 - Notice of intention to declare certain land situated in the Northern Cape Province as part of the Mokala National Park - for comment

National Environmental Management: Protected Areas Act 57 of 2003 – Gen Notice 123 in GG 40621 of 17 February 2017 - Correction notice to the declaration of certain land situated in the Harrismith and Bethlehem registration divisions to be part of the Golden Gate Highlands National Park published in GN 1239 in GG 31619 of 21 November 2008

National Environmental Management: Protected Areas Act 57 of 2003 – Gen Notice 124 in GG 40621 of 17 February 2017 - Notice of intention to declare certain land situated in the Northern and Western Cape Provinces as part of the Tankwa Karoo National Park - for comment

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 120 in GG 40621 of 17 February 2017 - Notice of draft Biodiversity Management Plan for the Clanwilliam Sandfish *Labeo Seeberi* published for comment and GN 406 in GG 39899 of 1 April 2016 withdrawn

National Energy Regulator Act 40 of 2004 – Gen Notice 112 in GG 40618 of 15 February 2017 - National Energy Regulator of South Africa (NERSA) - Notice of publication for comment of draft Language Policy of the National Energy Regulator of South Africa

National Land Transport Act 5 of 2009 - GN 132 in GG 40621 of 17 February 2017 - National Land Transport Strategic Framework (NLTSF) (2017-2022)

PROVINCES

Eastern Cape

Nature and Environmental Conservation Ordinance 19 of 1974 - PN 15 in PG 3798 of 13 February 2017 - Determination of hunting season, daily bag limits and hunting by the use of prohibited hunting methods, 2017

Nature Conservation Act 10 of 1987 (Ciskei) - PN 15 in *PG* 3798 of 13 February 2017 - Hunting Seasons: Former Ciskei and Transkei

Western Cape

Sea-Shore Act 21 of 1935 - PN 51 in *PG* 7733 of 17 February 2017 – Riversdale - Proposal to enter into a lease with Koningsfontein (Pty) Ltd for the construction of a jetty below the high-water mark of the Goukou River - for comment

City of Cape Town Informal Trading By-law - LAN 54425 in *PG* 7733 of 17 February 2017 - City of Cape Town (Southern District) - Informal Trading Plan for ward 71

KwaZulu-Natal

Disaster Management Act 57 of 2002 - PN 14 in *PG* 1791 of 10 February 2017 - eThekweni Metropolitan Municipality - Extension of the declaration of a KwaZulu-Natal Provincial State of Drought Disaster for a period of one month from 11 February 2017 to 10 March 2017

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 16 in *PG* 1792 of 16 February 2017 - Dannhauser Local Municipality - Animal Pound By-laws, 2015

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - MN 18 in *PG* 1792 of 16 February 2017 - Umvoti Local Municipality - Spatial Planning and Land Use Management By-law, 2017

Northern Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - ON 2 in *PG* 2072 of 6 February 2017 – Umsobomvu Local Municipality - Draft Impoundment of Animals By-law, 2016

PUBLICATIONS

Occupational Health and Safety Act 85 of 1993 and Regulations E-book (2017)
<http://juta.co.za/products/ebooks/occupational-health-and-safety-act-85-of-1993-and-regulations-ebook-2>

World Bank “World Development Report 2017 Governance and the Law”
<http://www.worldbank.org/en/publication/wdr2017>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

IISD: SDGs Knowledge Hub: Wagner L: World Development Report 2017 Focuses on Governance, Law” 16 February 2017 <http://sdg.iisd.org/news/world-development-report-2017-focuses-on-governance-law/>

IISD: SDGs Knowledge Hub: Mwangi W “Mining Update: Sustainable Mining Partnerships Discussed in Africa, South America” 16 February 2017 <http://sdg.iisd.org/news/mining-update-sustainable-mining-partnerships-discussed-in-africa-south-america/>

Jurist: Kelly B: “The World Bank's View Through the Looking Glass” 14 February 2017 <http://www.jurist.org/hotline/2017/02/Jessica-Evans-world-bank.php>

Daily Maverick: Vegter I: “Renewable job growth is a misleading statistic” 13 February 2017 <https://www.dailymaverick.co.za/opinionista/2017-02-13-renewable-job-growth-is-a-misleading-statistic/#.WKdIA1V97IU>

Daily Maverick: Barbee Jeffrey “Op-Ed: Elephant-sized mining plans threaten to bring environmental stress to Limpopo Valley” 16 February 2017 <https://www.dailymaverick.co.za/article/2017-02-16-op-ed-elephant-sized-mining-plans-threaten-to-bring-environmental-stress-to-limpopo-valley/#.WKdJSFV97IU>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA and IAIAAsa North-West: New Beginnings: Perspectives on Reform and Other Recent Developments in Planning and Environmental Law

Date: 3 March 2016

Place: Building C1 Room 135; North-West University (Potchefstroom Campus)

Time: 11:00-16:00

The seminar is aimed at the interactive sharing of information and ideas on a number of recent developments and projects in the area of environmental law reform, state of the environment reporting at city-level and aspects concerning the implementation of the Spatial Land-Use Management Act (SPLUMA).

Cost: ELA/IAIAAsa members: Free; non-members R200; non-member post-graduate students/retirees R100; non-member graduate students: R50

Remember to register for the event online at: <https://iaiasaelanwseminarevent.myactive.co.za/capturedetails/registration.aspx> by 24 February 2017.

For more information please contact Carli Otte or Leandri Kruger at iaiasanw@gmail.com / Anel du Plessis at Anel.DuPlessis@nwu.ac.za

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

Imbewu: Discussion Forum: National Water Act 36 of 1998: General Water Use Authorisations

Date: 28 February 2017

Venue: Imbewu's Offices – Rosebank Johannesburg

Time: 09:00-11:00

RSVP: lulu@imbewu.co.za or call us on 011 214 0660/1

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 19-20 April 2017 (Pretoria)
4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 27 February-3 March 2017
- **Safety, Health, Environmental and Quality Management Systems (CEM-03.5.3)**
Date: 27 February -10 March 2017
- **Environmental law (CEM-02.1.1)**
Dates: 6-11 March 2017
- **Environmental Management Systems (CEM-03.1.1)**
Date: 27-31 March 2017
- **Occupational Health and Safety Management Systems (CEM-03.2.1)**
Dates: 27-31 March 2017

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

University of Pretoria: Short Course in Environmental Law

Date: 27 March 2017

Venue: Pretoria

Time: 08:00 – 16:00

Contact: saskia.moritz@enterprises.up.ac.za or 012 434 2606

DEA/UNCCD Workshop on Land degradation; World Wetlands day seminar; DEA Land rehab knowledge-sharing showcase

The Department of Environmental Affairs (DEA) is inviting stakeholders and interested and affected parties (I&APs) to several events of interest that will be taking place during this first quarter of 2017.

23 February 2017: DEA Land rehabilitation knowledge sharing showcase

RSVP: Carina Malherbe cmalherbe@environment.gov.za

ENS Mine and Occupational Health and Safety Seminar 2017

ENSAfrica will be hosting its annual Mine and Occupational Health and Safety Seminar 7-8 March 2017.

Time: 08:00-16:15 (daily)

The event is acknowledged as the single best forum in this area of practice and is presented by speakers from ENSAfrica in the Mine and Occupational Health and Safety (MOHS) department who specialise in this field of law.

Willem le Roux, Pieter Colyn, Celeste Coles and Warren Hendricks will discuss critical developments, practical advice and guidelines for this complicated and challenging area of health and safety law in and outside of the mining industry.

For more detailed information

<https://www.ensafrika.com/Uploads/Marketing/MOHS%20Seminar%202017%20-%20Flyer.pdf>

Flood Control, Land Drainage And Urban Stormwater Management Facility Designs

Date: 9-10 March 2017

Venue: Secolo Consulting & Training Services, Randburg, Johannesburg

This Course offers 2 CPD POINTS applicable to ECSA registered Engineers. The objective for this two day course is to identify as well as develop new and appropriate, practical and affordable alternative stormwater management technologies for South Africa in line with Water Sensitive Urban Design (WSUD) principles. The SANS 10400 regulations for Stormwater Control and Disposal, including SANS 1200 LE for Standardized Specifications for Civil Engineering Construction which deals with Stormwater drainage focusing on SANS 1200 Section LE will be discussed in this two day course presentation. This course will evaluate the identified technology options in terms of their ability to improve stormwater management in urban areas; i.e. to reduce the impacts on receiving watercourses resulting from increased velocities and volumes of runoff as well as the deterioration of runoff quality. This will further develop practical and user-friendly guidelines for the implementation of WSUD in both the economic and sub-economic sectors of South Africa.

The training course will primarily train experienced and inexperienced Technicians/Engineers as well as professionals involved in Civil/Construction Engineering in both private and public sectors.

For registration, email to Jason.m@secolo.co.za or tel +27 11 791 2490

International

P-PCP Conference "Coexisting with(in) TFCAs: local perspectives": abstract deadline extended!

Place: SE Lowveld of Zimbabwe,

Date: 22-27 May 2017

This conference is the outcome of the RenCaRe project (www.rp-pcp.org/projects/on-going/rencare/), which adopted from the beginning a participatory process to identify issues at stake for local communities living within the KAZA and GL TFCAs. Relevant issues for research were then translated into research questions that are currently addressed by postgraduate students

from Zimbabwe, Botswana, Mozambique, Zambia and France. This conference also benefits from contributions of the EU-DREAM project (www.rp-pcp.org/projects/on-going/rencare/), which seeks to promote innovation and communication processes among local stakeholders involved in TFCA management, and from the support of the Zone Atelier Hwange (www.za-hwange.cnrs.fr/)

Contact: Clara Bocchino clara.bocchino@gmail.com

4th Annual International & Comparative Urban Law Conference: Law and the New Urban Agenda Call For Conference Participants

Date: July 17th & 18th, 2017

Place: Cape Town, South Africa

The Fordham Urban Law Center, in partnership with the University of Cape Town (UCT) and UN Habitat, is pleased to announce a call for participation in the 4th Annual International and Comparative Urban Law Conference. The Conference will be held on Monday July 17th and Tuesday July 18th, 2017 at UCT in Cape Town, South Africa.

TOPICS: The Conference will provide a dynamic forum for legal and other scholars to engage diverse international, comparative, and interdisciplinary perspectives in urban law. The Conference is open to urban law topics across a broad spectrum, such as:

- Structure and workings of local authority and autonomy
- Urban and metropolitan governance and finance
- Economic and community development
- Housing and the built environment
- Unique challenges facing cities in developing nations and the Global South
- Urban public health
- Migration and citizenship
- Urban equity and inclusion
- Sustainability and resilience

While the Conference will foster a broad scholarly dialogue about cities and legal systems in comparative and international perspective, we specifically invite submissions focusing on the role of law in the New Urban Agenda adopted this past October by the United Nations at the Habitat III Conference in Quito, Ecuador. In particular, the Conference seeks to investigate legal tools to advance the New Urban Agenda in a manner that is democratic, sustainable and equitable.

Proposal Submission: Please submit a proposal (maximum 500 words) to Gilberto Vargas, Associate Director, Fordham Urban Law Center, at urbanlaw@law.fordham.edu. Please put "[name of proposed paper]" in the subject line of your email. If you have a draft paper, please include it with your proposal. Participants do not need to have prepared a formal paper in order to join the program. The Center is also pleased to be able to award partial travel grants for this Conference, although funds are limited. Please indicate the extent of your funding needs. Deadline for proposal submissions: March 6, 2017.

Call for Abstracts First 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: 11 October 2017

Venue: TBC University of Lincoln, UK

The increasing recognition of the moral and legal significance of animals has given rise to scholarly discourse on the manner in which law should protect animals. The entanglement of animal interests with transnational issues such as global environmental protection, the transboundary movement of species (irrespective of territorial borders) and the potential trade consequences of animal welfare measures in the context of the comprehensive trade regime indicate that animal welfare has implications for international law. It is particularly in the field of international wildlife law that the need exists to develop a *corpus* of rules that focuses on wildlife welfare. Therefore, it is the primary goal of the forthcoming seminar to determine how international law, in particular international wildlife law, may respond to the increasing recognition of animal interests.

We welcome abstracts (not exceeding 400 words) for oral presentations on the following topics: Animals and international law: Towards Global Animal Law?

- Reconciling conservation and welfare in international environmental law
- International wildlife law and the emergence of animal welfare law
- Taking international animal rights seriously
- Animal welfare and trade law
- Wildlife welfare in foreign jurisdictions
- Animals and environmental law: The dawn of new environmental ethics?

Kindly send your abstracts to wscholtz@uwc.ac.za and skasker@gmail.com before 28 April 2017.

NEWS

Peter Kantor and Kate Handley attended the the DEA&DP (Western Cape Provincial Government) Quarterly meeting on 8 February 2017 on behalf of the Environmental Law Association. The meeting dealt with river management plans and the progress with the EIAMS. Their report is attached as Annexure A.

ReportFast “Siemens declared the world’s most sustainable corporation” 17 January 2017 <http://reportfast.net/2017/01/18/siemens-declared-worlds-sustainable-corporation/>

Legislation: Marine Spatial Planning Bill ready for Parliament

A Marine Spatial Planning Bill soon to be tabled in Parliament is expected to promote ‘good ocean governance’ by facilitating co-ordinated planning across the multiple sectors involved. According to a media statement on the Cabinet meeting at which the Bill was approved, it is underpinned by sustainable development imperatives that include conservation, environmental protection and ‘more general’ socio-economic objectives.

Read full report *Legalbrief Policy Watch* 17 February 2017

“Live lobsters worth R250 000 seized at SAA freight centre” *TimesLive* 17 February 2017 <http://www.timeslive.co.za/local/2017/02/17/Live-lobsters-worth-R250-000-seized-at-SAA-freight-centre>

Mabuza Ernest “Gauteng’s new acid mine treatment plant the largest in the world” *TimesLive* 17 February 2017 <http://www.timeslive.co.za/scitech/2017/02/17/Gauteng%E2%80%99s-new-acid-mine-treatment-plant-the-largest-in-the-world>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

SANBI Legal Specialist: Biodiversity and Land Use Project

(Salary level 11)

Contract Position – (contract ends 31 January 2020) Cape Town

The South African National Biodiversity Institute (SANBI) is looking to appoint an efficient and enthusiastic person to undertake legal and policy research and provide legal and policy advice to the Biodiversity and Land Use Project and the Biodiversity Information and Policy Division on the interpretation and application of environmental and planning legislation and policy frameworks and the implications of these laws and policy frameworks on mainstreaming biodiversity into environmental and land use management. The Biodiversity and Land Use Project is a multi-faceted and multi-stakeholder project being implemented at the municipal scale. The project is funded by the Global Environmental Facility (GEF) through the United Nations Development Programme and is implemented by the SANBI and its project partners.

The appointment requires a LLB or equivalent law degree as well as a Masters’ Degree in Environmental Law. A sound understanding and knowledge of environmental management, planning and biodiversity conservation law is required. A minimum of five years’ experience in providing legal advice in one or more of biodiversity conservation, environmental management and planning fields of law. Training and capacity development expertise is required.

It is essential for the incumbent to have sound computer skills and experience in MS Office. The successful candidate must demonstrate the ability to maintain sound interpersonal relations and have an excellent spoken and written command of English, as well as the ability to work independently and as part of a team. Possession of a valid Code B driver’s license with one year’s practical driving experience is compulsory.

Responsibilities include:

- Legal and policy research,
- Legal and policy review, advice and technical support,
- Legal advice on EIAs and appeals sent to SANBI for technical input,
- Knowledge and skills transfer and capacity development within SANBI, and
- Reporting and project management support

SANBI offers an all-inclusive annual salary package of R612 822.00. (Candidates who applied previously need not apply.)

Please Note: 1) An application form (obtainable from SANBI website www.sanbi.org/jobs) must accompany the CV together with a letter

motivating why the applicant should be favourably considered for the position and confirming that the minimum qualifications are met (applicants lacking evidence of relevant experience will not be considered). 2) A skills test will be conducted as part of the selection process 3) Applicants must also provide the full names, addresses and telephone numbers and if possible e-mail addresses of at least three referees. 4) Failure to submit the requested information may result in your application not being considered. Persons with disabilities are encouraged to apply. SANBI reserves the right not to fill this position. All applications will be considered with the understanding that, in terms of the SANBI Employment Equity Plan, preference will currently be given to candidates from the designated groups. Contact Mr Siyabonga Makhonzi on (021) 7998877/8800 or preferably, forward the completed application form, a letter and concise CV via e-mail to recruitmentct@sanbi.org.za or fax 021 762 3229. Postal applications are to be addressed to the Deputy Director: Human Resources, South African National Biodiversity Institute, Private Bag X7, Claremont, 7735.

Closing Date: 24 February 2017

Candidates are expected to be available for selection interviews on a date and time as determined by SANBI.

If no response has been received within 30 days of the closing date, candidates may consider their applications unsuccessful

ANNEXURE A

REPORT TO MEMBERS ON THE DEA&DP (WESTERN CAPE PROVINCIAL GOVERNMENT) QUARTERLY MEETING ON 8 FEBRUARY 2017

The Quarterly Forum is aimed at providing a platform for the sharing and exchange of information and ideas regarding environmental best practice. The agenda of each meeting changes depending on what needs to be discussed.

At the most recent meeting held on 8 February 2017, the ELA was represented by Peter Kantor and Kate Handley. IAIASA and the City of Cape Town were also represented in addition to several representatives from DEA&DP.

The following provides a brief report of what transpired at the meeting. Detailed minutes thereof will be circulated to members in due course.

1. River Maintenance Management Plans (MMP) (DEA&DP)

- MMP templates guidelines have been distributed for comment by 20 February 2017.

2. EIA Management Strategy (EIAMS) (EIA Management Strategy - DEA) – update provided by Paul Hardcastle

- The EIAMS was finalised in 2014. The purpose of the Strategy is to give effect to integrated environmental management (IEM) and to provide a context for IEM in South Africa
- National DEA has now prepared an Action Plan, giving its views on the outcomes of the multi-sectoral process, identifying 6 main actions. It is unclear whether this is a public document.
- The 6 main actions that have been identified in DEA's Action Plan are:
 - o Achieving sustainability
 - o Effective alignment (between the statutes)
 - o Promotion of monitoring and evaluation that leads to adaptive management (data management, new thinking)
 - o Development of new EIM tools to promote IEM (for example: SEA's, standards)
 - o Ensuring that practitioners are professional, ethical and objective (the Action Plan supports the new registration authority EAPASA and s24H regulations)
 - o Transformation of the environmental sector (through, for example, learnerships and mentoring programs)
- DEA&DP encouraged stakeholders to take ownership of this process and ask DEA for a forum for continuing strategic collaboration on where we are going with IEM. If the Action Plan is a public document, a copy will be obtained and made available for distribution to members.

If any ELA members wish to obtain a copy of the latest EIAMS, or be involved in this process, contact Kate Handley (khandley@law.co.za).

3. Upcoming Environmental Law Reform

- Mineral and Petroleum Resources Development Amendment Bill, 2013 – public hearings to take place in March 2017
- Draft Preservation and Development of Agricultural Land Framework Bill, 2014 – Bill still in draft form
- Proposed Cultural Heritage Survey Guidelines and Assessment Tools for Protected Areas in South Africa – for comment
- National Veld and Forest Fire Amendment Bill
- Climate Change Bill – still in the very early stages. No agreement yet as to what form the Bill should take (amendment to NEMA? A separate Bill?)

4. Departmental circulars / guidelines

- National Policy Framework for Biodiversity Offsets – to be finalised by March 2017, including biodiversity offsets. DEA&DP will finalise Western Cape Biodiversity Offset Guidelines when the National Framework is in place.
- Waste Management Guideline to Waste Management Licence Applications

5. Upcoming events

- IAIASA conference 16-18 August 2017 at Goudini Spa. Subthemes have been issued. The ELA intends to participate in co-ordinating the legal subtheme.
- DEA&DP training to take place in the Western Cape 22-24 May 2017.
- Topics for presentation at the next ELA Western Cape regional event were discussed.

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 8

24 February 2017

LEGISLATION

NOTICES

National Environmental Management: Protected Areas Act 57 of 2003 – Gen Notice 136 in GG 40637 of 24 February 2017 - Notice of publication of proposed revision of park management plans for Karoo National Park and Mokala National Park Stakeholders - for comment

National Environmental Management: Integrated Coastal Management Act 24 of 2008 - GN R167 in GG 40638 of 24 February 2017 - for comment

PROVINCES

Mpumalanga

Mpumalanga Town Planning and Land Related Laws Repeal Act 2 of 2016 - PN 19 in PG 2787 of 24 February 2017 – date of commencement to be published

Repeals: Regulations for the Administration and Control of Townships in Black Areas (Proclamation R293 of 1962); Removal of Restrictions Act 84 of 1967; Physical Planning Act 88 of 1967; Black Communities Development Act 4 of 1984; Town Planning and Townships Ordinance 15 of 1986; Division of Land Ordinance 20 of 1986; Regulations Relating to Township Establishment and Land Use (GN R1897 of 1986); Abolition of Racially Based Land Measures Act 108 of 1991) and Less Formal Township Establishment Act 113 of 1991

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 17 in PG 2787 of 24 February 2017 - Lekwa Local Municipality - Notice of Draft Spatial Development Framework - for comment

Western Cape

Disaster Management Act 57 of 2002 - LAN 54437 in PG 7735 of 24 February 2017 - Witzenberg Local Municipality: Declaration of a local state of drought disaster

North West

National Environmental Management: Protected Areas Act 57 of 2003 - PNs 28, 29 & 31 in *PG 7734* of 21 February 2017 - Declaration of Nature Reserves: Boskopdam Nature Reserve; Vaalkopdam Nature Reserve; and Molemane Eye Nature Reserve

National Environmental Management: Protected Areas Act 57 of 2003 - PN 30 in *PG 7734* of 21 February 2017 - Correction notice to the Intention to declare Erf 9297 Mafikeng (a portion of Erf 428) as part of Mafikeng Nature Reserve as published under PN 182 in *PG 7690* of 13 September 2016

National Environmental Management: Protected Areas Act 57 of 2003 - PN 32 in *PG 7734* of 21 February 2017 - Correction notice - Declaration of the Baviaanskrans 308 JQ property as part of Rustenburg Nature Reserve and assignment of Kgaswane Mountain Nature Reserve as the official name of the reserve

Free State

Constitution of the Republic of South Africa, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - PN 354 in *PG 113* of 17 February 2017 - Mafube Local Municipality - By-law on Municipal Land Use Planning published with effect from the date that the Spatial Planning and Land Use Management Act 16 of 2013 comes into operation in the municipal area of the Municipality

Limpopo

National Environmental Management: Protected Areas Act 57 of 2003 - PN 16 in *PG 2791* of 24 February 2017 - Notice of intention to declare Brackenridge, Monate and Ba-phalaborwa as nature reserves - for comment

National Environmental Management: Protected Areas Act 57 of 2003 - PN 21 in *PG 2791* of 24 February 2017 - Declaration of nature reserve: Leopard Cave Safaris nature reserve

INTERNATIONAL

Draft "International Covenant on the Human Right to the Environment" (2017)
The International Centre of Comparative Environmental Law (Centre internationale de droit comparé de l'environnement), an NGO with Special Consultative Status with UN ECOSOC, has submitted a Written Statement on the Draft International Covenant on the Human Right to the Environment.

https://cidce.org/wp-content/uploads/2016/08/Draft-of-the-International-Covenant-on-the-Human-Right-to-the-Environment_15.II_.2017_EN.pdf

CASES

National

Association of Mineworkers and Construction Union and Others v Chamber of Mines of South Africa and Others [2017] ZACC 3

“Section 23(1)(d) of the Labour Relations Act — collective agreement between the chamber of mines and unions — validity of extension of collective agreement to members of union not party to collective agreement — meaning of “workplace” in section 23(1)(d) individual mining operations not separate workplaces — each mining organisation constitutes a “workplace” — collective agreement validly extended to members of union where union not party to the collective agreement”

<http://www.saflii.org/za/cases/ZACC/2017/3.html>

Kenton-on-Sea Ratepayers Association and Others v Ndlambe Local Municipality and Others 2017 (2) SA 86 (ECG)

“Contempt of court - Disobedience of court order—What constitutes—Whether, if non-compliance with court order remedied before hearing, court may make finding of contempt—Wilful and mala fide non-compliance with court order at any time sufficient for finding of contempt.

Local authority - Powers and duties—Local municipality—Air pollution control, refuse removal, refuse dumps and solid waste disposal—Nature of obligations imposed—Appropriate relief for failure to perform—Constitution, sch 4 part B and sch 5 Part B.

Local authority - Officers—Responsibility for compliance with court order—Statutory provisions relating to municipalities making it clear that municipal manager designated official with responsibility for overseeing implementation of court orders against municipality.” [Source *Juta w Reports Advance Notification*]

Merafong City v AngloGold Ashanti Ltd 2017 (2) SA 211 (CC)

Administrative law - Decision of functionary—Collateral challenge to validity of decision—Circumstances in which available—Whether available to organ of state or strictly restricted to individuals whom public authority threatened with coercive action—No rigid doctrinal limitation upon availability—Available where justice required it and dependent in each case on facts—Organ of state not categorically excluded from raising collateral challenge.

Administrative law - Administrative action—Invalidity—Consequences—Government’s obligations in face of invalid administrative action—Principles established in SCA decision of *Oudekraal* and CC decision of *Kirland* explained.

Local authority - Water—Tariff—Increase—Water for industrial use—Minister, citing its unreasonableness, upholding mines’ appeal against 62% increase—Whether municipality entitled to ignore ruling on ground that it was unlawful—Municipality should have gone to court to set aside

Minister's ruling once it had reached opinion that it was invalid—In failing to do so it acted in conflict with good constitutional citizenship and its duty as an organ of state to uphold and protect rule of law—However, despite inaction, not in circumstances disqualified from later resisting application to enforce ruling.” [Source Juta w Reports Advance Notification]

National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development and Others 2017 (1) SACR 284 (CC)

“Animal - Cruel ill-treatment—Prosecution of—Power of NSPCA to institute private prosecution.” [Source Juta w Reports Advance Notification]

PUBLICATIONS

2017 *Transnational Environmental law* volume 6(1)

<https://www.cambridge.org/core/journals/transnational-environmental-law>

- Thijs Etty, Veerle Heyvaert, Cinnamon Carlarne, Dan Farber, Bruce Huber, Jolene Lin “Editorial Transnational Environmental Law on the Threshold of the Trump Era”
- Yonghee Yoon The Impacts and Implications of CERCLA on the Soil Environmental Conservation Act of the Republic of Korea
- Martin Hedemann-Robinson Environmental Inspections and the EU: Securing an Effective Role for a Supranational Union Legal Framework
- Anatole Boute The Impossible Transplant of the EU Emissions Trading Scheme: The Challenge of Energy Market Regulation
- Felicity Deane, Evan Hamman, Yilin Pei Principles of Transparency in Emissions Trading Schemes: The Chinese Experience
- Benoit Mayer Migration in the UNFCCC Workstream on Loss and Damage: An Assessment of Alternative Framings and Conceivable Responses
- Sabaa A. Khan The Global Commons through a Regional Lens: The Arctic Council on Short-Lived Climate Pollutants
- Shi-Ling Hsu Capital Transitioning: An International Human Capital Strategy for Climate Innovation
- Dona Barirani Book Review: Advanced Introduction to International Environmental Law, by Elgar Ellen Hey Edward , 2016, 200 pp, £75 hb, ISBN 9781781954560
- Michelle Lim Environmental Law and the Ecosystem Approach: Maintaining Ecological Integrity through Consistency in Law, by Platjouw Froukje Maria Earthscan from Routledge, 2016, 220 pp, £85 hb, ISBN 9781138183131
- Marielle Papin Global Cities and Climate Change: The Translocal Relations of Environmental Governance, by Lee Taedong Routledge, 2015, 160 pp, £95 hb, ISBN 9780415737371 An Urban Politics of Climate Change: Experimentation and the Governing of Socio-Technical Transitions, by Bulkeley Harriet A. , Castán Broto Vanesa &

Edwards Gareth A.S. Routledge, 2015, 270 pp, £90 hb, ISBN 9781138791091 The Urban Climate Challenge: Rethinking the Role of Cities in the Global Climate Regime, by Johnson Craig , Toly Noah & Schroeder Heike (eds) Routledge, 2015, 258 pp, £100 hb, ISBN 9781138776883

- Casey Stevens Post-Treaty Politics: Secretariat Influence in Global Environmental Governance, by Jinnah Sikina The MIT Press, 2014, 272 pp, £40.95 hb, ISBN 9780262028042

FAO “The future trends of food and agriculture: Trends and challenges” (Rome 2017) <http://www.fao.org/3/a-i6583e.pdf>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

IISD Reporting Services: ENB: Preparatory Meeting for the Ocean Conference: Our Oceans, Our Future: Partnering for the Implementation of Sustainable Development Goal 14: 15-16 February 2017
<http://www.iisd.ca/oceans/sdg14conference/prep/>

IISD: SDG Knowledge Hub: Allan Jennifer “Paris Agreement Reaches 132 Parties” 21 February 2017 <http://sdg.iisd.org/news/paris-agreement-reaches-132-parties/>

IISD: SDG Knowledge Hub: Mwangi Wangu “IASS, FAO and UNDP Highlight Resources to Protect Global Commons” 21 February 2017
<http://sdg.iisd.org/news/iass-fao-and-undp-highlight-resources-to-protect-global-commons/>

IISD: SDG Knowledge Hub: Stefan Jungcurt “FAO Report: Achieving Zero Hunger Requires “Major Overhaul” of Global Food Systems” 23 February 2017
<http://sdg.iisd.org/news/fao-report-achieving-zero-hunger-requires-major-overhaul-of-global-food-systems/>

Podcast: 2017 Webinar Series of the Community Conservation Research Network: Dr Fikret Berkes on Community Resilience:
<http://www.communityconservation.net/resources/2017-webinar-series/community-resilience/>

Oren Craig N “Will the Trump Administration Drastically Deregulate Environmental Protection?” 22 February 2017 <https://www.regblog.org/2017/02/22/oren-trump-administration-deregulate-environmental-protection/>

The California Environmental Justice Movement’s “Declaration in Support of Carbon Pricing Reform in California” 2017
https://www.arb.ca.gov/cc/ejac/meetings/01182017/20170112ca_ej_declaration_on_carbon_pricing_reform.pdf

The Global Energy & Environmental Law Podcast: Dellinger M with Schmidt F: “Water Resources Management” 21 February 2017
In this podcast, Myanna Dellinger interviews Dr. Falk Schmidt on his experience and views regarding water resource management in today's world. <http://theglobalenergyandenvironmentallaw.podbean.com/>

Bulletin of Atomic Scientists: Lochbaum Dave I “Whistleblowers and the NRC: Do as I say, not as I don’t” 21 February 2017 <http://ow.ly/Zcv7309i4bZ>

Daily Maverick: Sithole Hosia (Assistant Director Department of Water Gauteng) “Letter to the Editor: A matter of mines” 24 February 2017
<https://www.dailymaverick.co.za/article/2017-02-24-letter-to-the-editor-a-matter-of-mines/#.WLGAsIV97IU>

Daily Maverick: Van der Merwe Marelise: The platinum belt’s rape crisis: Less healthcare, more consequences” 21 February 2017
<https://www.dailymaverick.co.za/article/2017-02-21-the-platinum-belts-rape-crisis-less-healthcare-more-consequences/#.WLGf9FV97IU>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA and IAIAasa North-West: New Beginnings: Perspectives on Reform and Other Recent Developments in Planning and Environmental Law

Date: 3 March 2016

Place: Building C1 Room 135; North-West University (Potchefstroom Campus)

Time: 11:00-16:00

The seminar is aimed at the interactive sharing of information and ideas on a number of recent developments and projects in the area of environmental law reform, state of the environment reporting at city-level and aspects concerning the implementation of the Spatial Land-Use Management Act (SPLUMA).

Cost: ELA/IAIAasa members: Free; non-members R200; non-member post-graduate students/retirees R100; non-member graduate students: R50

Remember to register for the event online at:
<https://iaiasaelanwseminarevent.myactive.co.za/capturedetails/registration.aspx> by 24 February 2017.

For more information please contact Carli Otte or Leandri Kruger at iaiasanw@gmail.com / Anel du Plesis at Anel.DuPlessis@nwu.ac.za

Imbewu: Discussion Forum: National Water Act 36 of 1998: General Water Use Authorisations

Date: 28 February 2017

Venue: Imbewu’s Offices – Rosebank Johannesburg

Time: 09:00-11:00

RSVP: lulu@imbewu.co.za or call us on 011 214 0660/1

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

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

Sub-themes: (each of the sub-themes have sub-headings)

- Environmental Law
 - 20 years of EIA Regulations: How effective has regulations been in achieving section 24 of the Constitution?
 - Environmental Compliance and Enforcement
 - Financial provision and environmental liabilities for rehabilitation
- Sustainability in Business
- Environmental and Developmental Planning
- Energy Security
- Water-Food-Energy Nexus
- Economics and Valuation
- Ecosystem Services
- Integrated Environmental Management

More information on deadlines and participation will follow soon.

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 19-20 April 2017 (Pretoria)
4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 27 February-3 March 2017
- **Safety, Health, Environmental and Quality Management Systems (CEM-03.5.3)**
Date: 27 February -10 March 2017
- **Environmental law (CEM-02.1.1)**
Dates: 6-11 March 2017
- **Environmental Management Systems (CEM-03.1.1)**
Date: 27-31 March 2017
- **Occupational Health and Safety Management Systems (CEM-03.2.1)**
Dates: 27-31 March 2017

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

University of Pretoria: Short Course in Environmental Law

Date: 27 March 2017

Venue: Pretoria

Time: 08:00 – 16:00

Contact: saskia.moritz@enterprises.up.ac.za or 012 434 2606

ENS Mine and Occupational Health and Safety Seminar 2017

ENSAfrica will be hosting its annual Mine and Occupational Health and Safety Seminar 7-8 March 2017.

Time: 08:00-16:15 (daily)

The event is acknowledged as the single best forum in this area of practice and is presented by speakers from ENSAfrica in the Mine and Occupational Health and Safety (MOHS) department who specialise in this field of law.

Willem le Roux, Pieter Colyn, Celeste Coles and Warren Hendricks will discuss critical developments, practical advice and guidelines for this complicated and challenging area of health and safety law in and outside of the mining industry.

For more detailed information

<https://www.ensafrika.com/Uploads/Marketing/MOHS%20Seminar%202017%20-%20Flyer.pdf>

2017 KZN Business and Biodiversity Indaba

Date: 16 & 17 March 2017

Place: Mount Edgecombe, KwaZulu-Natal, South Africa

Registration: Registration closes on 10 March. To register please send an email to Rebecca at rebeccaM@ewt.org.za

Mandela Institute Wits School of Law: Risk, Compliance and Governance Law and Local Government Law short courses

If you need to have a complete grasp of new and rapidly changing global and local initiatives, processes and procedures to ensure that your organisation's activities are compliant with legal and regulatory requirements you will be interested in the Risk, Compliance and Governance Law short course that the Mandela Institute at Wits School of Law is offering. This block release course from 22-26 May 2017 aims to embed knowledge of how to design, implement and maintain financial institutions' internal and external systems of control that will enhance good governance.

The Local Government Law course aims to develop competencies to practically apply the relevant legislation regulating public finances, fiscal policy, planning and budgeting processes at local government level. This is a block release course from 8-12 May 2017.

Other courses to be held in May are Competition Law and Private Security Services Law.

Applications for May courses close on 21 April 2017.

Entry requirements, course content, dates and duration, and application process can be found on the Short Courses pages of the Mandela Institute website. <https://www.wits.ac.za/mandelainstitute/short-courses/>

Enquiries: Please email mandela.institute@wits.ac.za or call, 011 7178438/35.

Applications will open from 1 March – 31 May 2017 for second semester courses listed below: Access to Information and Privacy Law; Advanced Administrative Law; Advanced Company Law II; Court Annexed Mediation; Energy and Climate Change Law; International Nuclear Law; Introduction to Law for Non-Lawyers; Law & Sustainability II; Prospecting and Mining Law.

Corporate Governance: Principles, Policies and Best Practices

Date: 23 –24 March 2017 Indaba Hotel Fourways, Johannesburg

30-31 March 2017 Protea Hotel SeaPoint Cape town

Contact: info@pldsa.co.za

International

P-PCP Conference "Coexisting with(in) TFCAs: local perspectives": abstract deadline extended!

Place: SE Lowveld of Zimbabwe,

Date: 22-27 May 2017

This conference is the outcome of the RenCaRe project (www.rp-pcp.org/projects/on-going/rencare/), which adopted from the beginning a participatory process to identify issues at stake for local communities living within the KAZA and GL TFCAs. Relevant issues for research were then translated into research questions that are currently addressed by postgraduate students from Zimbabwe, Botswana, Mozambique, Zambia and France. This conference also benefits from contributions of the EU-DREAM project (www.rp-pcp.org/projects/on-going/rencare/), which seeks to promote innovation and communication processes among local stakeholders involved in TFCA management, and from the support of the Zone Atelier Hwange (www.za-hwange.cnrs.fr/)

Contact: Clara Bocchino clara.bocchino@gmail.com

Call for Abstracts First 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: 11 October 2017

Venue: TBC University of Lincoln, UK

The increasing recognition of the moral and legal significance of animals has given rise to scholarly discourse on the manner in which law should protect animals. The entanglement of animal interests with transnational issues such as global environmental protection, the transboundary movement of species (irrespective of territorial borders) and the potential trade consequences of animal welfare measures in the context of the comprehensive trade regime indicate that animal welfare has implications for international law. It is particularly in the field of international wildlife law that the need exists to develop a *corpus* of rules that focuses on wildlife welfare. Therefore, it is the primary goal of the forthcoming seminar to determine how international law, in particular international wildlife law, may respond to the increasing recognition of animal interests.

We welcome abstracts (not exceeding 400 words) for oral presentations on the following topics: Animals and international law: Towards Global Animal Law?

- Reconciling conservation and welfare in international environmental law
- International wildlife law and the emergence of animal welfare law
- Taking international animal rights seriously
- Animal welfare and trade law
- Wildlife welfare in foreign jurisdictions
- Animals and environmental law: The dawn of new environmental ethics?

Kindly send your abstracts to wscholtz@uwc.ac.za and skasker@gmail.com before 28 April 2017.

School of Oriental and African Studies: Online Master Courses

Information at: <https://www.soas.ac.uk/cedep/programmes/>

- > MSc Agricultural Economics
- > MSc Climate Change and Development
- > MSc Environmental Economics
- > MSc Environmental Management
- > Global Energy and Climate Policy
- > MSc Environmental Management
- > MSc Poverty Reduction
- > MSc Sustainable Development

2017 Webinar Series of the Community Conservation Research Network

The Community Conservation Research Network's 10 part webinar series explores the themes central to the CCRN: communities, conservation, and livelihoods. Don't miss the second webinar in this series, "Conservation, Indigenous Livelihoods and Environmental Justice", which will be presented by Sadie Beaton, live on March 28, 2017 at 12 noon (eastern standard time) EST. Click the link to read the abstract and reserve your spot!

<http://www.communityconservation.net/resources/2017-webinar-series/conservation-indigenous-livelihoods-and-environmental-justice/>

Online Course: Energy Management In Small- And Medium-Scale Industries (EMSI) with focus on preparing for ISO Standard 50001 Energy Management

Course date: 27 September – 15 December 2017.

This is an international course for the public and private sectors involved in energy efficiency and environmental protection in industries. The EMSI course discusses modern approaches to energy management encompassing both technical and non-technical aspects on the firm and policy levels. There is a focus on energy management tools to improve energy efficiency emphasizing that these improvements provide a win-win situation for small- and medium-scale industries.

The course is suitable for: management staff involved in energy planning in their industries; policymakers from government organizations, industrial associations, and institutes involved in industrial development; consultants who work in areas related to the themes of the course.

The course is divided into two parts. Part 1 consists of a supported self-study component which participants, in their own time, participate in Webinars and on-line forums, undertake reading assignments, watch short videos, listen to presentations and complete short quizzes and written assignments. Part 1 is

spread out over 5 weeks. It is estimated that to complete the material participants will need 8 hours per week. All modules of Part 1 must be successfully completed before the start of Part 2 – the two week residential course. Part 2 consists of an assignment in which participants work in groups on an energy audit, which forms the basis of a plan to reach ISO50001.

The EMSI course discusses modern approaches to energy management encompassing both technical and non-technical aspects at the firm and policy levels. The programme includes energy management tools to improve energy efficiency, emphasizing that these improvements provide a win-win situation for small- and medium-scale industries. In particular there is a focus on preparing for reaching the new International Standard on Energy Management (ISO 50001).

The course is non-profit making and is delivered by the University of Twente (a public university). We are pleased to announce that this year we are teaming up with UNDIO and UNEP DPU Partnership to deliver the course.

Applicants accepted onto the course, from qualifying countries, can apply for a Nuffic NFP short course scholarships. The online tool for Nuffic scholarships is open from 2 February until 5 April 2017. If you intend to apply for a NUFFIC scholarship we need to have received your application form by March 26th to ensure we can process it in time.

Deadline for self-funded applications is 27 August 2017.

More information and an application form can be found on the website:

<https://www.utwente.nl/bms/cstm/education/emsi/>

For questions you can contact our course administration: Mrs Barbera van Dalm

Phone: +31(0)53 489 4377

E-mail: Cstm-courses@utwente.nl

Webinar: Re-writing the Rules - What LCDs can teach us about Energy Union Governance

Date: Friday 17 March 2017

Time: 9am-10:30am CET

Register

<http://wwf.us1.list->

manage.com/track/click?u=ea404aee9c118a31232e854a0&id=2bddcca639&e=ce6c176657

Queries: contact Leia at lachampong@wwf.eu

WEBINAR 27 February 13:00 UTC+1 Part-time degrees: Navigate the Complexity of Environmental Challenges

Join us online to meet our Programme Director and learn more about the part-time executive degrees in Environmental Governance

<http://graduateinstitute.ch/environment> at the Graduate Institute, Geneva.

Food | Water | Climate Change | Energy

Strategic thinking on the most pressing challenges for organisations, companies, and governments.

Webinar: An Overview of the Environmental Governance Executive Programmes

Monday, 27 February

13:00 - 13:45 (UTC+1 Geneva time)

Register to attend the free webinar. This is an open invitation to professionals with an interest in environmental issues who are seeking to learn more about the Executive Certificate & Master experience at the Graduate Institute. Our programmes start 9 March.

http://graduateinstitute.ch/home/executive/events.html/_events/executive/2017/an-overview-of-the-environmental?utm_source=mailing%20IISD&utm_campaign=env_2017&utm_medium=email&utm_content=webinar27feb

Limited number of partial scholarships available for nationals from LDCs and developing countries

Vermont Law School: 8th Annual Colloquium on Environmental Scholarship 2017

Date: Saturday, September 23, 2017

This event offers environmental law scholars the opportunity to present their works-in-progress, get feedback from their colleagues, and meet and interact with those who are also teaching and researching in areas related to environmental and natural resources law, or any related specialty areas. It starts with a social gathering on Friday and ends with an outdoor adventure on Sunday, with a good sprinkling of ideas from your colleagues and live music.

There will be a call for abstracts announced at the start of March. For more information about this event, visit <http://forms.vermontlaw.edu/elc/colloquium/>

NEWS

Environmental: Eskom slammed over 'go-slow' on renewables

“The SA Renewable Energy Council (Sarec) has slammed Eskom, claiming the parastatal continues to resist signing outstanding power purchase agreements (PPAs) with renewable energy producers, despite President Jacob Zuma confirming that Eskom would do so. A **Cape Times** report notes Sarec has also come out in strong opposition to what it has termed the ‘blatant distortion’ of facts associated with the cost of renewable power purchases. ‘Eskom is without a doubt being opportunistic in its attempt to mislead and deceive the public, to serve its bid for nuclear power,’ Sarec chairperson Brenda Martin said. ‘Despite the President’s injunction, Eskom has yet to issue a single IPP with an updated budget quote. Eskom managers report that the Eskom board and interim CEO have yet to approve the formal issuance of these quoted.’ Sarec says its legal opinion indicates that ministerial determinations are binding on Eskom and the utility has no discretion to impose further conditions on preferred bidders, or to negotiate tariffs following a completed competitive tender process.”

Full Cape Times report (subscription needed) *Legalbrief Today* 22 February 2017

Pinnock Don “We can sell rhino horn, says Minister Molewa” *IOL* 21 February 2017 <http://www.iol.co.za/news/politics/we-can-sell-rhino-horn-says-minister-molewa-7865481>

[Source *Legalbrief Today* 22 February 2017]

Yield J “Environment officials searched mine with unlawful warrant, argues mine lawyer” *Groundup* 23 February 2017 <http://www.groundup.org.za/article/environment-officials-searched-mine-unlawful-warrant-argues-mine-lawyer/>

Zuckerman Laura “Groups sue EPA to protect wild salmon from climate change” *Reuters* 23 February 2017 <http://www.reuters.com/article/us-usa-salmon-idUSKBN1630B1>

See also academic papers on the issue:
https://papers.ssrn.com/sol3/papers2.cfm?abstract_id=2036489
https://papers.ssrn.com/sol3/papers2.cfm?abstract_id=1357350
https://papers.ssrn.com/sol3/papers2.cfm?abstract_id=1366065

“Trump signs executive order to reduce regulations” *The Jurist* 24 February 2017 <http://www.jurist.org/paperchase/2017/02/trump-signs-executive-order-to-reduce-regulations.php>

Saal P “Parliament should have debated secretive nuclear deal, court hears” *BDLive* 25 February 2017 <https://www.businesslive.co.za/bd/national/2017-02-25-parliament-should-have-debated-secretive-nuclear-deal-court-hears/>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Pace University: 2017-18 Environmental LLM Graduate Fellowship Positions Available

Pace University’s Elisabeth Haub School of Law has announced several environmental law graduate fellowships <http://law.pace.edu/enviro-grad-research-fellows> for the 2017-18 academic year. Fellows earn an LLM in Environmental Law <http://law.pace.edu/llm-environmental-law> while receiving a full tuition waiver, as well as a modest stipend to help cover living costs. Fellowships begin during summer 2017. Applications are due by March 1, 2017. <http://law.pace.edu/enviro-grad-research-fellows>

Executive Director: Earth Law Centre

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

The Mission

Earth Law Center (ELC) works to transform the law to recognize and protect nature’s inherent rights to exist, thrive and evolve. We do this by building a force of advocates for nature’s rights at the local, state, national, and international levels. ELC:

- directly advocates for needed change,
- builds partnerships with advocates worldwide for change, and
- provides the tools that advocates need to create change themselves.

The Opportunity

ELC seeks an Executive Director to guide the organization toward new levels of sustainability and growth in service of its mission. The Executive Director will lead the organization during a critical time in its history. Now more than ever, we need rights-based laws for nature.

Responsibilities

The Executive Director holds overall responsibility for implementing ELC’s mission and serving as its principle spokesperson. Under the

general supervision of the Board of Directors, the Executive Director creates and implements strategic plans and workplans, directs all aspects of day-to-day operations and budget oversight, manages the organization's staff and volunteers, identifies and successfully pursues funding opportunities that ensure the organization's strong financial health, and conducts program initiatives that advance the rights of all Earth's inhabitants and ecosystems to flourish, thrive and evolve.

Specific responsibilities include:

- Fund Development and Marketing
 - Ensures ELC has the financial resources to advance its mission and goals through foundation grant applications and reports, individual donor development, and other fundraising activities.
 - Assists the Board in its fundraising efforts; provides fund development training as needed.
 - Leads marketing efforts to increase the public visibility of ELC and grow its programs.
- Program Development and Implementation
 - Develops, oversees, and implements programs and work plans to advance ELC priorities.
 - Drafts and presents oral and written testimony, comments, presentations, research, and reports, and implements other strategies, to advance ELC positions.
 - Develops and implements communication strategies to inform government officials, organizations, the media, and the public about ELC initiatives.
 - Builds partnerships to leverage resources and expertise in support of ELC's mission and work.
- Leadership and Staff Development
 - Hires and manages staff in pursuit of strategic planning targets; maintains clear personnel policies; assures compliance with legal requirements.
 - Fosters a positive work environment that encourages staff to excel.
 - With the Chair, provides direction and motivation for the Board of Directors and Committees.
- Strategic Planning and Visioning
 - Cultivates and implements a shared organizational vision among the Board and staff; works with the Board to develop, review and update as needed ELC's Strategic Plan.
 - Collaborates with the Board to set work plan priorities in keeping with the Strategic Plan.
- Movement Building
 - Actively partners and seeks collaborative coalitions with organizations and alliances with similar or complementary strategic goals, in service of ELC's mission. Provides diplomatic and strategic leadership to help collaborative efforts succeed in

advancing nature's rights.

- Strategically reaches out to new communities and organizations to build a coordinated, grassroots movement for nature's rights.

- Operations and Finance

- Ensure effective administration of all programs and finances. Establishes and tracks key metrics to monitor progress against goals and achievement of results.
- Oversees the preparation, implementation and monitoring of annual fundraising, marketing and financial plans, including preparation and tracking of annual budget. Monitors all financial management systems and provides regular, accurate reporting to the Board and Board Committees.
- Ensures high quality execution of the organization's programs and services.
- Monitors the performance of an annual certified audit or formal review of ELC's financial position.
- Ensures the organization complies with all applicable laws and regulations.

Qualifications:

- Proven nonprofit leadership and effective staff and program management skills including: experience managing organizational change; strong financial planning skills; ability to retain, motivate and attract strong and creative staff; experience in strategy as well as execution of programs to meet goals; demonstrated ability to work effectively with a Board of Directors.
- Nonprofit fundraising success and demonstrated ability to establish and manage relationships with major individual and institutional donors, nonprofit organizations and alliances, government agencies, the media, and volunteers for the benefit and support of ELC's mission.
- Commitment to ELC's mission of securing and implementing rights-based laws for nature.
- Graduate degree in law (strongly preferred), public policy, environmental studies, or related field, with 10+ years in a conservation setting. Experience as a nonprofit Executive Director strongly preferred.
- Ability to work independently, excellent organizational skills, and exceptional written and verbal communication skills, including proven ability to implement communication strategies
- High energy level, self-motivated, and results-oriented. Willing to travel.

Compensation

A competitive salary and benefits package, commensurate with qualifications and experience, is offered. Please send cover letter and resume to Diana Weynand, Board Chair at: position@earthlaw.org.

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 9

3 March 2017

LEGISLATION

NOTICES

Plant Improvement Act 53 of 1976 - GN 182 in GG 40660 of 3 March 2017 - Regulations relating to establishments, varieties, plants and propagating material amended

National Forests Act 84 of 1998 – Gen Notice 167 in GG 40660 of 3 March 2017 - Declaration of a list of national forest types as natural forests

Animal Identification Act 6 of 2002 - GN 181 in GG 40660 of 3 March 2017 - Regulations amended

Natural Scientific Professions Act 27 of 2003 - BN 15 in GG 40660 of 3 March 2017 - Recommended consultation fees published and BN 110 in GG 37979 of 12 September 2014 retracted

National Environmental Management: Biodiversity Act 10 of 2004 - GN 184 in GG 40660 of 3 March 2017 - Extension of the commenting period on Draft Biodiversity Management Plan for Cape Mountain Zebra (*Equus zebra zebra*) published in GN 1483 in GG 40464 of 2 December 2016

National Energy Regulator Act 40 of 2004 – Gen Notice 163 in GG 40653 of 28 February 2017 - National Energy Regulator of South Africa (NERSA): Notice of publication for comment of consultation paper on the review of the Municipal Tariff Guideline Increase, Benchmarks and proposed Timelines for the Municipal Tariff Approval Process for the 2017/18 financial year

National Water Act 36 of 1998 – Gen Notice 202 in GG 40664 of 3 March 2017 - Zalu Dam Government Waterworks Environmental Impact Assessment – for comment

PROVINCES

Western Cape

Disaster Management Act 57 of 2002 - LAN 54453 in *PG 7736* of 3 March 2017
- City of Cape Town Metropolitan Municipality: Declaration of a local state of drought disaster

Disaster Management Act 57 of 2002 - LAN 54447 in *PG 7736* of 3 March 2017
- Central Karoo District Municipality: Extension of declaration of a local drought disaster

National Heritage Resources Act 25 of 1999 - PN 65 in *PG 7738* of 3 March 2017 - Heritage Western Cape - Declaration of Heritage Resources as Provincial Heritage: 'Old Granary Complex' in Cape Town)

National Heritage Resources Act 25 of 1999 - PN 67 in *PG 7738* of 3 March 2017 - Heritage Western Cape - Provisional Protection of Heritage Resources as Provincial Heritage: portion of Farm 24, Lemoenshoek, Barrydale, Swellendam for a period of two years

Limpopo

National Environmental Management: Protected Areas Act 57 of 2003 - PN 26 in *PG 2793* of 3 March 2017 - Declaration of nature reserve - Leopard Cave Safaris nature reserve

KwaZulu-Natal

Spatial Planning and Land Use Management Act 16 of 2013 - MN 25 in *PG 1796* of 2 March 2017 - Newcastle Local Municipality: Appointment of members to the Newcastle Municipal Planning Tribunal

CASES

National

City of Cape Town v Aurecon South Africa (Pty) Ltd [2017] ZACC 5

“[1] This is an application for leave to appeal against a judgment and order of the Supreme Court of Appeal (SCA). The matter started as a review application in the High Court of South Africa, Western Cape Division, Cape Town (High Court). The applicant, the City of Cape Town (City), seeks to review its own decision in terms of which the respondent, Aurecon South Africa (Pty) Ltd (Aurecon), was awarded a tender for the decommissioning of the Athlone Power Station. Relying on the provisions of the Promotion of Administrative Justice Act (PAJA), the City contends

that its decision ought to be set aside on the basis of procedural irregularities in its award of the tender to Aurecon.”

“Summary: Judicial review - 180-day period - Promotion of Administrative Justice Act 3 of 2000 - condonation - true discretion - unsatisfactory explanation for delay - leave to appeal refused”

<http://www.saflii.org/za/cases/ZACC/2017/5.html>

International

Parallelpiste 11R/29L “ Flughafen Wien und Verlegung der Landesstraße B 10
Erkenntnis vom 02.02.2017, W109 2000179-1/291E

<https://www.bvwg.gv.at/amtstafel/Umwelt1.html>

"A few days ago the Bundesverwaltungsgericht, the highest administrative court in Austria, decided that plans for a third runway for the airport of Vienna cannot be carried out citing that these plans were not compatible with the high importance that the Charta of fundamental rights of the EU, the Austrian Constitution as well as the Constitution of Lower Austria attach to climate protection as well as Austria's specific commitments at the international and national level in this regard. In particular the court decided that the interest of the public in being protected against climate change outweighed the public interest for this infrastructure project. The three judges determined that no fundamental questions of law were at stake in the case and therefore only an extraordinary appeal is permitted in which the appellant would have to prove as a preliminary matter that the decision violated fundamental rights, which given the reliance of the court on these fundamental rights in arriving at its decision appears unlikely. The decision is being heavily criticized by media and politicians in Austria. [Source: Dr Arnold Kreilhuber (UNEP)]

[Source: Dr Arnold Kreilhuber (UNEP)]

See: https://www.bvwg.gv.at/presse/dritte_piste_des_flughafens_wien.html

PUBLICATIONS

Chirambo Dumisani “Moving past the rhetoric: Policy considerations that can make Sino-African relations to improve Africa's climate change resilience and the attainment of the sustainable development goals” 2017 *Advances in Climate Change Research* 7(1): 253–263

http://www.sciencedirect.com/science/article/pii/S1674927816300259?_rdoc=1&_fmt=high&_origin=gateway&_docanchor=&md5=b8429449ccfc9c30159a5f9aeea92ffb

Downie L *Pro-poor Legal Practice: Household Rights and Subsidised Housing in South Africa* (Juta Cape Town 2017) <https://juta.co.za/products/pro-poor-legal-practice-household-rights-and-subsidised-housing-in-south-africa/>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

IISD: SDG Knowledge Hub: Wagner L “US presents national SDG monitoring platform” 2 March 2017 <http://sdg.iisd.org/news/us-presents-national-sdg-monitoring-platform/>

The Two Way: Kennedy M “Trump Aims To 'Eliminate' Clean Water Rule” 28 February 2017
<http://www.npr.org/sections/thetwo-way/2017/02/28/517016071/trump-aims-to-eliminate-clean-water-rule>

‘Shell knew’: oil giant's 1991 film warned of climate change danger
https://www.theguardian.com/environment/2017/feb/28/shell-knew-oil-giants-1991-film-warned-climate-change-danger?CMP=Share_AndroidApp_Outlook [Prof Edwards Richards University of Oregon]

The New Jurist: Kibel Paul Stanton and Eckstein Gabriel “America First and the Harmon Doctrine’s Demise – A History Lesson” 1 March, 2017
<http://newjurist.com/america-first-and-the-harmon-doctrines-demise-a-history-lesson.html>

Rise World Bank: World Bank scores energy policies in countries: South Africa’s score: <http://rise.worldbank.org/country/south-africa>

The Conversation: Samways, Michael “Conservation efforts must include small animals. After all, they run the world” 2 March 2017 <http://bit.ly/2mmAUid>

Daily Maverick: Chisholm Johanna and Lépez Daniela Q “Chronicle: When the Dust Settles” 2 March 2017 <https://www.dailymaverick.co.za/article/2017-03-02-chronicle-when-the-dust-settles/#.WLmmLIV97IU>

NRDC: Morris Jackson “Roadmap for Replacing NY’s Indian Point with Clean Energy” 23 February 2017 <https://www.nrdc.org/experts/jackson-morris/roadmap-replacing-nys-indian-point-clean-energy>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

Sub-themes: (each of the sub-themes have sub-headings)

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

- Environmental Law
 - 20 years of EIA Regulations: How effective has regulations been in achieving section 24 of the Constitution?
 - Environmental Compliance and Enforcement
 - Financial provision and environmental liabilities for rehabilitation
- Sustainability in Business
- Environmental and Developmental Planning
- Energy Security
- Water-Food-Energy Nexus
- Economics and Valuation
- Ecosystem Services
- Integrated Environmental Management

More information on deadlines and participation will follow soon.

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
 Dates: 19-20 April 2017 (Pretoria)
 4-5 May 2017 (Cape Town)
 8-9 June 2017 (Durban)
- **Environmental Management Systems (CEM-03.1.1)**
 Date: 27-31 March 2017
- **Occupational Health and Safety Management Systems (CEM-03.2.1)**
 Dates: 27-31 March 2017

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

University of Pretoria: Short Course in Environmental Law

Date: 27 March 2017

Venue: Pretoria

Time: 08:00 – 16:00

Contact: saskia.moritz@enterprises.up.ac.za or 012 434 2606

International

P-PCP Conference "Coexisting with(in) TFCAs: local perspectives": abstract deadline extended!

Place: SE Lowveld of Zimbabwe,

Date: 22-27 May 2017

This conference is the outcome of the RenCaRe project (www.rp-pcp.org/projects/on-going/rencare/), which adopted from the beginning a participatory process to identify issues at stake for local communities living within the KAZA and GL TFCAs. Relevant issues for research were then translated into research questions that are currently addressed by postgraduate students from Zimbabwe, Botswana, Mozambique, Zambia and France. This conference also benefits from contributions of the EU-DREAM project (www.rp-pcp.org/projects/on-going/rencare/), which seeks to promote innovation and

communication processes among local stakeholders involved in TFCA management, and from the support of the Zone Atelier Hwange (www.za-hwange.cnrs.fr/)

Contact: Clara Bocchino clara.bocchino@gmail.com

Call for Abstracts First 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: 11 October 2017

Venue: TBC University of Lincoln, UK

Abstracts to wscholtz@uwc.ac.za and skasker@gmail.com before 28 April 2017.

Sabin Colloquium on Innovative Environmental Law Scholarship Columbia Law School

Place: New York, New York

Date: 4-5 May 2017

This 5th Annual Sabin Colloquium will allow junior environmental law scholars to present early-stage work and receive constructive feedback from a panel of senior scholars and from each other.

Eligible applicants are pre-tenure professors, fellows, visiting assistant professors, and other junior scholars in similar academic positions. Papers on environmental law, energy law, natural resources law or water law are eligible. No junior scholar may participate in the Colloquium more than twice.

The panel will select the proposals for discussion based on the degree of innovation they exhibit, the extent to which they point toward practical solutions to environmental problems, and whether, based on the scholarly and analytical quality of the proposals, they are likely to lead to high-quality work products.

To enter, please submit a cover letter, an outline or concept paper of 5 -15 double-spaced pages, and a C.V. to sabincolloquium@law.columbia.edu by March 1. If an article has already been drafted, please just submit a summary of no more than 15 pages. Footnotes are not expected. Articles that have already been accepted for publication are not eligible. This event is for early-stage work that can still be significantly shaped by the discussion at the Colloquium.

Authors of selected papers will be notified by March 30. All Colloquium participants will be expected to participate in the full program (the afternoon and evening of May 4 , and all day on May 5) and to read and comment on each others' proposals. The domestic travel costs of all participants will be reimbursed.

The senior scholars who will be judging this year's competition and participating in the workshop will be: William Buzbee -- Georgetown University Law Center; Daniel Esty -- Yale Law School; Michael Gerrard, Columbia Law School; Katrina Wyman, New York University School of Law

5th EELF Annual Conference 2017: "Sustainable management of natural resources - legal approaches and instruments"

Date: 30 August – 1 September 2017

Place: Copenhagen, Denmark

The conference will be organised as a joint effort of the European Environmental Law Forum (EELF), the Nordic Environmental Law, Governance & Science Network (NELN+), the University of Copenhagen (Faculty of Science) and Aarhus University (Department of Law).

Please find attached the call for abstracts with further details. Information is also available on the conference website:

<http://law.au.dk/forskning/konferencer/eelf-conference/>

We are very much looking forward to meeting you for another exciting environmental law conference in wonderful Copenhagen.

GW-Vanderbilt Private Environmental Governance Webcast links

The webcast links to our Symposium on Private Environmental Governance on March 2 and 3 are set out below. The links are in four segments with the first segment being 9:00-1:00 and the second being 1:30-5:00 each day.

March 2: 2017 Shapiro Symposium PART 1 03/02

<https://video.law.gwu.edu/ess/echo/presentation/f95a19f6-9c4d-458c-b08c-90a59a6ed26f>

2017 Shapiro Symposium PART 2 03/02

<https://video.law.gwu.edu/ess/echo/presentation/a18c9649-b16c-4427-9b39-e3919148b4e1>

March 3: 2017 Shapiro Symposium PART 1 03/03

<https://video.law.gwu.edu/ess/echo/presentation/05323570-f288-4c40-80d1-7313c4292149>

2017 Shapiro Symposium PART 2 03/03

<https://video.law.gwu.edu/ess/echo/presentation/677336d5-593d-4191-96ba-a714267cc6bf>

We have a very strong lineup from several disciplines including law, business and sociology, as well as a number of practitioners from businesses and NGOs.

To view the full agenda go to <https://www.law.gwu.edu/2017-jb-maurice-c-shapiro-environmental-law-symposium>

Excellent Masters and doctoral opportunities in energy, environment and climate change in Asia: Apply now !

Application is open for post graduate studies (master and doctoral) at Department of Energy, Environment and Climate Change of Asian Institute of Technology (near Bangkok, Thailand).

A range of scholarships and fellowships are available for suitable candidates for August 2017 intake. The deadline for application with scholarship is 31st March; application with fellowships are till June 30th (earliest is recommended). For more information and complete list of scholarships available, please see here http://www.ait.ac.th/admissions/Current_Scholarships#.WLeAvf96M8

The Department of Energy, Environment and Climate Change offers masters and doctoral degrees in:

- Energy (with specialization in Energy Technology, Energy Policy Planning and Economics, and Electric Power System Management), <http://energy.ait.ac.th/>
- Climate Change and Sustainable Development, <http://www.serda.ait.ac.th/wpserd/climate-change-and-sustainable-development/>

- Environmental Engineering and Management, <http://www.serd.ait.ac.th/wpserd/environmental-engineering-and-management/>

For more details, you may also visit following websites:

- Various Scholarships: <http://www.serd.ait.ac.th/wpserd/external-donors/>
- School of Environment Resources and Development: <http://www.serd.ait.ac.th/wpserd/>
- AIT Admissions: www.ait.ac.th/admissions/application.html
- About AIT: <http://www.ait.ac.th/about#>
- Student Life at AIT: http://www.ait.asia/admissions/student_life.html#
- FAQ: <http://www.ait.asia/admissions/faq.htm#>

We are region's oldest post-graduate international institute to address these areas with decades of academic, research and capacity building excellence. Our alumni provide leadership positions in government, academia, businesses, international organization and civil society globally. Join us; be part of us, to build your career and profession.

Kindly disseminate this opportunity to interested people. We welcome your queries, Contact us at eecc-hod@ait.asia or shobhakar@ait.ac.th

NEWS

“White House eyes plan to cut EPA staff by one-fifth, eliminating key programs”

The Washington Post 1 March 2017 https://www.washingtonpost.com/news/energy-environment/wp/2017/03/01/white-house-proposes-cutting-epa-staff-by-one-fifth-eliminating-key-programs/?utm_term=.6725290fdbcb8

See also Revesz Richard L “A Subtle Attack on the Environment” *USNews* 2 March 2017 March 2, 2017 <https://www.usnews.com/opinion/articles/2017-03-02/donald-trump-and-scott-pruitt-could-gut-epa-rules-using-regulatory-analysis>

Centre for Environmental Rights “Thabametsi coal-fired power station threatens local communities’ water security, and poses climate change risk” 28 February 2017 <http://cer.org.za/news/thabametsi-coal-fired-power-station-threatens-local-communities-water-security-and-poses-climate-change-risk>

See also SABC News “Earthlife challenges decision to build coal power station in Limpopo” 2 March 2017

<http://www.sabc.co.za/news/a/5166050040434c5c8e9edfb29663e5e6/Earthlife-challenges-decision-to-build-coal-power-station-in-Limpopo-20170203>

Policy: Maritime transport proposals out for comment

“A draft ‘comprehensive’ maritime transport policy released yesterday for comment largely ignores the practicalities of ‘rebuilding’ the country’s presence in global shipping trade. Instead, the document presents a raft of policy statements on issues as varied as port infrastructure maintenance and seafarers’ rights. Almost as an afterthought, a one page, eight-year ‘implementation table’ begins with ‘establishing an institutional framework’, followed by policy and legislative reviews – and ending with a ‘transshipment framework’.”

Read full report in *Legalbrief Policy Watch* 3 March 2017

Saal Petru "Farm owner charged over 'inhumane' donkey slaughter" *TimesLive* 2 March 2017 <http://www.timeslive.co.za/scitech/2017/03/02/Farm-owner-charged-over-inhumane-donkey-slaughter>

Chirume J "Grandma under siege by garbage" *Groundup* 27 February 2017 <http://www.groundup.org.za/article/grandmother-under-siege-garbage/>

McGill Kevin "Major victory for oil companies: Appeals court refuses to revive lawsuit over damage to Louisiana coast" *The New Orleans Advocate* 3 March 2017 http://www.theadvocate.com/new_orleans/news/environment/article_ea8abaa2-0035-11e7-9c5b-9beb8df09cc2.html

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Call for short term consultants - Science Based Targets initiative

The Science Based Targets initiative is looking for experts with a strong technical background in the field of climate change to assess corporate climate targets.

www.sciencebasedtargets.org

Position:

Short-term consultants/Technical Working Group/Science Based Targets initiative

Job description

To expand capacity and accelerate commercial uptake, the Science Based Targets initiative is seeking short-term consultants to support the team as external company target reviewers. Experts with a demonstrable expertise in the fields of GHG accounting and company GHG emissions target-setting are invited to submit application materials to the initiative. Experts will work an average of 40 hours per week from the beginning of April through June 30, 2017. Contractual details will be discussed with qualified candidates.

Key reviewer responsibilities:

- Review of company targets against the Science Based Targets initiative eligibility criteria.
- Production of clear and concise target evaluation reports using the Science Based Targets initiative template.
- Close coordination with the Science Based Targets initiative staff.

Education

- Postgraduate degree in a related area (environmental sciences, climate science, environmental engineering, etc.).

Experience

- Individuals with strong technical understanding of GHG accounting and demonstrated experience in a related field (e.g. carbon management, GHG accounting, environmental auditing) of at least 3 years (at least 5 preferred) and a firm understanding of the GHG Protocol Corporate Standard;
- Demonstrable experience working with third-party verification activities related to climate change, carbon accounting or sustainability reporting is highly desirable.

Required Skills and Competencies

- A clear understanding of climate science, climate policy and the business drivers and levers for ambitious climate action at the corporate level
- Knowledge of science-based target setting
- Ability to work virtually with an international team. Strong attention to detail, thoroughness and sound judgment
- Commitment and ability to meet all deadlines and to respond to priority issues in a short time-frame
- Ability to communicate effectively and clearly
- Organizational and time management skills
- Competence in standard professional IT packages such as Microsoft Office and Google Docs
- Ability to work in a team, maintaining a positive and supportive attitude at all times

Languages

Applicants must have excellent verbal and written communication skills in English

Compensation

Selected applicants will be compensated on a monthly basis at a competitive rate, with details to be discussed with qualified candidates.

Conflict of interest

Applicants are required to disclose any real, potential, and perceived conflict of interests. If an expert supports companies in developing science-based targets, he/she can still be eligible to serve as external reviewer, but he/she will not be involved in reviewing targets for companies that they have previously supported.

Date

Starting Date: February 23, 2017 / Deadline for Application: March 10, 2017

Duty station

Preferred locations for this position are New York City (USA) or Mexico City (Mexico) . Applicants from other locations may be considered.

How to apply

Interested experts are invited to send a resume, covering letter, and two professional references to info@sciencebasedtargets.org including in the email subject line “Application for External Reviewer” and their full name. The Science Based Targets initiative will only respond to qualified applicants.

Selected applicants must be available for interviews between March 14 and 24, 2017.

About the Science Based Targets initiative:

The Science Based Targets initiative is a joint initiative by CDP, the UN Global Compact, the World Resources Institute (WRI) and the World Wide Fund for nature (WWF) that provides a first-ever consistent approach on how companies can set greenhouse gas emission reduction targets in line with what science says is necessary to meet the long-term temperature goals adopted in the Paris Agreement. More than 200 companies have committed to set these ‘science-based targets’.

www.sciencebasedtargets.org

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 10

10 March 2017

BILLS

Border Management Authority Bill, 2016 [B9B-2016]

Plant Health (Phytosanitary) Bill, 2017 [B7-2017]

LEGISLATION

NOTICES

National Heritage Resources Act 25 of 1999 - GNs 208 & 209 in GG 40673 of 10 March 2017 - Declaration of Freedom Park and Constitution Hill as National Heritage Sites

National Nuclear Regulator Act 47 of 1999 – Gen Notices 185 and 186 in GG 40673 of 10 March 2017 - Fees for nuclear authorisations payable to the Regulator for the period 1 April 2016 to 31 March 2017

Marine Living Resources Act 18 of 1998 - GN 219 in GG 40680 of 10 March 2017 - Extension of comment period on draft Policy on Boat-Based Whale and Dolphin Watching - GN 145 in GG 40626 of 17 February 2017 and draft Policy on White Shark Cage Diving - GN 146 in GG 40626 of 17 February 2017

National Environmental Management: Integrated Coastal Management Act 24 of 2008 - GN R214 in GG 40674 of 10 March 2017 - Draft Coastal Waters Discharge Permit Regulations, 2017 - for comment

PROVINCES

Western Cape

Western Cape Local Government Laws Rationalisation Draft Bill, 2017 - PN 53 in PG 7734 of 17 February 2017 - for comment

Constitution of the Republic of South Africa; Local Government: Municipal Systems Act 32 of 2000; Spatial Planning and Land Use Management Act 16 of 2013 - Swartland Local Municipality - LAN 54466 in PG 7741 of 3 March 2017 - Municipal Land Use Planning By-law

North West

Constitution of the Republic of South Africa; Local Government: Municipal Systems Act 32 of 2000; Spatial Planning and Land Use Management Act 16 of 2013 - LANs 19-22 in *PG 7739* of 7 March 2017 - Local Municipalities: Ditsobotla; Maquassi Hills; Mamusa; and Lekwa-Teemane: By-law on Spatial Planning and Land Use Management

KwaZulu-Natal

Constitution of the Republic of South Africa; Local Government: Municipal Systems Act 32 of 2000; Spatial Planning and Land Use Management Act 16 of 2013 - MN 28 in *PG 1797* of 9 March 2017 - Alfred Duma Local Municipality - Emnambithi/Ladysmith Municipality Planning and Land Use Management By-law, 2015

Constitution of the Republic of South Africa; Local Government: Municipal Systems Act 32 of 2000; Spatial Planning and Land Use Management Act 16 of 2013 - MN 29 in *PG 1797* of 9 March 2017 - Big Five Hlabisa Local Municipality - Municipality Planning and Land Use Management By-law, 2017

Constitution of the Republic of South Africa; Local Government: Municipal Systems Act 32 of 2000; Spatial Planning and Land Use Management Act 16 of 2013 - MN 30 in *PG 1797* of 9 March 2017 - Mtubatuba Local Municipality - Planning and Land Use Management By-law, 2017

Eastern Cape

Disaster Management Act 57 of 2002 - LAN 26 in *PG 3807* of 6 March 2017 - Great Kei Local Municipality (EC 123) - Declaration of a state of disaster in respect of a storm

CASES

National

Earthlife Africa v The Minister of Environmental Affairs and Others Case Number 65662/16 Delivered 8 March 2016 (High Court Gauteng Division)

Minister to reconsider decision for environmental authorisation – climate impact assessment to be undertaken

See CER's summary of case at <http://cer.org.za/news/victory-in-sas-first-climate-change-court-case>

<http://www.saflii.org/za/cases/ZAGPPHC/2017/58.html>

International

Standing Rock Sioux Tribe and Another v US Army Corps of Engineers Civil Action No 16-1534 (JEB) United States District Court for the District of Columbia <https://www.documentcloud.org/documents/3509171-170307-DenyInjunction.html>

Whether “Dakota Access should route its oil pipeline near the reservations of American Indian tribes”?– the right to pipe oil will not place “a substantial burden” on the tribe member’s right to exercise their religion – it will not damage their water resources or infringe their cultural rights

PUBLICATIONS

Wiese T *Corporate Governance in South Africa With International Comparisons* 2nd edition (2017) <https://juta.co.za/products/corporate-governance-in-south-africa-with-international-comparisons-2e/>

Downie L *Pro-poor Legal Practice: Household Rights and Subsidised Housing in South Africa* (2017) <https://juta.co.za/products/pro-poor-legal-practice-household-rights-and-subsidised-housing-in-south-africa/>

Owen D “Little Streams and Legal Transformations” *2017 Utah L Rev* 1 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2773897

UN ‘Biodiversity and the 2030 Agenda for Sustainable Development,’ Policy brief (UN Environment, the Convention on Biological Diversity (CBD), the Food and Agriculture Organization of the UN (FAO), the World Bank and the UN Development Programme (UNDP) 2017) <https://wedocs.unep.org/bitstream/handle/20.500.11822/11300/Biodiversity-2030-agenda.pdf?sequence=1&isAllowed=y>

UN “Biodiversity and the 2030 Agenda for Sustainable Development Technical Note” (UN Environment, the Convention on Biological Diversity (CBD), the Food and Agriculture Organization of the UN (FAO), the World Bank and the UN Development Programme (UNDP) 2017) <https://www.cbd.int/development/doc/biodiversity-2030-agenda-technical-note-en.pdf>

UNDP “National Biodiversity Strategies and Action Plans: Natural Catalysts for Accelerating Action on Sustainable Development Goals” (2016) <http://nbsapforum.net/uploads/2477.pdf>

UNEP “Strengthening the national biodiversity strategies and action plans: revision and implementation” (2016) <https://wedocs.unep.org/bitstream/handle/20.500.11822/11302/strengthening-national-biodiversity.pdf?sequence=1&isAllowed=y>

UNEP “Enhancing Synergies across Global Biodiversity Conventions - Experiences from the Global South Workshop Proceedings and Country Reports” (United Nations Environment Programme, Nairobi, Kenya 2016) <https://wedocs.unep.org/bitstream/handle/20.500.11822/11296/Enhancing-Synergies-Global-Conventions.pdf?sequence=1&isAllowed=y>

2017 *Ecology and Society* <http://www.ecologyandsociety.org/issues/view.php?sf=122>

- Cosens BA et al “The role of law in adaptive governance”
- Gunderson L et al “Regime shifts and panarchies in regional scale social-ecological water systems”
- DeCaro DA et al “Legal and institutional foundations of adaptive environmental governance”
- DeCaro DA et al “Understanding and applying principles of social cognition and decision making in adaptive environmental governance”

Kandpal Tara C & Broman Lars “Renewable energy education - A worldwide status review” (2015) <http://www.stromstadakademi.se/AAS-28.pdf>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Daily Maverick: “GroundUp: Gosling Melanie: Landmark court ruling on climate change” 9 March 2017 <https://www.dailymaverick.co.za/article/2017-03-09-groundup-landmark-court-ruling-on-climate-change/#.WMQshVV97IU>

Business Day Opinion: Molewa Edna: “There is no diminishing transparency on mining authorisations” 11 March 2017 <https://www.businesslive.co.za/bd/opinion/2017-03-11-there-is-no-diminishing-transparency-on-mining-authorisations/>

IISD: SDG Knowledge Hub: Mead Leila “High-Level dialogue addresses environmental security ahead of G7 summit” 7 March 2017 <http://sdg.iisd.org/news/high-level-dialogue-addresses-environmental-security-ahead-of-g7-summit/>

IISD: SDG Knowledge Hub: Jungcurt S “IPBES-5 Plenary opens” 7 March 2017 <http://sdg.iisd.org/news/ipbes-5-plenary-opens/>

IISD: SDG Knowledge Hub: Anderson L: “World Wildlife Day Highlights Youth, Initiatives on Wildlife Crime” 7 March 2017 <http://sdg.iisd.org/news/world-wildlife-day-highlights-youth-initiatives-on-wildlife-crime/>

IISD: SDG Knowledge Hub: Paul Delia “UN Marks HIV ‘Zero Discrimination Day’, Urges Accountability for Air Polluters” 7 March 2017 <http://sdg.iisd.org/news/un-marks-hiv-zero-discrimination-day-urges-accountability-for-air-polluters/>

IISD: SDG Knowledge Hub: Tsioumani Elsa “Reports highlight linkages between biodiversity and 2030 Agenda implementation” 7 March 2017 <http://sdg.iisd.org/news/reports-highlight-linkages-between-biodiversity-and-2030-agenda-implementation/>

IISD: SDG Knowledge Hub: Ripley K: “UN Special Rapporteurs Call for Global Pesticides Treaty” 9 March 2017 <http://sdg.iisd.org/news/un-special-rapporteurs-call-for-global-pesticides-treaty/> See also <http://www.un.org/apps/news/story.asp?NewsID=56311#.WMQt0VWGPIU> and <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21306&LangID=E>

Amnesty International: "One year after the killing of Berta, other threatened land and water defenders in Honduras are counting on our support" 2 March 2017 <http://www.amnesty.ca/blog/one-year-after-killing-bertha-other-threatened-land-and-water-defenders-honduras-are-counting>

The Conversation: Nel Holly "Plastic fibres are causing major harm to South Africa's marine life" 7 March 2017 <http://bit.ly/2mlRRbK>

The Conversation: Maxwell Daniel "Famines in the 21st century? It's not for lack of food" 7 March 2017 <http://bit.ly/2IYBMVl>

The Conversation: Measy John "Why the habit of wanting to own a piece of nature's beauty needs to be broken" 8 March 2017 <http://bit.ly/2n2yE02>

The Conversation: Dotson G "Now under attack, EPA's work on climate change has been going on for decades" 10 March 2017 <http://theconversation.com/now-under-attack-epas-work-on-climate-change-has-been-going-on-for-decades-74065>

IISD Reporting Service: ENB - 5th Session of the Plenary of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services - <http://enb.iisd.org/ipbes/ipbes5/>

Environmental Law Prof Blog: Owen Dave: "Myths, Realities, and the Clean Water Rule Controversy" 2 March 2017 http://lawprofessors.typepad.com/environmental_law/

The Two Way: Herscher R: "Dakota Access Pipeline Court Challenge Denied, Oil Could Flow As Soon As Next Week" 7 March 2017 <http://www.npr.org/sections/thetwo-way/2017/03/07/519040535/dakota-access-pipeline-court-challenge-denied-oil-could-flow-as-soon-as-next-wee>

Oregon "Zombie Permit" Clean Water Act lawsuit

"Lewis & Clark's environmental litigation clinic, Earthrise Law Center, filed suit yesterday against the Oregon Department of Environmental Quality to compel extremely overdue action on the state's backlog of expired, but administratively extended, Clean Water Act permits. Oregon has the second-worst backlog in the nation.

The plaintiffs include the Northwest Environmental Defense Center (NEDC), which is both a separate non-profit organization and a student organization on campus. A couple of 11 students involved with NEDC created an awesome video to explain the case. I wanted to share the video with you. It's a great example, in my view, of communicating complex legal issues in plain and engaging terms. You can access it here: <http://law.lclark.edu/live/news/35645-earthrise-files-petition-to-address-zombie-permits>

More than 10 years ago, Karl Coplan wrote about "Zombie Permits" and the problems they create.

<http://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1356&context=lawfaculty>

Here's hoping this litigation strategy will succeed and create momentum to undo administrative extensions moving forward.” [Melissa Powers Lewis&Clark Law School, Oregon]

IFLScience ‘The Word "Science" Has Disappeared From The EPA's Mission Statement’ 7 March 2017 <http://www.iflscience.com/environment/science-disappeared-epa-mission-statement/>

Stockholm Resilience Centre: Presentation by Johan Rockström during World Economic Forum 2017: Beyond the Anthropocene: <http://www.stockholmresilience.org/>

Renewable Energy Explorer Portal: <https://www.re-explorer.org/>

“The Renewable Energy (RE) Explorer—an innovative renewable energy knowledge portal for integrated RE planning. RE Explorer provides renewable energy data, analytical tools, and technical assistance to developers, policymakers, and decision makers. RE Explorer enables users to make meaningful decisions that support low-emission development and ultimately reduce greenhouse gas emissions.

Access the RE Data Explorer:

The RE Data Explorer is the RE Explorer's flagship geospatial analysis tool for renewable energy development. Developed by the National Renewable Energy Laboratory and supported by the U.S. Agency for International Development, the RE Data Explorer performs visualization analysis of renewable energy potential under user-defined scenarios. The RE Data Explorer can inform prospecting, integrated planning, and policymaking to accelerate renewable energy deployment.”

NZ Foreign Affairs: Guest Articles: Elder Mark: “Making SDG Implementation Easier: Thinking about Goals as Means” 10 March 2017 <http://foreignaffairs.co.nz/2017/03/10/guest-articles-making-sdg-implementation-easier-thinking-about-goals-as-means/>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

SANC for UNESCO IHP Symposium: Fostering learning, inspiration and wonder – and provoke conversations that matter

An exciting 1-day Symposium hosted by the Water Research Commission and Department of Water and Sanitation.

Programme, registration form were sent in separate email

Date: 14 March 2017

Venue: Diep in die berg (Pretoria East)

Time: 09H00

Cost: Free

Please contact ziyandam@wrc.org.za (Ziyanda)

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

Sub-themes: (each of the sub-themes have sub-headings)

- Environmental Law
 - 20 years of EIA Regulations: How effective has regulations been in achieving section 24 of the Constitution?
 - Environmental Compliance and Enforcement
 - Financial provision and environmental liabilities for rehabilitation
- Sustainability in Business
- Environmental and Developmental Planning
- Energy Security
- Water-Food-Energy Nexus
- Economics and Valuation
- Ecosystem Services
- Integrated Environmental Management

More information on deadlines and participation will follow soon.

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

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 19-20 April 2017 (Pretoria)
4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 21 April 2017 (Pretoria)
28 September 2017 (Potchefstroom)
- **Environmental law-energy management (CEM-02.1.4)**
Date: 4-5 May 2017
- **Environmental law - integrated waste management (CEM-02.1.3)**
Date: 4-5 May 2017
- **Occupational Health and Safety Law (CEM-02.2.1)**
Date: 8-12 May 2017
- **Health and Safety Law for Construction Activities (CEM-02.2.3)**
Date: 15-19 May 2017
- **Integrated Land Management (CEM-06.8.1)**
Date: 22-26 May 2017
- **Energy Management Systems (CEM-03.3.1)**
Date: 29 May-2 June 2017

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

Read also more in the March 2017 CEM Newsletter: <http://cem-nwu.co.za/uploads/Newsletters%202017/Monthly%20newsletter%20February%20-%20March%202017.pdf>

UCT law@ South African Energy Law With A Focus on Renewable Energy

Covers: oil & gas law, potential of shale gas, nuclear energy, renewable energy sources, e.g. wind & solar.

Course Date: 25 & 26 April 2017

Contact: don.coue@uct.ac.za or 021 650 3242

International

P-PCP Conference "Coexisting with(in) TFCAs: local perspectives": abstract deadline extended!

Place: SE Lowveld of Zimbabwe,

Date: 22-27 May 2017

Contact: Clara Bocchino clara.bocchino@gmail.com

Call for Abstracts First 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: 11 October 2017

Venue: TBC University of Lincoln, UK

Abstracts to wscholtz@uwc.ac.za and skasker@gmail.com before 28 April 2017.

LLM Programme in Prague: The Faculty of Law of Charles University

- Specialization I - The Law and Business in the Czech Republic and Central Europe
- Specialization II - International Human Rights Law and Protection of the Environment
- Specialisation III - Health and Law
- Information: llm@prf.cuni.cz ; damohors@prf.cuni.cz ; kohout@prof.cuni.cz ; maresova@prf.cuni.cz ; see also www.prf.cuni.cz

Webinar: Creation of energy-efficient Buildings Renovation Action Plans for cities: guideline and application cases

Date: 14 March 2017 at 4:00 PM CET.

Register: <https://attendee.gotowebinar.com/register/6774543418916098050>

In the last decade, the integration of Renewable Energy Sources in buildings and smart combination of technologies have been identified as key elements for renovations plans which pursue the horizon of Nearly Zero Energy Buildings. In this context, this webinar will be focused in a methodology for elaboration of national roadmaps for energy-efficient buildings renovation where the most relevant stakeholders, barriers and potentials would be identified. As example, this methodology will be applied to two real national scenarios in Europe.

Parallel and aligned with the national roadmaps, the cities should develop their own buildings renovation action plans adjusted to their needs and constraints. The webinar will present a guideline for creation of action plans, which will work as a tool for the cities governments and policy makers. Finally, the Municipality of Timisoara (Romania) and the City of Sestao (Spain) will present the result of applying this tool to their reality.

After registering, you will receive a confirmation email containing information about joining the webinar.

View System Requirements http://support.citrixonline.com/webinar/all_files/G2W010003

Webinar: Refugees and energy: Meeting the needs of refugees and displaced people

Join the Low Carbon Energy for Development Network and Smart Villages on Thursday 16 March 2017

Time: 11am EST / 3pm UK

Register: <https://attendee.gotowebinar.com/register/2390847733740272386>

“In this webinar, we will focus on the needs of displaced people and refugees - whether internally displaced, asylum seekers living in camps, or other situations. What are their energy needs? What happens when a temporary camp becomes a permanent home? What are the specific needs of men, women, and children in these situations - including energy for education, cooking, and productive uses of energy?

We will learn about the Moving Energy Initiative, the work of the Global Alliance for Clean Cookstoves, and the work of two entrepreneurs who have worked closely with refugees and organisations that serve refugees.”

Fourth Annual Clyde Martz Spring Symposium: Natural Resources, Energy & Public Lands: What Happens Next?

Date: Monday, April 10 - Tuesday, April 11, 2017

Venue: University of Colorado School of Law; Wolf Law Building, Wittemyer Courtroom

More information: <http://www.colorado.edu/law/research/gwc/events>

Resilience 2017 conference: Fourth triennial conference on resilience

Place: Stockholm

Date: 21-23 August 2017

In 2008 Stockholm Resilience Centre launched the first resilience conference in Stockholm together with Resilience Alliance and other partner organizations. Since then, conferences have also taken place in Arizona (2011) and Montpellier (2014).

The upcoming Resilience 2017 conference will discuss resilience as a key lens for biosphere-based sustainability science, reflect back on the scientific progress made, and to set out exciting future directions for research. A main focus will be on global sustainability challenges and opportunities, which today are heavily influenced by the speed, scale and connectivity of the Anthropocene.

Participants will be invited to explore four major conference themes:

- 1) Social-ecological Transformations for Sustainability
- 2) Teleconnections and Cross-scale Dynamics on a Human-dominated Planet
- 3) Multi-level Governance and Biosphere Stewardship
- 4) Approaches and methods for understanding social-ecological system dynamics

First call for abstract is scheduled to August, 2016, when a dedicated conference website also will be launched.

See more at: <http://resilience2017.org/>

Resilient Cities: Early Bird Extension until 15 March 2017

Date: 4 - 6 May 2017

Venue: Gustav-Stresemann-Institut, Bonn

Bonn Climate Change Conference

Date: 8 - 18 May 2017

Venue: World Conference Center, Bonn, Germany

We've extended the deadline to register at the reduced Early Bird Fee by 5 days. Register by 15 March, 23:59 CET to benefit from the discount and don't miss the chance to participate in this important discussion scheduled back-to-back with the Bonn climate talks!

Registration and more information:

<http://resilientcities2017.iclei.org/registration/registration-form/>

Vermont Law School: Eighth Annual Colloquium on Environmental Scholarship: Call for Abstracts due April 30: Env Scholarship Colloquium

Vermont Law School will host the Eighth Annual Colloquium on Environmental Scholarship on September 23, 2017. This event offers environmental law scholars the opportunity to present their works-in-progress, get feedback from their colleagues, and network with those who are also teaching and researching in the areas of environmental and natural resources law, or any related specialty areas.

If you are interested in presenting a paper at the Colloquium, please submit a working title and abstract of 200-300 words, using the online form here:

<http://forms.vermontlaw.edu/elc/colloquium/SubmitAbstracts.cfm>

no later than April 30, 2017. For an abstract to be eligible for submission, the author must anticipate that the paper will be a true working draft (neither published nor so close to publication that significant changes are not feasible) by the date of the Colloquium. We will do our best to notify authors about acceptances by June 9, 2017.

Selected participants will be required to submit a paper draft no later than September 2, 2017 and all participants will be asked to provide commentary on another participant's paper draft at the Colloquium. Final papers will also be eligible for publication in the Vermont Journal of Environmental Law. The Colloquium panels will take place on Saturday, September 23, 2017. Vermont Law School's Environmental Law Center and its faculty will host a cocktail reception the night before at The Norwich Inn and a dinner on Saturday evening featuring local, live music, at Vermont Law School. There will be two optional field trips on Sunday, weather permitting. Further Colloquium details regarding the schedule, events, lodging, and transportation are posted here:

<http://forms.vermontlaw.edu/elc/colloquium/>

For more information on the Colloquium, or if you need assistance uploading your abstract, please contact Courtney Collins at ccollins@vermontlaw.edu or at (802) 831-1371.

NEWS

Centre for Environmental Rights “Victory in SA’s first climate change court case!” 8 March 2017 <http://cer.org.za/>

“Nigeria charges oil majors Shell, Eni with corruption” *News24* 3 March 2017 <http://www.news24.com/Africa/News/nigeria-charges-oil-majors-shell-eni-with-corruption-20170303>

“Decriminalise informal mining – Oxfam” *TimesLive* 9 March 2017 <http://www.timeslive.co.za/local/2017/03/09/Decriminalise-informal-mining-Oxfam>

Dolley Caryn “International perlemoen smuggling sparks Cape gun battles, raids” *News24* 10 March 2017 <http://www.news24.com/SouthAfrica/News/international-perlemoen-smuggling-sparks-cape-gun-battles-raids-20170310>

Sguazzin Antony, Mbatha Amogelang and Crowley Kevin “ANC says laws trump courts in SA mine owner fight” *Business Live* 10 March 2017 <https://www.businesslive.co.za/bd/national/2017-03-10-anc-says-laws-trump-courts-in-sa-mine-owner-fight/>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Faculty of Commerce, Law and Management: Mandela Institute - School of Law

Senior Researcher - Grant Funded (3-year contract)

The Mandela Institute is a unit in the Wits School of Law with a mission to develop the legal tools needed to engage with global economic forces. It runs highly successful executive short courses, a research programme, and public engagement events in various areas of law and policy for government, industry, community organisations, and legal practitioners.

In continuing to grow its research footprint, the Institute requires a Senior Researcher to provide and publish high quality research in one or more of the following areas of law international trade and investment law, prospecting and mining law, law and development in a global context. Reporting to the Director, the Senior Researcher will be expected to analyse the implications of global economic law for domestic law, to draft research-funding proposals, to publish research, to do limited lecturing in the area of mining/extractives law and postgraduate supervision, and to provide other forms of academic support to the Director.

As a minimum, the successful applicant must have a PhD in Law from a reputable university in any field listed above, excellent research skills with an established track record of publications in accredited law journals, experience in research project coordination, fundraising and an interest in contemporary African perspectives on global regulatory and economic governance issues. He or she will be highly motivated, able to work independently with minimum supervision, and will be committed to progressive policy formulation for South Africa and Africa.

This is an academic position in a small but highly motivated Mandela Institute team operating in a renowned South African Law School. It has an attractive remuneration package and conditions of service.

The post is a fixed term three-year (3) grant-funded post, but may be renewed at the discretion of the employer, all subject to availability of funding, and satisfactory performance especially research publication.

To apply: Submit a covering letter, a detailed CV with names, addresses and contact details of three contactable referees and certified copies of degrees/diplomas by registering your profile on the Wits i-Recruitment platform located at <https://irec.wits.ac.za> and submitting your application.

Only short-listed candidates will be contacted. Candidates who have not been contacted within 2 weeks of the closing date can consider their applications unsuccessful. In accordance with our Employment Equity goals and plan, preference will be given to suitable applicants from designated groups, as defined in the Employment Equity Act, 55 of 1998 and subsequent

amendments thereto. The University of the Witwatersrand reserves the right not to make an appointment and to verify all information provided by candidates.
Deadline: 17 March 2017.

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 11

17 March 2017

BILLS

Plant Improvement Bill, 2015 [B8A-2015] & [B8B-2015]

Draft National Public Health Institute of South Africa Bill, 2017 and draft National Health Laboratory Services Amendment Bill, 2017 - GN 225 in GG 40688 of 15 March 2017 - for comment

Draft Regulation of Agricultural Land Holdings Bill, 2017 – Gen Notice 229 in GG 40697 of 17 March 2017 - for comment

LEGISLATION

NOTICES

National Water Act 36 of 1998 - GN 221 in GG 40682 of 13 March 2017 - Withdrawal of water restrictions on urban and irrigation purposes in the catchment areas of the dams supplying the Integrated Vaal River System and from the system and of GN 910 in GG 40203 of 12 August 2016

National Heritage Resources Act 25 of 1999 – Gen N 218 in GG 40691 of 17 March 2017 - Regulations to provide standards for conservation and maintenance of heritage resources that are in control of State Departments and supported bodies

Promotion of Access To Information Act 2 of 2000 - GN 235 in GG 40691 of 17 March 2017 - Statistics South Africa - Section 15 notice

National Health Act 61 of 2003 - GN 244 in GG 40700 of 17 March 2017 - Draft amendment to the Regulations regarding the General Control of Human Bodies, Tissue, Blood, Blood Products and Gametes - for comment

Intellectual Property Rights from Publicly Financed Research and Development Act 51 of 2008 - GN 234 in GG 40691 of 17 March 2017 - Inclusion of the National Health Laboratory Service as a Schedule 1 institution in terms of the Act

PROVINCES

Western Cape

National Heritage Resources Act 25 of 1999 - PN 75 in *PG 7745* of 17 March 2017 - Heritage Western Cape - Declaration of a Provincial Heritage Site: Blomboschfontein Nature Reserve

North West

Consumer Affairs (Harmful Business Practices) Act 4 of 1996 - PN 46 in *PG 7743* of 14 March 2017 - North West Consumer Affairs (Unfair Business Practices) Regulations, 2017

KwaZulu-Natal

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 31 in *PG 1800* of 16 March 2017 - Jozini Local Municipality - Planning and Land Use Management By-law, 2017

Eastern Cape

Disaster Management Act 57 of 2002 – Gen Notice 10 in *PG 3810* of 13 March 2017 - O.R. Tambo District Municipality - Declaration of a local state of disaster in respect of a thunderstorm and strong winds in the King Sabata Dalindyebo and Mhlontlo Local Municipalities

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 29 in *PG 3813* of 14 March 2017 - Kouga Local Municipality - Notice of establishment of Planning Tribunal and the appointment of members thereto

Gauteng

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 - PNs 206 & 208 in *PG 69* of 15 March 2017 - Mogale City Local Municipality and Emfuleni Local Municipality - Spatial Planning and Land Use Management By-law, 2016 published with effect from a date fixed by proclamation in the *Provincial Gazette*

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 207 in *PG 69* of 15 March 2017 - Midvaal

Local Municipality - Spatial Planning and Land Use Management By-law published with effect from a date fixed proclamation in the *Provincial Gazette*

CASES

National

Agri Eastern Cape and Others v MEC for the Department of Roads and Public Works and Others (3928/2015) [2017] ZAECGHC 20 (28 February 2017)

Repairing of farm roads – structural interdict – reimbursement of farmers
“7 The following mechanism is to be implemented by the first and second respondents to allow individual farmers to perform work on the roads they use for their farming activities on the terms and conditions set out below:

7.1 urgent repairs to a farm road are warranted if:

7.1.1 the damage to the road is such that the individual farmer is precluded from engaging in economic activity, alternatively :

7.1.2 no vehicle of any type is able to utilise the road at all.

7.2 when a farm road becomes unserviceable or its condition deteriorates to the extent that it makes driving unsafe or causes damage to any motor vehicle, an individual farmer who uses that road may take steps to ensure that the road is repaired” on certain conditions (see para [48] of the case).”

<http://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZAECGHC/2017/20.html&query=Agri%20Eastern%20Cape>

SA Metal Group (Proprietary) Limited v International Trade Administration Commission and Another (267/2016) [2017] ZASCA 14 (17 March 2017)

Scrap metal – “Appeal – s 16(2)(a)(i) Superior Courts Act 10 of 2013 – dismissal of appeal where judgment or order sought would have no practical effect or result.”

PUBLICATIONS

Schill Stephan W “The Rule of Law and the Division of Labour between National and International Law: The Case of International Energy Relations” in Kanetake Machiko and Nollkaemper André (eds) *The Rule of Law at the National and International Levels: Contestations and Deference* (Oxford Hart Publishing 2016) 409-442 (Amsterdam Center for International Law No. 2017-08) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2922474

Ellsworth David S *et al* “Elevated CO₂ does not increase eucalypt forest productivity on a low-phosphorus soil” 2017 *Nature Climate Change* 6 March 2017 doi:10.1038/nclimate3235 [Source: Legalbrief Environmental 14 March 2017] <http://www.nature.com/nclimate/journal/vaop/ncurrent/full/nclimate3235.html>

UNEP DTU Partnership Centre on Energy, Climate and Sustainable Development: CDM Projects “UNEP DTU DM/JI Pipeline Analysis and Database” 1 March 2017 <http://www.cdmpipeline.org/>

UN Climate Change Paris Agreement: “Governments See CDM as Crucial for Paris Goals New Project Portfolio Launched in Marrakech” 8 November 2016 <http://newsroom.unfccc.int/paris-agreement/governments-see-cdm-as-crucial-for-paris-goals/>

IISD: SDG Knowledge Hub: Ledaba A-M “UN Statistical Commission Recommends SDG Indicator Framework for ECOSOC Adoption” 14 March 2017 <http://sdg.iisd.org/news/un-statistical-commission-recommends-sdg-indicator-framework-for-ecosoc-adoption/>

IISD: SDG Knowledge Hub: Allan J: “Mitigation Update: Reports Document Increasing Growth in Renewables” 14 March 2017 <http://sdg.iisd.org/news/mitigation-update-reports-document-increasing-growth-in-renewables/>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

The Conversation: Scholes Robert: “The needs of the land and the needs of the people can't be separated” 12 March 2017 <http://bit.ly/2nIKjEp>

The Jurist: Ofofodile Uche Ewelukwa “Agribusiness Consolidation, Food Security and the Challenges of Global Governance” 13 February 2017 <http://www.jurist.org/forum/2017/02/uche-ofodile-food-security.php>

The Guardian: Kahn Tessa: “How climate change battles are increasingly being fought, and won, in court” 8 March 2017 [Source: *Legalbrief Today* 14 March 2017] <https://www.theguardian.com/environment/2017/mar/08/how-climate-change-battles-are-increasingly-being-fought-and-won-in-court>

Carbon Dioxide Removal/Negative Emissions Technologies Workshop

“On February 8, 2017, the Forum on Climate Engineering Assessment (FCEA) held a workshop in Berkeley, California, on the potential benefits and risks associated with so-called Carbon Dioxide Removal/Negative Emissions Technologies (NETs) as a strategy to address climate change. The Power Point presentations from the workshop are now available.” [Wil Burns Co-Executive Director, Forum for Climate Engineering Assessment, School of International Service, American University] <http://ceassessment.org/cdr-nets-workshop/>

Improved estimates of ocean heat content from 1960 to 2015: <http://advances.sciencemag.org/content/advances/3/3/e1601545.full.pdf>

Vermont Law School: Environmental Law Scholarship: http://myemail.constantcontact.com/Environmental-Scholarship-from-Vermont-Law-School.html?soid=1114978406910&aid=UQDvH5jf_WM

Daily Maverick: Vegter Ivo: “Rich environmentalists oppress poor people” 7 March 2017 <https://www.dailymaverick.co.za/opinionista/2017-03-07-rich-environmentalists-oppress-poor-people/#.WMwj-1V97IU>

The Guardian: Collyns D and Watts J: “Deadly flooding in Peru sparks criticism over climate change preparedness” 17 March 2017 <https://www.theguardian.com/world/2017/mar/17/peru-floods-ocean-climate-change>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ENS Connecting Animals and the Law: Realities and Possibilities

This talk will engage with the field of Animal Law which considers the various interactions between the law and non-human animals.

Date: 29 March 2017

Venue: Hogan Lovells, 22 Fredman Drive Sandton

Time: 6:30pm for 7:00pm

Speakers:

- Pamela Frasch

Assistant Dean of the Animal Law Program and Executive Director of the Center for Animal Law Studies at Lewis & Clark Law School, Portland, USA

- Natasha Dolezal

Director of International Animal Law and Deputy Director of the Center for Animal Law Studies at Lewis & Clark Law School, Portland, USA

- Prof David Bilchitz

Director of SAIFAC, a centre of the University of Johannesburg

- Candice Pillay

Pro Bono Partner, Hogan Lovells

RSVP before 24 March 2017 to Amy Wilson amy@bananimaltrading.org

'Reflections on King IV on Corporate Governance'

The Centre for Insolvency, Labour and Company Law (CILC), Department of Mercantile Law, Faculty of Law, University of Pretoria cordially invites you to this presentation presented by Russell Loubser, Council Member of the University of Pretoria, Extraordinary Professor in the Department of Mercantile Law and the former Chief Executive Officer of JSE Limited.

Date: Monday 3 April 2017

Time: 17:30 for 18:00

Venue: Moot Court, Ground Level, Law Building, Hatfield, University of Pretoria
Refreshments: Served on conclusion of the event / Indicate dietary requirements

RSVP: Complete online RSVP form or e-mail moipone.williams@up.ac.za by 29 March 2017. Limited seats available

Enquiries: Moipone Williams on +27(0)12 420 2363

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

Green Gain: Annual HSE (Health, Safety and Environmental) Legal Update workshop

Date: 24 March 2017.

Topics covered by this workshop may include (but are not limited to):

- Changes to the EIA Regulations and EIA process;
- Air Quality Management, Green House Gases, Pollution Prevention Plans, Offsets, Energy Management Strategies, Treaties / International Agreements, Carbon Tax;
- Water Management and Revised General Authorisations;
- A closer look at the new Mining COP's on, inter alia, Fatigue Management, Fitness to Work, Trackless Mobile Machinery and more;
- An overview of National Environmental Enforcement in 2016 and interesting case studies

Contact: admin@greengain.co.za or to Michelle@greengain.co.za

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

Sub-themes: (each of the sub-themes have sub-headings)

- Environmental Law
 - 20 years of EIA Regulations: How effective has regulations been in achieving section 24 of the Constitution?
 - Environmental Compliance and Enforcement
 - Financial provision and environmental liabilities for rehabilitation
- Sustainability in Business
- Environmental and Developmental Planning
- Energy Security
- Water-Food-Energy Nexus
- Economics and Valuation
- Ecosystem Services
- Integrated Environmental Management

More information on deadlines and participation will follow soon.

UCT law@ South African Energy Law With A Focus on Renewable Energy

Covers: oil & gas law, potential of shale gas, nuclear energy, renewable energy sources, e.g. wind & solar.

Course Date: 25 & 26 April 2017

Contact: don.coue@uct.ac.za or 021 650 3242

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 19-20 April 2017 (Pretoria)
4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 21 April 2017 (Pretoria)
28 September 2017 (Potchefstroom)
- **Environmental law-energy management (CEM-02.1.4)**
Date: 4-5 May 2017
- **Environmental law - integrated waste management (CEM-02.1.3)**
Date: 4-5 May 2017
- **Occupational Health and Safety Law (CEM-02.2.1)**
Date: 8-12 May 2017
- **Health and Safety Law for Construction Activities (CEM-02.2.3)**
Date: 15-19 May 2017
- **Integrated Land Management (CEM-06.8.1)**
Date: 22-26 May 2017
- **Energy Management Systems (CEM-03.3.1)**
Date: 29 May-2 June 2017

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

Read also more in the March 2017 CEM Newsletter: <http://cem-nwu.co.za/uploads/Newsletters%202017/Monthly%20newsletter%20February%20-%20March%202017.pdf>

2017 Cape Town Biodiversity & Business Indaba: Theme: Moving forward together – partnerships & collaborations

Date: 5 & 6 April 2017

Venue: Old Mutual, Mutual Park, Jan Smuts Drive, Pinelands, Cape Town, South Africa

Contact shelley@ewt.org.za for registration and more information

International

P-PCP Conference "Coexisting with(in) TFCAs: local perspectives": abstract deadline extended!

Place: SE Lowveld of Zimbabwe,

Date: 22-27 May 2017

Contact: Clara Bocchino clara.bocchino@gmail.com

Call for Abstracts First 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: 11 October 2017

Venue: TBC University of Lincoln, UK

Abstracts to wscholtz@uwc.ac.za and skasker@gmail.com before 28 April 2017.

WEBINAR - What are the major institutional challenges and financial opportunities for new HELE coal power plants?

Date: 22 March 2017

Time: Midday (UK time)

What are the major institutional challenges and financial opportunities for new HELE coal power plants? Is the subject for the next webinar from the IEA Clean Coal Centre which will be presented by Paul Baruya on Wednesday 22 March at midday (UK time).

Publicly funded financial institutions such as multilateral development banks (MDB) and export credit agencies (ECA) based in OECD America and Europe have, since 2013, adopted strict lending rules for greenfield coal power projects. Greenfield projects may be supported financially, but they will only be authorised under rare and exceptional circumstances. However, these particular financial institutions form a fairly small proportion of the funding made available to coal power projects worldwide. There is evidence that many other banks are willing to support High Efficiency Low Emission, (HELE), coal plant technology in Asia, even in the wake of COP21.

IEA Clean Coal Centre (CCC) webinars can be viewed from our webinar page live, or at any time after the event. A one-off registration is required. <http://www.iea-coal.org.uk/site/2010/news/webinars?LanguageId=0>

The IEA Clean Coal Centre is the world's foremost provider of information on the clean and efficient use of coal worldwide, particularly clean coal technologies, in a balanced and objective way, without political or commercial bias. Our products include in-depth topical reports, literature reviews and online databases. We also provide advice, facilitate R&D networks and organise workshops and conferences. We are funded by member countries and industrial sponsors so our analysis stays impartial.

For more information visit IEA Clean Coal Centre: <http://www.iea-coal.org.uk/site/2010/home?ParamReload=true&>

CfP 'Damned by Dams - Artefacts of Modernization and Conflicts of Transformation'

In October, we will be hosting a workshop on politics and conflicts in the context of hydroelectric dam projects at the Centre of Global Cooperation Research, University of Duisburg-Essen in Germany. We will also analyze a number of case studies from a human rights perspective.

https://www.gcr21.org/fileadmin/website/daten/pdf/Call_for_Application/Damned_by_dams_CfP.pdf

The deadline for abstracts is 30th March 2017.

Webinar: IEA SHC Solar Academy: Advanced Lighting Solutions for Retrofitting Buildings

Date: Tuesday 21 March 2017

Time: 14:00 - 15:30 GMT (Check your local time on the registration page)

<https://attendee.gotowebinar.com/register/4592874854829519107>

Unitar Self-paced Courses: International Environmental Law

This self-paced course will provide you with the basics of International Environmental Law (IEL) by identifying its sources and fundamental principles, the law-making process, its main actors, the implementation and compliance procedures needed to understand and implement Multilateral Environmental Agreements.

Read more and apply: <https://www.unitar.org/event/full-catalog/international-environmental-law>

- Unitar Self-paced courses: Law of International Organizations
This self-paced course aims to provide you with a comprehensive knowledge of the key issues of the Law of International Organizations that is necessary to understand the role and position of international organizations in the contemporary legal order.

Read more and apply: <https://www.unitar.org/event/full-catalog/law-international-organizations-1>

This self-paced course aims to provide you with the fundamental theoretical and practical knowledge of the key issues surrounding the Law of Treaties. You will gain a comprehensive understanding of the provisions of the universal conventions as the sources of the International Law of Treaties and developed critical skills of analysis and interpretation of cases regarding contemporary practice.

NEWS

Legislation: Objections to flood of Bills before Parliament

“Parliament has complained about being flooded with a plethora of Bills and having little time to conclude them. Speaker Baleka Mbete and MPs complained that this had impacted on the processing and resulted in some of the Bills being returned by President Jacob Zuma, notes a report in The Mercury. The National Assembly said that this year alone, Cabinet had sent 66 Bills, with the expectation being that they would be concluded in a year. This is in addition to 26 Bills from last year still requiring urgent finalisation. A spokesperson said Cabinet was yet to finalise the legislative programme for Parliament for the year. He said the numbers were speculative until the programme has been finalised.”

Full report in The Mercury (subscription needed) *Legalbrief Today* 13 March 2017

Casper Mark “Volkswagen pleads guilty to DOJ diesel emissions charges” *Jurist* 11 March 2017 <http://www.jurist.org/paperchase/2017/03/volkswagen-pleads-guilty-for-diesel-emissions-scandal.php> [Source: *Legalbrief Today* 14 March 2017]

Pidd H “Anti-fracking protesters take government to court in Lancashire” *The Guardian* 12 March 2017 <https://www.theguardian.com/environment/2017/mar/12/anti-fracking-protesters-take-government-to-court-in-lancashire> [Source: *Legalbrief Today* 14 March 2017]

bega sheree “Mining directors face R10m fine, jail time for pollution” *IOL* 11 March 2017 [Source: *Legalbrief Today* 14 March 2017] <http://www.iol.co.za/business-report/companies/mining-directors-face-r10m-fine-jail-time-for-pollution-8142857>

Savides Matthew “EnviroServ says it will deal with 'toxic' landfill site - but it'll take six months to get right” *TimesLive* 9 March 2017 [Source: *Legalbrief Today* 14 March 2017] <http://www.timeslive.co.za/scitech/2017/03/09/EnviroServ-says-it-will-deal-with-toxic-landfill-site-but-itll-take-six-months-to-get-right>

“President Zuma drums up support for ocean economy” *SANews* 7 March 2017 [Source: *Legalbrief Today* 14 March 2017] <http://www.sanews.gov.za/south-africa/president-zuma-drums-support-ocean-economy>

Swanepoel E “Victoria bans onshore unconventional gas exploration, development” *MiningWeekly* 8 March 2017 [Source: *Legalbrief Today* 14 March 2017] http://www.miningweekly.com/article/victoria-bans-onshore-unconventional-gas-exploration-development-2017-03-08/rep_id:3650

Swanepoel E “Greens party criticises Mulga Rock mine approval” *MiningWeekly* 8 March 2017 [Source: *Legalbrief Today* 14 March 2017] <http://www.miningweekly.com/article/greens-party-criticises-mulga-rock-mine-approval-2017-03-08>

Roy Eleanor Ainge “New Zealand river granted same legal rights as human being” *TheGuardian* 16 March 2017 https://www.theguardian.com/world/2017/mar/16/new-zealand-river-granted-same-legal-rights-as-human-being?CMP=Share_iOSApp_Other

Grobler Andre “No mining in Barberton Nature Reserve – SCA” *News24* 17 March 2017 <http://www.news24.com/Green/News/no-mining-in-barberton-nature-reserve-sca-20170317>

Shongwe Beatrice “Lily Mine recovery depends on 'government intervention' – lawyer” *News24* 16 March 2017 <http://www.news24.com/SouthAfrica/News/lily-mine-recovery-depends-on-government-intervention-lawyer-20170316>

Fares L “Japan court finds government and TEPCO liable for Fukushima nuclear disaster” *Jurist* 17 March 2017 <http://www.jurist.org/paperchase/2017/03/japanese-court-finds-government-and-tepco-liable-for-fukushima-nuclear-disaster.php>

Akwei I “Reality of the worst drought since 1945 peaking in parts of Africa” *Africa News* 17 March 2017 <http://www.africanews.com/2017/03/17/depth-of-the-worst-drought-since-1945-peaking-in-parts-of-africa/>

McGrath Matt “Trump's 'drain the swamp' budget to hit swamp dwellers” *BBC News* 17 March 2017 <http://www.bbc.com/news/science-environment-39304098>

Milman O “Trump budget would gut EPA programs tackling climate change and pollution” *TheGuardian* 16 March 2017 <https://www.theguardian.com/environment/2017/mar/16/trump-budget-cuts-climate-change-clean-up-programs-epa>

Harrabin Roger “Germany to push for carbon price at G20” *BBC News* 16 March 2017 <http://www.bbc.com/news/science-environment-39290593>

McGrath Matt “Burning wood for energy ignites fierce academic row” *BBC News* 15 March 2017 <http://www.bbc.com/news/science-environment-39267774>

“CO2 emissions stay same for third year in row – despite global economy growing” *TheGuardian* 17 March 2017

<https://www.theguardian.com/environment/2017/mar/17/co2-emissions-stay-same-for-third-year-in-row-despite-global-economy-growing>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Shangoni: Consultant (Air Quality Management)

Shangoni Management Services is an environmental, health and safety consulting company specializing in providing solutions for management systems, legal compliance, risk management and technical health, safety and environmental management challenges. We achieve these goals through a simple formula – the personal commitment of a multidisciplinary, competent team, with in-depth industry expertise, ensuring quality services within the agreed budget and timeframe. In the case of Shangoni not having internal expertise we have a network of competent scientist to conduct specialist studies.

Shangoni has a vacancy for a consultant specializing in air quality management in its Air Quality Department. The position is based in Pretoria. Refer below for qualification requirements and key responsibilities:

Qualification, skills and experience requirements:

- BSc honors or BEng honors degree;
- Experience in air quality dispersion modeling;
- Experience in developing emission inventories;
- Must have excellent report writing skills; and
- Must have good interpersonal skills and the ability to work closely with others.

Key responsibilities

- Assist clients in Atmospheric Emission License applications;
- Develop emission inventories;
- Setup and run dispersion models;
- Undertake air quality impact assessments;
- Report writing;
- Assist clients in developing air quality management plans;
- Draft proposals;
- Liaise with clients and departmental officials;
- Attend meetings with clients and departmental officials; and
- Project administration.

Should you meet the above requirements, please email your CV to patricia@shangoni.co.za Closing date: 31 March 2017

Please note that feedback will be given to shortlisted candidates only

North-West University: Faculty of Law: Mahikeng Campus: Lecturer / Senior Lecturer

Closing date: 31 March 2017

http://nwu.pnet.co.za/index.php?s=advert_view&g=11080&x=4272362&i=1040&pop=1

North-West University: Mahikeng Campus: Faculty of Law: Associate Professor / Professor

http://nwu.pnet.co.za/index.php?s=advert_view&g=11080&x=4272362&i=820&pop=1

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 12

24 March 2017

21 March 2017: Human Rights Day
22 March 2017: World Water Day
25 March 2017: Earth Hour 20:30-21:30

LEGISLATION

NOTICES

Subdivision of Agricultural Land Act 70 of 1970 & Conservation of Agricultural Resources Act 43 of 1983 - GN 248 in GG 40711 of 24 March 2017 - Revised tariffs for services rendered

Occupational Health and Safety Act 85 of 1993 - GN R262 in GG 40713 of 24 March 2017 - Incorporation of health and safety standards into the Pressure Equipment Regulations, 2009

National Water Act 36 of 1998 - GN R267 in GG 40713 of 24 March 2017 - Water Use Licence Application and Appeals Regulations, 2017
<http://www.gov.za/documents/national-water-act-regulations-procedural-requirements-water-use-licence-applications-and>

National Heritage Resources Act 25 of 1999 - GN 249 in GG 40711 of 24 March 2017 - Declaration of the Grave of Mr Chris Hani, Memorial Site and the Walk of Remembrance as National Heritage Sites

Promotion of Access to Information Act 2 of 2000 - GG 40714 of 23 March 2017 - Limpopo Department of Economic Development, Environment and Tourism: Section 14 manual

Astronomy Geographic Advantage Act 21 of 2007 - GN 246 in GG 40706 of 22 March 2017 - Summary of report on public oral hearings on proposed Karoo Central Astronomy Advantage Areas Spectrum Regulations, 2015

PROVINCES

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 25 in PG 7745 of 21 March 2017 -

Madibeng Local Municipality – Draft Spatial Planning and Land Use Management By-law or SPLUMA By-laws

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 27 in PG 7745 of 21 March 2017 - Ramotshere Moiloa Local Municipality - By-law on Spatial Planning and Land Use Management

KwaZulu-Natal

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – Gen Notice 5 in PG 1803 of 23 March 2017 - Nongoma Local Municipality - Outdoor Advertising By-laws

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 – Gen Notice 6 in PG 1803 of 23 March 2017: Delegations in terms of s. 56

Gauteng

Constitution of the Republic of South Africa, 1996 - PN 222 in PG 78 of 22 March 2017 - Rand West City Local Municipality - Spatial Planning and Land Use Management By-law, 2017

CASES

National

Mineral Sands Resources (Pty) Ltd v Magistrate for the District of Vredendal, Kroutz NO and Others (18701/16) [2017] ZAWCHC 25 (20 March 2017)

“[1] This case concerns the validity of a search warrant issued by the first respondent on 26 September 2016 in which he authorised a search of the applicant’s Tormin sand mine near Lutzville. Among other issues, the application raises questions (i) about the interpretation of statutory provisions giving effect to the government’s One Environmental System agreement, an arrangement intended to establish a single environmental system for assessing the environmental aspects of activities, including mining activities, and (ii) about the powers of the various kinds of inspectors appointed to monitor and enforce compliance with environmental legislation.”

213] It is convenient to summarise the conclusions I have reached:

(a) The warrant is invalid, insofar as it relates to the jetty charge, the increased footprint charge and the road charge, because the investigation of those charges was not within the mandate of the national inspectors.

(b) The warrant is invalid, insofar as it relates to the above three charges and the failing cliff charge, because the DEA failed to disclose the legislative changes of 8 December 2014 and MSR's position on the mandate issue.

(c) The warrant is invalid, insofar as it relates to the dumping charge, because the evidence presented to the Magistrate was too confusing and unclear to constitute reasonable grounds for suspecting that the dumping offence was being or had been committed.

(d) The warrant is invalid, insofar as it relates to the road charge, because the admissible evidence presented to the Magistrate did not establish reasonable grounds for suspecting that the road offence was being or had been committed.

(e) Were it not for the finding in (a), I would not have set aside the warrant in relation to the jetty charge, ie I do not think the other attacks on the warrant in respect of this charge are sound.

(f) Were it not for the finding in (b), I would not have set aside the warrant in relation to the failing cliff charge, ie I do not think that the other attacks on the warrant in respect of this charge are sound.

(g) But for the cumulative findings set out above, I would not have set aside the warrant as lacking intelligibility or for failing to identify the suspected offender or as being partially ultra vires.

(h) But for the cumulative findings set out above, I would not have declared the execution of the warrant unlawful."

<http://www.saflii.org/za/cases/ZAWCHC/2017/25.html>

International

Oakville Comm Action Group etal vs La Deq Case No C643930 19th Judicial District Court Parish of East Baton Rouge State of Louisiana Delivered 16 March 2017

"Oakville Community Action Group, the Louisiana Environmental Action Network, TELC settled a case about the Industrial Pipe landfill with entry of this Consent Judgment. The settlement will expand by six-fold the buffer zone between the landfill and the historic, African-American community of Oakville in Plaquemines Parish. The buffer will expand from 50 feet to 300 feet. The settlement will also prohibits storage of waste and cover material in the buffer area. In return, it provides for expansion of the landfill in areas away from the community. TELC has been in litigation about the Industrial Pipe landfill in one case or another since more than 17 years ago. [See the pictures in this Environmental Justice blog from 2006:

<http://www.dailykos.com/story/2006/4/25/204823/->]

TELC attorney Corinne Van Dalen described some of the issues in a law review article: <http://law.loyno.edu/sites/law.loyno.edu/files/Van%20Dalen-Final.pdf>

A 300-foot buffer may sound like less than half-a-loaf under these circumstances. And it is. But after all these years, a few ephemeral victories, and many heartbreaking setbacks, this increased buffer zone is finally tangible progress." [ENVLAWPROFESSORS@lists.uoregon.edu

Adam Babich, Tulane Environmental Law Clinic Director & Professor of Law]

[http://www.tulane.edu/~telc/assets/Settlements/3-16-17 %20ConsentJudgment %20Oakville.pdf](http://www.tulane.edu/~telc/assets/Settlements/3-16-17_%20ConsentJudgment_%20Oakville.pdf)

PUBLICATIONS

WWF “Scenarios for the Future of Water in South Africa” (March 2017)
http://www.wwf.org.za/media_room/publications/?20461/Scenarios-for-the-future-of-water-in-South-Africa#

Pieterse Marius “Rights, Regulation and Bureaucratic Impact: The Impact of Human Rights Litigation on the Regulation of Informal Trade in Johannesburg” 2017 *PER* <http://journals.assaf.org.za/per/issue/view/231>

Du Plessis Willemien Book Review: “A Liberal Actor in a Realist World: The European Union Regulatory State and the Global Political Economy of Energy” 2017 *PER* <http://journals.assaf.org.za/per/issue/view/231>

Du Plessis Willemien Book Review “Responsible Mining Key Principles for Industry Integrity” 2017 *PER* <http://journals.assaf.org.za/per/issue/view/231>

Mahlstein Kornel and McDaniel Christine “The Environmental Goods Agreement: How Would US Households Fare?” (ICTSD 14 March 2017)
<http://www.ictsd.org/themes/climate-and-energy/research/the-environmental-goods-agreement-how-would-us-households-fare>

Kelly George and Sugathan Mahesh “Standards in the Photovoltaic Value Chain in Relation to International Trade” (ICTSD 20 March 2017)
<http://www.ictsd.org/themes/climate-and-energy/research/standards-in-the-photovoltaic-value-chain-in-relation-to>

Brandi Clara “Trade Elements in Countries’ Climate Contributions under the Paris Agreement” (ICTSD 20 March 2017) <http://www.ictsd.org/themes/climate-and-energy/research/trade-elements-in-countries%E2%80%99-climate-contributions-under-the>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

The Conversation: Hertwich Edgar “Does 'green energy' have hidden health and environmental costs?” 21 March 2017 <http://bit.ly/2nlmIGw>

The Conversation: Carden Kirsty “Stormwater harvesting could help South Africa manage its water shortages” 21 March 2017 <http://bit.ly/2nIsIPD>

The Conversation: Ngumbi Esther Ndumi “Africa needs its own version of the vertical farm to feed growing cities” 22 March 2017 <http://bit.ly/2o7S1Bi>

The Conversation: Muller Mike “South Africa is no longer the poster child for providing access to safe water” 21 March 2017 <http://bit.ly/2nTbfyT>

Los Angeles Times: Revesz Richard “Op-Ed According to Scott Pruitt, states only have the right to pollute, not protect their environment” 20 March 2017
<http://www.latimes.com/opinion/op-ed/la-oe-revesz-pruitt-epa-federalism-20170320-story.html>

Once was a note: Green protest songs <https://oncewasanote.com/category/green-tunes-protest-songs/>

Daily Maverick: Grobler J “Letter to the Editor: We need to kill off demand, not rhinos” 24 March 2017 <https://www.dailymaverick.co.za/article/2017-03-24-letter-to-the-editor-we-need-to-kill-off-demand-not-rhinos/#.WNY3dIV97IU>

Official sea level rise projections for New York City: http://columbiaclimatelaw.com/files/2017/03/FINAL-Sea-Level-Graph-wi-title-and-footnotes.jpg?mc_cid=e5374af2b1&mc_eid=49e0923e33

IISD: Summary of the Sixth Meeting of the Working Group to enhance the functioning of the Multilateral system of the International Treaty on Plant Genetic Resources for Food and Agriculture 14-17 March 2017 <http://enb.iisd.org/biodiv/itpgrfa/owg-efmls-6/>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA NW Western Cape Branch: “Local Government’s Powers in Regard to Environmental Management – legal update”

Date: Tuesday, 28 March 2017

Time: 17:15-20:00

Venue: Bowman Gilfillan, 22 Bree Street, Cape Town (parking will be provided in the building)

Agenda:	17:15	Registration
	17:30	Welcome and Introductions
	17:45:	Susan Mossdel (City of Cape Town)
	18:05:	Anique Russouw and Gary Birch (DEA&DP)
	18:25	Nick Smith (Smith Ndlovu & Summers Attorneys)
	18:45	Question and Answer Session
	19:15	Refreshments, Snacks & Networking

Cost: ELA members and registered students: Free; Non-members: R50 (non-members can register and then make payment at the venue)

Please register/RSVP (& indicate if you need parking) via email by Friday 24 March 2017. Contact Katherine Handley or Tendai Bonga on khandley@law.co.za and tendai@greencounsel.co.za

More information available at www.elasa.co.za/regional-events.html

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

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

Sub-themes: (each of the sub-themes have sub-headings)

- Environmental Law
 - 20 years of EIA Regulations: How effective has regulations been in achieving section 24 of the Constitution?
 - Environmental Compliance and Enforcement
 - Financial provision and environmental liabilities for rehabilitation
- Sustainability in Business
- Environmental and Developmental Planning
- Energy Security
- Water-Food-Energy Nexus
- Economics and Valuation
- Ecosystem Services
- Integrated Environmental Management

More information on deadlines and participation will follow soon.

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 19-20 April 2017 (Pretoria)
4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 21 April 2017 (Pretoria)
28 September 2017 (Potchefstroom)
- **Environmental law-energy management (CEM-02.1.4)**
Date: 4-5 May 2017
- **Environmental law - integrated waste management (CEM-02.1.3)**
Date: 4-5 May 2017
- **Occupational Health and Safety Law (CEM-02.2.1)**
Date: 8-12 May 2017
- **Health and Safety Law for Construction Activities (CEM-02.2.3)**
Date: 15-19 May 2017
- **Integrated Land Management (CEM-06.8.1)**
Date: 22-26 May 2017
- **Energy Management Systems (CEM-03.3.1)**
Date: 29 May-2 June 2017

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

University of Pretoria The Centre for Insolvency, Labour and Company Law (CILC): Presentation by Russell Loubser on 'Reflections on King IV on Corporate Governance'

Date: 3 April 2017

Venue: Moot Court, Ground Level, Law Building, Hatfield, University of Pretoria
RSVP: Complete online RSVP form or e-mail moipone.williams@up.ac.za by 29 March 2017. Limited seats available

Enquiries: Moipone Williams on +27(0)12 420 2363

International

P-PCP Conference "Coexisting with(in) TFCAs: local perspectives": abstract deadline extended!

Place: SE Lowveld of Zimbabwe,

Date: 22-27 May 2017

Contact: Clara Bocchino clara.bocchino@gmail.com

Call for Abstracts First 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: 11 October 2017

Venue: TBC University of Lincoln, UK

Abstracts to wscholtz@uwc.ac.za and skasker@gmail.com before 28 April 2017.

NEWS

Evans Jenni "Protect Cape Flats aquifer, says campaigner" News24 23 March 2017 <http://www.news24.com/SouthAfrica/News/protect-cape-flats-aquifer-says-campaigner-20170323>

Goba N "Johannesburg to reintegrate 13 entities to improve service delivery" *Timeslive* 24 March 2017 <http://www.businesslive.co.za/bd/national/2017-03-24-johannesburg-to-reintegrate-13-entities-to-improve-service-delivery/>

Lowman E "State Department issues permit for Keystone XL pipeline" *Jurist* 24 March 2017 <http://www.jurist.org/paperchase/2017/03/state-department-issues-permit-for-keystone-xl-pipeline.php>

Davis Rebecca 'It's not over': Activists react to Tafelberg land decision" *Daily Maverick* 23 March 2017 <https://www.dailymaverick.co.za/article/2017-03-23-its-not-over-activists-react-to-tafelberg-land-decision/#.WNY2kFV97IU>

Allison Simon "Famine Crisis: Massive funding shortfall threatens UN relief for drought-hit countries" *Daily Maverick* 24 March 2017 <https://www.dailymaverick.co.za/article/2017-03-24-famine-crisis-massive-funding-shortfall-threatens-un-relief-for-africas-starving/#.WNY3FVV97IU>

Yeld John "Warrant for search-and-seizure at West Coast mine ruled invalid" *GroundUp* 20 March 2017 <http://www.groundup.org.za/article/warrant-search-and-seizure-west-coast-mine-invalid/>

Adi Ganug Nugroho and Adri N “Cement plant fight widens following death”
Jakarta Post 24 March 2017 <http://www.thejakartapost.com/news/2017/03/24/cement-plant-fight-widens-following-death.html>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

North-West University: Faculty of Law: Mahikeng Campus: Lecturer / Senior Lecturer

Closing date: 31 March 2017

http://nwu.pnet.co.za/index.php?s=advert_view&g=11080&x=4272362&i=1040&pop=1

North-West University: Mahikeng Campus: Faculty of Law: Associate Professor / Professor

http://nwu.pnet.co.za/index.php?s=advert_view&g=11080&x=4272362&i=820&pop=1

Closing date: 31 March 2017

New International Scholarship Opportunities: Mauritius, Russia, China and Hungary: <http://www.internationalscholarships.dhet.gov.za/>

Erasmus Graduate School of Law, Netherlands: PhD Researchers in Law

The Erasmus Graduate School of Law (EGSL) has four openings for the position of: PhD researcher in Law or Criminology (M/F 1.0 FTE, deadline for applications 7 May, start in September 2017).

They are looking for PhD researchers who will perform excellent research in Law or Criminology in connection with one of the research themes pursued by Erasmus School of Law. This is an open application round, in which candidates are selected on the basis of their professional qualification, the letter of motivation, the quality of their own research proposal, and the extent to which this fits with the research profile of ESL. EGSL has created a two-phased structure for the four-year doctoral programme: a probationary period (14 months) followed by a 34-month PhD programme. The probationary period consists of a full educational programme of 60 ects (including 20 ects for individual research). In the remaining 34-month period PhD researchers, focus entirely on research and the completion of their thesis. In both phases structured guidance is provided by the thesis supervisor and a doctorate committee composed of three senior researchers and the EGSL Director or EGSL Dean of the PhD Programme.

Requirements

You have a university degree in Law, Criminology or other disciplines relevant to the research themes mentioned above. You can demonstrate relevant scientific research skills, proven, for example, by academic publications or by the quality of your master thesis. You have excellent oral and written skills in English – and Dutch if applicable. Additionally, a professor affiliated to ESL is willing to act as your sponsor (for more information, please read the application criteria below).

Please note that an assessment is part of the application procedure. Current master students are welcome to apply. However, appointment will only be possible if the master degree has been obtained before 1 September 2017. You

can apply without having proof of obtaining your master's degree, however, bear in mind that proof of a master's degree is a formal requirement for employment.

More information can be found at <https://www.esl.eur.nl/egsl/vacancies/recruitment/>

Please find attached the recruitment and selection procedure EGSL PhD researchers 2017 for the four open PhD positions, as set by the Board of ESL. Procedural and policy-wise minor adjustments have been made after evaluation of the open application procedure of last year. You will also find attached the timeframe for 2017 regarding the several steps within the recruitment and selection procedure.

For more information about the procedure, you can contact EGSL via egsl@law.eur.nl

Global Green Growth Institute (GGGI) is recruiting a Program Officer based in Kiribati

For details please see this link: <https://careers.gggi.org/vacancy/officer-kiribati-country-program-307873.html>

Deadline for applications is 11th April 2017. Applications should be submitted online through the link above.

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 13

31 March 2017

Next Newsletter: 14 April 2017

BILLS

Marine Spatial Planning Bill, 2017 - GN 274 in GG 40726 of 28 March 2017 - notice of intention to introduce and explanatory summary - for comment

National Environmental Management Laws Amendment Bill, 2017 – Gen Notice 245 in GG 40733 of 31 March 2017 - notice of intention to introduce and explanatory summary - for comment http://www.gov.za/sites/www.gov.za/files/40733_gen245.pdf

NB Note substantial amendments to NEMA and SEMAs in relation to mining – please comment where applicable

Draft Property Practitioners Bill - Gen Not 246 in GG 40733 of 31 March 2017

LEGISLATION

NOTICES

National Research Foundation Act 23 of 1998 - GN 279 in GG 40733 of 31 March 2017 - Withdrawal of the declaration of the National Zoological Gardens as a National Research Facility published in GN 239 in GG 26051 of 27 February 2004 and transfer to the control of the South African National Biodiversity Institute established in terms of the National Environmental Management: Biodiversity Act 10 of 2004 - with effect from 1 April 2017

National Environmental Management Act 107 of 1998 - GN 276 in GG 40733 of 31 March 2017 - Draft National Biodiversity Offset Policy - for comment

National Energy Regulator Act 40 of 2004 – Gen Not 239 in GG 40722 of 27 March 2017 - National Energy Regulator of South Africa (NERSA) - '*Pipeline Levies*'? document – for comment

National Environmental Management: Waste Act 59 of 2008 - GNs 300 & 301 in GG 40751 of 31 March 2017 - Proposed notice to require the tyre industry to prepare and submit an industry waste tyre management plan to the Minister for approval - for comment

PROVINCES

Western 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 2003 and Bitou By-Law on Municipality Land Use Planning, 2015 - LAN 54512 in PG 7748 of 24 March 2017 – Bitou Local Municipality - Amended Municipal Spatial Development Framework (MSDF) 2017 – 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; Western Cape Land Use Planning Act 13 of 2014; and Standard By-law on Municipal Land Use Planning – LAN 54513 in PG 7748 of 24 March 2017 - Langeberg Local Municipality - Municipal Spatial Development Framework (MSDF) – for comment

KwaZulu-Natal

Constitution of the Republic of South Africa; Local Government: Municipal Systems Act 32 of 2000 - PN 35 in PG 1807 of 30 March 2017 - Nuisances and Behaviour in Public Places By-law, 2017; Outdoor Advertising By-laws;

CASES

National

Adendorffs Boerderye v Shabalala and Others (997/15) [2017] ZASCA 37 (29 March 2017)

Summary: Conservation of Agricultural Resources Act 43 of 1983 (CARA): Regulation 9: land users as defined in CARA responsible for ensuring that grazing land is protected from overgrazing and deterioration: CARA not explicitly prohibiting a land owner from pursuing remedy in the form of a restraining order: land users not exercising grazing rights in terms of the provisions of the Extension of Security of Tenure Act 62 of 1997 but in terms of an agreement with landowner.

Court practice: Court orders: overbroad court orders not sought by parties and not supported by pleadings: such orders not sustainable, especially where parties were not afforded opportunity to make prior representations: orders set aside both in appeal and cross appeal.

Costs: *de bonis propriis*: where attorneys flagrantly disregard court rules by late delivery of heads of arguments without proper explanation: additionally, attempting to obtain postponement without proper basis: such conduct prejudicing opponent : appropriate to mulct attorney with costs.

International

Farone A “Volkswagen reaches emissions settlements with 10 states” *The Jurist* 31 March 2017 <http://www.jurist.org/paperchase/2017/03/volkswagen-reaches-emissions-settlements-with-10-states.php>

Cosgrave J “Environmental groups sue administration over Keystone XL pipeline” *The Jurist* 31 March 2017 <http://www.jurist.org/paperchase/2017/03/environment-groups-sue-administration-over-keystone-xl-pipeline.php>

PUBLICATIONS

UN Report “Wastewater the untapped resource” 2017
<http://unesdoc.unesco.org/images/0024/002471/247153e.pdf>

Oxfam “A Harvest of Dysfunction: Rethinking the approach to drought, its causes and impacts in South Africa” (March 2017) <http://www.oxfam.org.za/wp-content/uploads/2017/03/Final-Final-OZA-Oxfam-Drought-Report.pdf>

Castán Broto Vanesa *et al* (eds) *Participatory Planning for Climate Compatible Development in Maputo, Mozambique* (2015) Download for free:
<https://goo.gl/HCxac1>

Davies LL “Making Sense of the Rapidly Evolving Legal Landscape of Solar Energy Support Regimes” 2016 6 *KLRI J. L. & Legis* 81
<https://ssrn.com/abstract=2893731>

Biel Robert *Sustainable Food Systems: The Role of the City* (UCL Press 2017)
- download it free from <https://goo.gl/3OqN3A>

Davies LL and Carley S “Emerging Shadows in National Solar Policy? Nevada’s Net Metering Transition in Context” 2017 30 *Electricity J* 33
<https://ssrn.com/abstract=2875878>

Davies LL and Carley S “Nevada’s Net Energy Metering Experience, The Making of a Policy Eclipse?” 2016 *Brookings Mountain West Report*
<https://ssrn.com/abstract=2882918>

UN “Human Development Report 2016 Human Development for Everyone”
http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf

IFPRI “Global Food Policy Report 2017” <http://www.ifpri.org/publication/2017-global-food-policy-report>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

IISD Reporting: Third Session of the Preparatory Committee on Marine Biodiversity beyond Areas of National Jurisdiction: 27 March - 7 April 2017
<http://enb.iisd.org/oceans/bbnj/prepcom3/>

theguardian: Carrington Damian “Moore’s law’ for carbon would defeat global warming” 23 March 2017 <https://www.theguardian.com/environment/2017/mar/23/moores-law-carbon-would-defeat-global-warming>

IISD Reporting Services: 3rd Session of the Preparatory Committee on Marine Biodiversity Beyond Areas of National Jurisdiction - <http://enb.iisd.org/oceans/bbnj/prepcom3/>

TheGuardian: Carrington D “Climate change: global reshuffle of wildlife will have huge impacts on humanity” 30 March 2017 <https://www.theguardian.com/environment/2017/mar/30/climate-change-global-reshuffle-of-wildlife-will-have-huge-impacts-on-humanity>

IISD: SDG Knowledge Hub: Jungcurt S “World Bank Conference Discusses Role of Land Tenure in Sustainable Development” 30 March 2017 <http://sdg.iisd.org/news/world-bank-conference-discusses-role-of-land-tenure-in-sustainable-development/>

IISD: SDG Knowledge Hub: Allan J “Building Global Momentum for Sustainable Energy as Polar Sea Ice Hits Record Lows” 30 March 2017 <http://sdg.iisd.org/news/building-global-momentum-for-sustainable-energy-as-polar-sea-ice-hits-record-lows/>

IISD: SDG Knowledge Hub: Eggerts E and Gari JA “Forests and Gender: A Catalytic Alliance for Sustainable Development” 30 March 2017 <http://sdg.iisd.org/commentary/guest-articles/forests-and-gender-a-catalytic-alliance-for-sustainable-development/>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

Sub-themes: (each of the sub-themes have sub-headings)

- Environmental Law
 - 20 years of EIA Regulations: How effective has regulations been in achieving section 24 of the Constitution?
 - Environmental Compliance and Enforcement
 - Financial provision and environmental liabilities for rehabilitation

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

- Sustainability in Business
- Environmental and Developmental Planning
- Energy Security
- Water-Food-Energy Nexus
- Economics and Valuation
- Ecosystem Services
- Integrated Environmental Management

Deadline for abstracts: 24 April 2017

More information on deadlines and participation:
<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

South African Association of Intellectual Property Law and Information Technology Law Teachers and Researchers

Place: Stellenbosch University

Date: 21 and 22 June 2017

For further information concerning the conference, including the registration form, fees and accommodation, please follow the link provided below.

<http://blogs.sun.ac.za/iplaw/events/aiplitl-conference/>

If you have any other queries please do not hesitate to contact me at annettev@sun.ac.za

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
 Dates: 19-20 April 2017 (Pretoria)
 4-5 May 2017 (Cape Town)
 8-9 June 2017 (Durban)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
 Dates: 21 April 2017 (Pretoria)
 28 September 2017 (Potchefstroom)
- **Environmental law-energy management (CEM-02.1.4)**
 Date: 4-5 May 2017
- **Environmental law - integrated waste management (CEM-02.1.3)**
 Date: 4-5 May 2017
- **Occupational Health and Safety Law (CEM-02.2.1)**
 Date: 8-12 May 2017
- **Health and Safety Law for Construction Activities (CEM-02.2.3)**
 Date: 15-19 May 2017
- **Integrated Land Management (CEM-06.8.1)**
 Date: 22-26 May 2017
- **Energy Management Systems (CEM-03.3.1)**
 Date: 29 May-2 June 2017

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

UCT-Leicester Winter School for Early Career Legal Academics and Postgraduate Students

We are delighted to invite postgraduate students and early-career legal academics and researchers from any South African university or research institution to participate in an Advanced Winter School run jointly by the Law Faculties of the University of Cape Town and Leicester University on the theme of *Crossing Boundaries between Public and Private Law*. The event will take place at the Mont Fleur Conference Venue just outside Stellenbosch (www.montfleur.co.za) on Thursday 20 July 2017 and will be followed by an international conference on the same theme at the same venue on 21 July. The purpose of the Winter School is to provide support and guidance to young scholars in the development of their own research. Participants will present a piece of original research on the theme and receive constructive feedback on their work. They will also be paired with an experienced researcher in advance of the event with whom they will have the opportunity to discuss their ideas.

Postgraduate students and early-career legal academics and researchers are invited to submit proposals to present papers addressing the conference theme, either at a general level or in relation to any particular aspect of public or private law. Anyone wishing to participate should submit a working title and an abstract (of no more than 500 words) together with a curriculum vitae by email to liesel.collins@uct.ac.za by 1 May 2017 (although late submissions may be considered). Papers will be selected on the basis of academic potential, engagement with the theme, and fit with other papers being presented at the Winter School. Those offering papers will be notified by approximately 15 May 2017 whether their applications have been accepted. We expect to accept up to ten proposals and particularly welcome applications from those studying or working at less well-resourced institutions of higher education in South Africa.

Organisers of the Winter School will be able to make a contribution to the travel and accommodation costs of those taking part depending on need and available resources. It is expected that a small number of selected papers will be published in an edited collection of essays that is intended to follow from the international conference held the day after the Winter School. There will also be an opportunity to explore possibilities for future participation in joint research funding applications under the UK-South Africa Newton Fund.

LSE UCT July School 2017

The Centre for Extra-Mural Studies is delighted to be hosting the fifth LSE-UCT July School from 17-28 July 2017. This innovative and prestigious two-week 'summer school' style programme provides high-calibre students, graduates and professionals from across the globe with an opportunity to study social science issues relevant to Africa today across subject areas as diverse as international relations, economics, management, government, geography, law, media and social policy.

Participants select one intensive course to study for the two-week programme. Each course is delivered by leading academics from the London School of Economics and Political Science (LSE) and/or the University of Cape Town,

supported by teaching assistants, usually PhD students from one of the partner institutions.

Mid-term assessments and a final examination allow the award of a graded transcript to participants who successfully complete the programme.

To register, go to the LSE application page.
<http://www.lse.ac.uk/study/summerSchools/LSEUCTJulySchool/How-to-Apply.aspx>

The courses currently on offer in 2017 are:

- *Africa and Global Transformation: The Rise of Emerging Powers and a New International Order*
LCS-IR201 - Professor Chris Alden (LSE) and Dr Karen Smith (UCT)
- *Justice and Transparency in Africa*
LCS-LL301 - Professor Richard Calland (UCT)
- *Nourishing Cities: Reading Urban Africa through Food (new for 2017)*
LCS-GY301 - Dr Shari Daya (UCT) and Dr Jane Battersby (UCT)
- *Poverty and Development*
LCS-DV202 - Dr. Elliott Green (LSE)
- *Urban Development and Planning in Africa (new for 2017)*
LCS-GY202 - Professor Gareth Jones (LSE) and Dr Ryan Centner (LSE)

International

P-PCP Conference "Coexisting with(in) TFCAs: local perspectives": abstract deadline extended!

Place: SE Lowveld of Zimbabwe,

Date: 22-27 May 2017

Contact: Clara Bocchino clara.bocchino@gmail.com

Call for Abstracts First 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: 11 October 2017

Venue: TBC University of Lincoln, UK

Abstracts to wscholtz@uwc.ac.za and skasker@gmail.com before 28 April 2017.

Registration open: 16 – 21 July | Greifswald & Berlin – Summer Academy

'Energy & the Environment': Towards 100% renewable energy:

Connecting energy sectors for a global energy transition

It is our pleasure to announce that registration for the 14th annual Summer Academy 'Energy and the Environment' is now open! The interdisciplinary 6-day long Summer Academy will show that full renewable energy integration is in reach, and will address the challenge of moving beyond electricity, and connect renewable integration with the heat and transport sector into a sustainable, smart energy system.

With over 25 nationalities attending last year, the Academy offers an international perspective on the major issues associated with the global energy transition. The program features workshops, visits to a wind energy farm and a renewable electricity storage plant, as well as a three-day conference program.

The event also offers a social/evening program, ending with a festive barbecue in Berlin.

Applications:

The Summer Academy admits 25 participants with academic and professional experience in the field. The program is rooted in policy as key driver of change, and offers a diverse and interdisciplinary perspective considering societal, technological and regulatory/economic elements. This interdisciplinary approach will be reflected in the selection of participants. Places are limited, so please do not wait too long with sending a registration form to summeracademy@ikem.de ! You will find an outline of the program below, and more detailed information on our website. We look forward to hearing from you!

Full program: www.ikemsummeracademy.de/program2017

- Registration: www.ikemsummeracademy.de/applications
- General information: www.ikemsummeracademy.de

37th Biennial Public Land Law Conference: Bridging Divides: Energy, Environment, and Empowerment in a New Era

October 12 - 13, 2017

Call for Presentations and Papers

The Public Land & Resources Law Review invites submissions for panelist presentations at its 37th Public Land Law Conference, Bridging Divides: Energy, Environment, and Empowerment in a New Era. The conference will be held at the Alexander Blewett III School of Law at the University of Montana in beautiful Missoula, Montana. Our invited keynote speaker is U.S. Secretary of the Interior Ryan Zinke.

This year's conference seeks to answer the question: *How do we bridge divides and find common vision to manage our energy and environmental resources in an evolving political climate?* Energy development, indigenous involvement, and environmental interests frequently offer competing visions for the stewardship of our natural resources. The 37th Biennial Public Land Law Conference will bring together voices of local communities, federal and state actors, tribal nations, and private and nonprofit interests, to work toward a common vision of the law and policy of energy and the environment. Our areas of focus will include:

- balancing energy development with fish and wildlife needs;
- preserving indigenous interests in energy development; and
- addressing energy development within land use planning.

Within these focus areas, proposals are encouraged in the various energy development sectors (wind, hydroelectricity, solar, nuclear, coal, oil and gas, etc.) and should consider some of the different voices with a stake in that development (local, state, tribal, federal, nonprofit, and private). Proposals that focus on bridging divides are given priority consideration.

Selected panelists have the opportunity to publish a related article in the Spring 2018 *Public Land & Resources Law Review* conference edition. They will also receive a \$500 stipend toward travel expenses. Please submit a proposal abstract of 300 words or less to lillianalvernaz@gmail.com - Abstracts are due on or

before May 1, 2017, and should indicate whether you also intend to publish a companion paper.

University of Oxford: DPhil and MSc in Sustainable Urban Development

Part-time from October 2017

www.conted.ox.ac.uk/urban

Applications are still being accepted for the part-time DPhil and MSc in Sustainable Urban Development for October 2017 entry.

- *MSc in Sustainable Urban Development*
- Study while working and complete within two years;
- Eight intensive teaching weeks in Oxford and London, and a final dissertation project;
- Seminars, site visits, tutorials and a 24/7 online portal;
- Accredited by the Royal Institution of Chartered Surveyors;

The MSc aims to provide students with:

- a rigorous and intellectually-demanding education in the field of sustainable urban development;
- a multidisciplinary structure that engages with world-leading research to the benefit of students' professional practice;
- an international understanding and knowledge of sustainable urban development;
- an engagement with the academic excellence of the University of Oxford and the practical and research experience of the Prince's Foundation for Building Community.

Further information about the MSc and the application process can be found at

www.conted.ox.ac.uk/msud1

- *DPhil in Sustainable Urban Development*
- Provides an opportunity to pursue in-depth and rigorous research about the pressing challenges of urban sustainability and the processes of environmental, economic, and social development in urban environments around the world
- Study while working and complete within four to eight years
- Conduct own research under the guidance of a University supervisor

Further information about the DPhil and the application process can be found at

www.conted.ox.ac.uk/dsud1

Webinar: 100% Renewables: Pipe dream or reality?

Date: 4 April 2017

Time: 7:00 a.m. Eastern Daylight Time | 1:00 p.m. Central European Summer Time | 4:30 p.m. India Standard Time

Register: <https://attendee.gotowebinar.com/register/3207463816094873090>

LLM Climate Change Law & Policy, University of Strathclyde

Most of us are busy professionals with demanding jobs, yet many also have an interest in better understanding the important legal dimensions of climate change. At the University of Strathclyde, we offer a post-graduate degree tailored to such an audience, aimed at equipping its graduates with the knowledge needed to understand and implement policy efforts such as those being adopted under the Paris Agreement.

Setting it apart from other postgraduate degree programmes, the Strathclyde LLM in Climate Change Law and Policy does not require candidates to relocate or interrupt their current occupation. Instead, it is based on a blended learning curriculum requiring only limited attendance during two residential periods, with all logistics of accommodation, catering and transport professionally arranged for participants. A formal legal background is not required to apply.

<http://bit.ly/2nT1n8>

Second International Congress on the Anthropology of Salt

Date: 2–16 October 2017

Place: Los Cabos, México

More information: <http://saluniversalis.com/>

Summer school on Health law and Ethics 2017

The Erasmus Observatory on Health Law/Institute of Health Policy & Management (Erasmus University Rotterdam) announces the annual Summer school on Health Law and Ethics, providing students, academics, professionals and practitioners, with an opportunity for intensive training in various aspects of health law and ethics over a two-weeks period (you can sign up for 1 week or 2 weeks), while absorbing the sights, sounds and culture unique to Rotterdam and the Netherlands. The Summer school offers a custom-developed course taught by leading academics in their field.

The course is designed to enhance the preparation of health professionals confronted with legal and ethical issues. The course focuses on both theoretical and practical aspects of health law and ethics. A Certificate of Attendance will be presented to participants who wish to take the course for academic credit.

For more information and to register, you can visit our website on https://www.bmg.eur.nl/erasmus_observatory_on_health_law/summerschool_on_health_law_and_ethics

Bonn Climate Change Conference - May 2017

The forty-sixth sessions of the Subsidiary Body for Implementation (SBI 46) and Subsidiary Body for Scientific and Technological Advice (SBSTA 46) as well as the third part of the first session of the Ad Hoc Working Group on the Paris Agreement (APA 1-3) will take place from 8 to 18 May 2017, in Bonn, Germany.

Register: http://unfccc.int/meetings/bonn_may_2017/meeting/10076.php

NEWS

Etheridge Jenna “Govt gives green light for shale gas fracking in Karoo”
News24 30 March 2017 <http://www.news24.com/SouthAfrica/News/govt-gives-green-light-for-shale-gas-fracking-in-karoo-20170330>

Pengelly M “Trump to sign executive order undoing Obama's clean power plan”
The Guardian 26 March 2017 <https://www.theguardian.com/environment/2017/mar/26/trump-executive-order-clean-power-plan-coal-plants>

Lewis P “Silicosis: unpacking the gold mines’ strategy” *GroundUp* 27 March 2017 <http://www.groundup.org.za/article/silicosis-unpacking-gold-mines-strategy/>

Chirume J “PE families live with burst sewer pipe for three years” *GroundUp* 27 March 2017 <http://www.groundup.org.za/article/pe-families-live-burst-sewer-pipe-three-years/>

Conservation: Tiny new plant may block Eastern Cape uranium mining

“With the dust starting to fly in earnest over proposed uranium mining near the Eastern Cape Karoo town of Aberdeen, a tiny succulent, the nananthus, has surfaced as a possible new role player. A report in *The Herald* notes that the plant was discovered by Phillip McNaughton and his wife, Joan, on their farm Kariegesfontein, 45km west of Aberdeen, and subsequently on neighbour Chris Hayward’s farm. McNaughton’s posting on Ispot Nature sparked immediate interest from international experts who said it could be a new species. The report says McNaughton is hoping their discovery could flag the ecological diversity of the area and the huge and multi-layered costs that could be incurred if the uranium mining goes ahead. While Kariegesfontein is just outside Tasman South Africa’s proposed 35 000ha Kareepoort mining bloc and Hayward’s farm is inside the bloc, the wind is the key, he said. ‘We have big winds around here and, with the prevailing one being northwest, we are directly downwind of the proposed mine,’ McNaughton said, according to the report. ‘We are concerned that uranium mining could generate radioactive dust which could threaten not only us and our workers, our livestock, our meat and our mohair but also the natural environment, including this possibly unique plant.’ A specimen of the nananthus has been collected by Grahamstown’s Schonland Herbarium and will be checked to see if it is indeed a new species.”

Full report in *The Herald* (subscription needed) *Legalbrief Environmental* 28 March 2017

Singh Kaveel “SA’s drought a ‘harvest of dysfunction’ – Oxfam” *News24* 2017-03-28 <http://www.news24.com/Green/News/sas-drought-a-harvest-of-dysfunction-oxfam-20170328>

“Government says El Nino drought likely in 2017” *TimesLive* 30 March 2017 <http://www.timeslive.co.za/scitech/2017/03/30/Government-says-El-Nino-drought-likely-in-2017>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Ekurhuleni: Environmental Legal Advisor - Environmental Resource Management - ERMD6136

Published: 27 March 2017

Reference Number: ERMD6136

Position: Environmental Legal Advisor

Department: Environmental Resource Management

Division: Legislative Compliance

Salary: R353 808 - R459 252 per annum (plus benefits)

Minimum Requirements:

- Degree in Law with specialization in Environmental Law or equivalent NQF Level 7 qualification
- A valid driver's license
- Extensive computer literacy (Word & Excel)
- Accuracy and a good command of the English language (written and spoken)

- 3 - 5 years' experience in a similar environment

Core Responsibilities:

- Render specialist environmental legal services to ensure legal compliance obligations associated with the environmental aspects of the EMM's operations are appropriately addressed
- Participate in environmental law enforcement (administrative, criminal and civil) activities
- Maintain strategic relationships on managerial, national and provincial level for purposes of expectation management, knowledge sharing and integration to ensure a common approach to and mechanism for dealing with governance issues, enabling regular dialogue that promotes effective problem resolution
- Manage and implement the annual work plan (SDBIP) of the division, including protecting the interests of the Municipality with respect to environmentally sensitive land and commenting on land development applications ensuring that the set EMM, provincial and national targets are achieved
- Contribute to effective financial management processes to ensure proper financial management
- Develop a customer service orientated culture to ensure rewarding relationships and to allow others to provide exceptional customer service
- Monitor environmental governance and risk management strategies to ensure effective implementation of Council resolutions with regard to risk
- Provide strategic capability and leadership input into the divisional objectives to ensure that organisational demands are met in the short to medium term through managing the function to meet predetermined requirements

Interested candidates whose background and experience match these challenging and exciting positions are invited to submit their CV's by email to

Enquiries: Tel: (011) 999 6356

Please quote reference number on application.

Candidate Attorneys: The Socio-Economic Rights Institute of South Africa (SERI) Law Clinic: two vacancies for candidate attorneys (CAs).

These vacancies will arise on or after 1 January 2018.

SERI is authorised by the Law Society of the Northern Provinces to accept and train CAs. CAs are recruited for a fixed-term of two years, leading to qualification and admission as an Attorney. These posts carry salaries in the range of R175 000 per annum.

For more information on the specifications of this post, click here to view the full Advert. You can find out more about SERI on www.seri-sa.org and www.fightingforaliving.org

If you are interested in either of these posts, please send a CV, together with a covering letter, to Princess Nkuna princess@seri-sa.org . In your letter, provide a detailed explanation of why you are interested in working for SERI, and what qualities and experience you would bring to the post.

The closing date for applications is Friday 21 April 2017.

Positions at Mahikeng and Vaal Campuses of North-West University

The positions will be advertised – please consult the website of the University at <http://nwu.pnet.co.za/#>

New positions will apparently be advertised on Sunday 2 April 2017

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 14

14 April 2017

Earth day: 22 April 2017

ACTS

Justice Administered Fund Act 2 of 2017 - GG 40773 of 6 April 2017 - to be proclaimed

BILLS

Marine Spatial Planning Bill, 2017 [B9-2017]

Extension of comment period on draft Regulation of Agricultural Land Holdings Bill, 2017 - Gen Notice 229 in GG 40697 of 17 March 2017 (notice for comment) – Gen Notice 229 in GG 40787 of 13 April 2017

Bill available at <http://www.gov.za/documents/regulation-agricultural-land-holdings-bill-draft-17-mar-2017-0000>

LEGISLATION

NOTICES

National Environmental Management Act 107 of 1998 - GN 326 in GG 40772 of 7 April 2017 - Environmental Impact Assessment Regulations, 2014 amended

https://www.environment.gov.za/sites/default/files/gazetted_notices/nema107of1998_amendments_environmentalimpactsassessmentsregulations_gnr326.pdf

National Environmental Management Act 107 of 1998 - GN 327 in GG 40772 of 7 April 2017 - Environmental Impact Assessment Regulations Listing Notice 1 of 2014 amended

https://www.environment.gov.za/sites/default/files/gazetted_notices/nema107of1998_amendments_environmentalimpactsassessmentsregulations_gnr327listingnotice1.pdf

National Environmental Management Act 107 of 1998 - GN 325 in GG 40772 of 7 April 2017 - Environmental Impact Assessment Regulations Listing Notice 2 of 2014 amended

https://www.environment.gov.za/sites/default/files/gazetted_notices/nema107of1998_amendments_environmentalimpactsassessments_gnr325listingnotice2.pdf

National Environmental Management Act 107 of 1998 - GN 324 in GG 40772 of 7 April 2017 - Environmental Impact Assessment Regulations Listing Notice 3 of 2014 amended

https://www.environment.gov.za/sites/default/files/gazetted_notices/nema107of1998_amendments_environmentalimpactsassessmentsregulations_gnr324listingnotice3.pdf

National Environmental Management Act 107 of 1998 - GN 350 in GG 40785 of 13 April 2017 - Procedure to be followed in applying for environmental authorisation for large scale wind and solar photovoltaic development activities occurring in a renewable energy development zone (REDZ) or associated strategic transmission corridor - for comment

<http://www.gov.za/documents/national-environmental-management-act-procedure-be-followed-applying-environmental>

National Environmental Management Act 107 of 1998 - GN 351 in GG 40785 of 13 April 2017 - Notice of intention to adopt Gauteng Provincial Environmental Management Framework (GPEMF) Standards and Exclusion of Activities - for comment

<http://www.gov.za/documents/national-environmental-management-act-intention-adopt-gauteng-provincial-environmental>

South African Weather Service Act 8 of 2001 - GN 315 in GG 40765 of 4 April 2017 - Regulations regarding fees for the provision of aviation meteorological services

Natural Scientific Professions Act 27 of 2003 - BN 48 in GG 40772 of 7 April 2017 - South African Council for Natural Scientific Professions (SACNASP): Fee structure for 2015/16 [sic] published and BN 77 in GG 40021 of 27 May 2016 retracted with effect from 1 April 2017

National Environmental Management: Air Quality Act 39 of 2004 – Gen Notice 275 in GG 40762 of 3 April 2017 - National Greenhouse Gas Emissions Reporting Regulations, 2016

National Water Act 36 of 1998 - GN 356 in GG 40785 of 13 April 2017 - Proposed reserve determination of water resources for the Olifants-Doorn Catchments - for comment

Promotion of Access to Information Act 2 of 2000 - GN 354 in GG 40785 of 13 April 2017 - Descriptions submitted in terms of s. 15 (1) by the uMhlathuze Municipality

Promotion of Access to Information Act 2 of 2000 – Gen Notice 291 in GG 40785 of 13 April 2017 - Gauteng Provincial Government: Department of Economic Development

PROVINCES

Western Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54515 in *PG 7750* of 27 March 2017 - Local Municipality: Stellenbosch Municipality - Policy for management of municipal agricultural land, published under LAN 54490 in *PG 7744* of 13 March 2017 withdrawn

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54536 in *PG 7754* of 7 April 2017 - Theewaterskloof Local Municipality - By-law relating to the Holding of Events

National Environmental Management: Protected Areas Act 57 of 2003 - PN 86 in *PG 7755* of 7 April 2017 - Intention to declare Nature Reserves: Bokbaai; Witteberg; Sunshine; Groenekloof; Destiny; Van Loveren; Viljoensdrift; Skulpiesbaai; Pauline Bohnen; and Werner Frehse Nature Reserves - for comment

Limpopo

Limpopo Environmental Management Act 7 of 2003 – Gen Notice 46 in *PG 2801* of 7 April 2017 - Open Season: Game, 2017

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 - LAN 35 in *PG 7750* of 4 April 2017 - Notice of agreement to establish a Joint Municipal Planning Tribunal between Lekwa-Teemane Local Municipality and Mamusa Local Municipality

Mpumalanga

National Environmental Management: Protected Areas Act 57 of 2003 - PN 30 in *PG 2800* of 7 April 2017 - Emakhazeni Local Municipality - Declaration of protected environment: Greater Lakenvlei Protected Environment

National Environmental Management: Protected Areas Act 57 of 2003 - PN 31 in *PG 2800* of 7 April 2017 - City of Mbombela Local Municipality - Declaration of Nature Reserves - Mount Morgan, Angle Ridge, Oosterbeek; and Ngodwana Valley Nature Reserves

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and Electricity Regulation Act 4 of 2006 - LAN 33 in PG 2800 of 7 April 2017 - Dr Pixley Ka Isaka Seme Local Municipality - Electricity Supply By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 34 in PG 2800 of 7 April 2017 - Dr Pixley Ka Isaka Seme Local Municipality: Cemetery, Crematoria and Funeral Undertakers By-laws 2017

CASES

National

Ekapa Minerals Pty Ltd & Other / L Seekoei & Other Case No 2057/2016, High Court Northern Cape, Kimberley Delivered 5 April 2017 (attached to email)

Illegal mining – leave to appeal dismissed with cost

Previous decision at <http://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZANCHC/2017/5.html&query=ekapa>

Mineral Sands Resources (Pty) Ltd v Magistrate for the District of Vredendal, Kroutz No and Others (18701/16) [2017] ZAWCHC 25 (20 March 2017)

<http://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZAWCHC/2017/25.html&query=mineral%20sands>

“[1] This case concerns the validity of a search warrant issued by the first respondent on 26 September 2016 in which he authorised a search of the applicant’s Tormin sand mine near Lutzville. Among other issues, the application raises questions (i) about the interpretation of statutory provisions giving effect to the government’s One Environmental System agreement, an arrangement intended to establish a single environmental system for assessing the environmental aspects of activities, including mining activities, and (ii) about the powers of the various kinds of inspectors appointed to monitor and enforce compliance with environmental legislation. Despite some uncertainty on this, the legislation giving effect to the One Environmental System can for present purposes be taken to have come into force on 8 December 2014.”

[A separate email was sent earlier with the Western Cape DEAPE’s interpretation of the case]

22 Rawson Street Body Corporate and Another v Knysna Municipality (22136/2015) [2017] ZAWCHC 46 (5 April 2017)

<http://www.saflii.org/za/cases/ZAWCHC/2017/46.pdf>

“[1] The applicants challenge the lawfulness of decisions of the Council of the first respondent (‘the municipality’), in which it granted planning approvals (‘the approvals’) to the second respondent (‘the KMC’) which allow for the future development of an Islamic Centre (including a mosque) on a property situated at 18 Rawson Street, Knysna (‘the Property’). The approvals were granted in terms of the old Land Use Planning Ordinance 15 of 1985 (‘LUPO’), and included the rezoning of the Property and several (mostly minor) departures from the ordinary requirements of the

Knysna Zoning Scheme Regulations ('the Zoning Regulations'). LUPO has since been repealed by the Western Cape Land Use Planning Act 3 of 2014, which commenced operation in the area of the municipality with effect from 1 June 2016 (in terms of proclamation 14 in Provincial Gazette 7622 of 1 June 2016). In accordance with ordinary principles, any application process which commenced under LUPO must continue under its provisions, regardless of the changed statutory provision."

Brooks and Another v National Director of Public Prosecutions (855/2016) [2017] ZASCA 42 (30 March 2017)

Illegal diamond trading - "Application for forfeiture order in terms of s 48(1) of the Prevention of Organised Crime Act 121 of 1998: whether residential property is instrumentality of an offence: property used in contravention of ss 82(a) and 83(b) of the Diamonds Act 56 of 1986: whether forfeiture constitutionally disproportionate"

Botha and Others v Regional Magistrate, Springs and Others (A807/2015) [2017] ZAGPPHC 128 (28 March 2017)

"[1] This is an application for the review and setting aside of a ruling of the first respondent on 21 January 2015 when certain evidence obtained and admissions made by the applicants during a search and seizure operation by the police on 15 August 2006 were declared admissible against them. The ruling was made after a trial-within-a-trial. The details of the evidence obtained are not relevant for purposes of this judgment."

[3] The applicants are the accused in a trial in the regional court, Springs. They are charged with contravention of sections 2(1)(e), 2(1)(f) and 4(1)(i) of the Prevention of Organised Crime Act 121 of 1998; contravention of section 143(1) of the Mining Rights Act 20 of 1967 (three counts); alternatively contravention of section 143(3) of the latter Act (3 counts) and three counts of contravention of section 149 of the latter Act (three counts)."

RCL Foods Pty Ltd v Makole Resources Pty Ltd and Others (8626/2016) [2017] ZAGPPHC 108 (14 March 2017)

"1. The applicant approached the court in terms of a Part A and a Part B of the Notice of Motion. Part A was heard on an urgent basis and on 8 March 2016 the court made an order by agreement between the parties. Presently before the court is Part B of the Notice of Motion in which a final interdict is prayed for preventing the first respondent from conducting coalmining and related activities on certain portions of land pending the first respondent obtaining certain authorisations required by legislation and a rezoning of the properties by the Local Municipality to a zoning which permits mining on the said properties.

2. The background to the matter can briefly be stated as follows: The applicant conducts the business of a chicken rearing farm on land adjacent to land belonging to the second respondent and on portions of which the first respondent is conducting mining activities. The applicant

seeks an order interdicting the first respondent from conducting coalmining and related activities on Portions 72, 73, and 78 of the farm Wachtenbietjieskop 506 JR in the district of Bronkhorstspuit and on the balance of the area of Portions 71 and 77 which are not covered by a mining permit in respect of each of the two Portions.

3. The applicant's case is that the first respondent is conducting mining operations which are unlawful for the reason that it does not have the required authorisations, permissions and licences required for its operations. The applicant has noted an internal appeal against the granting of the mining permits and same is still pending. According to the applicant the present application before this court is aimed at preventing the first respondent from mining outside of the permitted areas and, in respect of all areas, to do so without the additional authorisations and licences it requires before mining may lawfully commence.”

Mpumalanga Tourism and Parks Agency and Another v Baberton Mines (Pty) Ltd and Others (216/2016) [2017] ZASCA 9 (14 March 2017)

“Summary: Mining and Environmental Law: grant of a prospecting right in terms of s 17(1) of the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA): whether prospecting area part of a protected area as contemplated by s 12 of the National Environmental Management: Protected Areas Act 57 of 2003 (NEMPAA): whether prospecting prohibited by s 48(1) of NEMPAA.”

International

Agua Caliente Water Rights Suit

<https://indiancountrymedianetwork.com/news/politics/agua-caliente-water-rights-suit-heading-supreme-court/?mqsc=ED3880846>

“The Coachella Valley Water District and the Desert Water Agency announced March 29 that they are taking their case to the U.S. Supreme Court. On March 7, the 9th Circuit Court of Appeals ruled that the Agua Caliente Band of Cahuilla Indians’ water rights include both surface and groundwater assets, including the Coachella Valley aquifer, based on the Winters Doctrine.”

In the High Court of Uttarakhand at Nainital Writ Petition (PIL) No 126 of 2014

<http://www.livelaw.in/first-india-uttarakhand-hc-declares-ganga-yamuna-rivers-living-legal-entities/>

“A division bench of Uttarakhand High Court has declared that rivers Ganga and Yamuna, all their tributaries, streams, every natural water flowing with flow continuously or intermittently of these rivers, as juristic/legal persons/living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person” Read more at: <http://www.bbc.com/news/world-asia-india-39336284>

“Uttarakhand HC Declares Air, Glaciers, Forests, Springs, Waterfalls Etc. As Legal Persons” <http://www.livelaw.in/uttarakhand-hc-declares-air-glaciers-forests-springs-waterfalls-etc-legal-persons/>

“According to the bench, any person causing any injury and harm, intentionally or unintentionally to the Himalayas, glaciers, rivers, streams, rivulets, lakes, air, meadows, dales, jungles and forests is liable to be proceeded against under the common law, penal laws, environmental laws and other statutory enactments governing the field.”

PUBLICATIONS

Angelo Mary Anne and Du Plessis Anel (eds) *Climate change and Agricultural law* (Edward Elgar 2017) <http://www.e-elgar.com/shop/research-handbook-on-climate-change-and-agricultural-law>

Kotzé Louis J and Villavicencio Calzadilla Paola “Somewhere between Rhetoric and Reality: Environmental Constitutionalism and the Rights of Nature in Ecuador” 2017 *Transnational Environmental Law* First View

DOI: <https://doi.org/10.1017/S2047102517000061>

<https://www.cambridge.org/core/journals/transnational-environmental-law/article/somewhere-between-rhetoric-and-reality-environmental-constitutionalism-and-the-rights-of-nature-in-ecuador/E26AA06DB87E4096E00D53D8D17A99BF>

Laubscher Nic, Hoffman Lizette, Drewes Ernst and Nysschen Jan *SPLUMA – A Practical Guide* (LexisNexis 2017) <https://store.lexisnexis.co.za/products/spluma-a-practical-guide-skuZASKU9780409004953/details>

Juta Pocket Series: 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) (April 2017) <https://juta.co.za/products/3709-occupational-health-safety-act-85-of-1993-regulations-jutas-pocket-statutes/>

Heyvaert Veerle “The Transnationalization of Law: Rethinking Law through Transnational Environmental Regulation” 2017 *Transnational Environmental Law* First View DOI: <https://doi.org/10.1017/S2047102516000388>

<https://www.cambridge.org/core/journals/transnational-environmental-law/article/transnationalization-of-law-rethinking-law-through-transnational-environmental-regulation/CFBB24B7CF7F263D88884F082451CEE9>

Black Celeste M “Taxation of Cross-Border Transfers of Carbon Emission Allowances under Linked Emissions Trading Schemes” 2017 *Transnational Environmental Law* First View DOI: <https://doi.org/10.1017/S2047102516000352>

<https://www.cambridge.org/core/journals/transnational-environmental-law/article/taxation-of-crossborder-transfers-of-carbon-emission-allowances-under-linked-emissions-trading-schemes/77D47DEDE62477E0F35A738762D22A7B>

Lim Michelle “Environmental Law and the Ecosystem Approach: Maintaining Ecological Integrity through Consistency in Law, by Platjouw Froukje Maria Earthscan from Routledge, 2016, 220 pp, £85 hb, ISBN 9781138183131” 2017 *Transnational Environmental Law* 6(1) DOI: <https://doi.org/10.1017/S2047102517000036>

Papin Marielle “Global Cities and Climate Change: The Translocal Relations of Environmental Governance, by Lee Taedong Routledge, 2015, 160 pp, £95 hb, ISBN 9780415737371” 2017 *Transnational Environmental Law* 6(1) DOI: <https://doi.org/10.1017/S2047102517000048>

Stevens Casey “Post-Treaty Politics: Secretariat Influence in Global Environmental Governance, by Jinnah Sikina The MIT Press, 2014, 272 pp, £40.95 hb, ISBN 9780262028042” 2017 *Transnational Environmental Law* 6(1) DOI: <https://doi.org/10.1017/S204710251700005X>

Barirani Dona “Advanced Introduction to International Environmental Law, by Elgar Ellen Hey Edward , 2016, 200 pp, £75 hb, ISBN 9781781954560” 2017 *Transnational Environmental Law* 6(1) DOI: <https://doi.org/10.1017/S2047102517000024>

“Global Trends in Renewable Energy Investments Report 2017” (6 April 2017 UN Environment, the Frankfurt School-UNEP Collaborating Centre, and Bloomberg New Energy Finance) <http://fs-unep-centre.org/publications/global-trends-renewable-energy-investment-2017>

Brandi Clara “Trade Elements in Countries’ Climate Contributions under the Paris Agreement” (20 March 2017 ICTSD) http://www.ictsd.org/sites/default/files/research/trade_elements_in_countries_climate_contributions.pdf

Benes Keith J “Unlocking the Climate and Energy Potential of Transatlantic Economic Relations” (27 March 2017 ICTSD) <http://www.ictsd.org/bridges-news/bridges/news/resources-739>

Miller Alan and Swann Stacy "Climate Change and the Financial Sector: a Time of Risk and Opportunity" 2017 *Georgetown Environmental Law Review* - the article is accessible online - <https://gielr.files.wordpress.com/2017/04/zsk00117000069.pdf>

IRENA “Renewable Capacity Statistics 2017” <http://www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36&CatID=141&SubcatID=3831>

Oxfam “A Harvest of Dysfunction: Rethinking the approach to drought, its causes and impacts in South Africa” (October 2016) <http://www.oxfam.org.za/wp-content/uploads/2017/03/Final-Final-OZA-Oxfam-Drought-Report.pdf> See also Singh Kaveel “SA's drought a 'harvest of dysfunction' – Oxfam” 28 March 2017 <http://www.news24.com/Green/News/sas-drought-a-harvest-of-dysfunction-oxfam-20170328>

Bryan Michelle “Valuing Sacred Tribal Waters Within Prior Appropriation” 2017 *Nat Resources J* 139 <http://digitalrepository.unm.edu/nrj/vol57/iss1/6>

REN21’s “Renewables Global Futures Report” (2017) <http://www.ren21.net/future-of-renewables/global-futures-report/>

Ansari Dawud and Appleman Nathan “Policy Brief on Energy and Climate towards 2050-Four Scenarios” (March 2017) http://www.set-nav.eu/sites/default/files/common_files/deliverables/d11/Policy%20Brief%20on%20Energy%20and%20Climate%20towards%202050%20-%20Four%20Scenarios.pdf

Carbon Tax Guide: A Handbook for Policy Makers (2017 World Bank)
<https://openknowledge.worldbank.org/handle/10986/26300>

2017 *International Climate Policy* Number 45
<http://www.iccgov.org/en/iccgstudies/international-climate-policy-n-45/>

Craig RKA *et al* “Balancing stability and flexibility in adaptive governance: an analysis of tools available in U.S. environmental law” 2017 *Ecology and Society* 22(2):3 <https://doi.org/10.5751/ES-08983-220203>
available at <https://www.ecologyandsociety.org/vol22/iss2/art3/>

“Decentralized Renewables: From Progress to Promise' - how to end energy poverty faster with decentralized renewable energy” (March 2017) http://sun-connect-news.org/fileadmin/DATEIEN/Dateien/New/Decentralized_Renewables_Practical_action.pdf

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Adopt the Planet – Earth Day: <https://climate.nasa.gov/adopt-the-planet/#/>

“NASA invites you to help us celebrate Earth Day 2017 by virtually adopting a piece of Earth as seen from space. Your personalized adoption certificate will feature data from NASA’s Earth-observing satellites for a randomly assigned location. Print it and share it, then explore other locations with our interactive map and get even more Earth science data from NASA’s Worldview website.”

IISD ENS Bulletin: Summary report of the Third Sustainable Energy for All Forum 3-5 April 2017 New York <http://enb.iisd.org/energy/se4allforum/2017>

IISD ENS Bulletin: 3rd Session of the Preparatory Committee on Marine Biodiversity Beyond Areas of National Jurisdiction 27 March 2017 – 7 April 2017 New York <http://enb.iisd.org/oceans/bbnj/prepcom3/>

IISD ENS Bulletin: 45th Session of the Intergovernmental Panel on Climate Change 28-31 March 2017 Guadalajara, Mexico <http://enb.iisd.org/climate/ipcc45/>

IISD SDG Knowledge Hub: Torres I “The Ocean as the New Frontier of Climate Action” 4 April 2017 <http://sdg.iisd.org/commentary/guest-articles/the-ocean-as-the-new-frontier-of-climate-action/>

IISD SDG Knowledge Hub: Bisiaux Alice “BASIC Ministers Reiterate Unwavering Commitment Against Climate Change” 13 April 2017 <http://sdg.iisd.org/news/basic-ministers-reiterate-unwavering-commitment-against-climate-change/>

Joint statement to be found at <http://www.indianembassy.org.cn/newsDetails.aspx?NewsId=956>

Anderson L “FAO, World Bank Projects Reduce Human-Wildlife Conflict in Africa” 6 April 2017 <http://sdg.iisd.org/news/fao-world-bank-projects-reduce-human-wildlife-conflict-in-africa/>

ReportFast: “Why boards and C-suites should fuse sustainability with strategy”(2017) <http://reportfast.net/2017/04/10/boards-c-suites-fuse-sustainability-strategy/>

ReportFast: “How to approach corporate sustainability reporting in 2017” (2017)
<http://reportfast.net/2017/03/21/approach-corporate-sustainability-reporting-2017/>

Fox News: “Scott Pruitt on balancing environmental, economic priorities” 2 April 2017

“Fox News Sunday’ exclusive interview with the head of the Environmental Protection Agency”

<http://www.foxnews.com/on-air/fox-news-sunday-chris-wallace/videos#p/5369946651001/v/5382367267001>

CPR Blog: Verchick R “The River Ganges Meets Climate Change” 17 October 2012 <http://bit.ly/2nCxlC>

The Conversation: Ockwell David “Providing sustainable energy isn’t just about gadgets and dollars” 4 April 2017 <http://bit.ly/2oJ1HTW>

The Conversation: Cole Lydia “Rwanda adds to energy mix with first peat-fired power plant in Africa” 10 April 2017 <http://bit.ly/2oAnShQ>

The Conversation: Hulbert Joey “Pathogen hunters’: citizen scientists track plant diseases to save species” 10 April 2017 <http://bit.ly/2opys8Z>

The Conversation: Byrne Rob and Ockwell David “Providing sustainable energy isn’t just about gadgets and dollars” 4 April 2017 <https://theconversation.com/providing-sustainable-energy-isnt-just-about-gadgets-and-dollars-75498>

Canada Government: “Expert Panel Report Building Common Ground: A New Vision for Impact Assessment in Canada” (2017)
<https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/environmental-assessment-processes/building-common-ground.html>

USA EPA Response to Executive Order 13777: “Enforcing the Regulatory Reform Agenda,” "In accordance with Executive Order 13777, 'Enforcing the Regulatory Reform Agenda,' EPA is seeking input on regulations that may be appropriate for repeal, replacement, or modification."
<https://www.regulations.gov/document?D=EPA-HQ-OA-2017-0190-0042>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Invitation to Roundtable on Spatial Planning and Land Use Management Act

The Dullah Omar Institute (UWC), in collaboration with SALGA (Western Cape) invites you to a Roundtable on “Implementing SPLUMA: the first two years” on Thursday 4 May 2017.

The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) places municipalities at the heart of the regulation of land use with provinces playing a key oversight role. SPLUMA instructs municipalities to appoint Municipal Planning Tribunals, ensure wall-to-wall zoning and decide land use applications. Municipal planning by-laws are now emerging as a critical layer of planning law.

The Roundtable brings together practitioners, academics and civil society in a dialogue about the role of municipal planning by-laws. How do these by-laws implement SPLUMA? The focus will be on matters such as connecting land use management to spatial planning, extending formal planning into informal and formerly unplanned areas, reducing red tape and addressing capacity challenges.

The Dullah Omar Institute will present research into 15 planning by-laws and practitioners and academics will share their experience with and views on municipal planning by-laws. Speakers will include Prof Jaap de Visser (Dullah Omar Institute), Mr Prince Dlodla (Dlodla Development Planning), Ms Gemey Abrahams (Gemey Abrahams Consultants) and Mr Kobus Munro (Western Cape Department of Environmental Affairs and Development Planning).

We look forward to your attendance and participation.

Venue: SALGA Western Cape (SALGA House, 7th Floor, 44 Strand Street, Cape Town)

Time: 10h00 – 16h00

RSVP: Mr Xavia Poswa (xposwa@uwc.ac.za)

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

Sub-themes: (each of the sub-themes have sub-headings)

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

- Environmental Law
 - 20 years of EIA Regulations: How effective has regulations been in achieving section 24 of the Constitution?
 - Environmental Compliance and Enforcement
 - Financial provision and environmental liabilities for rehabilitation
- Sustainability in Business
- Environmental and Developmental Planning
- Energy Security
- Water-Food-Energy Nexus
- Economics and Valuation
- Ecosystem Services
- Integrated Environmental Management

Deadline for abstracts: 24 April 2017

More information on deadlines and participation:
<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
 Dates: 4-5 May 2017 (Cape Town)
 8-9 June 2017 (Durban)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
 Dates: 28 September 2017 (Potchefstroom)
- **Environmental law-energy management (CEM-02.1.4)**
 Date: 4-5 May 2017 (Potchefstroom)
- **Environmental law - integrated waste management (CEM-02.1.3)**
 Date: 4-5 May 2017 (Potchefstroom)
- **Occupational Health and Safety Law (CEM-02.2.1)**
 Date: 8-12 May 2017 (Potchefstroom)
- **Health and Safety Law for Construction Activities (CEM-02.2.3)**
 Date: 15-19 May 2017 (Potchefstroom)
- **Integrated Land Management (CEM-06.8.1)**
 Date: 22-26 May 2017 (Potchefstroom)
- **Energy Management Systems (CEM-03.3.1)**
 Date: 29 May-2 June 2017 (Potchefstroom)
- **Environmental law (CEM-02.1.1)**
 Date: 15-20 May 2017 Johannesburg (Holiday Inn Johannesburg Airport)

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

Mandela Institute Short Courses

Now is the time to start thinking about the future of your career! The Mandela Institute at Wits School of Law offers short courses in many different aspects of law that will add value to your own field of expertise. If you do not have a law degree you may be considered for these postgraduate certificate courses in law based on your tertiary qualification/s and relevant work experience.

The Mandela Institute is accepting applications until **31 May 2017** for the following 2017 second semester short courses:

- Access to Information and Privacy Law
- Advanced Administrative Law
- Advanced Company Law II
- Basic Administrative Law for Regulators
- Collective Labour Law
- Collective Labour Law Practice and Jurisdiction (LRDP certificate)
- Court Annexed Mediation
- Economics of International Trade & Investment
- Energy and Climate Change Law
- Individual Labour Law Practice (LRDP certificate)
- Intellectual Property Law
- International Criminal Law
- International Law on Foreign Investments
- International Nuclear Law
- International Trade Law
- Labour Arbitration (LRDP certificate)
- Labour Dispute Resolution Practice
- Law and Sustainability II
- Mediation and Conciliation (LRDP certificate)
- Pension Funds Law II
- Prospecting and Mining Law

Entry requirements, course details and application process can be found on the

Short Courses pages of the Mandela Institute website <https://www.wits.ac.za/mandelainstitute/short-courses/>

For further information please contact mandela.institute@wits.ac.za or phone 011 717 8438/ 8435.

Annual South African Young Scientists' Conference

Date: 19 July 2017

Venue: Birchwood Hotel and OR Tambo Conference Centre, Boksburg, Johannesburg

Theme: Young Scientists' Role in Science Advice

Abstract deadline: 9 May 2017

More Conference Information: Ms Edith Shikumo Tel: 012 349 6614 Email: Edith@assaf.org.za

International

International Conference on Climate Change and Sustainable Development in Africa

Date: 25th -28th July 2017

Place: Sunyani-Ghana

About ICCCSDA 2017 Globally, there has been an upsurge in climate-induced hazards which threaten human life and property. This has necessitated an urgent response to support climate change mitigation and adaptation globally and Africa in particular. Efforts to address climate change issues date back to the Rio Earth conference in 1992 yet significant deficits still remain. Climate change has had substantial effects on sustainable development in Africa. Although the continent is the least contributor to greenhouse gases, it is the most vulnerable to the adverse impacts of global climatic change due to inadequate adaptive capacity. Therefore, Africa must have the highest interest in a functional climate governance framework which has the capability to improve mitigation and adaptation measures.

Against this background, the ICCCSDA seeks to create a platform for knowledge sharing which would lead to informed decision making in climate sensitive areas such as natural resources, agriculture, food and water security, energy, science and technology, and transport. The conference will assemble researchers, professionals, policymakers and development practitioners, civil society organisations and other stakeholders to deliberate on contemporary climate change and sustainable development issues that contribute towards appropriate responses, including providing support for mitigation, adaptation and technological innovations, among others. This conference is jointly organized by the Centre for Climate Change and Gender Studies (www.uenr.edu.gh/ccgcs) and the Earth Observation Research and Innovation Centre (www.uenr.edu.gh/eoric) under the aegis of the University of Energy and Natural Resources, Sunyani, Ghana.

Call for Abstracts and Papers

The Conference Committee welcomes the submission of abstracts from scholars, professionals, policymakers, practitioners, non-governmental organizations and international organizations, postgraduate students etc. for presentation in the conference. Abstracts should address one or more of the following thematic areas:

Sub-themes:

- Environment, Technology and Sustainable Development
 - Environmental Health, Sanitation and Climate Change Adaptation
 - Science, Technology, and Geographic Information Systems
 - Climate Change and the Challenge for Local Communities
 - Built Environment, Transportation, Urbanization and Climate Change Adaptation
 - Climate Change, Sustainable Innovation, and Partnerships
- Renewable Energy, Resilient and Green Economies
 - Water Resources, Water Security and Climate

- Climate Change, Gender Intersectionality, Social, and Economic Issues
- Finance, Green Economy and Poverty Alleviation
- Clean Energy, Energy Policy, and Sustainability
- Institutions, Governance and Climate Change Adaptation
- Agriculture, Aquaculture, and Natural Resources
 - Agriculture, Fisheries and Food Security in the Context of Climate Change
 - Green Revolution and Climate Smart Agriculture
 - Forest, Good Governance in Forestry and Climate Change
 - Natural Resources and Climate Change Adaptation and Mitigation
- Papers on case studies, best practices and success stories from other regions especially the Global South are highly encouraged.

Abstract and full papers should be submitted to iccsda2017@uenr.edu.gh - the language of abstracts and PowerPoint presentation is in English. If you experience any difficulties, contact +233244369672 or +233560422240 or check link - <http://uenr.edu.gh/iccsda-2017/>

Webinar Training: Risk Assessment of Power Projects

Date: 19 April 2017

Time: 8:00 a.m. Central European Time | 2:00 p.m. Singapore Standard Time

More information and registration: <https://cleanenergysolutions.org/training/risk-assessment-power-projects>

Webinar - Shine: Investing in Energy Access for All

Date: April 19th 2017

Time: at either: 8am ET or noon ET

Shine: Investing in Energy Access for All was officially announced at the Sustainable Energy for All Forum on April 5th 2017. The campaign will unite partners from the faith, development, and philanthropic sectors to commit to mobilizing new forms of capital, scaling resources, and generating momentum to achieve universal access to clean, affordable, and reliable energy by 2030.

Shine is inviting organisations to join the campaign as partners, with a goal that major commitments will be announced one year from now that all work towards and support the historic opportunity of ending energy poverty.

Join our webinar to learn more about the Shine campaign, where we are going from here, and how you and your organisation can be involved. There will be time at the end of the webinar for questions.

Please register

To accommodate different time zones - there are two webinars on the same day (& on the same topic) on April 19th.

Click <https://zoom.us/webinar/register/3ecbb8049f7e2bc98c34be5db4a05ad8> - to register for the webinar on April 19th at 8am - 9am ET

Click <https://zoom.us/webinar/register/27dadf0880a31d77dc2040ba88984b7b> - to register for the webinar on April 19th at noon - 1pm ET

Estimating bioenergy yields anywhere — IRENA bioenergy simulator webinar

Date: 20 April 2017

Time: 14:30 CEST

You are invited to join the upcoming Launch Webinar for the 'IRENA Global Atlas — Bioenergy Simulator', to be held on 20 April 2017.

Developed by IRENA in partnership with the Masdar Institute of Science and Technology and Valbiom, the bioenergy simulator lets users estimate potential bioenergy yields anywhere in the world.

This one-hour webinar, starting at 14:30 CEST, will demonstrate how the bioenergy simulator can help policy makers and business developers spot potential and plan future bioenergy growth.

Register for the webinar here:

<https://attendee.gotowebinar.com/register/3075342100825533186>

Please note, the webinar will be recorded. If you are unable to attend but would like to view the discussion, kindly register using the same link; we will send you a link to the recording following the event.

For more information about IRENA's bioenergy simulator and Global Atlas for Renewable Energy, please visit our newsroom:

<https://irenaneewsroom.org/2016/12/12/simulating-bioenergy-potential/>

Webinar: Introduction to EDGE Voluntary Certification and Discussion of Municipal Incentive Options

Date: Apr 19, 2017

Time: 2:00 PM CEST.

Register now! <https://attendee.gotowebinar.com/register/5288527066724557827>

A city can reduce its utility bills and its carbon footprint through better design of not just the buildings it owns but also all buildings that lie within its jurisdiction.

This webinar will introduce participants to EDGE, a quick, simple, low-cost online certification system that has certified over one million square meters to date, from high-end hotels and offices to budget retail and low-income housing projects. This accessible certification can in turn facilitate a wide range of fiscal and non-fiscal incentives which a city can deploy.

After registering, you will receive a confirmation email containing information about joining the webinar.

NEWS

Dernbach John "Commentary: GOP climate resolution deserves wider support" *The Enquirer* 5 April 2017

http://www.philly.com/philly/opinion/commentary/20170405_Commentary_GOP_climate_resolution_deserves_wider_support.html

Eilperin Juliet, Mooney Chris and Mufson Steven "New EPA documents reveal even deeper proposed cuts to staff and programs" *The Washington Post* 31 March 2017 <http://wapo.st/2ojo84Q>

Ensor Linda “Experts criticise start of fracking” *Business Day* 3 April 2017
<http://businessday.newspaperdirect.com/epaper/showarticle.aspx?article=848d18bc-ee77-4f71-aa99-d8221e7791c1&key=BShalNF5y7rpWW0YBRIFlw%3d%3d&issue=1106201704030000000001001>

Reilly Amanda “Supreme Court to hear WOTUS litigation” *E&E News* 3 April 2017 <https://www.eenews.net/stories/1060052490>

Environmental: NGO takes legal action over landfill site

“Air quality NGO Upper Highway Air has brought legal action against waste management firm EnviroServ to interdict and restrain the company from conducting any of its licensed activities at the Shongweni landfill site. According to a report in *The Mercury*, the NGO claims that the landfill site is the cause of an odour in the Upper Highway areas which has led to health ailments and other problems. Yesterday the NGO filed a combined summons in the KZN High Court (Durban) against EnviroServ and its senior staff; the Minister of Environmental Affairs; the Minister of Water and Sanitation; the MEC for Economic Development, Tourism and Environmental Affairs; and the eThekweni Municipality. According to the particulars of the claim, the NGO said while the Environment Affairs Ministry had asked EnviroServ to show cause why its licences should not be suspended, the Ministry had yet to make a decision on the matter. The NGO said it believed that unless directed to comply, EnviroServ would continue to ‘conduct its waste management activities in breach of its own prescribed operating procedures’.”

Full report in *The Mercury* (subscription needed) *Legalbrief Today* 4 April 2017

Erasmus Desiree “Watch: ‘Bring your kids to stay at my house,’ EnviroServ CEO challenged” *IOL* 11 April 2017 <http://www.iol.co.za/news/crime-courts/watch-bring-your-kids-to-stay-at-my-house-enviroserv-ceo-challenged-8623308>

Mthethwa Bongani “WWF worried about ‘blood horns’ following ConCourt rhino horn trade ruling” *TimesLive* 6 April 2017
<http://www.timeslive.co.za/scitech/2017/04/06/WWF-worried-about-blood-horns-following-ConCourt-rhino-horn-trade-ruling>

Policy: Presidency to drive spatial planning

“Minister in the Presidency for Planning, Monitoring and Evaluation, Jeff Radebe has confirmed that most ‘key’ spatial planning functions will soon be reassigned to him. However, ‘some adjustments’ are still needed before an agreement concluded last year with the Ministers responsible for rural development, land reform, cooperative governance and traditional affairs works smoothly. Meanwhile, a national spatial development framework expected to have been finalised during the 2016/17 financial year has yet to materialise. It is one of the projects being driven by Radebe with the aim of ensuring ‘better coherence between the strategic plans of government and ... (its) spatial plans and investment frameworks’.” Read full report in *Legalbrief Policy Watch* *Legalbrief Today* 11 April 2017

King Ben “Shell admits dealing with money launderer” *BBC News* 11 April 2017
[Source: *Legalbrief Forensic* 13 April 2017] <http://www.bbc.com/news/business-39561822>

Broughten T “Durban officials to pay after landmark judgment in botched tender scandal” *News24* 5 April 2017 <http://www.news24.com/SouthAfrica/News/durban-officials-to-pay-after-landmark-judgment-in-botched-tender-scandal-20170405>

“Domestic rhino horn trade to be legalised in SA” *IOL* 5 April 2017 <http://www.iol.co.za/news/crime-courts/domestic-rhino-horn-trade-to-be-legalised-in-sa-8513532>

Savides Matthew “EnviroServ considering court action amid pending Shongweni landfill shutdown” *TimesLive* 5 April 2017 <http://www.timeslive.co.za/local/2017/04/05/EnviroServ-considering-court-action-amid-pending-Shongweni-landfill-shutdown>

Mathews Charlotte “Court moves may halt fracking exploration” *BusinessLive* 9 April 2017 <https://www.businesslive.co.za/bt/business-and-economy/2017-04-09-court-moves-may-halt-fracking-exploration/>

“Environmental groups ask appeals court to order EPA pesticide ban” *Jurist* 6 April 2017 <http://www.jurist.org/paperchase/2017/04/environmental-groups-ask-appeals-court-to-order-epa-pesticide-ban.php>

Lombard Steyn Louzel “Going Green: Cape Town named as Top 5 global leader for climate disclosure” *News24* 27 March 2017 <http://traveller24.news24.com/Explore/Green/going-green-cape-town-named-as-top-5-global-leader-for-climate-disclosure-20170327>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

UCT: Lecturer / Senior Lecturer Institute of Marine & Environmental Law Department of Public Law

We invite applications for an academic post specializing in environmental law in the Department of Public law in the Faculty of Law. The post is advertised at the level of lecturer/senior lecturer with appointment from 1 January 2018.

The successful candidate will be located in the Institute of Marine and Environmental Law (IMEL) (www.imel.uct.ac.za) where he/she will be expected to take part in the teaching of undergraduate and postgraduate courses on South African environmental law. He/she will also be expected to undertake research and supervise postgraduate students in the field of environmental law. Suitable candidates must demonstrate potential to be an academic leader in the field of environment law – as a lecturer, researcher and socially responsive advocate.

Requirements for candidates suitable for appointment as Senior Lecturer:

- A PhD or LLM degree specialising in environmental law and a strong academic record;
- Lecturing experience in environmental law at a tertiary level and/or other appropriate environmental law work experience; and
- An established research record with publications on environmental law.

Requirements for candidates suitable for appointment as Lecturer:

- A LLM degree specialising in environmental law and a strong academic record;
- Clear evidence of lecturing and research capabilities in environmental law;
- Lecturing experience in environmental law at a tertiary level will be an advantage; and
- Previous publications on environmental law will be an advantage.

The respective annual remuneration packages, including benefits, for 2017 are as follows:

Appointment will take place in alignment with the Faculty's expectations for performance at each rank.

To apply, please e-mail the below documents in a **single pdf file** to Ms Stacey Manuel at recruitment02@uct.ac.za:

- UCT Application Form (download at <http://forms.uct.ac.za/hr201.doc>);
- Cover letter; and
- Curriculum Vitae (CV).

Please ensure the title and reference number are indicated in the subject line. Please also clearly indicate in your application, the level at which you are applying.

An application which does not comply with the above requirements will be regarded as incomplete. Only shortlisted candidates will be contacted and may be required to undergo a competency test.

Telephone: 021 650 1673

Website: www.law.uct.ac.za

Reference number: E17063

Closing date: 31 May 2017

2017 Call for Applications: AGNES Mobility Grant (Intra-Africa) for Junior Researchers - supported by BMBF and AvH

Background

We are pleased to announce that the Call for Applications for our funding programme: the 'AGNES Intra-Africa Mobility Grant for Junior Researchers' is now open. The Grant is made possible through funding from the German Federal Ministry of Education and Research (BMBF) and with support of the Alexander von Humboldt Foundation (AvH).

The AGNES Mobility Grant for Junior Researchers aims to strengthen the scientific capacity and networking in Africa through active co-operation of AGNES and potential AGNES members. It further supports the alumni of the AvH in their efforts towards coaching and mentoring high potential junior researchers, helping them to access international networks of scientific excellence.

Programme

The AGNES Intra-Africa Mobility Grant enables junior researchers (Masters and Doctoral students) from sub-Saharan African countries to spend research stays between 1 and 2 months at a university/research institute in another sub-Saharan African country (hereafter: host institution), where they will be collaborating with an experienced researcher (hereafter: scientific host). Eligible junior researchers need to demonstrate the relevance of their work for further development of their home countries in sub-Saharan Africa.

The Grant aims to be as financially comprehensive as is reasonably possible for a short stay outside the borders of the applicant's country, covering travel and living costs, and includes a research allowance to the host institute to cover some of the research expenses. A maximum Grant amount of EUR 2 300 and EUR 3 000 is earmarked for 1 and 2 months stays, respectively.

Eligibility and Application Process

Direct applications from junior researchers only will be considered for the AGNES Mobility Grant.

The applicant may be from any academic discipline but must be officially registered for the Masters or the Doctoral degree at a university/tertiary institute in sub-Saharan Africa, and must be a national of a sub-Saharan African country. Applicants must demonstrate clearly that their work is relevant towards development in sub-Saharan African countries. Only applicants with an identified scientific host and mutually agreed-upon proposal/work schedule will be considered for the Grant.

Interested junior scientists should submit their electronic applications directly to the AGNES Desk via email: agnes.admin@uct.ac.za by 10 May 2017. Please ensure that the application and all supporting documents reach the AGNES desk by midnight South African time.

Complete applications must include the following:

- Letter of motivation from the junior scientist (applicant) with a short outline of the proposed research activity and a work schedule for achieving the aim(s) of the research project at the host institution. The scientific host must agree in writing to the proposal and time schedule.
- A standard CV of the applicant (use the template attached) and proof of registration for the postgraduate degree (only current Masters and Doctoral students are eligible).
- A list of publications (include an e-copy of at least the Title/Author page), or other proof of research outputs (e.g. Abstracts for conference posters, talks, presentations, etc.).
- Travel costs (by land or economy class flight): supply two quotes for the journey (including return travel) between the applicant's country of residence and the country of the host institute). In general, the cheapest option shall be chosen.
- Estimated cost of living (rent, meals, local transport, health insurance) at the host institute. It is expected that applicants themselves will conclude a valid health insurance for the research stay. Scientific hosts and host institutes are expected to assist applicants in finding affordable accommodation and to advise them on establishing subsistence estimates.

Invitation letter from the scientific host: (i) confirming that a place to work will be available at the indicated period, (ii) a binding declaration from the host institution fixing the amount of the research cost allowance. A maximum amount of EUR 100 per month and EUR 200 per month, respectively, is earmarked for Humanities & Social Sciences, and Natural & Life Sciences and Engineering Sciences. If less than the maximum amount is stipulated, remaining funds out of the research cost allowance can be used for covering living cost of the Grantee.

AGNES Selection Committee Meeting: July 2017

Research stays: earliest in October 2017 and latest to be completed by 31 March 2018.

IV Amount and Use of the Grant

This once-off Grant cannot be used to fund stays retrospectively, i.e. not prior to October 2017, and all stays must be completed by 31 March 2018. The Grant

aims to cover travel and living costs, and includes a research allowance to the host institute.

The recipient of the Grant and her/his scientific host must each email a signed letter of acceptance to the Governing Board of AGNES within seven days of receipt of the offer.

On completion of the research stay, Grantees and scientific hosts are both expected to report to AGNES on the progress and success of the collaboration.

V Budget maxima:

1 Month: EUR 2 300

1.5 Months: EUR 2 550

2 Months: EUR 3 000

Applicants are urged to check the completeness of their application before submission, as incomplete applications will not be deemed eligible for selection.

E-Mail: agnes.admin@uct.ac.za

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 15

21 April 2017

Earth day: 22 April 2017
<http://www.earthday.org/>

LEGISLATION

NOTICES

Subdivision of Agricultural Land Act 70 of 1970 - GN 360 in GG 40793 of 21 April 2017 - Enlargement of the area of jurisdiction of the Polokwane Local Municipality in Limpopo Province

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 305 in GG 40793 of 21 April 2017 - Biodiversity Management Plan for 11 critically endangered and 4 endangered *Encephalartos* Cycad Species

Construction Industry Development Board Act 38 of 2000 – Gen Notice 306 in GG 40793 of 21 April 2017 - Construction Industry Development Board (cidb): cidb Project Assessment Scheme: Draft Standard for Contract Participation Goals for Targeting Enterprises and Labour through Construction Works Contracts - for comment

PROVINCES

Western Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54557 in PG 7758 of 13 April 2017 - City of Cape Town Informal Trading By-law - City of Cape Town (Tygerberg District)

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54558 in PG 7758 of 13 April 2017 - City of Cape Town Informal Trading By-law - City of Cape Town (Tygerberg District): Informal Trading Plan for Eersteriver, Ward 16

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54559 in PG 7758 of 13 April 2017 - City of Cape Town Informal Trading By-law

Gauteng

Nature Conservation Ordinance 12 of 1983 - PN 272 in PG 98 of 19 April 2017
- Open Season: Ordinary Game

Northern Cape

Constitution of the Republic of South Africa Act 1996; Local Government: Municipal Systems Act 32 of 2000 - MN 11 in PG 2088 of 17 April 2017 - Kgatelopele Local Municipality - Advertising Signs By-law, Electricity By-law, Street Trading By-law, Refuse (Solid Waste) and Sanitary By-law, By-law regarding Public Amenities, By-law regarding Prohibition and Control over the Discharge of Fireworks; and Impoundment of Animals By-law

Mpumalanga

Constitution of the Republic of South Africa Act 1996; Local Government: Municipal Systems Act 32 of 2000 - PN 33 in PG 2801 of 14 April 2017 - Ehlanzeni District Municipality - Draft Municipal Health Services By-laws 2016

CASES

National

Umfoloji Sugar Planters Limited and Others v Isimangaliso Wetland Park Authority and Others (7942/2015) [2017] ZAKZDHC 17 (21 April 2017)

“[1] Sugar cane farms and the iSimangaliso Wetland Park (formerly the St Lucia Wetland Park) are integral to the history, heritage and ecological diversity of KwaZulu-Natal North Coast. The cultivation of sugar cane, which commenced on the uMfolozi floodplain in 1911, is a major agricultural activity in the KwaZulu-Natal coastal regions, providing concomitant benefits to the South African economy through the employment of a substantial workforce and the production of sugar and related products for domestic consumption and export.

[2] The iSimangaliso Wetland Park (the Park) was inscribed on the World Heritage List in December 1999 and proclaimed as a World Heritage site in 2000 under the World Heritage Convention Act 49 of 1999 (WHCA). The Park received recognition as a World Heritage site because amongst the natural values found on the 332 000 hectares over which it extends, are outstanding examples of geomorphological and biological processes occurring on its five ecosystems, its geographical diversity and scenic vistas and its exceptional biodiversity and threatened species of African fauna for whom the Park provides a habitat. Included in the Park are four Ramsar wetlands, one of which is St Lucia which is the largest estuarine system on the African continent, covering 155 000 hectares, and forms a critical habitat for a large number of species and several communities. A

central component of the St Lucia Estuary is Lake St Lucia and its associated freshwater systems which provide habitat for diverse species of plant, animal, bird and fish. The Park is an international tourist attraction.

[3] Indisputably, both sugar cane farming and the Park have made and continue to provide constructive and laudable contributions to the economy and heritage of KwaZulu-Natal as well as South Africa as a whole.

[4] This application involves the respective interests and claims of a group of farmers who farm sugar cane on the uMfolozi floodplain and the Park and its management authority, in respect of the breaching of the uMfolozi river mouth which impacts on the sugar cane farming in the area in proximity to the Park and the ecology in the St Lucia lake system.”

<http://www.saflii.org/za/cases/ZAKZDHC/2017/17.html>

Gees v Provincial Minister of Cultural affairs and Sport, Western Cape and Others 2017 (1) SA 1 (SCA)

“Summary: Provincial heritage resources authority granting a permit in terms of s 34 of the National Heritage Resources Act 25 of 1999 for the demolition of a structure older than 60 years situated on a property with no formal heritage status: in so doing conditions were imposed controlling future development on the property: held that such conditions were lawfully imposed.”

<http://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZASCA/2016/136.html&query=gees>

PUBLICATIONS

Herz S "Making Paris Work" 2017 *Environment: Science and Policy for Sustainable Development* 59(2) [First 50 downloads free] [Provided by Andrew Gilder ENS] <http://www.tandfonline.com/eprint/XTrWaSRUJS85SMvvMQiz/full>

Juta's Statutes of South Africa Limited Offer: Free Regulations of South Africa on CD (*Also available online as Juta's Statutes and Regulations of South Africa*) Edition: 2016/17 in print Available: June 2017

<https://juta.co.za/products/3962-statutes-and-regulations-of-south-africa-jutas-online/>

Jones Kevin B, Jervy Benjamin B, Roche Matthew and Barnowski Sara *The Electric Battery: Charging Forward to a Low Carbon Future* (Praeger 2017)

<http://www.abc-clio.com/ABC-CLIOCorporate/product.aspx?pc=A5154C>

Nett Katharina and Rüttinger Lukas “Insurgency, Terrorism and Organised Crime in a Warming Climate – Analysing the Links Between Climate Change and Non-State Armed Groups” (adelphi 2016)

<https://www.adelphi.de/en/publication/insurgency-terrorism-and-organised-crime-warming-climate>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Help save the Purus forests in the Southern Peruvian Amazon from a proposed bill aiming to build a road - Petision @

https://secure.avaaz.org/es/petition/Pedro_Pablo_Kuczinsky_Presidente_del_Peru_Salvemos_los_pueblos_indigenas_del_Purus_y_de_paso_el_ultimo_bosque_de_Caob/?Day2Share

“The proposed bill 075 2016 CR Law that declares as a Public Need and of Preferential National Interest the Sustainable Development of the Province of Purús Prioritizing the Terrestrial Connectivity by Congressman Carlos Tubino seeks the multimodal connection of the province of Purús with the rest of the country. Although the area already has flights to Pucallpa and Puerto Maldonado. The Purús is part of the complex of indigenous reserves for indigenous peoples in isolation and initial contact (Mashco Piro, Madre de Dios, Nahua Kugapakori Nanti and Murunahua) and protected areas (Manu National Park, Alto Purús National Park, Purús Communal Reserve).

The indigenous organizations Federation of Indigenous Communities of Purús FECONAPU, Regional Organization AIDSESEP Ucayali ORAU and the Interethnic Association for Development of the Peruvian Jungle AIDSESEP consider that the State should declare the area as a Corridor for the Protection of Indigenous Peoples in Isolation and Contact Initial. The existence of these indigenous peoples in the Purús occurs in the last four and a half million hectares of Mahogany (*Swietenia Macrophylla*) in the Amazon. The area has the highest density of Mahogany per hectare.

The indigenous peoples of the Purus can responsibly handle the mahogany seed trade to reforest the Amazon. Let us avoid ending the life of indigenous peoples in isolation and initial contact and the Mahogany that are part of their forest.

We ask the President of Peru to exercise the right of veto in case of approval of Bill 00075/2016-CR Law that declares as a Public Need and of Preferential National Interest the Sustainable Development of the Province of Purús Prioritizing the Terrestrial Connectivity.

Jose Grocio Gil Navarro, former head of a Peruvian protected area, tells us: The native communities, of upper section of the Curanja and Purús rivers, are saving mahogany. Instead of logging, they commercialize chelonians based on a management plan in lagoons. The native communities of the upper Purús River also have a management plan for commercialization of mahogany seeds. The Feconapu Purús indigenous federation has long sought economic alternatives based on the benefits of conservation. The communities reflect this in Feconapu’s Plan of Life.

This is a good management strategy in the buffer zone of the Alto Purus National Park and the Purús Communal Reserve. Currently, illegal loggers do not threaten any of both areas. This strategy is also giving security to indigenous peoples in isolation and initial contact.

Jose Grocio Gil Navarro is developing a project to strengthen the management plan for chelonians and seeking financing to execute it.

Strengthening this approach will ensure illegals will not have a place in the Purús.”

The Conversation: Williams Sam “Leopards need maximum protection: this includes suspending trophy hunting” 19 April 2017 <http://bit.ly/2oeLGJ8>

The Conversation: Flies AS “Spotted hyenas rarely die from disease: we set out to discover why” 17 April 2017 <http://bit.ly/2p2fhIV>

The Conversation: Ziervogel G and Pasquini L “Fighting injustice helps in creating resilient urban spaces” 20 April 2017 <http://bit.ly/2of4ojw>

IISD: SDG Knowledge Hub: Anderson L “CBD Secretariat Prioritizes Biodiversity Mainstreaming for SDG Achievement” 20 April 2017 <http://sdg.iisd.org/news/cbd-secretariat-prioritizes-biodiversity-mainstreaming-for-sdg-achievement/>

IISD: SDG Knowledge Hub: Wagner L “Publications Point the Way for CEOs, Corporate Pension Plans to Implement SDGs” 20 April 2017 <http://sdg.iisd.org/news/publications-point-the-way-for-ceos-corporate-pension-plans-to-implement-sdgs/>

Draft Energy Policy of Guyana (South America) <http://www.mopi.gov.gy/index.php/policy-documents/draft-national-energy-policy>

Environmental Law Prof Blog: “Summer Reading for a soon-to-be Environmental Law Student” 20 April 2017 (in the USA) but still interesting reading for those looking for a non-law book to read http://lawprofessors.typepad.com/environmental_law/

The Jurist: Mills M “Serving the National Interest? Tribal Rights and Federal Obligations from Dakota Access to Keystone XL” 12 April 2017 <http://www.jurist.org/forum/2017/04/Monte-Mills-keystone-xl.php>

The Jurist: Grijalva James M “Resistance, Resilience and Reconciliation: Indigenous Human Rights to Environmental Protection in a Fossil Fuel Frenzy” 11 April 2017 <http://www.jurist.org/forum/2017/04/resistance-resilience-and-reconciliation-indigenous-human-rights-to-environmental-protection-in-a-frenzy.php>

Daily Maverick: Mineral governance in southern Africa undermined by implementation failures, says watchdog” 19 April 2017 <http://bit.ly/2owM9SN>

Daily Maverick: “March for Science not about Trump, organizers say” 21 April 2017 <https://www.dailymaverick.co.za/article/2017-04-21-march-for-science-not-about-trump-organizers-say/#.WPtoVWmGPIU>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

Sub-themes: (each of the sub-themes have sub-headings)

- Environmental Law
 - 20 years of EIA Regulations: How effective has regulations been in achieving section 24 of the Constitution?
 - Environmental Compliance and Enforcement
 - Financial provision and environmental liabilities for rehabilitation
- Sustainability in Business
- Environmental and Developmental Planning
- Energy Security
- Water-Food-Energy Nexus
- Economics and Valuation
- Ecosystem Services
- Integrated Environmental Management

Deadline for abstracts: 24 April 2017

More information on deadlines and participation:
<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

King IV™ Code of Corporate Governance Workshop 21-22 June 2017 Protea OR Tambo Hotel

Date: 21-22 June 2017

Venue: Protea OR Tambo Hotel, Johannesburg

Attending this Workshop will enable attendees to:

- Gain a thorough knowledge of King IV code of governance.
- Gain insights into the differences between King III and King IV™.
- Focus on a practical implementation of corporate governance within organisations.
- Incorporate leading practices on good corporate governance.
- Unpack and Apply the Principles and Practices.

See more at: <http://www.jpec.co.za/king-iv-codetm-of-corporate-governance-workshop/>

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

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 4-5 May 2017 (Cape Town)
8-9 June 2017 (Durban)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Environmental law-energy management (CEM-02.1.4)**
Date: 4-5 May 2017 (Potchefstroom)
- **Environmental law - integrated waste management (CEM-02.1.3)**
Date: 4-5 May 2017 (Potchefstroom)
- **Occupational Health and Safety Law (CEM-02.2.1)**
Date: 8-12 May 2017 (Potchefstroom)
- **Health and Safety Law for Construction Activities (CEM-02.2.3)**
Date: 15-19 May 2017 (Potchefstroom)
- **Integrated Land Management (CEM-06.8.1)**
Date: 22-26 May 2017 (Potchefstroom)
- **Energy Management Systems (CEM-03.3.1)**
Date: 29 May-2 June 2017 (Potchefstroom)
- **Environmental law (CEM-02.1.1)**
Date: 15-20 May 2017 Johannesburg (Holiday Inn Johannesburg Airport)

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

Book Launch: Roadmap for Sustainable Biofuels/Bioenergy in South Africa: Regulatory Frameworks for Improved Potential

The DROP programme in partnership with the Konrad Adenauer Stiftung (KAS) invites you warmly to the Launch of the Book "Roadmap for Sustainable Biofuels / Bioenergy in South Africa: Regulatory Frameworks for Improved Development Potential". Please find attached invitation and programme.

Date: Tuesday, 2 May 2017

Place: University of Johannesburg, Kingsway Campus Auckland Park, Kingsway Avenue and University Road, 6th Floor (Library) Johannesburg

Time: 09:00 - 11:00

RSVP to: Ms Tebello Mohale email: info.johannesburg@kas.de

NEWS

Mooney Chris "Trump's EPA chief Scott Pruitt calls for an 'exit' to the Paris climate agreement" *The Washington Post* 14 April 2017
https://www.washingtonpost.com/news/energy-environment/wp/2017/04/14/trumps-epa-chief-scott-pruitt-calls-for-an-exit-to-the-paris-climate-agreement/?hpid=hp_rhp-top-table-main_pruitt-10am%3Ahomepage%2Fstory&utm_term=.6ea4ab7bf4d5

Kotelawala H and Barry E "Sri Lanka garbage dump collapse kills at least 19" *The New York Times* 15 April 2017 https://www.nytimes.com/2017/04/15/world/asia/sri-lanka-garbage-dump-collapse.html?_r=0

Kings Siphos “A river of shit, chemicals, metals flows through our land” *Mail & Guardian* (13-20 April 2017) 8-9

Legislation: King practices added to JSE listing requirements

“Proposed amendments to JSE listing requirements gazetted on Thursday include making ‘certain’ King Code practices mandatory. It is also mooted that the board of directors or nomination committee of any JSE-listed company should develop and implement a policy on promoting ‘race diversity at board level’.”

Read full report *Legalbrief Policy Watch* Legalbrief Today 18 April 2017

Ensom L “Power utility will seek waivers on nuclear rules” and procurement rules *Business Day* 21 April 2017 [Source *Legalbrief Today* 21 April 2017] <http://bit.ly/2p2MXjH>

Litigation: Cape Town wants 20% of energy from IPPs

“Renewable power looks set to be new Energy Minister Mmamoloko Kubayi’s first major hurdle, as the City of Cape Town prepares to take its fight, to be allowed to source 20% of its electricity supply from independent producers, to court. According to a Cape Argus report, Kubayi stepped into the role formerly occupied by Tina Joemat-Pettersson, who was sacked by President Jacob Zuma in a Cabinet shake-up last month. Joemat-Pettersson had previously stonewalled the city’s ambitions to be able to contract alternative energy suppliers, forcing the municipality to rely on Eskom for most of its power supply. Mayor Patricia de Lille this week told the Cape Town Climate Change Coalition, the city was ready for the court battle. ‘We want Capetonians to have a greater choice over how they consume energy and the price they pay for it. We intend to contract with independent power producers (IPPs) of renewable energy and will pursue this relentlessly, using all available means with national government to ensure it is achieved,’ she said. The mayor added ‘the best legal counsel in the country’ had been briefed and would take the case. ‘This will be a complex legal battle, but it must be understood that we are doing this not just because we want to buy electricity from IPPs, but because we believe that the whole institutional regime governing energy in the country is completely outdated and needs to be reformed,’ the report quotes her as saying.”

Full Cape Argus report (subscription needed) *Legalbrief Today* 21 April 2017

Wicks Jeff “Hidden hand in rhino poaching gun supply” *TimesLive* 9 April, 2017 <http://www.timeslive.co.za/scitech/2017/04/09/Hidden-hand-in-rhino-poaching-gun-supply>

Savides Matthew & Pillay Taschica “Environmentalists up in arms over toxic stench” *TimesLive* 10 April 2017 <http://www.timeslive.co.za/scitech/2017/04/10/Environmentalists-up-in-arms-over-toxic-stench>

Stoddard E “Zero tolerance for ‘zama zamas’ as Sibanye declares war on illegal mining” *BusinessLive* 21 April 2017 <https://www.businesslive.co.za/bd/companies/mining/2017-04-21-zero-tolerance-for-zama-zamas-as-sibanye-declares-war-on-illegal-mining/>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

UCT: Lecturer / Senior Lecturer Institute of Marine & Environmental Law Department of Public Law

We invite applications for an academic post specializing in environmental law in the Department of Public law in the Faculty of Law. The post is advertised at the level of lecturer/senior lecturer with appointment from 1 January 2018.

The successful candidate will be located in the Institute of Marine and Environmental Law (IMEL) (www.imel.uct.ac.za) where he/she will be expected to take part in the teaching of undergraduate and postgraduate courses on South African environmental law. He/she will also be expected to undertake research and supervise postgraduate students in the field of environmental law. Suitable candidates must demonstrate potential to be an academic leader in the field of environment law – as a lecturer, researcher and socially responsive advocate.

Requirements for candidates suitable for appointment as Senior Lecturer:

- A PhD or LLM degree specialising in environmental law and a strong academic record;
- Lecturing experience in environmental law at a tertiary level and/or other appropriate environmental law work experience; and
- An established research record with publications on environmental law.

Requirements for candidates suitable for appointment as Lecturer:

- A LLM degree specialising in environmental law and a strong academic record;
- Clear evidence of lecturing and research capabilities in environmental law;
- Lecturing experience in environmental law at a tertiary level will be an advantage; and
- Previous publications on environmental law will be an advantage.

The respective annual remuneration packages, including benefits, for 2017 are as follows:

Appointment will take place in alignment with the Faculty's expectations for performance at each rank.

To apply, please e-mail the below documents in a single pdf file to Ms Stacey Manuel at recruitment02@uct.ac.za:

- UCT Application Form (download at <http://forms.uct.ac.za/hr201.doc>);
- Cover letter; and
- Curriculum Vitae (CV).

Please ensure the title and reference number are indicated in the subject line. Please also clearly indicate in your application, the level at which you are applying.

An application which does not comply with the above requirements will be regarded as incomplete. Only shortlisted candidates will be contacted and may be required to undergo a competency test.

Telephone: 021 650 1673

Website: www.law.uct.ac.za

Reference number: E17063

Closing date: 31 May 2017

Senior Lecturer in Law, North-West University – Vaal Campus

Apply before: 28 April 2017

http://nwu.pnet.co.za/index.php?s=advert_view&g=11080&x=4272409&i=1132&pop=1

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 16

28 April 2017

BILLS

Legal Practice Amendment Bill, 2017 [B11-2017]

LEGISLATION

NOTICES

National Forests Act 84 of 1998 - GN 385 in GG 40815 of 28 April 2017 - Declaration of Phase 2A of the Olifants River Water Resources Development Project (ORWRDP) Offsite Mitigation Area as a temporary protected woodland

Competition Act 89 of 1998 - GN 388 in GG 40815 of 28 April 2017 - Competition Commission: Final Report for Market Inquiry into the LPG Sector

National Health Act 61 of 2003 - GN 392 in GG 40816 of 26 April 2017 - Regulations Regarding the General Control of Human Bodies, Tissue, Blood Products and Gametes: Amendment

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 315 in GG 40815 of 28 April 2017 - Biodiversity Management Plan for 11 critically endangered and 4 endangered *Encephalartos* Cycad Species

Merchant Shipping (International Oil Pollution Compensation Fund) Contributions Act 36 of 2013 - GN R383 in GG 40813 of 28 April 2017 - Rate of levy for 2015 tax period and payment date determined in terms of s. 3 of the Act

PROVINCES

Eastern Cape

Disaster Management Act 57 of 2002 - PN 69 in PG 3828 of 21 April 2017 - Joe Gqabi District Municipality - Declaration of a local state of disaster due to damaged road network

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LANs 48, 49, 58 & 59 in PG 3830 of 24 April 2017 - Mbizana Local Municipality - By-laws relating to the Establishment

and Control over Commonages; By-law relating to the Disposal of Contaminated and/or Infectious Waste; By-laws in respect of the Control of Temporary Advertisements; and By-laws relating to Unsightly and Neglected Buildings and Premises

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LANs 55 & 57 in PG 3830 of 24 April 2017 - Mbizana Local Municipality - Funeral Undertaker's By-Law and Noise Abatement and Prevention of Nuisance By-Law

Eastern Cape Customary Male Initiation Practice Act 5 of 2016 - PN 71 in PG 3832 of 26 April 2017 - Notice of draft Regulations on the processes and procedures for conducting customary male initiation and the roles and functions of different stakeholders involved in customary male initiation programmes

Western Cape

Western Cape Health Facility Boards and Committees Act 4 of 2016 - PNs 97-99 in PG 7759 of 20 April 2017 - Draft Regulations Relating to the Financial Governance of Health Facility Boards and Committees, 2017; Draft Regulations Relating to the Criteria and Process for the Clustering of Primary Health Care Facilities, 2017; and Draft Regulations relating to the Procedures for the Nomination of Members for Appointment to Board and Committees, 2017 - for comment

Disaster Management Act 57 of 2002 - LAN 54572 in PG 7760 of 21 April 2017 - City of Cape Town Metropolitan Municipality - Declaration of a local state as a result of the devastating fire on 11 March 2017 in the Imizamo Yethu informal settlement situated within Hout Bay

CASES

National

Earthlife Africa Johannesburg and another v Minister of Energy and others [2017] JOL 37709 (WCC) <http://www.saflii.org/za/cases/ZAWCHC/2017/50.html>

Nuclear procurement:

“[1] This application concerns challenges to various steps taken by the State between 2013 and 2016 in furtherance of its nuclear power procurement programme. The steps challenged are two separate determinations made by the Minister of Energy in 2013 and 2016, respectively, in terms of sec 34 of the Electricity Regulation Act, 4 of 2006 ('ERA'), whilst the second main focus of the challenge is the constitutionality of the tabling by the Minister before Parliament of three intergovernmental agreements (IGA's) during 2015.”

International

Respondents' Brief In Support of Petitioner on Behalf of Waterkeeper Alliance, INC Case No No. 16-299 Supreme Court of the United States of America 27 April 2017

"The Clean Water Rule Preliminary Jurisdictional Battle"
<http://biotech.law.lsu.edu/blog/finalbrief.pdf>

PUBLICATIONS

Open Society Foundation for South Africa *In Good Company?: Conversations around transparency and accountability in South Africa's extractive sector* 2nd Edition (2017)

http://www.larc.uct.ac.za/sites/default/files/image_tool/images/347/NewsStories/OSF%20Mining%20In%20Good%20Company%20II%20web%20final.pdf

Glenn Ashton "An example of the impacts of adopting the 'One Environmental System' of mining governance: Some lessons in environmental governance from MRC's Tormin Mine" in Open Society Foundation for South Africa" in *In Good Company?: Conversations around transparency and accountability in South Africa's extractive sector* 2nd Edition (Open Society Foundation) 15-26

http://www.larc.uct.ac.za/sites/default/files/image_tool/images/347/NewsStories/OSF%20Mining%20In%20Good%20Company%20II%20web%20final.pdf

UNODC "World Wildlife Crime Report 2016" http://www.unodc.org/documents/data-and-analysis/wildlife/World_Wildlife_Crime_Report_2016_final.pdf

WWF "Living Planet Report 2016"

http://awsassets.panda.org/downloads/lpr_living_planet_report_2016.pdf

EUEI PDF "Future Energy Scenarios for African Cities: Unlocking Opportunities for Climate Responsive Development" (2016) <http://www.euei-pdf.org/en/seads/thematic-research-and-knowledge-sharing/future-energy-scenarios-for-african-cities-unlocking>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

SANBI: 2017 Western Cape Biodiversity Spatial Plan (WCBSP)

<http://bgis.sanbi.org/Projects/Detail/194>

What would the world be like without any CO2 in the atmosphere?

https://www.giss.nasa.gov/research/briefs/ma_01/

The Conversation: Fadaïro Olushola "Climate change projects aren't working because communities are left out" 20 April 2017 <http://bit.ly/2pdkHga>

The Conversation: Fig David "Court ruling on Zuma's nuclear deal is a marker of South Africa's political health" 28 April 2017 <http://bit.ly/2oQvo9v>

The Conversation: Winkler Hartmut "No nuclear energy option for South Africa – for now at least" 28 April 2017 <http://bit.ly/2pBaRET>

The Conversation: Resnick Danielle “Why brutalising food vendors hits Africa's growing cities where it hurts” 27 April 2017 <http://bit.ly/2pPY2Yn>

The Conversation: Cohen Andrew “The fate of Africa's Lake Tanganyika lies in the balance” <http://bit.ly/2oQJxDx>

The Intercept: Lerner Sharon “How a Professional Climate Change Denier Discovered the Lies and Decided to Fight for Science” 28 April 2017 <https://theintercept.com/2017/04/28/how-a-professional-climate-change-denier-discovered-the-lies-and-decided-to-fight-for-science/>

New game from Citylab: “When Planning for Sea-Level Rise Turns to Play” <https://www.citylab.com/cityfixer/2017/04/when-planning-for-sea-level-rise-turns-to-play/524355/>

IISD Reporting: ENS Bulletin: 12th Session of the UN Forum on Forests - <http://enb.iisd.org/vol13/enb13203e.html>

IISD Reporting: CCAC Bulletin - 20th Climate & Clean Air Coalition Working Group and Science-Policy Dialogue – <http://enb.iisd.org/climate/ccac/wgspd20/html/enbplus172num35e.html>

IISD Reporting: ENS Bulletin - Meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions <http://enb.iisd.org/chemical/cops/2017/>

The Two Way: “Photos: See The Sweeping American Landscapes Under Review By Trump” 28 April 2017 http://www.npr.org/sections/thetwo-way/2017/04/28/525883061/photos-see-the-sweeping-american-landscapes-under-review-by-trump?utm_source=npr_newsletter&utm_medium=email&utm_content=20170430&utm_campaign=&utm_term=

See the marine order at: <https://www.whitehouse.gov/the-press-office/2017/04/28/presidential-executive-order-implementing-america-first-offshore-energy>

Austaxpolicy Blog: Professor Roberta Mann “Why American Infrastructure Gets a “D+” and What Can be Done” 28 April 2017 <http://www.austaxpolicy.com/american-infrastructure-gets-d-can-done/>

Climate Central:

- Report: “Extreme Sea Level Rise and the Stakes for America” <http://bit.ly/2ptRuh9>
- Interactive 3D map, using the new online Google Earth <http://xs3d.climatecentral.org/>
- Explore a map in Surging Seas’ original format http://xs.climatecentral.org/#12/40.7298/-74.0070?scenario=extreme_p50
- See sea level and flood risk projections based on each of NOAA’s new scenarios in our updated Risk Finder <http://bit.ly/2pyt9EX>
- And definitely play this moving 2-minute video showing what is at stake: https://www.youtube.com/watch?v=iiA_FVakKPA

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:
<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

ELA Student Conference: Save the date!

Date: 15-16 September 2017

Place: Potchefstroom

More information will follow later

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 8-9 June 2017 (Durban)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Occupational Health and Safety Law (CEM-02.2.1)**
Date: 8-12 May 2017 (Potchefstroom)
- **Health and Safety Law for Construction Activities (CEM-02.2.3)**
Date: 15-19 May 2017 (Potchefstroom)
- **Integrated Land Management (CEM-06.8.1)**
Date: 22-26 May 2017 (Potchefstroom)
- **Energy Management Systems (CEM-03.3.1)**
Date: 29 May-2 June 2017 (Potchefstroom)
- **Environmental law (CEM-02.1.1)**
Date: 15-20 May 2017 Johannesburg (Holiday Inn Johannesburg Airport)
- **Environmental Impact Assessment for Practitioners (CEM-05.1.1)**
Date: 5-9 June 2017 (Potchefstroom)
- **Climate Change Management (CEM-06.6.1)**
Date: 5-9 June 2017
- **Essential Air Quality Management (CEM-06.3.1)**
Date: 12-14 June 2017

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

- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 19-23 June 2017
- **Environmental law - integrated water resource management (CEM-02.1.2)**
Date: 19-23 June 2017
- **Environmental Management System - lead auditor (CEM-04.1.1)**
Prerequisites: Environmental Law (CEM-02.1.1) and EMS (CEM-03.1.1) Courses
Date: 26-30 June 2017
- **Occupational Health and Safety Management System - lead auditor (CEM-04.2.1)**
Prerequisites: OHSAS (CEM-03.2.1) and OHS Law (CEM-02.2.1) Courses
Date: 26-30 June 2017
- **Energy Management System - lead auditor (CEM-04.3.1)**
Prerequisites: Implementing an Energy Management System based on ISO 50001: 2014 (CEM-03.3.1) or a similar programme; AND Energy Law for Energy Managers (CEM-02.1.4) or a similar programme. Demonstration of competence acquired in the work place shall be by a detailed formal declaration by a line manager attesting to the competence acquired.
Date: 26-30 June 2017

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

International

Webinar: ABA Section of Environment, Energy and Resources Exempt Wells: Where Water Law and Land Use Law Collide

Date: 16 May 2017

Time: 12:00 p.m. – 1:00 p.m. (Eastern)

Register: <https://shop.americanbar.org/ebus/ABAEventsCalendar/EventDetails.aspx?productId=276050484>

Water resources across the country are dwindling and the enhanced level of regulatory scrutiny is rising. Exempt (unregulated) wells generate issues (both legal and scientific) in this context. This call will explore these issues, and discuss the article on exempt wells published recently by our speakers.

Moderator:

Roger Sims, Water Resources Committee Vice Chair

Speakers:

Prof. Jesse Richardson, West Virginia University College of Law

Tiffany Dowell Lashmet, Assistant Professor and Extension Specialist – Agricultural Law, Texas A&M

You must pre-register to participate. Upon registration, you will receive the dial-in.

§ Section Member Price: \$0

§ Non-Member Price: \$20

Please note, your registration is not complete until you hit the Process Now button.

Climate and Sustainable Energy Finance Executive Training

Date: 10. - 14. July 2017

by the Frankfurt School – UNEP Collaborating Centre for Climate and Sustainable Energy Finance

Partial scholarship for our Executive Training still available!

Apply your scholarship application and register here: <http://www.frankfurt-school.de/en/home/international-advisory-services/development-finance-programmes/climate-sustainable-energy-finance-summer-academy-new.html>

This year, the Climate and Sustainable Energy Finance Summer Academy lets you choose the best track to help you further your career. Whether you are still learning about the Green Finance industry or already an expert needing food for thought, this training is right for you.

Each track spends five days covering a rare insight into the industry and provides you with the tools you need for climate and renewable energy financing – tailored to your level of experience.

You will also have the chance to network with professionals in your industry from around the world all in one place. Despite the two tracks, there will still be many opportunities to network between both groups.

We look forward to receive your scholarship application and / or registration!

Frankfurt School UNEP Collaborating Centre for Climate & Sustainable Energy Finance

Web: <http://fs-unep-centre.org/>

NEWS

“Nuclear critics funded by Eskom 'go silent” *TimesLive* 28 April 2017
<http://www.timeslive.co.za/local/2017/04/28/Nuclear-critics-funded-by-Eskom-go-silent1>

“amaBhungane: R10bn in 15 days – another massive Eskom boost for the Guptas” 22 April 2017 <https://www.dailymaverick.co.za/article/2017-04-22-amabhungane-r10bn-in-15-days-another-massive-eskom-boost-for-the-guptas/#.WQenO2mGPIU>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Water Law & Policy Fellow - UC Berkeley School of Law

The Wheeler Water Institute, a research and policy institute within the Center for Law, Energy & the Environment (CLEE) at UC Berkeley School of Law, is seeking to hire a Research Fellow in water law and policy.

Building on UC Berkeley’s history of and commitment to research and public service and leading environmental law program, CLEE leverages the intellectual resources of Berkeley Law faculty and students in furtherance of applied research in a variety of environmental and energy law and policy areas. Within this matrix, the Wheeler Water Institute develops interdisciplinary solutions to ensure clean water for California’s future.

The Research Fellow will work on a variety of water resources issues. Specific research areas will depend on the fellow's background and interests, but will likely include: sustainable groundwater management; groundwater recharge; innovation in the water sector; water data and decision-making; and/or other water management and policy issues. An overarching emphasis on interdisciplinary collaboration, including engagement with scientists and engineers, will be central to these projects. The fellow may also work on other water and/or other related initiatives within Wheeler and CLEE more generally, depending on program needs throughout the duration of the fellowship. The fellow must be willing to travel occasionally within California.

The anticipated start date is July 1, 2017. This is a 100%, one-year term contract position, with the possibility of renewal for a second year contingent upon funding.

This position is open until filled. For details on the position, including required qualifications and application materials, and information about how to apply, please visit <https://aprecruit.berkeley.edu/apply/JPF01362>

More information on our programs is available at clee.berkeley.edu and wheeler.berkeley.edu If you have questions about the position, please contact academicpositions@law.berkeley.edu

GGGI recruitment of staff for Fiji and Pacific Regional Programs

The Global Green Growth Institute (GGGI) is recruiting two positions based in Fiji:

1) Senior Officer – Pacific Regional Program

For details please see this link:

<https://careers.gggi.org/vacancy/senior-officer-pacific-regional-program-313512.html>

2) Officer – Fiji Program

For details please see this link:

<https://careers.gggi.org/vacancy/officer-fiji-program-307329.html>

Deadline for applications is **18th May 2017**. Applications should be submitted online through the links above.

UCT: Lecturer / Senior Lecturer Institute of Marine & Environmental Law Department of Public Law

We invite applications for an academic post specializing in environmental law in the Department of Public law in the Faculty of Law. The post is advertised at the level of lecturer/senior lecturer with appointment from 1 January 2018.

The successful candidate will be located in the Institute of Marine and Environmental Law (IMEL) (www.imel.uct.ac.za) where he/she will be expected to take part in the teaching of undergraduate and postgraduate courses on South African environmental law. He/she will also be expected to undertake research and supervise postgraduate students in the field of environmental law. Suitable candidates must demonstrate potential to be an academic leader in the field of environment law – as a lecturer, researcher and socially responsive advocate.

Requirements for candidates suitable for appointment as Senior Lecturer:

- A PhD or LLM degree specialising in environmental law and a strong academic record;
- Lecturing experience in environmental law at a tertiary level and/or other appropriate environmental law work experience; and
- An established research record with publications on environmental law.

Requirements for candidates suitable for appointment as Lecturer:

- A LLM degree specialising in environmental law and a strong academic record;
- Clear evidence of lecturing and research capabilities in environmental law;
- Lecturing experience in environmental law at a tertiary level will be an advantage; and
- Previous publications on environmental law will be an advantage.

The respective annual remuneration packages, including benefits, for 2017 are as follows:

Appointment will take place in alignment with the Faculty's expectations for performance at each rank.

To apply, please e-mail the below documents in a single pdf file to Ms Stacey Manuel at recruitment02@uct.ac.za:

- UCT Application Form (download at <http://forms.uct.ac.za/hr201.doc>);
- Cover letter; and
- Curriculum Vitae (CV).

Please ensure the title and reference number are indicated in the subject line. Please also clearly indicate in your application, the level at which you are applying.

An application which does not comply with the above requirements will be regarded as incomplete. Only shortlisted candidates will be contacted and may be required to undergo a competency test.

Telephone: 021 650 1673

Website: www.law.uct.ac.za

Reference number: E17063

Closing date: 31 May 2017

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 17

5 May 2017

LEGISLATION

NOTICES

Petroleum Products Act 120 of 1977 - GN R397 in GG 40822 of 2 May 2017 - Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 3 May 2017

Petroleum Products Act 120 of 1977 - GN R398 in GG 40822 of 2 May 2017 - Amendment of regulations in respect of petroleum products published with effect from 2 May 2017

Petroleum Products Act 120 of 1977 - GN R399 in GG 40822 of 2 May 2017 - Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 3 May 2017

Animal Diseases Act 35 of 1984 – Gen Notice 327 in GG 40827 of 5 May 2017 - Notice of publication for comment of the Discussion Paper on the review of Bovine Brucellosis Control

Electricity Act 41 of 1987 - GN 400 in GG 40827 of 5 May 2017 - Licence fees payable by licensed generators of electricity for the period 1 April 2017 to 31 March 2018

National Energy Regulator Act 40 of 2004 – Gen Notice 331 in GG 40830 of 4 May 2017 - National Energy Regulator of South Africa (NERSA): Invitation to public hearing for municipalities applying for an average tariff increase above the guideline of 1.88%

Tourism Act 3 of 2014 – Gen Not 404 in GG 40827 of 5 May 2017 - Final Draft National Tourism Sector Strategy (NTSS) - for comment

PROVINCES

Eastern Cape

Eastern Cape General Law Amendment Bill, 2017 - PN 73 in PG 3835 of 1 May 2017 - for comment

Western Cape

Western Cape Local Government: Museums Ordinance 8 of 1975 - PN 101 in PG 7762 of 28 April 2017 - Approval of name change of a province aided museum from Shipwreck Lighthouse Museum to Shipwreck Museum Bredasdorp

PUBLICATIONS

Villavicencio Calzadilla Paola Book Review: "Climate Justice: Case Studies in Global and Regional Governance Challenges (Environmental Law Institute Washington DC 2016)" 2017 *PER* <http://journals.assaf.org.za/per/article/view/2259>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

IISD ENS Bulletin: 2017 Meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions <http://enb.iisd.org/chemical/cops/2017/>

The Conversation: McBagonluri Fred "Start-ups can help Africa meet its energy needs. But they need to be encouraged" 4 May 2017 <http://bit.ly/2p79krl>

The Guardian: Millman O "Offshore wind, clever concrete and fake meat: the top climate change innovations" 5 May 2017 <https://www.theguardian.com/us-news/2017/may/05/climate-change-innovations-fake-meat>

The Guardian: Laughland Oliver and Mathieu-Léger Laurence "Life on the Keystone XL route: where opponents fear the 'black snake'" Part 1 2 May 2017 <https://www.theguardian.com/us-news/2017/may/02/keystone-xl-pipeline-route-water-native-american-reserves>

The Guardian: Laughland Oliver and Mathieu-Léger Laurence "Keystone pipeline defiance triggers further assault on citizens' rights" Part 2 3 May 2016 <https://www.theguardian.com/us-news/2017/may/03/keystone-pipeline-protests-land-rights-south-dakota>

The Guardian: Davidson Helen "Oil company Santos admits business plan is based on 4C temperature rise" 4 May 2017 <https://www.theguardian.com/environment/2017/may/05/santos-admits-business-plan-based-4c-global-temperature-rise>

The Guardian: Solheim Eric "The end of wild elephants? Why we must not let Africa become one giant food farm" 6 May 2017 <https://www.theguardian.com/environment/2017/may/06/the-end-of-wild-elephants-why-we-must-not-let-africa-become-one-giant-food-farm>

The Guardian: Hamilton Clive "The great climate silence: we are on the edge of the abyss but we ignore it" 5 May 2017 <https://www.theguardian.com/environment/2017/may/05/the-great-climate-silence-we-are-on-the-edge-of-the-abyss-but-we-ignore-it>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Smith Ndlovu & Summers: Presentation and Discussion: 2017 Amendments to the EIA Regulations, 2014

Date: 23 May 2017

Venue: Intaka Island Activity Centre (1 Century City Drive, Century City, Cape Town)

Time: 08:30-10:30

Cost: R250

RSVP (or for more information): sgardner@law.co.za or 021 424 5826

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:
<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

ELA Student Conference: Save the date!

Date: 15-16 September 2017

Place: Potchefstroom

More information will follow later

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 8-9 June 2017 (Durban)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Occupational Health and Safety Law (CEM-02.2.1)**
Date: 8-12 May 2017 (Potchefstroom)
- **Health and Safety Law for Construction Activities (CEM-02.2.3)**
Date: 15-19 May 2017 (Potchefstroom)
- **Integrated Land Management (CEM-06.8.1)**
Date: 22-26 May 2017 (Potchefstroom)
- **Energy Management Systems (CEM-03.3.1)**

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

Date: 29 May-2 June 2017 (Potchefstroom)

- **Environmental law (CEM-02.1.1)**
Date: 15-20 May 2017 Johannesburg (Holiday Inn Johannesburg Airport)
- **Environmental Impact Assessment for Practitioners (CEM-05.1.1)**
Date: 5-9 June 2017 (Potchefstroom)
- **Climate Change Management (CEM-06.6.1)**
Date: 5-9 June 2017
- **Essential Air Quality Management (CEM-06.3.1)**
Date: 12-14 June 2017
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 19-23 June 2017
- **Environmental law - integrated water resource management (CEM-02.1.2)**
Date: 19-23 June 2017
- **Environmental Management System - lead auditor (CEM-04.1.1)**
Prerequisites: Environmental Law (CEM-02.1.1) and EMS (CEM-03.1.1)
Courses
Date: 26-30 June 2017
- **Occupational Health and Safety Management System - lead auditor (CEM-04.2.1)**
Prerequisites: OHSAS (CEM-03.2.1) and OHS Law (CEM-02.2.1)
Courses
Date: 26-30 June 2017
- **Energy Management System - lead auditor (CEM-04.3.1)**
Prerequisites: Implementing an Energy Management System based on ISO 50001: 2014 (CEM-03.3.1) or a similar programme; AND Energy Law for Energy Managers (CEM-02.1.4) or a similar programme. Demonstration of competence acquired in the work place shall be by a detailed formal declaration by a line manager attesting to the competence acquired.
Date: 26-30 June 2017

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

African Capital Cities Sustainability Forum

Date: 13-15 June 2015

Venue: CSIR Convention Centre, City of Tshwane

Register: <http://www.africancapitalcities.org/>

International

46th Underwater Mining Conference

Date: 24-29 September 2017

Venue: Federation of German Industries (BDI), Breite Straße 29, Berlin, Germany

We are pleased to announce an update for the 46th Underwater Mining Conference (UMC) to be held September 24 through 29, 2017 at the Federation of German Industries (BDI) in Berlin, Germany. Together with our host, the DeepSea Mining Alliance, we have designed another timely and informative UMC experience for our participants.

This is a critical time for the commercial development of seafloor minerals. With committed support from key stakeholders, Nautilus Minerals is continuing to progress its flagship Solwara 1 project in the Bismarck Sea. In 2017, development plans include ongoing construction and first floating of the production vessel from dry-dock, wet testing of seabed production tools, and exploration for additional mineral resources.

The International Seabed Authority (ISA) is working on regulations for commercial recovery of polymetallic nodule deposits within the Clarion-Clipperton Region of the northeastern Pacific seabed, the Central Indian Ocean Basin, and elsewhere. Several serious commercial interests await the results of this work to determine whether or not it will be commercially viable to work within the ISA regime.

Three ventures working on recovering seabed phosphate deposits within the Exclusive Economic Zones of Namibia, New Zealand and Mexico have been impeded by regulatory and political obstacles. Extensive research and analysis by studies supported by the European Union continue to provide useful insights into technical and environmental aspects and political issues related to commercial seabed mineral extraction.

Thus, there are many issues that warrant serious consideration for those with an interest in deep-sea minerals.

Focus: Our technical focuses in 2017 are the economical, technological, and environmental aspects of cooperative solutions for future deep-sea mining. It will be an exciting conference for the next commercial, technological and environmental developments regarding deep-sea minerals, deep-sea mining and metallurgical processing of marine mineral resources.

Call for Papers: We are seeking high-quality presentations that examine the technological, environmental, legal, regulatory, and political aspects of deep-seabed mineral deposit commercial extraction. As always, we will consider other topics of timely interest related to the prudent development of all underwater mineral resources worldwide. See details below.

Program Agenda: We start at the Hilton Berlin on Sunday, September 24, 2017 with an evening registration and reception, followed by two days of technical sessions at BDI (Federation of German Industries), including a poster session and exhibits. A banquet is planned at the Hilton Berlin. Additional events include a spouses-only tour, as well as a geotechnical field tour departing Berlin on the 27th and running through the 29th.

More information at: <http://www.underwatermining.org/>

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.

The programme is developed and delivered in a partnership between Gaia Education, the United Nations Institute for Training and Research (UNITAR) and the University of Strathclyde. 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 6 September 2017, 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, you can access the following website:

https://www.gaiaeducation.org/index.php/en/online/resd-online?utm_source=newsletter&utm_medium=email&utm_campaign=resd&utm_term=partner-news

We hope to count on your collaboration and participation in our course. I remain at your disposal for any question, and you can contact us at:

Gaia Education email: elearning@gaiaeducation.org

DCP email: e-dcp@unitar.org

Personal email: calliope.lemattre-gontcharoff@unitar.org

NEWS

Energy: Pletmos Basin may be surveyed for gas reserves

"The Pletmos Basin between Knysna and Jeffreys Bay could soon be at the centre of an oil and gas exploration. A report in *The Herald* notes that this comes after an upstream oil and gas company submitted plans to conduct a 3D seismic survey of the area to explore for possible oil and gas reserves. It is just one of several prospecting activities under way along the Southern Cape coast, with PetroSA being the biggest player in the area. Sungu Sungu Oil submitted an application for an exploration right for the area, which falls within the 11 224km² Pletmos Basin, which was accepted by the Petroleum Agency South Africa (Pasa) in September. The company was, however, instructed by Pasa to undertake an environmental impact assessment (EIA) and this process, which is being undertaken by SRK Consulting, is under way. The comment period on the EIA, which started on 12 April, will be open until 16 May. While no permanent infrastructure is needed for such a project, there are concerns about the environmental impact. Plettenberg Bay Community Environmental Forum

spokesperson Basil van Rooyen said the organisation would be opposing the plans.”

Full report in The Herald (subscription needed) *Legalbrief Environmental* 2 May 2017

Kings Siphos “A warming world puts the heat on fynbos” *Mail&Guardian* 25 April 2017 <https://mg.co.za/article/2017-04-25-00-a-warming-world-puts-the-heat-on-fynbos> [*Legalbrief Environmental* 2 May 2017]

Ngatane Nthakoana “Lesotho believes it can produce Shale Gas” SABC News 26 April 2017 <http://www.sabc.co.za/news/a/84abbd8040ec40eeb926b9f81f8bc406/Lesotho-believes-it-can-produce-Shale-Gas-20172604> [*Legalbrief Environmental* 2 May 2017]

Laville Sandra “Air pollution plan cannot be delayed, high court tells government” 27 April 2017 <https://www.theguardian.com/environment/2017/apr/27/air-pollution-plan-election-campaign-bomb-court-government> [Source: *Legalbrief Environmental* 2 May 2017]

Mathews Charlotte “Mining legislation: too much, too late” *financialmail* 26 April 2017 [Source: *Legalbrief Today* 2 May 2017] <https://www.businesslive.co.za/fm/features/2017-04-26-mining-legislation-too-much-too-late/>
See also: <https://www.businesslive.co.za/bd/opinion/2017-03-13-affected-communities-have-little-say-in-proposed-mining-amendment-bill/>

Enzor Linda New minister Mmamoloko Kubayi promises nuclear transparency and participation” *BusinessLive* 2 May 2017 [Source: *Legalbrief Today* 3 May 2017] <https://www.businesslive.co.za/bd/companies/energy/2017-05-02-new-minister-mmamoloko-kubayi-promises-nuclear-transparency-and-participation/>

Legislation: Seed laws unfair on small farmers – activists

“The plight of small farmers and individuals who struggle to reproduce and share seeds was highlighted at a Seed Freedom event at the weekend, says a Daily Dispatch report. The event forms part of a global movement against existing seed laws and corporate giants who monopolise seed ownership. Resistance is Fertile’s Rushka Johnson said the group was attending public hearings on both the Plant Breeders Act and the Plant Improvement Act, while the African Centre for Biodiversity fights the Acts through the courts. According to the Act, only individuals or companies who own the rights to seeds through registering with the registrar can reproduce, sell and export seeds. Johnson said their main concern was that according to the Act, small farmers and individuals could not share, barter or swap registered seeds. ‘The big corporations that make all the genetically modified foods in SA are buying all the different seeds and we don’t own our seeds anymore. As small farmers, we are losing our seeds and we want to be able to grow and swap our seeds freely,’ Johnson said. ‘The Acts do not protect the rights of small farmers; instead they only protect the rights of big corporations and that takes away our freedom.’” Full Daily Dispatch report (subscription needed) [Source: *Legalbrief Today* 3 May 2017]

Litigation: Centre appeals maize seed decision

“The African Centre for Biodiversity (ACB) has lodged an appeal in the Gauteng High Court (Pretoria) to overturn decisions of the GMO Appeal Board and Minister of Agriculture, Forestry and Fisheries Senzeni Zokwana to commercialise Monsanto SA’s genetically modified drought-tolerant maize seed. A Cape Times report says the appeal raises a number of alleged irregularities with the decision-making processes, which ACB argues flout the Constitution and laws prescribing administrative justice and procedural fairness. The ACB is alleging the rubber-stamping of Monsanto’s claims that its patented GM DT trait confers drought tolerance. The ACB, however, says a single gene does not confer efficacious drought tolerance and is yet another risky and novel gene introduced into the staple food of millions of people in SA in the name of corporate profits. The ACB and various organisations and members of the public have since 2008, resisted Monsanto’s claimed benefits of drought tolerance.”

Full Cape Times report (subscription needed) [Source: Legalbrief Today 3 May 2017]

Carnie T “Sweet victory for environment as farmers lose St Lucia fight” *BusinessDay* 2 May 2017 <https://www.businesslive.co.za/bd/national/science-and-environment/2017-05-04-sweet-victory-for-environment-as-farmers-lose-st-lucia-fight/>
[Case reported in previous Newsletter]

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Shangoni: Health and Safety Legal Specialist

Shangoni Management Services (Pty) Ltd is an environmental, health and safety consulting company specializing in providing solutions for management systems, legal compliance, risk management and technical health, safety and environmental management challenges.

Shangoni has a vacancy for a Health and Safety Legal Specialist in its Legal Services Department. The position is based in Pretoria. Refer below for qualification requirements and key responsibilities:

Qualification, skills and experience requirements:

- LLB or equivalent legal degree;
- 5 years’ experience in providing legal advice in health and safety law;
- Must have excellent report writing skills; and
- Must be professional, enthusiastic and eager to take on new challenges.

Key responsibilities

- Conducting health and safety legal compliance audits;
- Drafting legal opinions pertaining to health and safety legal matters;
- Providing general legal advice on health and safety legal matters; and
- Compiling legal registers

Applicants are requested to submit a detailed CV to suzette@shangoni.co.za by 31 May 2017.

Wits: Head of Law School

The School of Law is one of the five schools in the Faculty of Commerce, Law and Management and has a high reputation in all aspects of law. The School supports undergraduate, postgraduate and professional teaching programmes covering a variety of law subject areas.

The successful candidate will be offered an appointment for a period of up to five years, with a possibility of re-appointment. The Head of School will provide the academic vision and leadership required to enable the School to maintain its position of excellence.

Applicants will have attained appropriate academic qualifications (preferably a PhD), the requisite publications and sufficient professional standing for effective leadership of the School. Previous management experience in an academic environment will be an advantage.

The Head of School will be required to set the direction of the School within the wider mission of the Faculty and University and lead and manage the School to meet its strategic goals. The successful candidate must provide academic and research leadership. S/he will also be responsible for the financial management, human resources management and administration of the School. S/he must have an appreciation of the transformation imperatives of the University.

Shortlisted candidates will be invited to prepare and present a 5-year plan for the School in line with the above duties, at a seminar attended by members of the School and Faculty.

Remuneration: The Faculty offers a generous remuneration package, which includes a retirement fund, medical aid and bursaries, subject to the University's regulations.

Enquiries: The Dean, Professor Imraan Valodia, tel. (011) 717-8012 or e-mail: Imraan.Valodia@wits.ac.za

For further information on the School, visit <https://www.wits.ac.za/law/>

To apply:

Please apply via i-Recruitment: www.wits.ac.za/vacancies

Please include the following:

- detailed CV
- Names, addresses (preferably e-mail addresses) and contact details of 3 referees
- Certified copies of degrees and diplomas and Identity Document covering letter

Closing date: 14 May 2017

UCT: Lecturer / Senior Lecturer Institute of Marine & Environmental Law Department of Public Law

We invite applications for an academic post specializing in environmental law in the Department of Public law in the Faculty of Law. The post is advertised at the level of lecturer/senior lecturer with appointment from 1 January 2018.

The successful candidate will be located in the Institute of Marine and Environmental Law (IMEL) (www.imel.uct.ac.za) where he/she will be expected to

take part in the teaching of undergraduate and postgraduate courses on South African environmental law. He/she will also be expected to undertake research and supervise postgraduate students in the field of environmental law. Suitable candidates must demonstrate potential to be an academic leader in the field of environment law – as a lecturer, researcher and socially responsive advocate.

Requirements for candidates suitable for appointment as Senior Lecturer:

- A PhD or LLM degree specialising in environmental law and a strong academic record;
- Lecturing experience in environmental law at a tertiary level and/or other appropriate environmental law work experience; and
- An established research record with publications on environmental law.

Requirements for candidates suitable for appointment as Lecturer:

- A LLM degree specialising in environmental law and a strong academic record;
- Clear evidence of lecturing and research capabilities in environmental law;
- Lecturing experience in environmental law at a tertiary level will be an advantage; and
- Previous publications on environmental law will be an advantage.

The respective annual remuneration packages, including benefits, for 2017 are as follows:

Appointment will take place in alignment with the Faculty's expectations for performance at each rank.

To apply, please e-mail the below documents in a single pdf file to Ms Stacey Manuel at recruitment02@uct.ac.za:

- UCT Application Form (download at <http://forms.uct.ac.za/hr201.doc>);
- Cover letter; and
- Curriculum Vitae (CV).

Please ensure the title and reference number are indicated in the subject line. Please also clearly indicate in your application, the level at which you are applying.

An application which does not comply with the above requirements will be regarded as incomplete. Only shortlisted candidates will be contacted and may be required to undergo a competency test.

Telephone: 021 650 1673 Website: www.law.uct.ac.za
Reference number: E17063 Closing date: 31 May 2017

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 18

12 May 2017

LEGISLATION

NOTICES

National Water Act 36 of 1998 - GN 413 in GG 40836 of 10 May 2017 - Breede-Gouritz and Berg-Olifants Water Management Areas: Limiting the use of water in terms of para 6(1)(i) of Schedule 3 to the Act for urban, irrigation and industrial (including mining) purposes abstracting water from dams and river systems served by the Western Cape Water Supply System

National Heritage Resources Act 25 of 1999 - GN 414 in GG 40840 of 12 May 2017 - Declaration of the graves of Mr John 'Beaver' Marks and Mr Moses Kotane as National Heritage Sites

PROVINCES

Gauteng

Constitution of the Republic South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000, Spatial Planning and Land Use Management Act 16 of 2013 - LAN 624 in PG 110 of 5 May 2017 - Ekurhuleni Metropolitan Municipality - Notice of establishment of Planning Tribunal (EMPT) and the appointment of members thereto

Mpumalanga

Constitution of the Republic South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000, Spatial Planning and Land Use Management Act 16 of 2013 PN 38 in PG 2809 of 12 May 2017: Nkomazi Local Municipality: Notice of Draft Spatial Development Framework Review and Land Use Scheme - for comment

CASES

National

Buffalo City Metropolitan Municipality v Transnet Soc Limited and Another (EL313/2016, ECD813/2016) [2017] ZAECELLC 8 (9 May 2017)

“[1] The applicant seeks an order that the respondents be interdicted from utilising an immovable property, described as Erf 5403, East London (the property), for any purpose other than transport usage, that they be interdicted from operating any illegal business or any activity in contravention of the Buffalo City Zoning Scheme Regulations (the zoning scheme regulations) while the property is zoned as “Transport Zone 1” and an order of costs. Despite the fact that the second respondent delivered a notice of intention to oppose the application, only the first respondent actively opposed the application.”

Mpumalanga Tourism & Parks Agency v Barberton Mines (Pty) Ltd (216/2016) [2017] ZASCA 9 (14 March 2017)
http://www.justice.gov.za/sca/judgments/sca_2017/sca2017-009.pdf

Summary: Mining and Environmental Law: grant of a prospecting right in terms of s 17(1) of the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA): whether prospecting area part of a protected area as contemplated by s 12 of the National Environmental Management: Protected Areas Act 57 of 2003 (NEMPAA): whether prospecting prohibited by s 48(1) of NEMPAA.

Normandien Farms (Pty) Limited v South African Agency for Promotion of Petroleum and Exploitation SOC Limited (24294/2016) [2017] ZAWCHC 53 (3 May 2017)

“[1] This is an application seeking to set aside the acceptance by the first respondent of the application for an Exploration Right in terms of S 79 of the Mineral Resources Development Act 28 of 2002 (‘the MPRDA’) read with Regulation 28 (2) of the Regulations published in terms of S 107 of the MPRDA lodged by the second respondent. There are other ancillary reliefs sought by the applicant in this application. The application is opposed by the second respondent. The first respondent has given no notice to oppose the application but it has filed an affidavit described as an explanatory affidavit.

[2] The applicant is owner of various farms situated in Northern Kwazulu-Natal to which the Exploration Right application lodged by the second respondent in terms of S 79 of the MPRDA, relates. ... The applicant conducts timber farming on the above properties and has (reportedly) also established a bottling plant, bottling water for commercial sale in this country.”

International

Amicus curiae brief - 'Carbon Majors' petition before the Philippines Human Rights Commission <http://bit.ly/2r81wSx> (all documents accessible from this website) see also

http://www.asiapacificforum.net/media/resource_file/APF_Paper_Amicus_Brief_HR_Climate_Change.pdf

“Greenpeace Southeast Asia and the Philippine Rural Reconstruction Movement (petitioners) requested the Commission on Human Rights of the Philippines (Commission) to investigate ‘the responsibility of the Carbon Majors’ (respondents) for human rights violations or threats of violations resulting from the impacts of climate change. This brief supports the petition, putting forward arguments based on the role of human rights law in addressing climate change impacts, and on the Commission’s jurisdiction to hear complaints over all human rights violations contended, under both domestic law and international law. The brief firstly analyses in detail the Commission’s jurisdiction to hear the petitioners’ complaint, under both domestic and international law. Secondly, it considers the role of human rights law in addressing the impacts of climate change. Thirdly, it provides fundamental background on the interconnected nature of all human rights, and, fourthly, it addresses the human rights obligations of businesses” (p 4 of the Brief).

PUBLICATIONS

UN Environment “Environmental Change through Capacity Building: Africa, the Caribbean, and the Pacific – Capacity building related to multilateral environmental agreements (MEAs) in African, Caribbean and Pacific (ACP) countries” (UNEP 2017) <http://wedocs.unep.org/handle/20.500.11822/20477>

Knox John H “Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Biodiversity Report” United Nations Human Rights Council, A/HRC/34/49 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2913630

Ding Helen “Climate Benefits, Tenure Costs The Economic Case For Securing Indigenous Land Rights in the Amazon (World Resources Institute October 2016) <http://www.wri.org/publication/climate-benefits-tenure-costs>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

High Country News: Blumm MC “Oregon’s monuments need protection from logging” 4 May 2017 <http://www.hcn.org/articles/keep-logging-out-of-cascade-siskiyou-national-monument>

IISD ENS Bulletin: “Bonn Climate Change Conference - May 2017” <http://iisd.cmail19.com/t/i-l-ukmxd-qjjktntl-r/>

Biofuture Platform: <http://biofutureplatform.org/launch-statement/>

“Ministers and high-level representatives of Argentina, Brazil, Canada, China, Denmark, Egypt, Finland, France, India, Indonesia, Italy, Morocco, Mozambique, Netherlands, Paraguay, Philippines, Sweden, United Kingdom, United States of America and Uruguay have gathered together on November 16, 2016, in Marrakesh, Morocco, to declare the following:
“As countries implement their Nationally Determined Contributions (NDCs) in support of the 2015 Paris climate agreement, there is growing demand for sustainable, immediately scalable solutions to reduce carbon emissions in the transport sector ...”

Wetlands International: “Water shocks: Wetlands and human migration in the Sahel” <https://www.wetlands.org/publications/water-shocks-wetlands-human-migration-sahel/>

Wetlands International: <https://www.wetlands.org/>

Video: UNFCCC: Implementation of the PA& NDCs – new tools for developing climate legislation <https://www.youtube.com/watch?v=KggdQlzk75U&index=11&list=PL-m2oy1bnLzp5vQEdO1I4WWxwhAJpX7na>

This introduces a new online resource on developing climate change laws, with examples from around the world.

“The tools presented aim to assist countries in assessing their legislation and institutional arrangements, and the needs relating to these, based on the nationally determined priorities and circumstances.”

Living alongside Wildlife: “The Animals That Went Extinct in 2016”

<http://www.livingalongsidewildlife.com/2016/12/the-animals-that-went-extinct-in-2016.html>

See also <https://www.theatlantic.com/science/archive/2016/10/bramble-cay-melomys/504647/>

United Nations Human Rights: Special Rapporteur on human rights and the environment - Country visits (May 2017)

<http://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/Countryvisits.aspx>

Policy and Practice: “Poor people’s energy outlook 2017”

<https://policy.practicalaction.org/policy-themes/energy/poor-peoples-energy-outlook/poor-people-s-energy-outlook-2017>

Slate: Jaffe Cale and Tai Steph “Trump’s disdain for environmental regulations stems from his misunderstanding” 11 May 2017

http://www.slate.com/articles/health_and_science/science/2017/05/trump_hates_regulations_because_he_doesn_t_understand_them.html

The Conversation: Lindsey Peter “Poorer countries do more for the conservation of large mammals” 11 May 2017 <http://bit.ly/2pG9m5F>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Smith Ndlovu & Summers: Presentation and Discussion: 2017 Amendments to the EIA Regulations, 2014

Date: 23 May 2017

Venue: Intaka Island Activity Centre (1 Century City Drive, Century City, Cape Town)

Time: 08:30-10:30

Cost: R250

RSVP (or for more information): sgardner@law.co.za or 021 424 5826

IAIAsa Gauteng Event ECO Workshop 25 May 2017

Technical Workshop on the Roles and Responsibilities of Environmental Control Officers

Date: 25 May 2017

Time: 08:00 – 17:15

Venue: Eskom, Megawatt Park

The IAIAsa Gauteng branch invites you to a full day technical workshop on “The Roles and Responsibilities of Environmental Control Officers”.

Workshop objectives:

1. Promote consensus on the roles, responsibilities and authority of ECOs on construction site;
2. Debate what competencies and skills are required by ECOs;
3. Share learning on ECO practice; and
4. Share perspectives and expectations from Authorities, Developers, and Practitioners.

The aim of the workshop is to initiate a process for the formation of an ECO Working Group.

Target audience: The target audience for this technical workshop are for experienced practitioners involved in different aspects of the planning and implementation of construction site environmental management. Those interested in the topic of construction site environmental management are equally welcome to attend.

Registration: Fee payable

Members and Non-members must register so that the event co-ordinators can make the necessary arrangements for the venue set-up and for catering. Because of security and access requirements at the Eskom venue, only pre-registered attendees will be allowed access to the workshop.

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

RSVP before 22 May 2017

<http://iaiasagpecoworkshop.myactive.co.za/capturedetails/registration.aspx>

Maximum number of delegates: 200

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

Abstract submission deadline: 15 May 2017

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

ELA Student Conference: Save the date!

Date: 15-16 September 2017

Place: Potchefstroom

More information will follow later

NWU: CEM Courses 2017

- **Environmental Management System Transition (CEM-03.7.1)**
Dates: 8-9 June 2017 (Durban)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Health and Safety Law for Construction Activities (CEM-02.2.3)**
Date: 15-19 May 2017 (Potchefstroom)
- **Integrated Land Management (CEM-06.8.1)**
Date: 22-26 May 2017 (Potchefstroom)
- **Energy Management Systems (CEM-03.3.1)**
Date: 29 May-2 June 2017 (Potchefstroom)
- **Environmental law (CEM-02.1.1)**
Date: 15-20 May 2017 Johannesburg (Holiday Inn Johannesburg Airport)
- **Environmental Impact Assessment for Practitioners (CEM-05.1.1)**
Date: 5-9 June 2017 (Potchefstroom)
- **Climate Change Management (CEM-06.6.1)**
Date: 5-9 June 2017
- **Essential Air Quality Management (CEM-06.3.1)**
Date: 12-14 June 2017
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 19-23 June 2017
- **Environmental law - integrated water resource management (CEM-02.1.2)**
Date: 19-23 June 2017
- **Environmental Management System - lead auditor (CEM-04.1.1)**
Prerequisites: Environmental Law (CEM-02.1.1) and EMS (CEM-03.1.1) Courses

Date: 26-30 June 2017

- **Occupational Health and Safety Management System - lead auditor (CEM-04.2.1)**

Prerequisites: OHSAS (CEM-03.2.1) and OHS Law (CEM-02.2.1)
Courses

Date: 26-30 June 2017

- **Energy Management System - lead auditor (CEM-04.3.1)**

Prerequisites: Implementing an Energy Management System based on ISO 50001: 2014 (CEM-03.3.1) or a similar programme; AND Energy Law for Energy Managers (CEM-02.1.4) or a similar programme. Demonstration of competence acquired in the work place shall be by a detailed formal declaration by a line manager attesting to the competence acquired.

Date: 26-30 June 2017

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

Sustainability Week - City of Tshwane

Date: 13-18 June 2017

Venue: CSIR

More information: <http://sustainabilityweek.co.za/>

Short Courses in Law at Wits University

Now is the time to start thinking about the future of your career! The Mandela Institute at Wits School of Law offers short courses in many different aspects of law that will add value to your CV and prepare you for the opportunities ahead. The Mandela Institute **is** accepting applications until 31 May 2017 for the following 2017 second semester short courses:

E.g. Access to Information and Privacy Law; Advanced Administrative Law; Basic Administrative Law for Regulators; Energy and Climate Change Law; International Nuclear Law; Law & Sustainability II; Mediation and Conciliation (LRDP) and Prospecting and Mining Law

Entry requirements, course details and application process can be found on the Short Courses pages of the Mandela Institute website.
<https://www.wits.ac.za/mandelainstitute/short-courses/>

Inquiries: Please e-mail mandela.institute@wits.ac.za or phone 011 7178438/8435

International

Second International Congress on the Anthropology of Salt

Date: 12-16 October 2017

Place: Los Cabos, Mexico

<http://saluniversalis.com/>

Oxford University: Enterprise and Environment Summer School

Date: 9-21 July 2017

Venue: Oxford University

Students at your Economic and Management Sciences; Natural and Agricultural Sciences; and even Law and Engineering might be looking for options during July to extend their learning in a fresh environment.

We would welcome their applications to the Enterprise and Environment Summer School from 9th to 21st July 2017 at Oxford University.

Last year, this two week course inspired several students to pursue further studies based on our programme about finance, management, economics, environmental science and engineering.

We hope that this summer's course will continue to motivate participants and most importantly provide them with greater understanding of environmental issues and their applicability in the enterprise sector. Throughout the course they will have small interactive classes with our world-leading academics and insights into our latest research projects. We are excited to engage with bright, change-making students and share with them a uniquely authentic Oxford academic experience.

More information: www.smithschool.ox.ac.uk/education/summer-school.php

Early Bird Registration Fees extended until 20 May 2017

Should you have any queries, we welcome your email at education@smithschool.ox.ac.uk

Energy and Emissions: Mapping the Impacts

Join us for a webinar on May 23, 2017 at 4:00 PM CEST.

Register now! <https://attendee.gotowebinar.com/register/84337322021867522>

This BEA webinar will demonstrate how to measure the potential sustainability impacts of city policies and projects. Speakers will discuss how to find the estimated emissions reductions from policies intended for, or unrelated to, climate mitigation.

Linkages between emissions impacts and other factors, such as city health and cost savings will be discussed and mapped. Examples from city case studies and the buildings sector will be discussed with opportunities for participants to share experiences and ask questions.

After registering, you will receive a confirmation email containing information about joining the webinar.

Summer school on Health Law and Ethics and the international conference on Human Rights and Biomedicine

The Erasmus Observatory on Health Law / Institute of Health Policy & Management (Erasmus University Rotterdam) announces the annual Summer school on Health Law and Ethics and the international conference "1997-2017: 20 years after the Oviedo Convention on Human Rights and Biomedicine: What are the achieved gains and its potential?" in Nicosia, Cyprus.

The summer school provides students, academics, professionals and practitioners, with an opportunity for intensive training in various aspects of health law and ethics over a two-weeks period (you can sign up for 1 week or 2

weeks), while absorbing the sights, sounds and culture unique to Rotterdam and the Netherlands. It offers a custom-developed course taught by leading academics in their field.

For more information and to register for the summer school, you can visit our website on

https://www.bmq.eur.nl/erasmus_observatory_on_health_law/summerschool_on_health_law_and_ethics_2017

NEWS

Defamation: Mining company seeks R1.25m damages from lawyers

“An Australian mining company has sued two environmental lawyers and a local community activist for defamation, claiming a total of R1.25m in damages. A Saturday Star report says firm's subsidiary, Mineral Resources Commodities (MRC) – which wants to mine the mineral sands at Xolobeni on the Wild Coast – claims the two attorneys at the Centre for Environmental Rights (CER), Tracey Davies and Christine Reddell, along with West Coast activist Davine Cloete, made defamatory statements about Mineral Sands Resources’ ‘environmentally destructive’ Tormin mineral sands mine on the West Coast. But the CER has branded the legal action a 'Slapp' suit, or strategic lawsuit against public participation, which is ‘intended to censor, intimidate and silence critics’ by burdening them with the cost of a legal defence until they abandon their criticism or opposition. In the summons, filed on 28 April, the company alleges that CER attorneys and Cloete made defamatory statements about Mineral Sands Resources and its director Zamile Qunya during presentations at UCT’s Summer School in January. MSR has claimed R250 000 in damages from each of the attorneys, and R750 000 from Cloete.”

Full Saturday Star report (subscription needed) *Legalbrief Today* 8 May 2017

Environmental: Coal-fired power station may face legal challenge

“The Centre for Environmental Rights (CER) has challenged the Department of Environmental Affairs, as well as the Department of Energy and its independent power producer (IPP) office to ensure that proper and thorough assessments of the environmental impact and potential climate change effects are conducted before the proposed new Khanyisa coal-fired power station is authorised. A Cape Times report says CER – acting on behalf of Earthlife Africa Johannesburg and groundwork – is considering legal steps against these departments and the power station developers, including possible court action, if proposed IPP coal plants are allowed to proceed without climate change impact assessment having been completed. This challenge follows written objections which have been laid against the authorisation of the Khanyisa power station because its environmental impact assessment failed to adequately consider the climate change impacts of the proposed plant. Objections have been submitted against Khanyisa’s applications for integrated water use and electricity generating licences, and objections have been raised against the validity of Khanyisa’s provisional air emission licences – which it obtained in 2015 – as various amendments have been made to the proposed

project – including a capacity increase from 450MW to 600MW – since the application of the licence was made.”

Full Cape Times report (subscription needed) *Legalbrief Today* 8 May 2017

Waldmann Scott “EPA fires members of science advisory board” *E&E News* 6 May 2017 <http://www.sciencemag.org/news/2017/05/epa-fires-members-science-advisory-board>

Energy: Judge puts brakes on KZN fracking

“In what has been described by the KZN Agricultural Union (Kwanalu) as a ‘massive victory’ for local farmers, a Western Cape High Court judge last week set aside a decision to accept a company’s application to search for oil and gas in northern KZN. According to a Cape Times report, in his ruling, Judge Daniel Dlodlo said proper procedures had been flouted in how the SA Agency for Promotion of Petroleum and Exploitation (Pasa) had accepted an application for an exploration right made by Rhino Oil and Gas Exploration SA. Exploration can lead to hydraulic fracturing (known as fracking), which has faced stern resistance from SA communities – particularly in the Karoo. Dlodlo set aside Pasa’s acceptance of Rhino’s application and interdicted the company from forging ahead with the broader process. The judge was dealing with a court case brought by Normandien Farms against Pasa, a state-owned company that controls the granting of exploration rights, Rhino Oil and Gas and the Minister of Mineral Resources. Normandien owns various farms in and around northern KZN. Union chief executive Sandy La Marque said the judge’s ruling was ‘a huge relief’. With regard to the KZN Midlands exploration right application, La Marque is quoted in the report as saying: ‘We are at the advanced stages of instituting legal intervention.’”

Full Cape Times report (subscription needed) *Legalbrief Environmental* 9 May 2017

Pollution: Umkomaas residents slate heavy industry

“KZN residents living in and around big industry say they have ‘had enough’ of the negative effects on their health and quality of life. According to a report in *The Mercury*, chair of the Umkomaas Anti-Pollution Watchdog, David Naicker, says the impact of industry on his community’s health was a serious concern. Speaking at the People’s Economic Forum at the Durban University of Technology last week, Naicker said ash residue from industrial operations in Umkomaas was finding its way into building materials and contained poisonous chemicals. Naicker said sulphur dioxide emissions in the area were also a worry. He was among a number of community leaders from Umkomaas, Merebank, Stanger and Wentworth who shared their experiences of living in heavily polluted areas. Launched on Freedom Day – and on the eve of the World Economic Forum on Africa event held in the city last week – the People’s Economic Forum has been billed as ‘a collaboration by and for ordinary people’.”

Full report in *The Mercury* (subscription needed) *Legalbrief Environmental* 9 May 2017

De Villiers James “Parks Tau appointed co-chair of UN panel” 2 May 2017
<http://www.news24.com/SouthAfrica/News/parks-tau-appointed-co-chair-of-un-panel-20170502>

Litigation: Centre appeals maize seed decision

“The African Centre for Biodiversity (ACB) has lodged an appeal in the Gauteng High Court (Pretoria) to overturn decisions of the GMO Appeal Board and Minister of Agriculture, Forestry and Fisheries Senzeni Zokwana to commercialise Monsanto SA’s genetically modified drought-tolerant maize seed. A Cape Times report says the appeal raises a number of alleged irregularities with the decision-making processes, which ACB argues flout the Constitution and laws prescribing administrative justice and procedural fairness. The ACB is alleging the rubber-stamping of Monsanto’s claims that its patented GM DT trait confers drought tolerance. The ACB, however, says a single gene does not confer efficacious drought tolerance and is yet another risky and novel gene introduced into the staple food of millions of people in SA in the name of corporate profits. The ACB and various organisations and members of the public have since 2008, resisted Monsanto’s claimed benefits of drought tolerance.”

Full Cape Times report (subscription needed) *Legalbrief Environmental* 9 May 2017

Corporate: De Beers aims for a carbon-neutral mine

“De Beers, the world’s biggest diamond producer by value, says it could operate a carbon-neutral mine within half a decade. A report in The Mercury notes that the Anglo American unit plans to store carbon-dioxide in kimberlite rock – a type of ore best known for containing diamonds, but which also naturally reacts with carbon to remove it from the atmosphere. By accelerating that process and using readily available waste rock, De Beers could offset the emissions from its mines, according to Evelyn Mervine, who’s leading the research project for the company. While mineral carbonation isn’t a new idea, kimberlite offers ideal properties for storing very large volumes of carbon, Mervine said, according to the report. De Beers has vast amounts of previously mined waste rock stored in so-called tailings dams above ground at its mines. Depending on how the research progresses, De Beers could eventually offset more emissions than it produces, she said. ‘There will be key learnings from this that can be used in larger bodies of rock that can be found throughout the world,’ Mervine is quoted in the report as saying.”

Full report in The Mercury (subscription needed) LBE 9 may 2017

Yeld John “Controversial Australian company applies for extension to mining rights” *GroundUp* 8 May 2017 <http://www.groundup.org.za/article/controversial-australian-company-applies-extension-mining-rights/>

Olifant Nathi “Welcome to the future of SA's water supply - desalination plants” *TimesLive* 12 May 2017 <http://www.timeslive.co.za/local/2017/05/12/Welcome-to-the-future-of-SAs-water-supply-desalination-plants>

Kings Siphos "Environmentalists are winning the battle for enforcement of the law" *Mail&Guardian* 10 May 2017 <https://mg.co.za/article/2017-05-09-environmentalists-are-winning-the-battle-for-enforcement-of-the-law>

Kings Siphos "Court throws out fracking application for KZN" *Mail&Guardian* 8 May 2017 <https://mg.co.za/article/2017-05-08-00-court-throws-out-fracking-application>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Shangoni: Health and Safety Legal Specialist

Shangoni Management Services (Pty) Ltd is an environmental, health and safety consulting company specializing in providing solutions for management systems, legal compliance, risk management and technical health, safety and environmental management challenges.

Shangoni has a vacancy for a Health and Safety Legal Specialist in its Legal Services Department. The position is based in Pretoria. Refer below for qualification requirements and key responsibilities:

Qualification, skills and experience requirements:

- LLB or equivalent legal degree;
- 5 years' experience in providing legal advice in health and safety law;
- Must have excellent report writing skills; and
- Must be professional, enthusiastic and eager to take on new challenges.

Key responsibilities

- Conducting health and safety legal compliance audits;
- Drafting legal opinions pertaining to health and safety legal matters;
- Providing general legal advice on health and safety legal matters; and
- Compiling legal registers

Applicants are requested to submit a detailed CV to suzette@shangoni.co.za by 31 May 2017.

UCT: Lecturer / Senior Lecturer Institute of Marine & Environmental Law Department of Public Law

We invite applications for an academic post specializing in environmental law in the Department of Public law in the Faculty of Law. The post is advertised at the level of lecturer/senior lecturer with appointment from 1 January 2018.

The successful candidate will be located in the Institute of Marine and Environmental Law (IMEL) (www.imel.uct.ac.za) where he/she will be expected to take part in the teaching of undergraduate and postgraduate courses on South African environmental law. He/she will also be expected to undertake research and supervise postgraduate students in the field of environmental law. Suitable candidates must demonstrate potential to be an academic leader in the field of environment law – as a lecturer, researcher and socially responsive advocate.

Requirements for candidates suitable for appointment as Senior Lecturer:

- A PhD or LL.M degree specialising in environmental law and a strong academic record;
- Lecturing experience in environmental law at a tertiary level and/or other

appropriate environmental law work experience; and

- An established research record with publications on environmental law.

Requirements for candidates suitable for appointment as Lecturer:

- A LL.M degree specialising in environmental law and a strong academic record;

- Clear evidence of lecturing and research capabilities in environmental law;
- Lecturing experience in environmental law at a tertiary level will be an advantage; and
- Previous publications on environmental law will be an advantage.

The respective annual remuneration packages, including benefits, for 2017 are as follows:

Appointment will take place in alignment with the Faculty's expectations for performance at each rank.

To apply, please e-mail the below documents in a single pdf file to Ms Stacey Manuel at recruitment02@uct.ac.za:

- UCT Application Form (download at <http://forms.uct.ac.za/hr201.doc>);
- Cover letter; and
- Curriculum Vitae (CV).

Please ensure the title and reference number are indicated in the subject line. Please also clearly indicate in your application, the level at which you are applying.

An application which does not comply with the above requirements will be regarded as incomplete. Only shortlisted candidates will be contacted and may be required to undergo a competency test.

Telephone: 021 650 1673

Website: www.law.uct.ac.za

Reference number: E17063

Closing date: 31 May 2017

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 19

19 May 2017

BILLS

Courts of Law Amendment Bill, 2016 [B8A-2016] & [B8B-2016]

Copyright Amendment Bill, 2017 [B13-2017]

Draft Fund-raising Amendment Bill, 2017 published for comment (GN R430 in GG 40846 of 19 May 2017)

LEGISLATION

NOTICES

Agricultural Product Standards Act 119 of 1990 – Gen Notice 356 in GG 40847 of 19 May 2017 - Agency for Food Safety (AFS): Inspection fees published with effect from 1 June 2017

PROVINCES

Gauteng

Constitution of the Republic of South Africa, 1996; Rationalisation of Local Government Affairs Act 10 of 1998 and Local Government: Municipal Systems Act 32 of 2000 - LAN 659 in PG 116 of 17 May 2017 - Ekurhuleni Metropolitan Municipality - By-law on Billboards and the Display of Advertisements

Mpumalanga

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 38 in PG 2811 of 19 May 2017 - Nkomazi Local Municipality - Notice of draft Spatial Development Framework and Land Use Scheme - for comment

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 - PN 40 in PG 2811 of 19 May 2017 - Emalahleni Local Municipality - Emalahleni Solid Waste Management By-laws:

System for Certificate of Approval for Persons Collecting Waste for Gain or Commercial Waste Collectors

Northern Cape

National Environmental Management: Integrated Coastal Management Act 24 of 2008 – Gen Notice 41 in PG 2094 of 15 May 2017 - Namakwa District Municipality - Notice of draft Buffels and Swartlintjies Estuarine Management Plans - for comment

Western Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54606 in PG 7767 of 8 May 2017 - Knysna Local Municipality - By-law for the Recreational use of Beaches and Bathing Areas

Sea-Shore Act 21 of 1935 - PN 108 in PG 7768 of 12 May 2017 – Swellendam - Proposal to enter into a lease with Mr J K Dunn for the construction of a jetty below the high-water mark of the Breede River - for comment

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000 and Local Government: Municipal Finance Management Act 56 of 2003 - LAN 54616 in PG 7768 of 12 May 2017 - Cederberg Local Municipality - Approved draft Budget, draft Spatial Development Framework (SDF) and draft Integrated Development Plan (IDP) 2017/2022 and IDP/Budget public meetings - for comment

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54621 in PG 7769 of 12 May 2017 - City of Cape Town Metropolitan Municipality - Municipal Planning Amendment By-law, 2017

CASES

National

Agri Eastern Cape and Others v MEC for the Department of Roads and Public Works and Others (3928/2015) [2017] ZAECGHC 20 (28 February 2017)
<http://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZAECGHC/2017/20.html&query=agri%20eastern%20cape>

Structural interdict – repairing of roads – “[4] The focus of the application is the poor condition and lack of maintenance and repair of the road network of the farming communities in the Eastern Cape and the need for a plan of action to remedy the situation.”

Limpopo Legal Solutions and Others v Vhembe District Municipality and Others (CCT159/16) [2017] ZACC 14 (18 May 2017)

<http://www.saflii.org/za/cases/ZACC/2017/14.html>

Summary: application for direct appeal — general costs rule in constitutional litigation — exceptional circumstances — inquiry on the appropriateness of the proceedings — abuse of process constitutional litigation — leave to appeal granted — High Court misdirected itself by not applying the *Biowatch* principle — a basis exists to interfere with the High Court's exercise of a discretion

International

Summary Judgment Motion: *Public Citizen v. Trump* (Executive Order 13771, entitled *Reducing Regulation and Controlling Regulatory Costs*) United States District Court for the District of Columbia Civil Action No. 17-253 (RDM)

https://www.eenews.net/assets/2017/05/16/document_pm_01.pdf

see also <https://www.eenews.net/eenewspm/2017/05/16/stories/1060054627>

PUBLICATIONS

Kotzé Louis J *Environmental Law and Governance for the Anthropocene* (Hart 2017)

<http://www.bloomsburyprofessional.com/uk/environmental-law-and-governance-for-the-anthropocene-9781509906567/#sthash.B0VI5FvD.dpuf>

World Health Organization “World Health Statistics 2017 Monitoring Health for the SDGs” (May 2017)

<http://apps.who.int/iris/bitstream/10665/255336/1/9789241565486-eng.pdf?ua=1>

Carbon & Climate Law Review *A Journal on Climate Regulation and the Carbon Market [CCLR]*

Carbon & Climate Law Review is welcoming abstracts for a special issue on *Legal Aspects of the 1.5°C Target*, scheduled for publication in March 2018. It will be edited by Benoit Mayer (Chinese University of Hong Kong) and Michael Mehling (MIT and Strathclyde University).

By ratifying the Paris Agreement, a majority of States has committed to “pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.” Achieving this aim not only requires a scaling-up of current efforts; it will also invariably necessitate the exploration of new approaches to mitigate climate change and manage its impacts, including negative emission strategies such as widespread reforestation and bio-energy with carbon capture, utilisation, and storage, as well as possibly different forms of geoengineering. Taking stock of the legal implications of this important, but under-discussed provision in the Paris Agreement, the special issue will inform the IPCC Special Report on Global Warming of 1.5°C, with publication scheduled ahead of the literature acceptance cut-off date.

Contributions should address legal, regulatory and policy aspects relating to the 1.5°C target, including, but not limited to:

- Origins and nature of the 1.5°C target: e.g. what degree of normativity does the target enjoy, how was this target adopted, what are the consequences (if any) of exceeding 1.5° C, what obligations does it imply for specific States and non-State actors, whether these are participants in the international climate regime (Paris Agreement/NAZCA) or not;
- Mitigation pathways towards 1.5°C, e.g. - Role of international cooperation or aspects thereof (whether under the UNFCCC or other regimes); - Role of domestic laws and policies (e.g. suitable instrument mixes);
- Implications for other aspects of climate law, such as compliance and enforcement, finance, adaptation, loss and damage, climate justice, human rights, unintended consequences of response measures, etc.
- Thematic case studies, e.g. relating to the regulation of geoengineering, carbon capture and storage, or negative emissions technologies.

Abstracts of no more than 250 words should be sent to Benoit Mayer at bnt.mayer@gmail.com by 10 July 2017. Authors will be informed of the outcome of the initial review process before 31 July 2017. Full manuscripts will be due by 30 November 2017, and revised manuscripts by 31 January 2018.

In order to ensure quick turnaround and policy relevance, articles should be concise and lightly footnoted, typically ranging from 4.500-6.500 words in length (including footnotes). Commentaries on recent judicial decisions, new legislation, and other developments can range from 1.500 to 2.500 words. Book reviews of 500 to 1.500 words that relate to the topic are also welcome.

Carbon & Climate Law Review is the first international journal on the legal and regulatory implications of climate change. Published on a quarterly basis under the guidance of a distinguished editorial board, it brings together representatives from the legal discipline and other stakeholders in one specialized journal, allowing them to engage in a dynamic debate on the law of climate change. Past issues have addressed measures to address emissions from international aviation, the legal scope and content of carbon rights, the evolution of climate law and policy in China, and the outlook for the international climate regime after COP21. For further details on the journal and an archive of past issues, please visit the website at: www.lexxion.eu/cclr.

For further information on the editorial process, submissions on other topics or general questions relating to the journal, kindly contact the executive editor at stratieva@lexxion.de.

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Amnesty International: Month of Action for Mining Justice – May 2017 – Canadian initiative <https://www.amnesty.ca/blog/month-action-mining-justice>

IISD ENS Bulletin: Bonn Climate Change Conference 8-19 May 2017 <http://enb.iisd.org/climate/sb46/enb/>

IISD: Vienna Energy Forum (VEF) 2017 Sustainable Energy for the Implementation of the #SDGs and the #Paris Agreement #vef2017 #UNIDO 9-12 May 2017 | Vienna, Austria <http://enb.iisd.org/energy/vef/2017/>

IISD ENS Second Annual Multi-Stakeholder Forum on Science, Technology and Innovation for the Sustainable Development Goals 15-16 May 2017 | UN Headquarters, New York <http://enb.iisd.org/sdgs/sti/forum2/>

The Guardian: Davis N “Climate change is turning Antarctica green, say researchers” 18 May 2017
<https://www.theguardian.com/science/2017/may/18/climate-change-is-turning-antarctica-green-say-researchers>

The Guardian: Carrington D |Sea level rise will double coastal flood risk worldwide” 18 May 2017 <https://www.theguardian.com/environment/2017/may/18/sea-level-rise-double-coastal-flood-risk-worldwide>

The Guardian: Vaughan V “National Grid boss says Labour plan will stall green energy drive” [UK] 19 March 2017
<https://www.theguardian.com/business/2017/may/18/national-grid-boss-criticises-labours-plan-for-renationalisation>

The Guardian: Laville S “Grey plaque scheme highlights NO2 pollution in London” 14 May 2017
<https://www.theguardian.com/environment/2017/may/14/grey-plaque-scheme-highlights-no2-pollution-in-london>

The Guardian: Laville S “Air pollution kills more people in the UK than in Sweden, US and Mexico” 17 May 2017
<https://www.theguardian.com/environment/2017/may/17/air-pollution-kills-more-people-in-the-uk-than-in-sweden-us-and-mexico>

South Africa: Green Award: Whitley Fund for Nature Award Winner: Shelley Seid “Sir David Attenborough narrates local environmentalist's award winning documentary” 17 May 2017
<http://www.timeslive.co.za/scitech/2017/05/17/WATCH-Sir-David-Attenborough-narrates-local-environmentalists-award-winning-documentary>

Daily Maverick: Yelland Chris “Q&A: Exploring South Africa’s proposed nuclear new-build” 17 May 2017 <https://www.dailymaverick.co.za/article/2017-05-17-qa-exploring-south-africas-proposed-nuclear-new-build/#.WSBJ7OuGPIU>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Land & Accountability Research Centre (LARC) Lunch Time Seminar Series: Robbery along the Platinum Highway - Sasha Wales-Smith

Date: Tuesday, 23 May 2017

Time: 12h30 - 14h00 (light refreshments from 12h15)

Venue: Kramer Law Building, exact venue to be confirmed

Abstract: Research by the Land & Accountability Research Centre (LARC) in the Faculty of Law has uncovered a story of the systematic capture of rights and revenues owned by and owed to the Bakgatla Ba Kgafela people of North West. That record has been substantially bolstered by documents presented at the Maluleke Commission in Rustenburg, where the proper leadership of the Bakgatla is being investigated.

Sasha Wales-Smith has collated the mass of information and extracted from it an accessible narrative of how the Bakgatla were stripped of their wealth, and the opportunities that should have flowed from the mining of platinum on their land.

The Commission is still sitting. Key players in this story have yet to testify. But Sasha's interim report, based mostly on documents before the Commission, tells a compelling story echoed in mine-hosting communities across South Africa.

The first section of her report focuses on the main mining-related transactions made on behalf of the Bakgatla Ba-Kgafela traditional community after the Minerals and Petroleum Resources Development Act of 2002 (MPRDA) came into effect in 2004.

The second part of her report chronicles the targeting of the Bakgatla's mining-related assets by Pallinghurst Resources Limited.

Sasha will present and discuss her findings during this seminar.

Please RSVP to Amilinda Wilkinson: pbl-larc@uct.ac.za Tel: 021 650 3288.

Smith Ndlovu & Summers: Presentation and Discussion: 2017 Amendments to the EIA Regulations, 2014

Date: 23 May 2017

Venue: Intaka Island Activity Centre (1 Century City Drive, Century City, Cape Town)

Time: 08:30-10:30

Cost: R250

RSVP (or for more information): sgardner@law.co.za or 021 424 5826

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

IAIAsa Gauteng Event ECO Workshop 25 May 2017

Technical Workshop on the Roles and Responsibilities of Environmental Control Officers

Date: 25 May 2017

Time: 08:00 – 17:15

Venue: Eskom, Megawatt Park

The IAIAsa Gauteng branch invites you to a full day technical workshop on “The Roles and Responsibilities of Environmental Control Officers”.

Workshop objectives:

1. Promote consensus on the roles, responsibilities and authority of ECOs on construction site;
2. Debate what competencies and skills are required by ECOs;
3. Share learning on ECO practice; and
4. Share perspectives and expectations from Authorities, Developers, and Practitioners.

The aim of the workshop is to initiate a process for the formation of an ECO Working Group.

Target audience: The target audience for this technical workshop are for experienced practitioners involved in different aspects of the planning and implementation of construction site environmental management. Those interested in the topic of construction site environmental management are equally welcome to attend.

Registration: Fee payable

Members and Non-members must register so that the event co-ordinators can make the necessary arrangements for the venue set-up and for catering. Because of security and access requirements at the Eskom venue, only pre-registered attendees will be allowed access to the workshop.

RSVP before 22 May 2017

<http://iaiasagpecoworkshop.myactive.co.za/capturedetails/registration.aspx>

Maximum number of delegates: 200

Imbewu: Breakfast Workshop: 2017 Amendments to the Environmental Impact Assessment Regulations

Date: Tuesday 13 June 2017 – Johannesburg

Venue: Imbewu's Offices – Rosebank, JHB

Time: 09:00-11:00

More information: Contact: lulu@imbewu.co.za or www.imbewu.co.za / 011 214 0660/1

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

ELA Student Conference: Save the date!

Date: 15-16 September 2017

Place: Potchefstroom

More information will follow later

EOH Legal Services: 3 day Environmental Law Course

Date: 9-21 Junie 2017

3-5 July 2017

10-12 July 2017

Venue: St George's Hotel

Contact: The contact person for the reservations or any additional information

is: Jolene Mascini on 087-405-1825, email address: Jolene.Mascini@eoh.co.za

NWU: CEM Courses 2017

- **Environmental law (CEM-02.1.1)**
Date: 10-15 July 2017 Johannesburg (Holiday Inn Johannesburg Airport)
- **Environmental law - for the mining sector CEM-02.1.8**
Date: 17-21 July 2017 (Potchefstroom)
- **Environmental law - integrated water resource management (CEM-02.1.2)**
Date: 19-23 June 2017
- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Mine Health and Safety Law CEM-02.2.2**
Date: 31 July-4 August 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Date: 8-9 June 2017 (Durban)
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Integrated Land Management (CEM-06.8.1)**
Date: 22-26 May 2017 (Potchefstroom)
- **Energy Management Systems (CEM-03.3.1)**
Date: 29 May-2 June 2017 (Potchefstroom)
- **Environmental Impact Assessment for Practitioners (CEM-05.1.1)**
Date: 5-9 June 2017 (Potchefstroom)
- **Climate Change Management (CEM-06.6.1)**
Date: 5-9 June 2017
- **Essential Air Quality Management (CEM-06.3.1)**
Date: 12-14 June 2017
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 19-23 June 2017

- **Environmental Management System - lead auditor (CEM-04.1.1)**
Prerequisites: Environmental Law (CEM-02.1.1) and EMS (CEM-03.1.1)
Courses
Date: 26-30 June 2017
- **Occupational Health and Safety Management System - lead auditor (CEM-04.2.1)**
Prerequisites: OHSAS (CEM-03.2.1) and OHS Law (CEM-02.2.1)
Courses
Date: 26-30 June 2017
- **Energy Management System - lead auditor (CEM-04.3.1)**
Prerequisites: Implementing an Energy Management System based on ISO 50001: 2014 (CEM-03.3.1) or a similar programme; AND Energy Law for Energy Managers (CEM-02.1.4) or a similar programme. Demonstration of competence acquired in the work place shall be by a detailed formal declaration by a line manager attesting to the competence acquired.
Date: 26-30 June 2017
- **Occupational Health and Safety Management Systems CEM-03.2.1**
Date: 17-21 July 2017
- **Environmental Risk Assessment and Management (ERAM) CEM-05.3.1**
Date: 17-21 July 2017
- **Environmental Management Systems CEM-03.1.1**
***Course based on ISO 14001:2015
Date: 31 July - 4 August 2017
- **Remediation and Management of Contaminated Land (CEM-06.8.3)**
Date: 3-5 July 2017

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

Environmental Legal Compliance & Auditing - Durban

Date: 25 - 26 May 2017

The course has been designed to be applicable to candidates working in the

- Environmental Industry
- Environmental Officers/Managers
- Environmental Specialists/Advisors
- SHE & SHEQ Officers/Managers
- Environmental Risk Officers/Managers
- Environmental Health Practitioners / Environmental Law Firms/Consulting Engineers;
- Project Managers, Environmental Consultants/Specialists etc.

In order to book your place at this very informative event

Contact Kaygee Mogotsi kaygeem@businesssuccess.co.za / 011 472 0982 / 1035 for more information / www.businesssuccess.co.za

TIPS Annual Forum 2017 South Africa

Trade & Industrial Policy Strategies (TIPS) invites you to its annual Forum that is taking place on the 13th and 14th of June 2017 at DBSA Vulindlela Conference Centre in Midrand. The theme of this year's forum is Industrialisation and Sustainable Growth.

The Forum is being run in partnership with the South African Research Chair in Industrial Development, based at the University of Johannesburg, and the Green Economy Coalition (GEC). The Forum is undertaken in association with the Department of Trade and Industry.

The Forum will explore reconciling environmental and socio-economic imperatives within the Southern African and developing country contexts. The aim is to deepen the understanding of the opportunities and challenges of transitioning to a sustainable, notably low-carbon, industrial development path.

Context of the forum

The need to respond to sustainability challenges and seek opportunities in the transition to sustainable economic development can be traced back to the 1987 World Commission on Environment and Development. Sustainability issues, primarily climate change, have since been progressively integrated into the policy environment. These current policy approaches highlight the need to restructure the economy to promote industrialisation and move towards a low-carbon and pro-employment development path.

Moving towards a sustainable economy requires reflecting on the country's path dependency in terms of economic structure and energy mix, and the existence of a high-carbon emitting and energy-intensive industry.

Developing strategic and coherent sustainable growth strategies that consider the linkages between sustainability, notably climate change, and industrialisation requires further research, analysis and dialogue.

The Forum will explore pertinent issues impacting on Industrialisation and Sustainable Growth, and will have sessions on:

- Renewable energy and inclusive growth
- Manufacturing and sustainable development (South African and international experiences)
- Carbon-intensive industries and sustainability
- Towards a sustainable transport sector
- Agricultural value chains
- Financing the transition
- The water-energy-food nexus
- Sub-national experiences

Should you wish to find out more: TIPS Forum <http://www.developmentdialogue.co.za/>

Map and directions to the venue <http://www.dbsa.org/EN/About-Us/ContactUs/Pages/Directions-to-DBSA.aspx>

Due to limited space please register earlier to avoid disappointment.

Confirmed delegates will be contacted by email.

Registration Is Compulsory due to security checks at the DBSA Offices

International

Towards 100% Renewable Energy: Connecting Energy Sectors | 16-21 July | Greifswald and Berlin || Summer Academy 2017

Registration for the 14th annual Summer Academy 'Energy and the Environment' has been reopened until 16 June! With the heading "Towards 100% Renewable Energy: Connecting Energy Sectors for a Global Energy Transition," this interdisciplinary 6-day long Summer Academy will show that full renewable energy integration is in reach, and will address the challenge of moving beyond electricity, and connect renewable integration with the heat and transport sector into a sustainable, smart energy system.

With over 25 nationalities attending last year, the Academy offers an international perspective on the major issues associated with the global energy transition. The program features workshops, visits to a wind energy farm and a renewable electricity storage plant, as well as a three-day conference program. The event also offers a social/evening program, ending with a festive barbecue in Berlin.

Applications:

The Summer Academy admits 30 participants with relevant academic and professional experience in the field. The program is rooted in policy as key driver of change, and offers a diverse and interdisciplinary perspective considering societal, technological and regulatory/economic elements. This interdisciplinary approach is reflected in the selection of participants. The number of places left is limited, so please do not wait too long with sending a registration form to summeracademy@ikem.de ! You will find an outline of the program below, and more detailed program on our website. We look forward to hearing from you!

Full program: www.ikemsummeracademy.de/program2017

Registration: www.ikemsummeracademy.de/applications

General information: www.ikemsummeracademy.de

NEWS

Environmental defender Maxima in Peru has prevailed

"Finally a victory for Máxima Acuña, a farmer and environmental defender in Peru who has taken on one of the world's biggest gold and copper mines over the ownership of the land where she lives with her family, and braved violent attacks from local police for refusing to leave.

After almost five years of proceedings, Peru's Supreme Court has made a landmark decision to clear Máxima of all criminal charges. Amnesty activists from around the world, sent more than 300,000 letters, emails and tweets calling for her protection, for which she's expressed her deepest thanks. "I want to thank with all my heart for the number of letters that have been sent to me. They give me courage and encouragement, to continue fighting." [Source: Email: Amnesty International Canada 14 May 2017]

Ofungi Tony “Uganda Wildlife Authority translocates kobs from Murchison Falls to Kidepo Valley National Park” *ETN* 13 May 2017 <http://www.eturbonews.com/154635/uganda-wildlife-authority-translocates-kobs-murchison-falls-kidepo-valley-national-park>

Bloch S “Rhino owners cry foul after poaching gang suspects get bail” *News24* 20 May 2017 <http://www.news24.com/SouthAfrica/News/rhino-owners-cry-foul-after-poaching-gang-suspects-get-bail-20170519>

Bloch S “Speculation that suspected poacher was a former game ranger” *News24* 16 May 2017 <http://www.news24.com/SouthAfrica/News/sanparks-denies-suspected-poacher-was-a-game-ranger-20170516>

Bloch S “Nine rhinos found massacred at Hluhluwe-iMfolozi Park” *News24* 13 May 2017 <http://www.news24.com/SouthAfrica/News/nine-rhinos-found-massacred-at-hluhluwe-imfolozi-park-20170513>

Pijoo Iavan “Authorities 'rely heavily' on info from illegal miners after gas explosion” *News24* 19 May 2017 <http://www.news24.com/SouthAfrica/News/authorities-rely-heavily-on-info-from-illegal-miners-after-gas-explosion-20170519>

Olalde Mark “R60bn held for mines that are never closed” *News24* 19 May 2017 <http://www.fin24.com/Companies/Mining/r60bn-held-for-mines-that-are-never-closed-20170519>
see also earlier report <http://www.fin24.com/Companies/Mining/sa-coal-mines-leave-legacy-of-ruin-20170419>

Gosling Melanie “Study finds that climate change threatens fynbos” *GroundUp* 17 May 2017 <http://www.groundup.org.za/article/evidence-climate-change-threatens-fynbos/>

Le Cordeur Matthew “Nuclear chiefs regroup in SA as minister pledges fresh start” *Fin24* 19 May 2017 <http://www.fin24.com/Economy/Eskom/nuclear-chiefs-regroup-in-sa-as-minister-pledges-fresh-start-20170519>

Peyper Liesl “Kubayi: Eskom concerns about IPP can't be ignored” *Fin24* 20 May 20 2017 <http://www.fin24.com/Economy/kubayi-eskom-concerns-about-ipp-cant-be-ignored-20170520>

Peyper Liesl “Govt still on track for Karoo fracking – Zwane” *Fin24* 17 May 20 2017 <http://www.fin24.com/Economy/govt-still-on-track-for-karoo-fracking-zwane-20170517>

Jordan Bobby “Langebaan residents plan beach protest in bid to sink lagoon aquaculture plan” *TimesLive* 20 May, 2017 <http://www.timeslive.co.za/local/2017/05/20/Langebaan-residents-plan-beach-protest-in-bid-to-sink-lagoon-aquaculture-plan>

Bornman Jan “Mpumalanga will not issue permits to hunt trophy elephants with unlimited tusk weights” *TimesLive* 17 May, 2017 <http://www.timeslive.co.za/scitech/2017/05/17/Mpumalanga-will-not-issue-permits-to-hunt-trophy-elephants-with-unlimited-tusk-weights1>

Merten Marianne “Parliament: New energy minister deals with controversies from nuclear, strategic fuel in maiden budget vote” *Daily Maverick* 19 May 2017 <https://www.dailymaverick.co.za/article/2017-05-19-parliament-new-energy-minister-deals-with-controversies-from-nuclear-strategic-fuel-in-maiden-budget-vote/#.WSBG8uuGPIU>

Motsepe Tshepo “In the Free State, people perish to access water” *Daily Maverick* 15 May 2017 <https://www.dailymaverick.co.za/opinionista/2017-05-15-in-the-free-state-people-perish-to-access-water/#.WSBHy-uGPIU>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

NWU Vaal Triangle Senior Lecturer

Closing date: 24 May 2017

Requirements: Applicable LLD in South African law and more specifically in the fields of criminal law, criminal procedure and indigenous law. Three to six years' lecturing experience at a Higher-Education institution in the disciplines of criminal law, criminal procedure and indigenous law.

http://nwu.pnet.co.za/index.php?s=advert_view&q=11080&x=4272409&i=1132&pop=1

Hubert H. Humphrey Fellowship Program

The Hubert H. Humphrey Fellowship Program provides 10 months of professional enrichment and non-degree graduate-level study in the United States for accomplished mid-level professionals. The program combines academic study with a practicum, where the participant will be placed at a relevant institution for hands-on experience in a particular field. One of the professional fields in the Humphrey Program is “Law and Human Rights.” The application <https://iie.embark.com/apply/humphreyfellowship> went live on 1 May and closes on 31 July 2017.

<https://iie.embark.com/apply/humphreyfellowship>

Humphrey Fellows are selected based on their potential for leadership and their commitment to public service in either the public or the private sector. The Program fosters a mutual exchange of knowledge and understanding about issues of common concern in the United States and the Fellows' home countries and offers Fellows valuable opportunities for leadership development and professional engagement with Americans and their counterparts from more than 90 different nations. Over 5,000 men and women have been honored as Humphrey Fellows since the program began in 1978. Approximately 170 Fellowships are awarded annually. Fifteen major universities in the United States host Humphrey Fellows. These host universities are chosen for their excellence in the Program's designated fields of study and for the resources and support they offer Humphrey Fellows. The Humphrey Program is a Fulbright Program. More information can be found on the Humphrey Facebook page <https://www.facebook.com/pg/HumphreyFellowship/about/> and the Humphrey website. <https://www.humphreyfellowship.org/>

Shangoni: Health and Safety Legal Specialist

Shangoni Management Services (Pty) Ltd is an environmental, health and safety consulting company specializing in providing solutions for management systems, legal compliance, risk management and technical health, safety and environmental management challenges.

Shangoni has a vacancy for a Health and Safety Legal Specialist in its Legal Services Department. The position is based in Pretoria. Refer below for qualification requirements and key responsibilities:

Qualification, skills and experience requirements:

- LLB or equivalent legal degree;
- 5 years' experience in providing legal advice in health and safety law;
- Must have excellent report writing skills; and
- Must be professional, enthusiastic and eager to take on new challenges.

Key responsibilities

- Conducting health and safety legal compliance audits;
- Drafting legal opinions pertaining to health and safety legal matters;
- Providing general legal advice on health and safety legal matters; and
- Compiling legal registers

Applicants are requested to submit a detailed CV to suzette@shangoni.co.za by 31 May 2017.

**UCT: Lecturer / Senior Lecturer Institute of Marine & Environmental Law
Department of Public Law**

We invite applications for an academic post specializing in environmental law in the Department of Public law in the Faculty of Law. The post is advertised at the level of lecturer/senior lecturer with appointment from 1 January 2018.

The successful candidate will be located in the Institute of Marine and Environmental Law (IMEL) (www.imel.uct.ac.za) where he/she will be expected to take part in the teaching of undergraduate and postgraduate courses on South African environmental law. He/she will also be expected to undertake research and supervise postgraduate students in the field of environmental law. Suitable candidates must demonstrate potential to be an academic leader in the field of environment law – as a lecturer, researcher and socially responsive advocate.

Requirements for candidates suitable for appointment as Senior Lecturer:

- A PhD or LL.M degree specialising in environmental law and a strong academic record;
- Lecturing experience in environmental law at a tertiary level and/or other appropriate environmental law work experience; and
- An established research record with publications on environmental law.

Requirements for candidates suitable for appointment as Lecturer:

- A LL.M degree specialising in environmental law and a strong academic record;
- Clear evidence of lecturing and research capabilities in environmental law;
- Lecturing experience in environmental law at a tertiary level will be an advantage; and
- Previous publications on environmental law will be an advantage.

The respective annual remuneration packages, including benefits, for 2017 are as follows:

Appointment will take place in alignment with the Faculty's expectations for performance at each rank.

To apply, please e-mail the below documents in a single pdf file to Ms Stacey Manuel at recruitment02@uct.ac.za:

- UCT Application Form (download at <http://forms.uct.ac.za/hr201.doc>);

- Cover letter; and
- Curriculum Vitae (CV).

Please ensure the title and reference number are indicated in the subject line. Please also clearly indicate in your application, the level at which you are applying.

An application which does not comply with the above requirements will be regarded as incomplete. Only shortlisted candidates will be contacted and may be required to undergo a competency test.

Telephone: 021 650 1673

Website: www.law.uct.ac.za

Reference number: E17063

Closing date: 31 May 2017

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 20

26 May 2017

POLICY

Department of Environmental Affairs: National Framework for Marine Spatial Planning in South Africa - GN 451 in GG 40860 of 26 May 2017

BILLS

National Environmental Management Amendment Bill B14-2017 - introduced to the National Assembly on 24 May 2017

National Health Laboratory Service Amendment Bill, 2017 [B15-2017]

National Public Health Institute of South Africa Bill, 2017 [B16-2017]

LEGISLATION

NOTICES

Agricultural Pests Act 36 of 1983 - GN 449 in GG 40860 of 26 May 2017 - Control Measures relating to Fall Armyworm

National Water Act 36 of 1998 - GN 468 in GG 40860 of 26 May 2017 - Lifting of water restrictions for various stand-alone dams and systems in Limpopo, Mpumalanga, North West and Free State Provinces

National Railway Safety Regulator Act 16 of 2002 - GN 467 in GG 40860 of 26 May 2017 - Draft determination of the format, form and content of a safety management system that is required for the different categories and types of safety permits as well as the form, content and manner of submission of a safety management system report - for comment

Disaster Management Act 57 of 2002 – Gen Notice 415 in GG 40865 of 26 May 2017 - Guideline on the Development and Structure of a Disaster Management Plan

Disaster Management Act 57 of 2002 – Gen Notice 416 in GG 40865 of 26 May 2017 - Guideline on the Minimum Infrastructural Requirements for Disaster Management Centres

Geomatics Profession Act 19 of 2013 - GN 464 in GG 40860 of 26 May 2017 - Draft Regulations - for Comment

Special Economic Zones Act 16 of 2014 - GN 466 in GG 40860 of 26 May 2017 - Final notice of amendment to the East London Industrial Development Zone for the purpose of the SEZ tax incentives

PROVINCES

Limpopo

Constitution of Republic of South Africa, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 49 in PG 2813 of 19 May 2017 - Ba-Phalaborwa Local Municipality - Notice of intention to review the Spatial Development Framework (SDF), 2009

Western Cape

Disaster Management Act 57 of 2002 - PN 112 in PG 7771 of 24 May 2017 - City of Cape Town Metropolitan Municipality - Declaration of a provincial state of drought disaster in the Western Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54650 in PG 7772 of 26 May 2017 - Cape Agulhas Local Municipality - Amendment to the Municipal Land Use Planning By-law as published in PG 7428 of 15 July 2015 - for comment

CASES

National

MTO Forestry v Swart (420/2016) [2017] ZASCA 57 (22 May 2017)

“Summary: Delict: wrongfulness and fault separate elements: regard not to be had to foreseeability of harm in determining wrongfulness: whether reasonably adequate steps taken by landowner to prevent fire spreading to neighbour’s property. Presumption of negligence in s 34 of the National Veld and Forest Fire Act 101 of 1998: effect thereof when facts known.

<http://www.saflii.org/za/cases/ZASCA/2017/57.html>

PUBLICATIONS

Cózar Andrés *et al* “The Arctic Ocean as a dead end for floating plastics in the North Atlantic branch of the Thermohaline Circulation” 2017 *Science Advances*

3(4) e1600582 DOI: 10.1126/sciadv.1600582

<http://advances.sciencemag.org/content/3/4/e1600582.full>

Sabin Centre and UNEP “The Status of Climate Change Litigation: A Global Review” (May 2017) <http://columbiaclimatelaw.com/files/2017/05/Burger-Gundlach-2017-05-UN-Envt-CC-Litigation.pdf>

Wirth DA “Executive Agreements Relying on Implied Statutory Authority: A Response to Bodansky and Spiro” 2017 50 *Vanderbilt Journal of Transnational Law* 741-755 <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=2076&context=lsfp>

Field Christopher B and. Mach Katharine J “Rightsizing carbon dioxide removal” 2017 *Science Magazine* 356(6339):706-707 DOI: 10.1126/science.aam9726 <http://science.sciencemag.org/content/356/6339/706>

Biniar Susan "Act Locally, Reflect Globally: A Checklist of Options for U.S. Cities and States to Engage Internationally in Climate Action" (May 2017 Sabin Centre for Climate Change Law) http://columbiaclimatelaw.com/files/2017/05/Biniar-May_2017-Act-Locally-Reflect-Globally-.pdf

Colburn Jamison E “Governing the Gradient: Clarity and Discretion at the Water's Edge” 2017 62 *Vill L Rev* 81 <http://digitalcommons.law.villanova.edu/vlr/vol62/iss1/3/>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

IISD ENS Bulletin: International Conference on Seafood Transparency and Sustainability 16-17 May 2017 Tokyo, Japan <http://enb.iisd.org/seafood/icsts/2017/>

HuffPost: Mosbergen Dominique “The Oceans Are Drowning In Plastic -- And No One's Paying Attention” 27 April 2017 http://www.huffingtonpost.co.za/entry/plastic-waste-oceans_us_58fed37be4b0c46f0781d426

IISD SDG Knowledge Hub: Bisiaux Alice “Bonn Climate Talks Make Incremental Progress on the Paris Agreement Rulebook” 18 May 2017 <http://bit.ly/2qTDbBi>

IISD SDG Knowledge Hub: Mead L “50th Ratification Triggers Mercury Convention’s Entry into Force” 23 May 2017 <http://bit.ly/2qh5jw8>

IISD SDG Knowledge Hub: Paul D “Agencies Launch Water Monitoring Tools and Processes for SDG 6 Reporting” 23 May 2017 <http://bit.ly/2qSl13v>

IISD SDG Knowledge Hub: Paul D “World Bank Aligns Water Services Programme with SDGs” 23 May 2017 <http://bit.ly/2rQwGOG>

LawFare Blog: Wirth DA “Trump’s First Foreign Trip and the Fate of the Paris Agreement: Reading the Tea Leaves from the G7 and NATO Summits 23 May 2017 <https://www.lawfareblog.com/trumps-first-foreign-trip-and-fate-paris-agreement-reading-tea-leaves-g7-and-nato-summits>

IISD: Global Platform on DRR Bulletin - 2017 Global Platform for Disaster Risk Reduction 24-26 May 2017 | Cancún, Mexico <http://iisd.cmail20.com/t/i-l-uuluik-gijktntl-o/>

US Archived Environmental Information deleted from Federal Government Web Sites: <http://libguides.vermontlaw.edu/ArchivedEnvironmentalSources>

Legal Planet: Farber Dan “Whither WOTUS? Trump ordered agencies to reconsider Clean Water Act jurisdiction. Easier said than done” 24 May 2017
<http://legal-planet.org/2017/05/24/whither-wotus/>

Clean energy and rare earths: Why not to worry <http://ow.ly/wjip30c0xCb>

Catholic groups ramp up international divestment momentum
<http://ow.ly/BhC630c0xNs>

IISD ENS: “Third Session of the Africa Regional Forum on Sustainable Development” 17-19 May 2017 UN Conference Centre, Addis Ababa, Ethiopia
<http://bit.ly/2rZAI1V>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Imbewu: Breakfast Workshop: 2017 Amendments to the Environmental Impact Assessment Regulations

Date: Tuesday 13 June 2017 – Johannesburg

Venue: Imbewu’s Offices – Rosebank, JHB

Time: 09:00-11:00

More information: Contact: lulu@imbewu.co.za or www.imbewu.co.za / 011 214 0660/1

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Early bird registration closes 1 June 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

ELA Student Conference: Save the date!

Date: 15-16 September 2017

Place: Potchefstroom

More information will follow later

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

EOH Legal Services: 3 day Environmental Law Course

Date: 9-21 Junie 2017
3-5 July 2017
10-12 July 2017

Venue: St George's Hotel

Contact: The contact person for the reservations or any additional information is: Jolene Mascini on 087-405-1825, email address: Jolene.Mascini@eoh.co.za

NWU: CEM Courses 2017

- **Environmental law (CEM-02.1.1)**
Date: 10-15 July 2017 Johannesburg (Holiday Inn Johannesburg Airport)
- **Environmental law - for the mining sector CEM-02.1.8**
Date: 17-21 July 2017 (Potchefstroom)
- **Environmental law - integrated water resource management (CEM-02.1.2)**
Date: 19-23 June 2017
- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Mine Health and Safety Law CEM-02.2.2**
Date: 31 July-4 August 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 8-9 June 2017 (Durban)
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Integrated Land Management (CEM-06.8.1)**
Date: 22-26 May 2017 (Potchefstroom)
- **Energy Management Systems (CEM-03.3.1)**
Date: 29 May-2 June 2017 (Potchefstroom)
- **Environmental Impact Assessment for Practitioners (CEM-05.1.1)**
Date: 5-9 June 2017 (Potchefstroom)
- **Climate Change Management (CEM-06.6.1)**
Date: 5-9 June 2017
- **Essential Air Quality Management (CEM-06.3.1)**
Date: 12-14 June 2017
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 19-23 June 2017
- **Environmental Management System - lead auditor (CEM-04.1.1)**
Prerequisites: Environmental Law (CEM-02.1.1) and EMS (CEM-03.1.1)
Courses
Date: 26-30 June 2017

- **Occupational Health and Safety Management System - lead auditor (CEM-04.2.1)**
Prerequisites: OHSAS (CEM-03.2.1) and OHS Law (CEM-02.2.1)
Courses
Date: 26-30 June 2017
- **Energy Management System - lead auditor (CEM-04.3.1)**
Prerequisites: Implementing an Energy Management System based on ISO 50001: 2014 (CEM-03.3.1) or a similar programme; AND Energy Law for Energy Managers (CEM-02.1.4) or a similar programme. Demonstration of competence acquired in the work place shall be by a detailed formal declaration by a line manager attesting to the competence acquired.
Date: 26-30 June 2017
- **Occupational Health and Safety Management Systems CEM-03.2.1**
Date: 17-21 July 2017
- **Environmental Risk Assessment and Management (ERAM) CEM-05.3.1**
Date: 17-21 July 2017
- **Environmental Management Systems CEM-03.1.1**
***Course based on ISO 14001:2015
Date: 31 July - 4 August 2017
- **Remediation and Management of Contaminated Land (CEM-06.8.3)**
Date: 3-5 July 2017

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

NEWS

Broughton Tania “Victory for elephant conservation in circus case” *News24* 25 May 2017 <http://www.news24.com/Green/News/victory-for-elephant-conservation-in-circus-case-20170525>

Pertsovsky Natalie “Summons served on environmental rights lawyers by mining company” *GroundUp* 24 May 2017
<http://www.groundup.org.za/article/environmental-rights-lawyers-slapped-mining-company/>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Hubert H. Humphrey Fellowship Program

The Hubert H. Humphrey Fellowship Program provides 10 months of professional enrichment and non-degree graduate-level study in the United States for accomplished mid-level professionals. The program combines academic study with a practicum, where the participant will be placed at a relevant institution for hands-on experience in a particular field. One of the professional fields in the Humphrey Program is “Law and Human Rights.” The application <https://iie.embark.com/apply/humphreyfellowship> went live on 1 May and closes on 31 July 2017.

<https://iie.embark.com/apply/humphreyfellowship>

Humphrey Fellows are selected based on their potential for leadership and their commitment to public service in either the public or the private sector. The Program fosters a mutual exchange of knowledge and understanding about issues of common concern in the United States and the Fellows' home countries and offers Fellows valuable opportunities for leadership development and professional engagement with Americans and their counterparts from more than 90 different nations. Over 5,000 men and women have been honored as Humphrey Fellows since the program began in 1978. Approximately 170 Fellowships are awarded annually. Fifteen major universities in the United States host Humphrey Fellows. These host universities are chosen for their excellence in the Program's designated fields of study and for the resources and support they offer Humphrey Fellows. The Humphrey Program is a Fulbright Program. More information can be found on the Humphrey Facebook page <https://www.facebook.com/pg/HumphreyFellowship/about/> and the Humphrey website. <https://www.humphreyfellowship.org/>

Shangoni: Health and Safety Legal Specialist

Shangoni Management Services (Pty) Ltd is an environmental, health and safety consulting company specializing in providing solutions for management systems, legal compliance, risk management and technical health, safety and environmental management challenges.

Shangoni has a vacancy for a Health and Safety Legal Specialist in its Legal Services Department. The position is based in Pretoria. Refer below for qualification requirements and key responsibilities:

Qualification, skills and experience requirements:

- LLB or equivalent legal degree;
- 5 years' experience in providing legal advice in health and safety law;
- Must have excellent report writing skills; and
- Must be professional, enthusiastic and eager to take on new challenges.

Key responsibilities

- Conducting health and safety legal compliance audits;
- Drafting legal opinions pertaining to health and safety legal matters;
- Providing general legal advice on health and safety legal matters; and
- Compiling legal registers

Applicants are requested to submit a detailed CV to suzette@shangoni.co.za by 31 May 2017.

UCT: Lecturer / Senior Lecturer Institute of Marine & Environmental Law Department of Public Law

We invite applications for an academic post specializing in environmental law in the Department of Public law in the Faculty of Law. The post is advertised at the level of lecturer/senior lecturer with appointment from 1 January 2018.

The successful candidate will be located in the Institute of Marine and Environmental Law (IMEL) (www.imel.uct.ac.za) where he/she will be expected to take part in the teaching of undergraduate and postgraduate courses on South African environmental law. He/she will also be expected to undertake

research and supervise postgraduate students in the field of environmental law. Suitable candidates must demonstrate potential to be an academic leader in the field of environment law – as a lecturer, researcher and socially responsive advocate.

Requirements for candidates suitable for appointment as Senior Lecturer:

- A PhD or LLM degree specialising in environmental law and a strong academic record;
- Lecturing experience in environmental law at a tertiary level and/or other appropriate environmental law work experience; and
- An established research record with publications on environmental law.

Requirements for candidates suitable for appointment as Lecturer:

- A LLM degree specialising in environmental law and a strong academic record;
- Clear evidence of lecturing and research capabilities in environmental law;
- Lecturing experience in environmental law at a tertiary level will be an advantage; and
- Previous publications on environmental law will be an advantage.

The respective annual remuneration packages, including benefits, for 2017 are as follows:

Appointment will take place in alignment with the Faculty's expectations for performance at each rank.

To apply, please e-mail the below documents in a single pdf file to Ms Stacey Manuel at recruitment02@uct.ac.za:

- UCT Application Form (download at <http://forms.uct.ac.za/hr201.doc>);
- Cover letter; and
- Curriculum Vitae (CV).

Please ensure the title and reference number are indicated in the subject line. Please also clearly indicate in your application, the level at which you are applying.

An application which does not comply with the above requirements will be regarded as incomplete. Only shortlisted candidates will be contacted and may be required to undergo a competency test.

Telephone: 021 650 1673 Website: www.law.uct.ac.za

Reference number: E17063 Closing date: 31 May 2017

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 21

2 June 2017

LEGISLATION

NOTICES

Occupational Health and Safety Act 85 of 1993 - GN 489 in GG 40883 of 2 June 2017 - Guidelines for Construction Regulations, 2014

National Environmental Management Act 107 of 1998 - GN R480 in GG 40879 of 31 May 2017 - Regulations relating to qualification criteria, training and identification of, and forms to be used by environmental management inspectors and environmental mineral resource inspectors published and GN R494 in GG 28869 of 2 June 2006 repealed

National Heritage Resources Act 25 of 1999 - GN 481 in GG 40883 of 2 June 2017 - Declaration of two signed and authenticated copies of the Freedom Charter as Specifically Declared Heritage Objects

National Environmental Management: Biodiversity Act 10 of 2004 - GN R477 in GG 40876 of 30 May 2017 - Threatened or Protected Marine Species Regulations, 2017

National Environmental Management: Biodiversity Act 10 of 2004 - GN 476 in GG 40875 of 30 May 2017 - Prohibition of restricted activities in regard to marine species that are threatened or in need of protection and exemption of persons from restrictions

National Environmental Management: Biodiversity Act 10 of 2004 - GN 478 in GG 40878 of 31 May 2017 - Policy on White Shark Cage Diving

National Environmental Management: Biodiversity Act 10 of 2004 - GN 479 in GG 40878 of 31 May 2017 - Policy on Boat-Based Whale and Dolphin Watching

National Environmental Management: Biodiversity Act 10 of 2004 – Gen Notice 423 in GG 40883 of 2 June 2017 - Biodiversity Management Plan for Pickersgill's Reed Frog (*Hyperolius Pickergilli*) see also <https://www.sanbi.org/creature/pickersgill%E2%80%99s-reed-frog>

National Environmental Management: Waste Act 59 of 2008 - GN 524 in GG 40884 of 1 June 2017 - Consultation on the intention to consider the withdrawal of the approval for the Integrated Industry Waste Tyre Management Plan of the Recycling and Economic Development Initiative of South Africa (REDISA) - for comment

National Environmental Management: Waste Act 59 of 2008 - GN 528 in GG 40887 of 2 June 2017 - Proposed Waste Exclusion Regulations, 2016 - for comment

Special Economic Zones Act 16 of 2014 - GN 502 in GG 40883 of 2 June 2017 - Notice of amendment to the Richards Bay IDZ for the purpose of the SEZ tax incentives

Special Economic Zones Act 16 of 2014 - GN 503 in GG 40883 of 2 June 2017 - Final notice of amendment to the Dube Tradeport IDZ for the purpose of the SEZ tax incentives

Special Economic Zones Act 16 of 2014 - GN 504 in GG 40883 of 2 June 2017 - Final notice of amendment to the Saldanha Bay IDZ for the purpose of the SEZ tax incentives

Special Economic Zones Act 16 of 2014 - GN 505 in GG 40883 of 2 June 2017 - Final notice of amendment to the Coega IDZ for the purpose of the SEZ tax incentives

Special Economic Zones Act 16 of 2014 - GN 523 in GG 40883 of 2 June 2017 - Final notice of amendment to the Maluti-a-Phofung IDZ for the purpose of the SEZ tax incentives

PROVINCES

Eastern Cape

Spatial Planning and Land Use Management Act 16 of 2013 - LAN 76 in PG 3851 of 29 May 2017 - Agreement to establish a Joint Municipal Planning Tribunal between Ingquza Hill Local Municipality and Port St Johns Municipality

Kwazulu-Natal

KwaZulu-Natal Planning and Development Act 6 of 2008 - PN 52 in PG 1829 of 1 June 2017 - Appointment of members to the KwaZulu-Natal Planning and Development Appeal Tribunal

Spatial Planning and Land Use Management Act 16 of 2013 - MN 47 in PG 1829 of 1 June 2017 - AbaQulusi Local Municipality - Appointment of members to the Municipal Planning Tribunal

Limpopo

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Structures Act 117 of 1998 - LAN 57 in PG 2817 of 2 June 2017 - Greater Tzaneen Local Municipality - Notice of intention to withdraw from the Mopani District Municipal Planning Tribunal - for comment

MPUMALANGA

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 54 in PG 2817 of 2 June 2017 - Ehlanzeni District Municipality - Municipal Health Services By-laws 2016 published under PN 33 in PG 2801 of 14 April 2017 corrected and promulgated on 14 April 2017

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and National Environmental Management: Waste Act 59 of 2008 - LAN 48 in PG 2817 of 2 June 2017 - Victor Khanye Local Municipality - Waste Management By-laws

CASES

National

Emathanjeni Municipality v Member of the Executive Council: Department of Co-operative Governance, Human Settlements and Traditional Affairs - Northern Cape Province and Others (1045/2016) [2017] ZANCHC 42 (26 May 2017) <http://www.saflii.org/za/cases/ZANCHC/2017/42.pdf>

Zoning and subdivision application - Northern Cape Development Appeal Tribunal – approval of zoning application before environmental authorisation appeal process was completed.

Geldenhuis and Others v Cillie and Others (6928/2005) [2017] ZAWCHC 61 (30 May 2017) <http://www.saflii.org/za/cases/ZAWCHC/2017/61.html>

“[1] The applicants, who are the owners of rural land in the area near Ceres in the Western Cape Province, have applied for an order declaring that they, and the seventeenth and eighteenth respondents in the current case, are entitled, for their exclusive use, as successors in title to the respondents in Water Court case no. 351/1957, to so much of the water that is diverted into the Inverdoorn Canal via the Spek River - and - Valschgat diversion headworks as had been awarded to their predecessors in title in terms of the order made in the Water Court case. They also sought certain other relief, including a prohibitory interdict against the first to seventh respondents forbidding the latter from interfering with the water that is diverted into the

Inverdoorn Canal allegedly for the exclusive use of themselves and the seventeenth and eighteenth respondents pursuant to the Water Court's order.”

Serengeti Rise Industries (Pty) Ltd & another v Aboobaker NO & others (845/2015) [2017] ZASCA 79 (2 June 2017) <http://www.saflii.org/za/cases/ZASCA/2017/79.html>

“Summary: Administrative law: validity of a demolition order granted as just and equitable remedy: order granted pursuant to a finding that Municipality decisions approving rezoning of property and approving building plans were unlawful: order vitiated by failure to set the approval decisions aside, failure to specify portion(s) of the building to be demolished, and failure to exercise discretion in determining just and equitable remedy: court order found to lack clarity and certainty.”

Boswell v Member for the Executive Council for Economic Development, Tourism and Environmental Affairs (KwaZulu-Natal) and Others (3792/16P) [2017] ZAKZPHC 18 (25 May 2017) <http://www.saflii.org/za/cases/ZAKZPHC/2017/18.pdf>

“[1] In June 2014, the applicant applied to the first respondent, the MEC and the second respondent, Ezemvelo, for a permit to sell and export his African elephants to an undisclosed captive facility in Dubai. Both respondents refused the permit stating that clause 12(4) and (5) of the National Norms and Standards for the Management of Elephants in South Africa, 2008 (Norms and Standards) issued by the third respondent, the Minister of Environmental Affairs, under s 9 of the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA) rendered such export to a controlled environment unlawful. The applicant abandoned his challenge to both decisions preferring instead to challenge the legality of clauses 12(4) and (5) of the Norms and Standards.” See also NEWS

International

“First climate lawsuit against energy company before German courts”
GermanWatch See attached to email [provided by prof Harald Winkler of UCT]

PUBLICATIONS

UNGSII “SDG Commitment Report 100 Tracking companies’ efforts to contribute to the Sustainable Development Goals” (SCR 100) (May 2017) http://www.ungsii.org/files/Sustainability_Development_Goals_Committment_Report_100_SCR100.pdf
[Source: National Biodiversity and Business Network (NBBN) - May 2017 Newsletter]

Scherr S *et al* “Business for Sustainable Landscapes: An Action Agenda for Sustainable Development” (Landscapes for People, Food and Nature Initiative (LPFN) 2017) <http://peoplefoodandnature.org/publication/business-for-sustainable-landscapes/> [Source: National Biodiversity and Business Network (NBBN) - May 2017 Newsletter]

UNEP “UN Environment Freshwater Strategy 2017-2021”

https://wedocs.unep.org/bitstream/handle/20.500.11822/19528/UNEP-full_report-170502.pdf?sequence=3&isAllowed=y

UNEP Guide for Energy Efficiency and Renewable Energy Laws (Pace University & UNEP September 2016) <https://wedocs.unep.org/bitstream/handle/20.500.11822/9932/UN-Environment-Guide.pdf?sequence=1&isAllowed=y>

IRENA “Renewable Energy and Jobs – Review 2017” [Source: Imbewu Monthly Sustainability Legal Newsletter & Legislation Update May 2017]

https://www.irena.org/DocumentDownloads/Publications/IRENA_RE_Jobs_Annual_Review_2017.pdf

CER *Full Disclosure: the Truth about Corporate Environmental Compliance in South Africa* 2017 (Updated 2016 Report) <http://cer.org.za/news/new-feature-on-full-disclosure-key-environmental-questions-responsible-shareholders-should-be-asking-sa-companies>

Juta Book Sale Until 18 June 2017 www.juta.co.za

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

ISSD ENS Bulletin: GEF Bulletin - Global Environment Facility Council Meeting - 22-25 May 2017 - World Bank headquarters, Washington, DC, US - <http://enb.iisd.org/gef/council52/>

ISSD ENS Bulletin: Global Soil Week 2017 22-24 May 2017 | Berlin, Germany <http://enb.iisd.org/soil/gsw4/>

The Conversation: Fioramonti Lorenzo “Growth is dying as the silver bullet for success. Why this may be good thing” 26 May 2017 <http://theconversation.com/growth-is-dying-as-the-silver-bullet-for-success-why-this-may-be-good-thing-78427>

GRI “Reporting on SDGs Platform” [Source: National Biodiversity and Business Network (NBBN) - May 2017 Newsletter]

<https://www.globalreporting.org/information/SDGs/Pages/Reporting-on-the-SDGs.aspx>

DW Soundbit Interviews with ICLEI: “Living Planet: Building cities resilient to climate change” (with Laura Kavanaugh, Resilient Cities Program Manager) <http://www.dw.com/en/living-planet-building-cities-resilient-to-climate-change/av-38797068>

DW Soundbit Interviews with ICLEI: “Living Planet: Speeding up the transition to a green economy” (with Maryke van Staden, Low Carbon City Program Manager) <http://www.dw.com/en/living-planet-speeding-up-the-transition-to-a-green-economy/av-38797067>

DW Radio Interview with Robert Hakiza, Executive Director, Young African Refugees for Integral Development (YARID), Kampala, Uganda: WorldLink: “Seeking refuge in Uganda” <http://www.dw.com/en/worldlink-seeking-refuge-in-uganda/av-38817984>

Citiscopes Article on Insurance Industry and Cities Summit: Swope C “‘Sustainable insurance’: Seven takeaways from the first-ever summit of insurers and city leaders” 12 May 2017 <http://citiscopes.org/story/2017/sustainable-insurance-seven-takeaways-first-ever-summit-insurers-and-city-leaders>

UN Environment Principles for Sustainable Development and ICLEI's joint press release: United Nations-backed insurance industry initiative and network of local governments to create “Insurance Development Goals for Cities” <http://www.unepfi.org/psi/wp-content/uploads/2017/05/Bonn-Ambition-Press-release-final.pdf>

Resilient Cities 2017 congress interviews with city officials, international donors, researchers and practitioners in the field of urban resilience and adaptation: <https://www.youtube.com/watch?v=nNJ3wrAq-u4&feature=youtu.be>

Global Platform for Disaster Reduction's Chair Summary that will be presented to the President of the Economic and Social Council as a contribution to the 2017 High-level Political Forum for Sustainable Development (HLPF), to be held in New York in July 2017: Key outcome documents and background papers <https://www.unisdr.org/conferences/2017/globalplatform/en/programme/preparatory-days/view/835>

The Conversation: Phiri Ethel and Mothapo PN “Africa must re-adopt its orphan crops in the face of a changing environment” 30 May 2017 <http://bit.ly/2qzTodE>

The Conversation: Laurance Bill “Around the world, environmental laws are under attack in all sorts of ways” 30 May 2017 <http://bit.ly/2qEMm6H> see more detail at <http://alert-conservation.org/issues-research-highlights/2017/5/4/the-assault-on-environmental-laws>

The Conversation: Nordman Erik “Why the Lamu coal plant doesn't make sense. Kenya has better energy options” 31 May 2017 <http://bit.ly/2rPTO3V>

Yu-Shan Wu “Where Africa fits into China's massive Belt and Road Initiative” 28 May 2017 <http://bit.ly/2rmuFwf>

IISD SDG Knowledge Hub: Paul D “UN Environment Sets Freshwater Management Priorities in Five-Year Strategy” 1 June 2017 <http://bit.ly/2sv5yFk>

IUCN Law for Sustainability www.lawforsustainability.org

Science: Voosen Paul “Deep in a South African gold mine, scientists drill for the heart of an earthquake” 31 May 2017 <http://bit.ly/2qRtmC3>

Science: “Scientists warn of sleepless nights in a warming world” <https://www.youtube.com/watch?v=lydJa1LuCwI>

LawFare Blog: Wirth DA “While Trump Pledges Withdrawal from Paris Agreement on Climate, International Law May Provide a Safety Net” 2 June 2017 <https://lawfareblog.com/while-trump-pledges-withdrawal-paris-agreement-climate-international-law-may-provide-safety-net>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Land Rehabilitation Society of Southern Africa (LaRSSA) 5th Annual conference

Dates: 1-4 August 2017

Venue: Olifantsriver Lodge, Mpumalanga

More information at: <http://larssa.co.za/>

[Source: National Biodiversity and Business Network (NBBN) - May 2017 Newsletter]

SANBI: 14th Biodiversity Planning Forum

Dates: 20 to 23 June 2017

Venue: Nombolo Mdhluli Conference Centre, Skukuza Camp, Kruger National Park

More information and enquiries, contact: Jackey bpf@sanbi.org.za OR dot@mpu.co.za

[Source: National Biodiversity and Business Network (NBBN) - May 2017 Newsletter]

Imbewu: Breakfast Workshop: 2017 Amendments to the Environmental Impact Assessment Regulations

Date: Tuesday 13 June 2017 – Johannesburg

Venue: Imbewu's Offices – Rosebank, JHB

Time: 09:00-11:00

More information: Contact: lulu@imbewu.co.za or www.imbewu.co.za / 011 214 0660/1

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Early bird registration closes 1 June 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

ELA Student Conference: Save the date!

Date: 15-16 September 2017

Place: Potchefstroom

More information will follow later

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

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

All interested are invited to submit proposals for special sessions and workshops, and abstracts for oral and poster presentations for the 2017 Symposium of Contemporary Conservation Practice.

Please submit all proposals for special sessions and/or workshops for consideration by 30 June 2017 using the online submission system: <http://ocs.conservationssymposium.com/sccp/2017/login?source=%2Fscpp%2F2017%2Fauthor%2Fsubmit%3FrequiresAuthor%3D1>

Please submit all abstracts for oral and poster presentations for consideration by 4 August 2017 using the online submission system.

For any queries, contact Freyni or Erica: secretariat@conservationssymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

EOH Legal Services: 3 day Environmental Law Course

Date: 9-21 June 2017

3-5 July 2017

10-12 July 2017

Venue: St George's Hotel

Contact: The contact person for the reservations or any additional information is: Jolene Mascini on 087-405-1825, email address: Jolene.Mascini@eoh.co.za

NWU: CEM Courses 2017

- **Environmental law (CEM-02.1.1)**
Date: 10-15 July 2017 Johannesburg (Holiday Inn Johannesburg Airport)
- **Environmental law - for the mining sector CEM-02.1.8**
Date: 17-21 July 2017 (Potchefstroom)
- **Environmental law - integrated water resource management (CEM-02.1.2)**
Date: 19-23 June 2017
- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Mine Health and Safety Law CEM-02.2.2**
Date: 31 July-4 August 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Integrated Land Management (CEM-06.8.1)**
Date: 22-26 May 2017 (Potchefstroom)
- **Energy Management Systems (CEM-03.3.1)**
Date: 29 May-2 June 2017 (Potchefstroom)

- **Essential Air Quality Management (CEM-06.3.1)**
Date: 12-14 June 2017
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 19-23 June 2017
- **Environmental Management System - lead auditor (CEM-04.1.1)**
Prerequisites: Environmental Law (CEM-02.1.1) and EMS (CEM-03.1.1) Courses
Date: 26-30 June 2017
- **Occupational Health and Safety Management System - lead auditor (CEM-04.2.1)**
Prerequisites: OHSAS (CEM-03.2.1) and OHS Law (CEM-02.2.1) Courses
Date: 26-30 June 2017
- **Energy Management System - lead auditor (CEM-04.3.1)**
Prerequisites: Implementing an Energy Management System based on ISO 50001: 2014 (CEM-03.3.1) or a similar programme; AND Energy Law for Energy Managers (CEM-02.1.4) or a similar programme. Demonstration of competence acquired in the work place shall be by a detailed formal declaration by a line manager attesting to the competence acquired.
Date: 26-30 June 2017
- **Occupational Health and Safety Management Systems CEM-03.2.1**
Date: 17-21 July 2017
- **Environmental Risk Assessment and Management (ERAM) CEM-05.3.1**
Date: 17-21 July 2017
- **Environmental Management Systems CEM-03.1.1**
***Course based on ISO 14001:2015
Date: 31 July - 4 August 2017
- **Remediation and Management of Contaminated Land (CEM-06.8.3)**
Date: 3-5 July 2017

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

International

Unitar: Climate Change Diplomacy: Negotiating Effectively under the UNFCCC

Dates: 11 September - 5 November 2017

This on-line 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 how to build and move forward from COP22 and prepare for COP23.

Registration: <https://www.unitar.org/event/full-catalog/climate-change-diplomacy-negotiating-effectively-under-unfccc-13>

Unitar: Introduction to Water Diplomacy

Dates: 6 November - 3 December 2017

The purpose of this course will first be to raise awareness on the current state of freshwater resources worldwide and the need for adequate diplomatic solutions to stimulate cooperation around the way the resource is managed. It will provide knowledge resources, circumstantial experiences, and a cadre of tools to water-relevant stakeholders so as to enhance their ability to assess, prevent, and respond to the tensions arising from situations of water scarcity and mismanagement worldwide.

Registration: <https://www.unitar.org/event/full-catalog/introduction-water-diplomacy-3>

Vermont summer speakers - watch via livestream

Vermont Law School's Environmental Program is once again offering a full lineup of 17 notable speakers in the Hot Topics in Environmental Law Lecture Series. These talks offer a range of timely issues including human rights and the environment, ocean and wildlife, energy, environmental enforcement, and international issues. The talks take place every Tuesday and Thursday at noon throughout the summer, and are free and open to the public with CLE credit available.

View the online brochure – page 2: http://www-assets.vermontlaw.edu/Assets/summer/Summer%202017/VLS.204.17_HOT_TOPICS_2017_POS_P3.pdf

To watch these talks, go to the VLS Livestream channel: <http://vermontlaw.edu/live>

Complimentary June 15 Webinar on Leveraging Integrated Solar Power & Energy Storage Solutions

The Association of Climate Change Officers (ACCO) has announced a complimentary June 15 webinar titled “Leveraging Integrated Solar Power & Energy Storage Solutions to Advance Climate Action Plans & Energy Management Objectives”. The webinar will feature insights from experts at the U.S. Department of Energy, Energy Storage Association, Pacific Gas & Electric, Green Charge and REC Solar.

Website: <http://bit.ly/2spktBQ>

Multi-disciplinary conference: Imagining a Different Future: Overcoming Barriers to Climate Justice

Date: 8-9 February 2018

Place: Hobart, Tasmania, Australia

For more information: <https://www.climatejustice.network/>

MSc in Sustainable Urban Development – last few places available

Place: University of Oxford

Degree: MSc in Sustainable Urban Development

Nature of degree: Part-time from October 2017

Places are still available for the MSc in Sustainable Urban Development for October 2017 entry.

- Study while working and complete within two years;
- Eight intensive teaching weeks in Oxford and London, and a final dissertation project;
- Seminars, site visits, tutorials and a 24/7 online portal;

- Accredited by the Royal Institution of Chartered Surveyors;
- The MSc aims to provide students with:
- a rigorous and intellectually-demanding education in the field of sustainable urban development;
 - a multidisciplinary structure that engages with world-leading research to the benefit of students' professional practice;
 - an international understanding and knowledge of sustainable urban development;
 - an engagement with the academic excellence of the University of Oxford and the practical and research experience of the Prince's Foundation for Building Community.
- Further information about the MSc and the application process can be found at www.conted.ox.ac.uk/msud
- Application deadline: 23 June 2017

University of Eastern Finland - United Nations Environment Programme Course on Multilateral Environmental Agreements Fourteenth Course

Date: 9 to 19 October 2017

Place: Chambéry, France (near Geneva)

- High profile two week Course on MEAs, international environmental law-making and diplomacy. Thematic focus for 2017 is "Trade and the Environment".
- Intended for experienced government officials engaged in international environmental negotiations. Other stakeholders, such as representatives of NGOs and the private sector, researchers and academics in the field of international environmental law are also eligible. By far, around 400 participants from all over the world have been trained through the series of the Course.
- Approximately 30 participants, with an equal distribution from the North and South and taking into account gender balance will be admitted to the Course.
- Participants are expected to pay their travel and other expenses and a tuition fee of EUR 1000.
- Candidates from developing countries and from countries with economies in transition can apply for a full or partial fellowship.
- The application deadline is 4 August 2017.

Further information Course website: <http://www.uef.fi/unep> or <http://www.unep.org/training>

Contact address: mea-course@uef.fi or Law.Division@unep.org

NEWS

Crowley Kevin and Burkhardt Paul "Miners frozen out as SA readies new empowerment rules" *MoneyWeb* 31 May 2017 <https://www.moneyweb.co.za/mineweb/mining-companies-investment/miners-frozen-out-as-sa-readies-new-empowerment-rules/>

Chabalala Jeanette "NSPCA welcomes ruling stopping circus from exporting elephants" *News24* 30 May 2017 <http://www.news24.com/SouthAfrica/News/nspca-welcomes-ruling-stopping-circus-from-exporting-elephants-20170530>

Colvin Jill and Pace Julie “Trump announces withdrawal from Paris Accord” 2 June 2017

<https://wedocs.unep.org/bitstream/handle/20.500.11822/9932/UN-Environment-Guide.pdf?sequence=1&isAllowed=y>

Bade G “Senators defend state energy policies in confirmation hearing for FERC, DOE nominees” *Stanford* 26 May 2017 <http://www.utilitydive.com/news/senators-defend-state-energy-policies-in-confirmation-hearing-for-ferc-doe/443678/>

"Trump Plans to Shift Infrastructure Funding to Cities, States and Business" *New York Times* 3 June 2017 https://www.nytimes.com/2017/06/03/us/politics/trump-plans-to-shift-infrastructure-funding-to-cities-states-and-business.html?_r=0

Legislation: Waste tyre management plan to be withdrawn?

“Government is considering withdrawing its approval of the Recycling and Economic Development Initiative of SA (Redisa) waste tyre management plan. This was announced yesterday in a *Government Gazette* notice inviting public input on the issue – within 30 days. Reasons for the move include ‘lack of proper governance’, and Redisa’s alleged ‘failure to achieve its objectives’. A draft waste tyre management plan released in March for comment was silent on its implications for the Redisa initiative. Neither is it clear how (or if) draft amendments to the waste tyre management regulations released last August might eventually fit into a bigger picture.”

Read full report: *Legalbrief Policy Brief* 2 June 2017

“Giant carbon-sucking commercial plant launches in Zurich” *Swissinfo.ch* 1 June 2017 https://www.swissinfo.ch/eng/environment_giant-carbon-sucking-commercial-plant-launches-in-zurich/43227352?source=techstories.org

Avery Janine “Bushmeat hunting threatens tourism in Botswana’s Okavango Delta” *ETN* 28 May 2017 <http://www.eturbonews.com/155936/bushmeat-hunting-threatens-tourism-botswanas-okavango-delta> see also <https://conservationaction.co.za/resources/reports/illegal-bushmeat-hunters-compete-predators-threaten-wild-herbivore-populations-global-tourism-hotspot/>

Andrews R “China and EU Will “Join Forces” To Fight Climate Change Without America” *IFLScience* 1 June 2017 <http://www.iflscience.com/environment/china-eu-join-forces-fight-climate-change-without-america/>

On-line EIA Submissions:

“The Gauteng Department of Agriculture and Rural Development (GDARD) has launched the Gauteng Environmental Impact Assessment: Electronic Submission System which went live on 1 June 2017 and is accessible at <http://www.eia.gpg.gov.za/Account/Login>. The system enables the electronic submission of Basic Assessments, Scoping Reports and EIAs for development applications within Gauteng. Source: GDARD dated 30 May 2017.” [Source: Imbewu Monthly Sustainability Legal Newsletter & Legislation Update May 2017]

MPs in a spin over Water Department’s R2.5bn irregular spending

“Members of Scopa were yesterday (Wednesday) deeply disturbed by the Department of Water and Sanitation’s inability to provide details for the irregular spending of R2.5bn in the 2015/2016 financial year. A Fin24 report says this

angered MPs on Parliament's standing committee on public accounts, who said they had requested further details on the matter at a meeting in November 2016. However, many of their questions were met with silence. The committee heard that, out of the 482 incidents of irregular spending, only three employees had been suspended, 22 employees had resigned, 35 got final written warnings, while 84 received written warnings, and five received training or counselling. The department had also initiated disciplinary inquiries against the remaining 333 employees implicated in the irregular spending. However, states the report, MPs were concerned that the letters furnished to the committee, as proof of action, were dated 24 May, 2017, while others were dated 9 May. The MPs saw this as an indication that the department had only taken action days ahead of their appearance before the committee, in an attempt to look good. Several members described this as 'malicious compliance'." *Legalbrief Forensic* 1 June 2017

Full Fin24 report: <http://www.news24.com/SouthAfrica/News/mps-fume-over-water-depts-leaking-billions-20170531>

Mining: De Beers takes on Minister over diamond export denial

"The government is refusing to grant an exemption to diamond mining company De Beers Consolidated Mines relating to the exportation of diamonds to neighbouring Botswana for aggregation, says a *Mining Weekly Online* report. Up to now, it has received exemption yearly and once the aggregation process is complete, rough diamonds of higher value are re-imported back into SA for cutting and polishing. But Minerals Minister Mosebenzi Zwane has denied De Beers an exemption to enable this, despite the company exceeding all the legislated criteria for its 2017/18 levy exemption application. As a consequence, De Beers has approached the Gauteng High Court (Pretoria) to set aside the Minister's decision. While De Beers must sell at least R3bn worth of rough diamonds – 40% of them to SA diamond cutters and polishers – to qualify for the exemption in terms of Section 74 of the Diamond Export Levy Act, it actually more than trebled the required total sales level to R9.47bn in the 12 months in question, with 43.3% going to local cutters and polishers. However, it has had its levy exemption application turned down in spite of doing far more than the law demands." *Legalbrief Today* 1 June 2017; Full Mining Weekly Online report: http://www.miningweekly.com/article/de-beers-taking-minerals-minister-to-court-over-bewildering-diamond-export-obfuscation-2017-05-31/rep_id:3650

Environmental: Sasol seeking air quality compliance postponement

"Sasol's Bernard Klingenberg has announced the company will start public consultations next year as part of a process of applying to postpone compliance with some of the new air quality standards applicable by 2020, says a Business Day report. Klingenberg said Sasol invested R20bn over the past 15 years on environmental improvement programmes. But it has challenges in meeting the new 2020 standards in two particular areas: its sulphur dioxide (SO₂) and hydrogen sulphide (H₂S) emissions. It would be able to meet most of the new standards by 2025. As part of its postponement application Sasol will demonstrate that its SO₂ emissions are about half the contribution to total SO₂ in Secunda, well below the ambient air quality limits. Sasol's H₂S emissions were now within

international benchmarks from a health perspective. Particulate matter remained a problem for local communities but it was generated by various sources, including industry, domestic fuel and waste burning, Klingenberg said. Klingenberg added Sasol had to submit its application for a postponement by April 2019, to be considered by national and provincial authorities. An independent party would be appointed to manage public consultations and it would be widely advertised.”
Full Business Day report (subscription needed) *Legalbrief Today* 1 June 2017

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

South African Research Chair in Property Law - Post-doctoral fellowships (1): 2017

The South African Research Chair in Property Law has one post-doctoral fellowships in Property Law available for July-December 2017. The post-doctoral fellowship amount is R100 000 for the period.

Requirements: doctoral degree (LLD or PhD or similar degree) in Property Law or a property-related field of research. The successful candidate may not hold any other full-time or part-time job at the same time as the bursary and may not undertake any other work for remuneration.

Send request for more information and an application letter and supporting materials to Ms A King AK1@sun.ac.za on or before 15 June 2017.

Judicial Vacancies

The Judicial Service Commission (JSC) invites nominations to fill vacancies as Judges in the following Courts:

- **Eastern Cape Division of the High Court**
One vacancy (Judge President) One vacancy in Grahamstown One vacancy in Mthatha
- **Electoral Court**
One vacancy
Candidates for this vacancy should be South African citizens who are in the legal profession.
- **Free State Division of the High Court**
Two vacancies
- **Gauteng Division of the High Court**
Six vacancies
- **North West Division of the High Court**
One vacancy (Deputy Judge President)
- **Northern Cape Division of the High Court**
One vacancy (Deputy Judge President)
- **Western Cape Division of the High Court**
Four vacancies

Nominations must be accompanied by the candidate's written consent, detailed *curriculum vitae* disclosing the candidate's formal qualifications for appointment, the standard questionnaire completed and signed by the candidate, as well as copies of at least three written judgments by the candidate. The standard questionnaire to be completed by all nominees

is available on the South African Judiciary website: www.judiciary.org.za alternatively on the Constitutional Court website: www.constitutionalcourt.org.za

The JSC reserves the right to recommend a candidate for the filling of any vacancy which may exist at the time of the interviews. This is to avoid the situation which has arisen in the past when, despite the availability of suitable candidates, no appointments could be made to fill vacancies which had occurred subsequent to the notice calling for nominations. Consequently, in making nominations, regard should be had to the possibility that more judicial vacancies may occur than have been advertised.

The Secretariat wishes to emphasize the following points:

- Interviews with short-listed candidates will be conducted in public, i.e. members of the public and the media (both electronic and print) will be entitled to be present.
- It is open to persons or bodies nominating candidates to motivate their nominations by referring the JSC to the candidate's qualifications and general fitness for appointment.
- The questionnaire must be accompanied by the standardized "clearance certificate" which the candidate is required to obtain from his/her professional body regarding the candidate's professional status within that body, his or her suitability for appointment to the Bench and the nature of any disciplinary proceedings completed or pending in respect of the relevant candidate.
- Nominations must be addressed to and reach the Secretariat of the JSC by no later than Friday, 30 June 2017.

Interviews will take place during the week of 02 – 06 October 2017 in the Office of the Chief Justice in Midrand. The exact venue for the interviews will be communicated to shortlisted candidates and members of the public in due course.

Applications must be addressed to: The Secretariat of the JSC Office of the Chief Justice Private Bag X10 Marshalltown Johannesburg 2017

Tel: (010) 493 2687 alternatively (010) 493 2633

Email: Chiloane@concourtofgza alternatively TPhaahlamohaka@judiciary.orgza

Candidates who wish to hand deliver their nominations could do so either at 188, 14th Road, Noordwyk, Midrand alternatively at the Constitutional Court.

Job opportunities at UN organisations: <https://unjobs.org/organizations>

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 22

9 June 2017

LEGISLATION

NOTICES

Merchant Shipping Act 57 of 1951 – GN R534 in GG 40893 of 6 June 2017 - Maritime Labour Certificate and Declaration of Compliance Regulations, 2017

Plant Breeders' Rights Act 15 of 1976 - GN 536 in GG 40898 of 9 June 2017 - Receipt of applications for plant breeders' rights

Marine Living Resources Act 18 of 1998 - GN 558 in GG 40906 of 9 June 2017 - Proposed Fees Payable in Respect of Applications and the Issuing of Rights, Permits and Licences in the Small-Scale Fishery Sector - for comment

World Heritage Convention Act 49 of 1999 - GN 542 in GG 40898 of 9 June 2017 - Declaration of a Management Authority for the Richtersveld Cultural and Botanical Landscapes World Heritage Site

Promotion of Access to Information Act 2 of 2000 - GG 40900 of 8 June 2017 - Theewaterskloof Municipality: Section 14 manual

Mineral and Petroleum Resources Development Act 28 of 2002 - GN 546 in GG 40898 of 9 June 2017 - Declaration of 18-month moratorium on the Transworld Energy and Mineral Resources SA (Pty) Ltd (TEM) application at Xolobeni and against the lodging of any further prospecting or mining applications until such time as the moratorium is lifted

Broad-Based Black Economic Empowerment Act 53 of 2003 - GN 551 in GG 40898 of 9 June 2017 - Threshold for Major B-BBEE Transactions

Broad-Based Black Economic Empowerment Act 53 of 2003 - GN 560 in GG 40910 of 9 June 2017 - Amended Property Sector Code

National Health Act 61 of 2003 - GN 556 in GG 40903 of 9 June 2017 - Draft Regulations relating to Human Gametes Banks, 2017 - for comment

National Environmental Management: Biodiversity Act 10 of 2004 - GN R529 in GG 40889 of 5 June 2017 - Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Regulations, 2010: Appendices I and II amended with effect from 2 January 2017

National Environmental Management: Biodiversity Act 10 of 2004 - GN 541 in GG 40898 of 9 June 2017 - Declaration notice of the extension of the Harold Porter National Botanical Garden

National Environmental Management: Waste Act 59 of 2008 - GN 530 in GG 40890 of 5 June 2017 - Notice of High Court order granted to Minister of Environmental Affairs Dr Edna Molewa to wind down and liquidate the Recycling and Economic Development Initiative of South Africa (REDISA)

PROVINCES

Western Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54663 in PG 7775 of 2 June 2017 – City of Cape Town Municipality - City of Cape Town Informal Trading By-law - City of Cape Town Municipality: Informal Trading Plan for Ward 55 (Brooklyn, Century City, Marconi Beam, Milnerton South, Paarden Eiland, Rugby, Sanddrift, Tygerhof, Ysterplaat, portion of Woodstock and portion of Salt River)

Kwazulu-Natal

Promotion of Access to Information Act 2 of 2000 - PN 57 in PG 1834 of 8 June 2017 - KwaZulu-Natal Department of Transport: Section 14 Manual on the Promotion of Access to Information

Limpopo

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Structures Act 117 of 1998 - LAN 57 in PG 2817 of 2 June 2017 - Greater Tzaneen Local Municipality - Notice of intention to withdraw from the Mopani District Municipal Planning Tribunal - for comment

Free State

Spatial Planning and Land Use Management Act 16 of 2013 - PN 48 in PG 24 of 9 June 2017 - Dihlabeng Local Municipality - Appointment of members to the Municipal Planning Tribunal published with effect from 9 June 2017

National Environmental Management: Protected Areas Act 57 of 2003 - PN 54 in PG 26 of 9 June 2017 - Amendment notice to Seekoeivlei nature reserve as published in AN 32 of 10 February 1978

Mpumalanga

Spatial Planning and Land Use Management Act 16 of 2013 - Proc 15 in PG 2819 of 9 June 2017 - Mbombela Local Municipality - Notice of commencement of operations of the Mbombela Planning Tribunal as published under LAN 85 in PG 2561 of 18 September 2015 corrected

CASES

National

Minister of Environmental Affairs v Recycling and Economic Development Initiative of South Africa NPC Case No 9675/2017 High Court of the Western Cape 1 June 2017 [See also **NOTICES** above]

https://www.environment.gov.za/sites/default/files/docs/highcourtdecisiononthe_redisa1june2017.pdf

“Provisional liquidator – to take over the administration and implementation of approved Integrated Industry Waste Tyre Management Plan – GN 988 of 30 November 2012”

See also <http://www.iol.co.za/business-report/sas-only-waste-tyre-plan-goes-into-provisional-liquidation-9552821> [Source Legalbrief Today 6 June 2017]

Mahaeeane v Anglogold (85/2016) [2017] ZASCA 090 (7 June 2017)
<http://www.saflii.org/za/cases/ZASCA/2017/90.html>

“Summary: Promotion of Access to Information Act 2 of 2000: section 50: meaning of ‘documents required’: right relied upon to claim damages [*in casu*: silicosis case – mining]: in the context of litigation, documents must be reasonably required to formulate a claim : test not met in present matter : records requested not reasonably required to exercise or protect right relied upon.”

National Energy Regulator of South Africa and Another v Borbet SA (Pty) Ltd and Others, Eskom Holdings Soc Limited and Another v Borbet SA (Pty) Ltd and Others (1288/2016, 1309/2016) [2017] ZASCA 87 (6 June 2017)
<http://www.saflii.org/za/cases/ZASCA/2017/87.html>

“Summary: Adjudication by the National Energy Regulator of South Africa (NERSA), a statutory regulator, of tariff adjustment application by Eskom, a licensee with a license, inter alia, to distribute as principal supplier electricity in South Africa: nature of adjudication process and decision: administrative action: subject to review in terms of the Promotion of Access to Justice Act 3 of 2000: not, as suggested by NERSA and Eskom, immune from judicial scrutiny because it involved application of policy.

Price adjustment methodology discussed, interpreted and applied: whether decision by NERSA rational and whether adjudication process and decision unfair.

Discussion of deference to specialised administrative body.”

Home Talk Developments (Pty) Ltd v Ekurhuleni Metropolitan Municipality (225/2016) [2017] ZASCA 77 (2 June 2017)

“Summary: Law of Delict: pure economic loss: whether Municipality liable in delict for pure economic loss arising out of the alleged failure by the Municipal Manager to issue a s 82 certificate in terms of the Town-Planning and Township Ordinance 15 of 1986.”

Lombard and Others v Go Lokile Farm (Pty) Ltd and Others (3701/2016; 4987/2016) [2017] ZALMPPHC 8 (25 May 2017)

<http://www.saflii.org/za/cases/ZALMPPHC/2017/8.pdf>

Access road to farm – servitude - environmental impact of construction of a new road

Emathanjeni Municipality v Member of the Executive Council: Department of Co-operative Governance, Human Settlements and Traditional Affairs - Northern Cape Province and Others (1045/2016) [2017] ZANHC 42 (26 May 2017) <http://www.saflii.org/za/cases/ZANHC/2017/42.pdf>

Rezoning – environmental authorisation – condition to notify interested and affected parties and procedure for lodgment of appeals – failure to do so

International

New Acland Coal Pty Ltd v Ashman & Ors and Chief Executive, Department of Environment and Heritage Protection (No. 4) [2017] QLC 24 (EPA495-15; MRA496-15; MRA497-15) PA Smith 31 May 2017

“Applications for mining leases and objections thereto, objections to environmental authority” – ‘Energy and Resources – Minerals – Court Exercising Jurisdiction in Mining Matters – whether intergenerational equity principles apply” <http://www.sclqld.org.au/caselaw/QLC/2017/024>

June Seventeenth Enterprises Limited v Cabinet Secretary for Ministry of Interior and Coordination of National Government & 2 others [2017] eKLR

Mandamus – payment of compensation – destruction of Masai villages <http://kenyalaw.org/caselaw/cases/view/136104/>

See also *June Seventeenth Enterprises Limited v Cabinet Secretary for Ministry of Interior and Coordination of National Government & 2 others* [2016] eKLR <http://kenyalaw.org/caselaw/cases/view/130342/>

The original petition: Petition No. 356 of 2013 see attached to email [Source Carmel Rickard Legalbrief A Matter of Justice 6 June 2017]

PUBLICATIONS

T Humby, L Kotzé, O Rumble, A Gilder (eds) “Climate Change: Law and Governance in South Africa” (Juta 2016) Now also available online ISSN – online: 2520-520X; Product code: CCLGIY <https://juta.co.za/products/climate-change-law-and-governance-in-south-africa/>

SAREC “Are Eskom’s concerns relating to IPPs valid?” A Briefing Paper 1 May 2017 http://sarec.org.za/wp-content/uploads/2017/05/Briefing-note_final-1.pdf

“G20 Energy Efficiency Investment Toolkit (2017)” published by the G20 Energy Efficiency Finance Task Group under the content direction of the International Energy Agency (IEA), the UN Environment Finance Initiative (UNEP FI) and the International Partnership for Energy Efficiency Collaboration (IPEEC) https://ipeec.org/upload/publication_related_language/pdf/621.pdf

“G20 Energy Efficiency Investment Toolkit (2017)” published by the G20 Energy Efficiency Finance Task Group under the content direction of the International Energy Agency (IEA), the UN Environment Finance Initiative (UNEP FI) and the International Partnership for Energy Efficiency Collaboration (IPEEC) https://ipeec.org/upload/publication_related_language/pdf/626.pdf

“G20 Energy Efficiency Investment Toolkit (2017)” published by the G20 Energy Efficiency Finance Task Group under the content direction of the International Energy Agency (IEA), the UN Environment Finance Initiative (UNEP FI) and the International Partnership for Energy Efficiency Collaboration (IPEEC) https://ipeec.org/upload/publication_related_language/pdf/616.pdf

Light SE and Cornell N “Wrongful Benefit & Arctic Drilling” 2017 50 *U.C. Davis L. Rev.* 1845 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2848959

World Bank Brochure “Water Scarce Cities Initiative” (June 2017) <http://pubdocs.worldbank.org/en/588881494274482854/Water-Scarce-Cities-Initiative.pdf> See also <http://www.worldbank.org/en/news/feature/2017/05/15/water-scarce-cities-initiative>

REN21 “Renewables 2017 Global Status Report” (June 2017) <http://www.ren21.net/gsr-2017/> or http://www.ren21.net/wp-content/uploads/2017/06/170607_GSR_2017_Full_Report.pdf

REN21 “Advancing the Global Renewable Energy Transition” (June 2017) http://www.ren21.net/wp-content/uploads/2017/06/170607_GSR_2017_Highlights.pdf

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Kenya Law: E.g. Legislation and environmental and land court cases <http://kenyalaw.org/kl/index.php?id=7262>

Regulations.gov (USA) FR-6030-N-01 Reducing Regulatory Burden; Enforcing the Regulatory Reform Agenda Under Executive Order 13777 <https://www.regulations.gov/docket?D=HUD-2017-0029>

IISD ENS Bulletin: “Coverage of Selected Side Events at the Ocean Conference: Our Oceans, Our Future: Partnering for the Implementation of Sustainable Development Goal 14” 5-9 June 2017 UN Headquarters, New York <http://bit.ly/2rxhOaU>

IISD ENS Bulletin: “The Ocean Conference Our Oceans, Our Future: Partnering for the Implementation of Sustainable Development Goal 14” 5-9 June 2017 UN Headquarters, New York <http://bit.ly/2scWadf>

IISD CBD Bulletin: “Strengthening National Capacity and Empowering Indigenous Peoples and Local Communities to Accelerate Implementation Towards SDG 14” 9 June 2017 <http://bit.ly/2rJbBZm>

IISD WCEF Bulletin: “World Circular Economy Forum 2017” 5-6 June 2017 Helsinki Finland <http://enb.iisd.org/wcef/2017/>

The Jurist: Slobe Eric “Environmentalists sue UK government over air pollution plan” 1 June 2017 <http://www.jurist.org/paperchase/2017/06/environmentalists-sue-uk-government-over-air-pollution-plan.php>

SDG Knowledge Hub: Paul D “World Bank, UN-Water and Industry Promote Knowledge Sharing on Sustainable Water” 6 June 2017 <http://bit.ly/2s3ySqa>

SDG Knowledge Hub: Allen J “Sustainable Energy Finance Update: Infrastructure Central to Renewable Energy Deployment and Access” 6 June 2017 <http://bit.ly/2rAbsaG>

UN-Water <http://www.unwater.org/announcing-water-action-hub-2-0/>

World Bank: “Transforming Water-Scarce Cities into Water-Secure Cities through Collaboration” <http://www.worldbank.org/en/news/feature/2017/05/15/water-scarce-cities-initiative>

Science: Michaels D and Burke T: “The Dishonest Honest Act” 9 June 2017 <http://science.sciencemag.org/content/356/6342/989.full>

Excerpt: “The Honest and Open New EPA Science Treatment (HONEST) Act, in the Senate after passing the House of Representatives in March, would prohibit the EPA from using studies for agency decision-making unless raw data, computer codes, and virtually everything used by scientists to conduct the study are provided to the agency and made publicly available online. Transparency and reproducibility are long-standing priorities in science, and we welcome good-faith efforts to evaluate scientific evidence for use in public policy. But on these issues, the Act is dishonest—an attempt by politicians to override scientific judgment and dictate narrow standards by which science is deemed valuable for policy. It imposes burdens that will detract from scientists' ability to do research and to have it influence decision-making, all aimed at bringing the process to a standstill, minimizing the role of science, and limiting regulations.”

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Land Rehabilitation Society of Southern Africa (LaRSSA) 5th Annual conference

Dates: 1-4 August 2017

Venue: Olifantsriver Lodge, Mpumalanga

More information at: <http://larssa.co.za/>

[Source: National Biodiversity and Business Network (NBBN) - May 2017 Newsletter]

Imbewu: Legal & Technical Workshop on the National Greenhouse Gas Emission Reporting Regulations

Date: Thursday 27 July 2017

Time: 08:30-13:00

Venue: Imbewu Sustainability Office, Rosebank, Johannesburg

Contact: lulu@imbewu.co.za or 011 214 0660/1

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Early bird registration closes 1 June 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

ELA Student Conference: Save the date!

Date: 15-16 September 2017

Place: Potchefstroom

More information will follow later

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

All interested are invited to submit proposals for special sessions and workshops, and abstracts for oral and poster presentations for the 2017 Symposium of Contemporary Conservation Practice.

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

Please submit all proposals for special sessions and/or workshops for consideration by 30 June 2017 using the online submission system: <http://ocs.conservationsymposium.com/sccp/2017/login?source=%2Fscpp%2F2017%2Fauthor%2Fsubmit%3FrequiresAuthor%3D1>

Please submit all abstracts for oral and poster presentations for consideration by 4 August 2017 using the online submission system.

For any queries, contact Freyni or Erica: secretariat@conservationsymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

EOH Legal Services: 3 day Environmental Law Course

Date: 19-21 June 2017

3-5 July 2017

10-12 July 2017

Venue: St George's Hotel

Contact: The contact person for the reservations or any additional information is: Jolene Mascini on 087-405-1825, email address: Jolene.Mascini@eoh.co.za

NWU: CEM Courses 2017

- **Environmental law (CEM-02.1.1)**
Date: 10-15 July 2017 Johannesburg (Holiday Inn Johannesburg Airport)
- **Environmental law - for the mining sector CEM-02.1.8**
Date: 17-21 July 2017 (Potchefstroom)
- **Environmental law - integrated water resource management (CEM-02.1.2)**
Date: 19-23 June 2017
- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Mine Health and Safety Law CEM-02.2.2**
Date: 31 July-4 August 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Integrated Waste Management (CEM-06.2.1)**
Date: 24-28 July 2017 (Potchefstroom)
- **Energy Management Systems (CEM-03.3.1)**
Date: 29 May-2 June 2017 (Potchefstroom)
- **Essential Air Quality Management (CEM-06.3.1)**
Date: 12-14 June 2017
- **The fundamentals of environmental management (CEM-01.1.1)**
Date: 19-23 June 2017
- **Environmental Management System - lead auditor (CEM-04.1.1)**
Prerequisites: Environmental Law (CEM-02.1.1) and EMS (CEM-

03.1.1) Courses

Date: 26-30 June 2017

- **Occupational Health and Safety Management System - lead auditor (CEM-04.2.1)**
Prerequisites: OHSAS (CEM-03.2.1) and OHS Law (CEM-02.2.1) Courses
Date: 26-30 June 2017
- **Energy Management System - lead auditor (CEM-04.3.1)**
Prerequisites: Implementing an Energy Management System based on ISO 50001: 2014 (CEM-03.3.1) or a similar programme; AND Energy Law for Energy Managers (CEM-02.1.4) or a similar programme. Demonstration of competence acquired in the work place shall be by a detailed formal declaration by a line manager attesting to the competence acquired.
Date: 26-30 June 2017
- **Occupational Health and Safety Management Systems CEM-03.2.1**
Date: 17-21 July 2017
- **Environmental Risk Assessment and Management (ERAM) CEM-05.3.1**
Date: 17-21 July 2017
- **Environmental Management Systems CEM-03.1.1**
***Course based on ISO 14001:2015
Date: 31 July - 4 August 2017
- **Remediation and Management of Contaminated Land (CEM-06.8.3)**
Date: 3-5 July 2017

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

International

Public participation in the drafting and implementation of the Sustainable Development Goals

Date: 23 June 2017

Time: 15.00-17.00, followed by reception

Location: Museum Catharijneconvent, Auditorium. Lange Nieuwstraat 38, Utrecht

UGlobe, the Utrecht Centre for Global Challenges, together with the *Utrecht Centre for Water, Oceans and Sustainability Law* (UCWOSL) and the Netherlands Society for the United Nations, invite you to join the event "Public participation in the drafting and implementation of the Sustainable Development Goals".

The focus of this event will be on the influence of direct participation in the drafting of the SDGs by representatives of the development world and the world of environmental protection. Indeed, there exist entities active in the field of development – think of corporations – and entities striving to protect

the environment – think of NGOs. These entities often appear to exist in two separate worlds. Our aim is to analyse how the drafting process of the SDGs has attempted to bring these two worlds together by allowing their active participation in the drafting, and to assess to what extent this participation of representatives of both these worlds has influenced the content of the SDGs.

See: <https://www.catharijneconvent.nl/bezoek-ons/bezoekersinformatie/route-en-toegankelijkheid/>

Please register by sending an email to Otto Spijkers, o.spijkers@uu.nl

CELP 2017 : 19th International Conference on Environmental Law and Policy

Place: Sydney, Australia

Date: 4-5 December 2017

Website: <https://www.waset.org/conference/2017/12/sydney/ICELP>

The University of Tasmania Conference "Imagining a Different Future: Overcoming Barriers to Climate Justice"

Date: 8-9 February 2018

Call for papers and other practical information available at: <https://www.climatejustice.network/>

NEWS

Kos Andrew “Acland coal mine: Queensland Land Court recommends scrapping expansion” News 31 May 2017 <http://www.abc.net.au/news/2017-05-31/acland-mine-expansion-should-be-scrapped,-court-rules/8576886>

Pollution: Karoo farmers celebrate uranium mine EIA delay

“Aberdeen farmers tasted victory after an extension was granted by the Department of Mineral Resources to the assessment team evaluating the proposed uranium mining in the area. A report in The Herald notes that farmer Chris Hayward, who is spearheading opposition to the project, said farmers were convinced that the three-month extension until the end of August granted by the department after an application by Ferret Mining & Environmental Services showed their concerns were being heard. ‘This shows up very positively in terms of the public input and the levels of concern raised about the toxic nature of uranium mining,’ he said. Besides the concerns raised about uranium dust poisoning people, stock and products and the pollution of ground and surface water, the previously unknown, tiny nananthus plant has taken centre stage. Farmer Phillip McNaughton and his wife Joan discovered the nananthus in July last year on their farm Kariegesfontein just outside the 35 000 ha Kareepoort bloc targeted by miner Tasman SA, and it was subsequently found on Hayward’s farm within the bloc. McNaughton, who is hoping their discovery could flag the ecological diversity of the area and the huge costs that could be incurred if the uranium mining goes ahead, said the delayed submission deadline was ‘good news indeed’. Southern African Faith Communities Environment Institute hydrologist and uranium mining expert Dr Stefan Cramer said the submission extension was ‘a small but significant victory for Karoo residents opposing uranium mining in their backyard’.”

Full report in The Herald (subscription needed) *Legalbrief Environmental* 6 June 2017

Collins Farren “South Africans can be so much greener, survey finds” *TimesLive* 1 June 2017 <http://www.timeslive.co.za/local/2017/06/01/South-Africans-can-be-so-much-greener%E2%80%9A-survey-finds>

Mathai Wanjira “Africa: With or Without The US, Africa Must Push Ahead With Paris Climate Pledges” *AllAfrica* 2 June 2017 <http://allafrica.com/stories/201706020125.html>

Le Cordeur Matthew “Mining Charter to be gazetted next week – Zwane” *Fin24* 6 June 2017 <http://www.fin24.com/Companies/Mining/mining-charter-to-be-gazetted-next-week-zwane-20170606>

“China protests at Zambia mining arrests” *BBC News* 5 June 2017 <http://www.bbc.com/news/world-africa-40158093>

Litigation: Bulawayo court blocks elephant hunting scheme

“The Bulawayo High Court has ordered a town council to stop issuing elephant hunting permits which were being sold to help fund the construction of a football stadium. Zanu-PF official Saviour Kasukuwere granted the Tsholotsho Rural District Council to issue hunting permits for 50 elephants which would help the Tsholotsho Football Club fund the construction project. The Herald reports that the ruling by Justice Maxwell Takuva followed an urgent application by Matupula Hunters Ltd challenging the issuing of permits to hunt on land leased to it by the council. ‘It is undisputed that these agreements are of a commercial nature in the sense that all parties are in it for financial gain or benefit,’ he said in his ruling.”

Full report in The Herald (subscription needed) *Legalbrief Today* 9 June 2017

Chambers Dave “Fracking will be bad news for nulus: experts” *TimesLive* 5 June 2017 <http://www.timeslive.co.za/thetimes/2017/06/05/Fracking-will-be-bad-news-for-nulus-experts>

Davids Nashira “No butts about it, stompies destroy ocean life” *TimesLive* 5 June 2017 <http://www.timeslive.co.za/thetimes/2017/06/05/No-butts-about-it-stompies-destroy-ocean-life>

Stringer David “Race to supply more cobalt is on as demand for electric cars increases” *BDLive* 9 June 2017 <https://www.businesslive.co.za/bd/companies/mining/2017-06-09-race-to-supply-more-cobalt-is-on-as-demand-for-electric-cars-increases/> see also <https://www.businesslive.co.za/bd/companies/2017-05-16-move-to-electric-cars-will-boost-demand-for-minerals--glencore/>

Seccombe Allan “‘Awful policies’ crippling mining” *BDLive* 9 June 2017 <https://www.businesslive.co.za/bd/companies/2017-06-09-awful-policies-crippling-mining/>

Seccombe Allan “Minister, officials missing in action as miners deride state dysfunction” *BDLive* 9 June 2017 <https://www.businesslive.co.za/bd/companies/mining/2017-06-09-minister-officials-missing-in-action-as-miners-deride-state-dysfunction/>

Ensor L “Task team to mull how preferential electricity tariffs can help industry” *BDLive* 8 June 2017 <https://www.businesslive.co.za/bd/business-and-economy/2017-06-08-task-team-to-mull-how-preferential-electricity-tariffs-can-help-industry/>

<https://www.dailymaverick.co.za/article/2017-06-08-review-this-land-is-whose-land-exactly/>

Devlin H “Americans 'under siege' from climate disinformation – former Nasa chief scientist” *TheGuardian* 8 June 2017

<https://www.theguardian.com/science/2017/jun/08/americans-under-siege-from-climate-disinformation-former-nasa-chief-scientist>

Leach A “A promise on Paris agreement emerges as world 'wavers' on climate action” *TheGuardian* 8 June 2017 <https://www.theguardian.com/global-development/2017/jun/08/promise-on-paris-agreement-as-world-wavers-climate-action-europe-development-policy>

Harvey F “Nine of world's biggest fishing firms sign up to protect oceans” *TheGuardian* 9 June 2017 <https://www.theguardian.com/environment/2017/jun/09/nine-of-worlds-biggest-fishing-firms-sign-up-to-protect-oceans>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

2 PhD positions in the research group "GLOCALPOWER . funds and tools for an African energy transition"

on September 1st, the research group "GLOCALPOWER - funds and tools for an African energy transition" will be initiated. Our group analyzes glocal energy transitions from the perspectives of global/local environmental governance and international political economy of energy. This is done on a global level (with regard to global green finance and the international donor community) and on a local level through case studies in Ghana, South Africa, and Zambia, which represent different energy transition paths under conditions of postcolonial statehood.

We focus on two central aspects that orchestrate the shape and structures of these green transformations: (1) the systemic and up to now scarcely acknowledged role of global green funds for a renewable energy transformation; and (2) the design, appropriateness and impact of political toolsets for managing an energy transition on a glocal level, such as feed-in tariffs, risk mitigation tools or forms of capacity building and stakeholder trainings. Analyzing energy transition processes in these states will contribute to knowledge production on global change in the African context. A final transfer project aims at disseminating systematic and transformative knowledge on glocal energy transitions with a high level of African ownership and an emancipatory use of RE technologies. The research group offers two positions for PhD researchers with a background in international relations/global governance resp. global political economy.

• PhD Researcher (EG 13 TV-H) Reference Number 30468

Part-time position with 50% of the working hours of a full-time employee, This is a fixed term-position ending on 31.08.2021 (position for academic qualification corresponding to § 2 Abs. 2 WissZeitVG; opportunity for PhD

project). The position is announced subject to the final regulatory approval by the German Federal Ministry of Education and Research.

Tasks:

- Establishment of a research group on global energy transition policies
- Case studies on the political economy of energy transition processes in South Africa and Ghana, including extensive field research.
- Development of a PhD project closely related to the overall theme of the research group
- Cooperation in publications
- Design and realization of transdisciplinary stakeholder workshops
- Participation and presentation of research results at (inter)national conferences and workshops
- Teaching in English or German is encouraged
- Voluntary engagement in academic committees is encouraged

Candidates are expected to bring the following skills and expertise:

- Completed course of academic study (Master or Diploma degree) within the fields of Political Science / Social Sciences / Global Political Economy.
- Proven affinity with and aptitude for research on political ecology, research focus on International/Global Political Economy, Green Capitalism, Financialisation, Energy Policy or Development Studies, regional focus on Southern Africa or West Africa
- Ability and willingness to engage in field research
- Willingness to business travels both across Germany and abroad
- Expertise in qualitative research, knowledge of quantitative research methodology i.e. descriptive statistics
- Excellent communication skills, ability to work in a team, but also independently, intercultural competence
- Very good command of English, good working knowledge of German also desired

The following documents are requested: Cover letter, CV reflecting your research qualification, copies of relevant certificates such as M.A. certificate, writing sample (i.e. MA Thesis or article), brief abstract of your PhD project (500 words max.), name and address of two academic references. Please apply via email only.

For any enquiries concerning your application please contact Dr. Franziska Müller, E-Mail: fmuller@uni-kassel.de

Submission deadline: 04.07.2017

The University of Kassel strives for equal opportunity of employment of men and women and for the adjustment of existing disproportions concerning the employment of women in teaching and research positions. Qualified women are thus encouraged to apply. Handicapped candidates will be given preference, all else being equal. Applications with the usual documentation should be sent before the deadline and referring to the number stated above to bewerbungen@uni-kassel.de.

• **PhD Researcher (EG 13 TV-H) Reference Number 30470**

Part-time position with 50% of the working hours of a full-time employee. This is a fixed term-position ending on 31.08.2021 (position for academic qualification corresponding to § 2 Abs. 2 WissZeitVG; opportunity for PhD project). The position is announced subject to the final regulatory approval by the German Federal Ministry of Education and Research.

Tasks:

- Establishment of a research group on global energy transition policies
- Case studies on the global/local governance of energy transition processes in South Africa and Zambia, including extensive field research.
- Development of a PhD project closely related to the overall theme of the research group
- Cooperation in publications
- Design and realization of transdisciplinary stakeholder workshops
- Participation and presentation of research results at (inter)national conferences and workshops
- Teaching in English or German is encouraged
- Voluntary engagement in academic committees is encouraged

Requirements:

- Completed course of academic study (Master or Diploma degree) within the fields of International Relations/Global Governance
- Proven affinity with and aptitude for research on political ecology, research focus on International Relations and Global Governance, Energy Policy or Development Studies, regional focus on Southern Africa
- Ability and willingness to engage in field research
- Willingness to business travels both across Germany and abroad.
- Expertise in qualitative research, knowledge of quantitative research methodology i.e. descriptive statistics.
- Excellent communication skills, ability to work in a team, but also independently, intercultural competence
- Very good command of English, good working knowledge of German also desired.

The following documents are requested: Cover letter, CV reflecting your research qualification, copies of relevant certificates such as M.A. certificate, writing sample (i.e. MA Thesis or article), brief abstract of your PhD project (500 words max.), name and address of two academic references. Please apply via email only.

For any enquiries concerning your application please contact Dr. Franziska Müller, E-Mail: fmueLLer@uni-kassel.de

Submission deadline: 04.07.2017

The University of Kassel strives for equal opportunity of employment of men and women and for the adjustment of existing disproportions concerning the employment of women in teaching and research positions. Qualified women are thus encouraged to apply. Handicapped candidates will be given preference, all else being equal. Applications with the usual documentation should be sent before the deadline and referring to the number stated above to bewerbungen@uni-kassel.de.

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 23

16 June 2017

POLICY

Department of Transport – Gen Notice 457 in GG 40904 of 12 June 2017 - Notice of publication of Comprehensive Maritime Transport Policy (CMTP), 2017

LEGISLATION

NOTICES

Plant Breeders' Rights Act 15 of 1976 - GN 564 in GG 40919 of 15 June 2017 - Receipt of applications for plant breeders' rights

National Water Act 36 of 1998 - GN 575 in GG 40919 of 15 June 2017 - Lifting of water restrictions for various stand-alone dams and systems in Limpopo, Mpumalanga, North West and Free State Provinces

Preferential Procurement Policy Framework Act 5 of 2000 - GN 571 in GG 40919 of 15 June 2017 - Recognition of categories of institutions to which the Act applies

Mineral And Petroleum Resources Development Act 28 of 2002 & Broad-Based Black Economic Empowerment Act 53 of 2003 - GN 581 in GG 40923 of 15 June 2017 - Reviewed Broad Based Black-Economic Empowerment Charter for the South African Mining and Minerals Industry, 2016 (Reviewed Mining Charter, 2017) - 2004 and 2010 Mining Charters repealed - <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/1/FinalCharter.pdf>

Spatial Data Infrastructure Act 54 of 2003 - GN R579 in GG 40920 of 15 June 2017 - Regulations

Spatial Data Infrastructure Act 54 of 2003 - GN 573 in GG 40919 of 15 June 2017 - Approval of the National Land Cover Classes and Definitions 2016 Standard published with effect from one month after publication

National Health Act 61 of 2003 - GN 566 in GG 40919 of 15 June 2017 - Emergency Care at Mass Gathering Events Regulations, 2017

PROVINCES

Western Cape

Spatial Planning and Land Use Management Act 16 of 2013; and Bitou By-Law on Municipality Land Use Planning, 2015 - LAN 54680 in *PG 7780* of 9 June 2017 -: Bitou Local Municipality: Notice of adoption of the Bitou Municipal Spatial Development Framework (MSDF) 2017 published and 2013 version replaced with effect from 31 May 2017

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; Western Cape Land Use Planning Act 13 of 2014 and Swellendam Municipal By-Law on Municipality Land Use Planning, 2016: Swellendam Local Municipality - LAN 54695 in *PG 7780* of 9 June 2017 - Notice of adoption of the Municipal Spatial Development Framework (MSDF)

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; Western Cape Land Use Planning Act 13 of 2014 and Cederberg Municipal By-laws on Land Use Planning - LAN 54700 in *PG 7782* of 15 June 2017 - Cederberg Local Municipality - Notice of adoption of the Cederberg Municipal Spatial Development Framework

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; Western Cape Land Use Planning Act 13 of 2014 - LAN 54702 in *PG 7782* of 15 June 2017 - Beaufort West Local Municipality - By-law relating to the 1st amendment of the By-law on Municipal Land Use Planning

North West

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 - PN 101 in *PG 7773* of 13 June 2017 - Dr Kenneth Kaunda District Municipality - Municipal Health & Environmental Management Services: Licence Fees By-law -with effect from 1 July 2017

Eastern Cape

Sea-shore Act 21 of 1935 – Gen Notice 17 in *PG 3859* of 12 June 2017 - Proposed lease of three sites situated below the high-water mark of Marshstrand Beach, Haga Haga, Eastern Cape to Wild Coast Abalone (Pty) Ltd for two sea water pipelines, and free flow discharge of processed water - for comment

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 - PN 103 in PG 3859 of 12 June 2017 - Matatiele Local Municipality - Notice of commencement and appointment of members to the Matatiele Municipal Planning Tribunal - with effect from 31 May 2017

CASES

International

Standing Rock Sioux Tribe, et al v U.S. Army Corps of Engineers, et al United States District Court for the District of Columbia Civil Action No 16-1534 (JEB)
14 June 2017 https://www.eenews.net/assets/2017/06/15/document_ew_03.pdf

"Now that the Court has rejected these two lines of attack, Standing Rock and Cheyenne River here take their third shot, this time zeroing in on DAPL's environmental impact. They seek summary judgment on several counts related to the Corps' alleged failure to comply with the National Environmental Policy Act. In particular, the Tribes believe that the Corps did not sufficiently consider the pipeline's environmental effects before granting permits to Dakota Access to construct and operate DAPL under Lake Oahe, a federally regulated waterway. This volley meets with some degree of success. Although the Corps substantially complied with NEPA in many areas, the Court agrees that it did not adequately consider the impacts of an oil spill on fishing rights, hunting rights, or environmental justice, or the degree to which the pipeline's effects are likely to be highly controversial. To remedy those violations, the Corps will have to reconsider those sections of its environmental analysis upon remand by the Court. Whether Dakota Access must cease pipeline operations during that remand presents a separate question of the appropriate remedy, which will be the subject of further briefing." [Source: email: Prof Edward P. Richards LSU Law School - envlawprofessors list]

PUBLICATIONS

Kotzé Louis (ed) *Environmental Law and Governance for the Anthropocene* (Hart Publishing 2017) <http://www.bloomsburyprofessional.com/uk/environmental-law-and-governance-for-the-anthropocene-9781509906567/>

White A "Planning to Succeed How to build strong 2050 climate and energy development strategies" (MaxiMiser WWF June 2017) <http://bit.ly/2rFEw27>

Olawuyi Damilola S "From Technology Transfer to Technology Absorption: Addressing Climate Technology Gaps in Africa" Fixing Climate Governance Series Paper No. 5 (6 June 2017) <https://www.cigionline.org/publications/technology-transfer-technology-absorption-addressing-climate-technology-gaps-africa>

Bloom MC and Wood MC “No Ordinary Lawsuit’: Climate Change, Due Process, and the Public Trust Doctrine” 2017 *American University Law Review* 67(1) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2954661

Kraemer R. Andreas “Green Shift to Sustainability: Co-benefits and Impacts of Energy Transformation” CIGI Policy Brief No. 109 (31 May 2017) <https://www.cigionline.org/publications/green-shift-sustainability-co-benefits-and-impacts-energy-transformation>

Kraemer R. Andreas The G20 and Building Global Governance for “Climate Refugees” CIGI Policy Brief No. 107 (17 May 2017) <https://www.cigionline.org/publications/g20-and-building-global-governance-climate-refugees>

Oji Chijioke and Weber Olaf “Beyond the Grid: Examining Business Models for Delivering Community-based REPs in Developing Countries” CIGI Paper No. 130 (24 May 2017) <https://www.cigionline.org/publications/beyond-grid-examining-business-models-delivering-community-based-reps-developing>

Oji Chijioke and Weber Olaf “Renewable Energy Projects for Sustainable Development: Financing Options and Policy Alternatives” CIGI Paper No. 122 (23 March 2017) <https://www.cigionline.org/publications/renewable-energy-projects-sustainable-development-financing-options-and-policy>

Estrada Francisco, Botzen WJ Wouter & Tol Richard SJ “A global economic assessment of city policies to reduce climate change impacts” 2017 *Nature Climate Change* <https://www.nature.com/nclimate/journal/v7/n6/full/nclimate3301.html>

Baker Lucy and Sovacool Benjamin K. “The political economy of technological capabilities and global production networks in South Africa's wind and solar photovoltaic (PV) industries” 2017 60 *Political Geography* 1–12 <http://www.sciencedirect.com/science/article/pii/S096262981630186X>

RE-CRI project "Assessing the commercial maturity of renewable energy technologies - moving beyond technology readiness" (June 2017) <http://iea-retd.org/archives/publications/re-cri>

Mark Squillace, Eric Biber, Nicholas S Bryner, & Sean B Hecht “Presidents Lack the Authority to Abolish or Diminish National Monuments” 2017 103 *Va L Rev Online* 55 <http://www.virginialawreview.org/volumes/content/presidents-lack-authority-abolish-or-diminish-national-monuments>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Science: Service Robert “Cheap catalysts turn sunlight and carbon dioxide into fuel” 6 June 2017 <http://bit.ly/2sedw9M>

Oslo Manifesto for Ecological Law and Governance: <https://www.elga.world/oslo-manifesto/>

Video: “One year time lapse of CO2 surface concentration: 2016” https://www.youtube.com/watch?v=Oc2JNZiB_Lo&feature=youtu.be

Video: “NASA - A Year in the Life of Earth's CO₂” (2006)
<https://www.youtube.com/watch?v=x1SgmFa0r04>

Centre for International Governance Innovation - Publications:
<https://www.cigionline.org/publications>

The Conversation: Tomori Oyewale “With an African running the WHO, it’s time for the continent to get hands on” 11 June 2017 <http://bit.ly/2semS4t>

The Conversation: Rakotoarinivo Mijoro “The loss of Madagascar’s unique palm trees will devastate ecosystems” 11 June 2017 <http://theconversation.com/the-loss-of-madagascars-unique-palm-trees-will-devastate-ecosystems-78622>

The Conversation: Krampe Florian “Climate change risks can be turned into an asset for communities left to cope on their own” 12 June 2017 <http://bit.ly/2snJ4Kj>

IRENA: Remade Index - Global Survey Seeks to Drive Corporate Renewable Energy Use – http://coalition.irena.org/Corporate_Sourcing/HOME/RemadeIndex

Podcast: Myanna Dellinger with David R. Montgomery, a MacArthur Fellow and professor of geomorphology at the University of Washington, who discusses whether there is a relatively simple, cost-effective way to help feed the world, reduce pollution, pull carbon from the atmosphere, protect biodiversity, and make farmers money to boot. <http://theglobalenergyandenvironmentallaw.podbean.com>

@IISDRS: Report of the Ministerial Conference and Eighth International Forum on Energy for Sustainable Development - 11-12 June 2017 - Astana, Kazakhstan <http://enb.iisd.org/energy/sdforum8/>

The Jurist: Callan A “11 states sue Trump administration over energy-efficiency regulations” 15 June 2017 <http://www.jurist.org/paperchase/2017/06/11-states-sue-trump-administration-over-energy-efficiency-regulations.php>

The Jurist: Jarvi Gwenyth Gamble “Michigan AG charges five more in Flint water scandal” 15 June 2017 <http://www.jurist.org/paperchase/2017/06/michigan-attorney-general-charges-four-more-in-flint-water-scandal.php>

The Guardian: Carrington D “Plastic polluted Arctic islands are dumping ground for Gulf Stream” 16 June 2017 <https://www.theguardian.com/environment/2017/jun/16/plastic-polluted-arctic-islands-are-dumping-ground-for-gulf-stream>

The Guardian: Neslen A “EU moves to restrict hormone-disrupting chemical found in plastics” 16 June 2017 <https://www.theguardian.com/society/2017/jun/16/eu-moves-to-restrict-hormone-disrupting-chemical-found-in-plastics>

The Guardian: Neslen A “Gas grab and global warming could wipe out Wadden Sea heritage site” 16 June 2017 <https://www.theguardian.com/environment/2017/jun/16/gas-grab-and-global-warming-could-wipe-out-wadden-sea-heritage-site>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

IAIAsa Gauteng Branch Event & Annual General Meeting: International Finance Corporation (IFC) – Environment, Social & Governance Guidelines/ Standards with Ben Gaffney and Dr Roman Zyla

The Gauteng Event invitation is available at http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/InviteJune2017_Finalwithlink.pdf

The IAIAsa Gauteng Branch AGM will be held as follows:

Date: Wednesday 28 June 2017

Time: 9:00 - 11:00

Venue: Maxwells Conference Venue, Maxwell Office Park, Midrand

Cost per delegate: R150 - Members; R250 - Non-member

Register at the following link

<http://iaiasagp2017agmifc.myactive.co.za/capturedetails/registration.aspx> before 23 June 2017

IAIAsa AGM and NACA guest lecture: Air Quality Management

Date: 26 June 2017

Time: 09:30-12:30

Venue: North-West University, Potchefstroom Campus, Building C1, Room 251

Cost: IAIAsa and NACA members free; non-members R170; post-graduate and undergraduate non-members – R60

You are kindly invited to attend IAIAsa NW branch's AGM together with a NACA guest lecture hosted by the North-West.

The lecture is titled "The Challenges of assessing and managing the impact of air quality in South Africa" presented by Dr. Roelof Burger.

The link for registration (only 40 spaces available):

<http://iaiasanwagmnacaevent.myactive.co.za/capturedetails/registration.aspx>

Register by 23 June 2017, before 17:00 PM.

CBSS Training Workshop, Pretoria and Cape Town: Integrated Water Resource Management, the National Water Act and Water Use Authorisations

Date: 15-17 Augustus 2017

Venue: Pretoria (near Hatfield Gautrain Station) (register before 18 July for discount).

Date: 12-14 September 2017:

Venue: Cape Town (near Century City) (register before 14 August 2017 for discount).

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

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 our 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:

Please click on these links for the Course Description <http://www.cbosss.com/training/course-descriptions/water-use/> and Registration Form <http://www.cbosss.com/training/wp-content/uploads/2017/05/2017-CBSS-Course-Appl-Form.pdf>

Seats are 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, with payment finalised before the dates indicated. More details regarding these discounts are available on our website <http://www.cbosss.com/training/register/>

For more information contact: Glaudin Kruger Course Coordinator Tel 028 316 2905 Email: kruger@krugerassociate

Land Rehabilitation Society of Southern Africa (LaRSSA) 5th Annual conference

Dates: 1-4 August 2017

Venue: Olifantsriver Lodge, Mpumalanga

More information at: <http://larssa.co.za/>

[Source: National Biodiversity and Business Network (NBBN) - May 2017 Newsletter]

Imbewu: Legal & Technical Workshop on the National Greenhouse Gas Emission Reporting Regulations

Date: Thursday 27 July 2017

Time: 08:30-13:00

Venue: Imbewu Sustainability Office, Rosebank, Johannesburg

Contact: lulu@imbewu.co.za or 011 214 0660/1

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Early bird registration closes 1 June 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

ELA Student Conference: Save the date!

Date: 15-16 September 2017

Place: Potchefstroom

More information will follow later

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

All interested are invited to submit proposals for special sessions and workshops, and abstracts for oral and poster presentations for the 2017 Symposium of Contemporary Conservation Practice.

Please submit all proposals for special sessions and/or workshops for consideration by 30 June 2017 using the online submission system: <http://ocs.conservationssymposium.com/sccp/2017/login?source=%2Fscpp%2F2017%2Fauthor%2Fsubmit%3FrequiresAuthor%3D1>

Please submit all abstracts for oral and poster presentations for consideration by 4 August 2017 using the online submission system.

For any queries, contact Freyni or Erica: secretariat@conservationssymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

EOH Legal Services: 3 day Environmental Law Course

Date: 3-5 July 2017

10-12 July 2017

Venue: St George's Hotel

Contact: The contact person for the reservations or any additional information is: Jolene Mascini on 087-405-1825, email address: Jolene.Mascini@eoh.co.za

NWU: CEM Courses 2017

- **Environmental law (CEM-02.1.1)**
Date: 10-15 July 2017 Johannesburg (Holiday Inn Johannesburg Airport)
- **Environmental law - for the mining sector CEM-02.1.8**
Date: 17-21 July 2017 (Potchefstroom)
- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Mine Health and Safety Law CEM-02.2.2**
Date: 31 July-4 August 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Integrated Waste Management (CEM-06.2.1)**
Date: 24-28 July 2017 (Potchefstroom)
- **Energy Management Systems (CEM-03.3.1)**
Date: 29 May-2 June 2017 (Potchefstroom)
- **Essential Air Quality Management (CEM-06.3.1)**
Date: 12-14 June 2017

- **Environmental Management System - lead auditor (CEM-04.1.1)**
Prerequisites: Environmental Law (CEM-02.1.1) and EMS (CEM-03.1.1) Courses
Date: 26-30 June 2017
- **Occupational Health and Safety Management System - lead auditor (CEM-04.2.1)**
Prerequisites: OHSAS (CEM-03.2.1) and OHS Law (CEM-02.2.1) Courses
Date: 26-30 June 2017
- **Energy Management System - lead auditor (CEM-04.3.1)**
Prerequisites: Implementing an Energy Management System based on ISO 50001: 2014 (CEM-03.3.1) or a similar programme; AND Energy Law for Energy Managers (CEM-02.1.4) or a similar programme. Demonstration of competence acquired in the work place shall be by a detailed formal declaration by a line manager attesting to the competence acquired.
Date: 26-30 June 2017
- **Occupational Health and Safety Management Systems CEM-03.2.1**
Date: 17-21 July 2017
- **Environmental Risk Assessment and Management (ERAM) CEM-05.3.1**
Date: 17-21 July 2017
- **Environmental Management Systems CEM-03.1.1**
***Course based on ISO 14001:2015
Date: 31 July - 4 August 2017
- **Remediation and Management of Contaminated Land (CEM-06.8.3)**
Date: 3-5 July 2017

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

Short Courses - UCT Law @ Work

- Intro to the Law & Local Government in SA
Date: 5 to 7 July 2017
 - King IV – Everything you Need to Know
Dates: 25 to 26 July and 30 November to 1 December 2017
- Contact Don Coue don.coue@uct.ac.za or call 021 650 3242

Administrative Justice Association of South Africa: AdJASA

Venue: Salt Rock Hotel in KwaZulu-Natal

Dates: 10 and 11 August 2017.

Thursday 10 August, from 14h00, to Friday 11th August, at 15h30.

Programme:

Draft at this point, but we envisage three sessions of 90 minutes each, with three papers in each session.

A keynote address by a prominent lawyer/judge (Thursday late afternoon, followed by drinks and a braai).

A General Meeting of the Association, to elect office bearers for the year ahead, and decide on activities etc.

A final panel discussion with four participants on a theme looking ahead (TBC).

An informal opportunity over lunch on the Friday for special interest groups to gather and discuss matters of common interest (e.g. admin law teachers, public administrators, judges, et al). A call for papers has already been sent out but if you have not received this, please contact Robynne at the email address below.

Conference Theme:

There is no specific theme – the call for papers asks for any paper on administrative justice in or relevant to South Africa.

Logistics and Costs:

We have no infrastructure, other than our administrator, Ms Robynne Louw, of UKZN (Pietermaritzburg) Centre for Post Graduate Legal Studies (LouwR@ukzn.ac.za, tel: number 033- 260 6257). Robynne will have access to a bank account, into which each delegate will be required to pay the full amount at the time of registering. This conference fee will cover the costs of the keynote speaker, plus other incidental costs. Additional costs for travel will have to be borne by each participant. This fee covers your attendance at the conference (venue hire, lunches, braai and teas etc).

Should you require transport from the airport to the hotel please advise Robynne of your flight times and she will arrange transport (costs to be borne by delegate – cash only to be paid directly to the transporter).

Payment: Contact: Robynne – louw@ukzn.ac.za.

Numbers:

There is a capacity of 60 delegates in the venue we have hired, and we hope to fill it. If there is a strong additional demand, there may be an option to hire a larger venue, but we are working on up to 60 delegates.

International

Launch of Ecological Law and Governance Association (ELGA)

Date: 14-15 October 2017

Venue: University of Siena in Siena

If you would like to be updated on developments, please email Kathryn (Katy)

Gwiazdon at kathryngwiazdon@environmentalethicsandlaw.org

Website of the Ecological Law and Governance Association: <https://www.elga.world/>

2018 IUCN Academy of Environmental Law Colloquium “The Transformation of Environmental Law and Governance: Innovation, Risk and Resilience”

Dates: 2 to 6 July 2018

Place: Strathclyde Centre for Environmental Law and Governance, Glasgow, Scotland.

You can find two short videos introducing the colloquium, including its content, nature and approach at:

<https://www.youtube.com/watch?v=BXmo2KdE8vY>

https://www.youtube.com/watch?v=0g-VogUp_lw&t=44s

Further useful information about what to expect at the event can be found in the text boxes at the bottom of:

<http://www.strath.ac.uk/research/strathclydecentreenvironmentallawgovernance/events/conferences/2018thetransformationofenvironmentallawandgovernanceinnovationriskandresilience/programme/>

The event's web page provides you with further information about:

- the initial key note speakers at:

<http://www.strath.ac.uk/research/strathclydecentreenvironmentallawgovernance/events/conferences/2018thetransformationofenvironmentallawandgovernanceinnovationriskandresilience/keynotespeakers/>

- the key dates to consider if you are planning to attend and contribute to the Colloquium (the call for papers is set to be released on 1 September 2017):

<http://www.strath.ac.uk/research/strathclydecentreenvironmentallawgovernance/events/conferences/2018thetransformationofenvironmentallawandgovernanceinnovationriskandresilience/callforpapers/>

- the publications that will stem from the Colloquium at:

<http://www.strath.ac.uk/research/strathclydecentreenvironmentallawgovernance/events/conferences/2018thetransformationofenvironmentallawandgovernanceinnovationriskandresilience/publications/>

You can also find a post on LinkedIn about the 2018 the IUCN Academy of Environmental Law Colloquium, which you are welcome to share with your network:

[https://www.linkedin.com/pulse/16th-annual-colloquium-iucn-academy-environmental-law-sindico?trk=v-](https://www.linkedin.com/pulse/16th-annual-colloquium-iucn-academy-environmental-law-sindico?trk=v-feed&lipi=urn%3Ali%3Apage%3Ad_flagship3_detail_base%3BOXvFzOUtm9aSsb7ywyIKcw%3D%3D)

[feed&lipi=urn%3Ali%3Apage%3Ad_flagship3_detail_base%3BOXvFzOUtm9aSsb7ywyIKcw%3D%3D](https://www.linkedin.com/pulse/16th-annual-colloquium-iucn-academy-environmental-law-sindico?trk=v-feed&lipi=urn%3Ali%3Apage%3Ad_flagship3_detail_base%3BOXvFzOUtm9aSsb7ywyIKcw%3D%3D)

Queries: Francesco Sindico, Co-Director of the Centre francesco.sindico@strath.ac.uk

NEWS

Bryce-Pease Sherwin “SA to expand marine protected areas by 24 new sites” *SABCNews* 6 June 2017 [Source: Legalbrief Environmental 13 June 2017]

<http://www.sabc.co.za/news/a/0b9f8000416a549ab8c2ffbaf45a256/SA-will-expand-its-marine-protected-areas-by-24-new-sites-20170606>

Seid Shelley “Plastics SA says companies need to take accountability for ocean contamination” *TimesLive* 8 June 2017 [Source: Legalbrief Environmental 13 June 2017]

<http://www.timeslive.co.za/scitech/2017/06/08/Plastics-SA-says-companies-need-to-take-accountability-for-ocean-contamination1>

Conservation: Rhino poaching task team marks successes

“A multidisciplinary rhino poaching task team had arrested 50 suspects, recovered 13 rhino horns, two elephant tusks and 19 hunting rifles during police operations in various parts of the country over the past two months, police said last week. According to a Cape Times report, police spokesperson Brigadier Vish Naidoo said the team also recovered 15 silencers, two pistols, one shotgun and 155 rounds of ammunition, among various other items of evidential value, during the operations. ‘The suspects appeared in various courts across three provinces for charges ranging from the possession of unlicensed firearms, conspiracy to commit crime, the possession of counterfeit goods, illegal hunting, the possession of rhino horns, the possession of protected endangered species and the possession of elephant tusks,’ said Naidoo. Meanwhile, during another operation last week, police in Hoedspruit

outside Phalaborwa in Limpopo arrested three members of a suspected cross-border rhino poaching syndicate linked to two cases of rhino poaching. 'This is yet another major breakthrough in the fight against rhino poaching after these suspects were arrested earlier in Grahamstown in the Eastern Cape,' Naidoo said. The men appeared in the Hoedspruit Magistrate's Court."

Full Cape Times report (subscription needed) *Legalbrief Environmental* 13 June 2017

Aukema W "Sasol admits to struggling to remove poisonous gases from the air" *The Citizen* 7 June 2017 [Source: *Legalbrief Environmental* 13 June 2017] <http://citizen.co.za/news/1535479/sasol-admits-struggling-remove-poisonous-gasses-air/>

Steinmetz JT "African Task Force Snares Syndicate Trafficking Ivory to Asia" *ETN* 10 June 2017 <http://www.eturbonews.com/156987/african-task-force-snares-syndicate-trafficking-ivory-asia>

"Commission approves acquisition of Pan-African Resources Coal Holdings by Coal of Africa" *Sunday Times* 7 June 2017 <http://www.timeslive.co.za/sundaytimes/business/2017/06/07/Commission-approves-acquisition-of-Pan-African-Resources-Coal-Holdings-by-Coal-of-Africa1>

US Department of the Interior "Secretary Zinke Submits 45-Day Interim Report on Bears Ears National Monument and Extends Public Comment Period" 12 June 2017 <https://www.doi.gov/pressreleases/secretary-zinke-submits-45-day-interim-report-bears-ears-national-monument-and-extends>

Criminal: Two convicted in Ivory Coast wildlife trafficking case

"Two men have been sentenced to six months in prison in the first case of wildlife trafficking in the Ivory Coast. A government lawyer said the judgment 'sends a signal' that animal trafficking is finally being taken seriously. BBC News reports that the men were arrested while trying to sell an infant chimp to a person posing as the representative of a wealthy Asian buyer. Chimpanzees are listed as critically endangered in West Africa. The report notes that infant chimpanzees are in huge demand as pets in homes and commercial zoos in the Gulf states and China."

Full BBC News report *Legalbrief* 13 June 2017

Waste: Baakens River at risk from sewage spills

"Sewage spills in the Baakens River are damaging one of Port Elizabeth's most valuable natural assets, raising concerns over the health and safety of residents and wildlife living close to the valley. According to a report in *The Herald*, despite municipal officials patrolling the Baakens Valley regularly, conservation groups are still reporting major sewage spills, while animal control specialists have their hands full with wild animals fleeing from the valley and seeking refuge in residential areas. The Baakens Valley Preservation Trust believes over-development along the valley, and ageing infrastructure unable to carry the increased load, is to blame for the regular pollution. Wildline's Arnold Slabbert shares the Preservation Trust's concerns as he has seen a range of wildlife species disappear from the valley due to the deteriorating

conditions. 'The bad condition of the river, along with illegal dumping along the valley, is forcing the wildlife out of their habitat and into the suburbs,' he said. Municipal spokesperson Mthubanzi Mniki said officials of the municipality's infrastructure and engineering directorate had been notified of the sewage spills in the Baakens Valley and inspections at the affected pump-station in Sunridge and along the valley were being conducted. 'Any spillage into a river or natural water cause is a high priority, and as soon as we become aware of any problems a team is dispatched to identify the cause of the problem, and remedial action is then carried out,' the report quotes Mniki as saying.

Full report in The Herald (subscription needed) *Legalbrief Environmental* 13 June 2017

General: Monthly Green Imbizo for Cape Town

"A green Imbizo on every first Thursday of the month will convene in Cape Town to help ignite 'game-changing ideas' in the quest to boost the economy. According to a Cape Argus report, this is according to Dr Moa Amis, an executive director at the African Centre for a Green Economy, following the announcement last week that the SA economy was going into a technical recession after contracting for two consecutive terms. 'We will be convening a Green Imbizo, which will provide a solutions space to dissect the most difficult questions of the day, and to ignite game-changing ideas in the quest to build a well-being economy. The Green Imbizo will convene every first Thursday of the month, starting in Cape Town, but we intend to bring it into every town and household in South Africa and the continent by harnessing the power of technology,' he said."

Full Cape Argus report (subscription needed) *Legalbrief Today* 13 June 2017

Cut-off date for public comment on exploration for gas between Mossel Bay and Richards Bay extended

"The cut-off period for public comment on British exploration company PGS's application to use seismic technology to look for gas and oil on the coast between Mossel Bay and Richards Bay has been extended to 30 June. All comment from interested and affected parties received until then will be included in the draft environmental management programme (EMP). The EMP will be submitted to the Petroleum Agency of SA for its consideration and a final decision by the Minister of Mineral Resources."

The Herald (subscription needed) *Legalbrief Environmental* 13 June 2017

Buzbee WW "Regulatory 'reform' that is anything but" *New York Times* 15 June 2017

https://www.nytimes.com/2017/06/15/opinion/regulatory-reform-bills-congress-trump.html?action=click&pgtype=Homepage&clickSource=story-heading&module=opinion-c-col-right-region®ion=opinion-c-col-right-region&WT.nav=opinion-c-col-right-region&_r=1

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

North-West University: Executive Dean: Faculty of Law

Closing date: 30 June 2017

Enquiries: Kedireng Oagile 018 299 4970

To apply: www.nwu.ac.za/vacancies

Study at Wuhan University Scholarship For Doctoral Program (Commencing September 2017)

Some of your current or former Master's students may be interested in this funded Doctoral Program in Environmental Law at the Research Institute of Environmental Law at Wuhan University Law School, Wuhan, Hubei Province, China. The closing date for this round is 30 June 2017. Those interested should contact Professor Alexander Zahar in the first instance at zahar.edu@gmail.com

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 24

23 June 2017

BILLS

Protected Disclosures Amendment Bill, 2015 [B40C-2015] & [B40D-2015]

LEGISLATION

NOTICES

Broad-Based Black Economic Empowerment Act 53 of 2003 – Gen Notice 464 in GG 40926 of 21 June 2017 - Correction notice to the Amended Property Sector Code published in GN 560 in GG 40910 of 9 June 2017

Spatial Data Infrastructure Act 54 of 2003 – Gen Notice 472 in GG 40930 of 23 June 2017 - Approval of the National Land Cover Classes and Definitions 2016 Standard published with effect from one month after publication

Legal Aid South Africa Act 39 of 2014 – Gen Notice 477 in GG 40932 of 23 June 2017 - Notice of tabling of Legal Aid Manual in Parliament published with effect from 60 days after publication

PROVINCES

Limpopo

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 72 in PG 2826 of 23 June 2017 - : Ephraim Mogale Local Municipality - By-law on Municipal Land Use Planning

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 73 in PG 2826 of 23 June 2017 - Ephraim Mogale Local Municipality - Outdoor Advertising and Signage 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 - PN 57 in PG 2827 of 22 June 2017 - Bela-Bela Local Municipality - By-law on Municipal Land Use Planning

CASES

National

Dykema v Bela Bela Local Municipality and Another (91319/15) [2017] ZAGPPHC 277 (22 June 2017)

Change in land use – agriculture to resort to business (filling station) –
Development Facilitation Act – SPLUMA

<http://www.saflii.org/za/cases/ZAGPPHC/2017/277.html>

Kanku and Others v Grindrod Fuelogic (C602/2014) [2017] ZALCCT 26 (21 June 2017)

“Foreign nationals dismissed because Eskom refused to allow them access to deliver fuel to Ankerlig power station. Only reason for dismissal is that Eskom refused foreigners. Dismissal automatically unfair In terms of LRA s 187(1)(f). Drivers reinstated. Costs ordered even though applicants represented *pro bono*.”

<http://www.saflii.org/za/cases/ZALCCT/2017/7.html>

Baphuting Bo Seleka Community v Borakologadi Communal Property Association and Others (LCC108/2016) [2017] ZALCC 7 (21 June 2017)

Land restitution – National Environmental Management Act – interdict to prevent development of land in light of re-opening of land claims – mediation settlement agreement

<http://www.saflii.org/za/cases/ZALCC/2017/7.html>

International

Pennsylvania Environmental Defense Foundation, Appellant v. Commonwealth of Pennsylvania, and Governor of Pennsylvania, Tom Wolf, in His Official Capacity as Governor [J-35-2016] [In The Supreme Court of Pennsylvania Middle District No. 10 Map 2015 Appeal From The Order of the Commonwealth Court at No. 228 Md 2012 Dated 1/7/15 Argued: March 9, 2016 Decided: June 20, 2017 <http://www.pacourts.us/assets/opinions/Supreme/out/J-35-2016cdo%20-%2010314240919600926.pdf?cb=1>

Dissenting judgment: <http://www.pacourts.us/assets/opinions/Supreme/out/J-35-2016cdo%20-%2010314240919600926.pdf?cb=1>

"Because state parks and forests, including the oil and gas minerals therein, are part of the corpus of Pennsylvania's environmental public trust, we hold that the Commonwealth, as trustee, must manage them according to the plain language of [Article I,] Section 27, which imposes fiduciary duties consistent with Pennsylvania trust law. We further find that the constitutional language controls how the Commonwealth may dispose of any proceeds generated from the sale of its public natural resources."

See also **BLOGS and NEWS** for more discussion on the case.

Murr et al. V. Wisconsin et al. Supreme Court of the United States Case No. 15–214. Decided June 23, 2017

“Kennedy (5-3) rules parcel as a whole applies to takings. The difference between maj and dissent is over the relevance of state law defining property rights. While joining the dissent, Thomas writes separately stating that: “In my view, it would be desirable for us to take a fresh look at our regulatory takings jurisprudence, to see whether it can be grounded in the original public meaning of the Takings Clause of the Fifth Amendment or the Privileges or Immunities Clause of the Fourteenth Amendment.”

https://www.supremecourt.gov/opinions/16pdf/15-214_f1gj.pdf

PUBLICATIONS

UNDP “Accelerating Sustainable Development in Africa: Country lessons from applying integrated approaches” (June 2017)

http://www.unpei.org/sites/default/files/UNDP_UNEP_Accelerating%20Sustainable%20Development%20in%20Africa%20high%20Res%20fa.pdf.1.pdf

Global Bioenergy Statistics 2017 report <http://bit.ly/2tQMJNq>

Juta Law Reports 70th Anniversary Offer: 25% OFF selected print series sets until 30 June 2017

https://juta.co.za/media/filestore/2017/05/4256-05-17_LawReports70thAnniversaryOfferA4Leaflet_FA_email.pdf

European Capacity Building Initiative “Pocket guide to capacity building for climate change” <http://pubs.iied.org/G04165>

WWF-UK “Climate-smart people-centred conservation: a new framework for socially-just conservation in a changing climate” <http://pubs.iied.org/G04149>

“Making ecosystem-based adaptation effective: a framework for defining qualification criteria and quality standards” <http://pubs.iied.org/G04167>

“Climate-smart people-centred conservation: a synthesis report” <http://pubs.iied.org/G04156>

“Climate-smart pro-poor conservation: a literature review of theory and practice” <http://pubs.iied.org/G04148>

“Developing city resilience strategies: lessons from ICLEI and ACCCRN” <http://pubs.iied.org/10816IIED>

Money where it matters: financing the Sustainable Development Goals and Paris Agreement through local finance <http://pubs.iied.org/17419IIED>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Sabin Law Centre: Climate Change Litigation Databases (US and non-US states) <http://climatecasechart.com>

Sabin Law Centre: Climate Law Blog: <http://blogs.law.columbia.edu/climatechange/>

Debates on Carbon tax:

- Niskanen Centre Interview: <https://www.eenews.net/stories/1060056165>
- Niskanen Centre: Taylor in debate with Oren Cass on a carbon tax: <https://niskanencenter.org/blog/debating-carbon-taxes-oren-cass-bill-gates/>
- Niskanen Centre Blog on Carbon tax: <https://niskanencenter.org/blog/policies/climate/>
- Report from the Climate Leadership Council lays out a conservative case for a carbon tax - http://biotech.law.lsu.edu/blog/document_cw_02-2.pdf

IISD SDG Knowledge Hub: Wahlén Catherine Benson “Africa Case Studies Show Five Pathways to Speed Up, Scale Up SDGs” 22 June 2017 <http://bit.ly/2rGS9dh>

The Jurist: Jarvi GG “Pennsylvania top court rules land-lease profits must be used for conservation” 21 June 2017 <http://www.jurist.org/paperchase/2017/06/pennsylvania-top-court-rules-land-lease-profits-must-be-used-for-conservation.php>

The Conversation: Keller Reuben P “Invasive species have a massive impact, but wise policy can keep them out” 22 June 2017 <http://bit.ly/2s5TsXo>

The Conversation: Matthews Thalassa “Frog fossils tell us something new about rain patterns on South Africa's west coast” 20 June 2017 <http://bit.ly/2tK1seb>

The Conversation: Mather Tamsin “New evidence that volcanic eruptions triggered the dawn of the dinosaurs” 20 June 2017 <http://bit.ly/2saJnUp>

SEI Blog: Wooders Peter & Verkuil Cleo “Five Ways to Address Fossil Fuel Subsidies through the WTO and International Trade Agreements” 20 June 2017 <https://www.sei-international.org/blog-articles/3716> See also <http://climatestrategies.org/reforming-fossil-fuel-subsidies-through-the-wto-and-international-trade-agreements/>

IISD SDG Knowledge Hub: Lebot B “Energy Efficiency at the G20: Collaborating Internationally for a Sustainable Future” 19 June 2017 <http://bit.ly/2sOw2oI>

IISD SDG Knowledge Hub: Jungcurt S “BRICS Countries Cooperate on Energy Efficiency” 19 June 2017 <http://bit.ly/2saZuRS>

IISD SDG Knowledge Hub: Kosolapova Elena “Ministers Commit to Accelerate Global Transition to Sustainable Energy” 19 June 2017 <http://bit.ly/2taKWa3>

On Trump and Paris Agreement:

- LegalPlanet Blog: Carlsson A “All You Need to Know About the Paris Agreement” 1 June 2017 <http://legal-planet.org/2017/06/01/all-you-need-to-know-about-the-paris-agreement/>
- Take Care Blog: Carlsson A “Trump’s Meaningless Paris Announcement is a Win for His Opponents” <https://takecareblog.com/blog/trump-s-meaningless-paris-announcement-is-a-win-for-his-opponents>
- EJIL: Talk: Rajamani Lavanya “Reflections on the US withdrawal from the Paris Climate Change Agreement” <https://www.ejiltalk.org/reflections-on-the-us-withdrawal-from-the-paris-climate-change-agreement/>

NDC Toolbox Navigator - <https://www.climatelinks.org/resources/ndc-toolbox-navigator>

“The NDC Toolbox Navigator is a searchable database of analytical tools and guidance documents to support NDC planning and implementation. Developed by the NDC Partnership, the NDC Toolbox Navigator is the world's first comprehensive online resource focused on NDC implementation resources. It provides users with a logical organization of tools and a search structure based on NDC planning and implementation activities.”

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

CBSS Training Workshop, Pretoria and Cape Town: Integrated Water Resource Management, the National Water Act and Water Use Authorisations

Date: 15-17 Augustus 2017

Venue: Pretoria (near Hatfield Gautrain Station) (register before 18 July for discount).

Date: 12-14 September 2017:

Venue: Cape Town (near Century City) (register before 14 August 2017 for discount).

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 our 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:

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

Please click on these links for the Course Description <http://www.cbosss.com/training/course-descriptions/water-use/> and Registration Form <http://www.cbosss.com/training/wp-content/uploads/2017/05/2017-CBSS-Course-Appl-Form.pdf>

Seats are 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, with payment finalised before the dates indicated. More details regarding these discounts are available on our website <http://www.cbosss.com/training/register/>

For more information contact: Glaudin Kruger Course Coordinator Tel 028 316 2905 Email: kruger@krugerassociate

Land Rehabilitation Society of Southern Africa (LaRSSA) 5th Annual conference

Dates: 1-4 August 2017

Venue: Olifantsriver Lodge, Mpumalanga

More information at: <http://larssa.co.za/>

[Source: National Biodiversity and Business Network (NBBN) - May 2017 Newsletter]

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

ELA Student Conference: Save the date!

Date: 15-16 September 2017

Place: Potchefstroom

More information will follow later

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

All interested are invited to submit proposals for special sessions and workshops, and abstracts for oral and poster presentations for the 2017 Symposium of Contemporary Conservation Practice.

Please submit all proposals for special sessions and/or workshops for consideration by 30 June 2017 using the online submission system:

<http://ocs.conservationssymposium.com/sccp/2017/login?source=%2Fscpp%2F2017%2Fauthor%2Fsubmit%3FrequiresAuthor%3D1>

Please submit all abstracts for oral and poster presentations for consideration by 4 August 2017 using the online submission system.

For any queries, contact Freyni or Erica: secretariat@conservationssymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

EOH Legal Services: 3 day Environmental Law Course

Date: 3-5 July 2017

10-12 July 2017

Venue: St George's Hotel

Contact: The contact person for the reservations or any additional information is: Jolene Mascini on 087-405-1825, email address: Jolene.Mascini@eoh.co.za

NWU: CEM Courses 2017

- **Environmental law (CEM-02.1.1)**
Date: 10-15 July 2017 Johannesburg (Holiday Inn Johannesburg Airport)
- **Environmental law - for the mining sector CEM-02.1.8**
Date: 17-21 July 2017 (Potchefstroom)
- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Mine Health and Safety Law CEM-02.2.2**
Date: 31 July-4 August 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Integrated Waste Management (CEM-06.2.1)**
Date: 24-28 July 2017 (Potchefstroom)
- **Occupational Health and Safety Management Systems CEM-03.2.1**
Date: 17-21 July 2017
- **Environmental Risk Assessment and Management (ERAM) CEM-05.3.1**
Date: 17-21 July 2017
- **Environmental Management Systems CEM-03.1.1**
***Course based on ISO 14001:2015
Date: 31 July - 4 August 2017
- **Remediation and Management of Contaminated Land (CEM-06.8.3)**
Date: 3-5 July 2017

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

IMBEWU: Environmental Law Update Workshop

Date: 22 August 2017

Venue: IMBEWU's Offices – Rosebank, JHB

Time: 08:30-16:30

Contact: Lulu@imbewu.co.za or www.imbewu.co.za or call at 011 214 0660/1

WRC: Youth Dialogue Re-Imagining The Future of Water

Date: 27 June 2017

Venue: Constitutional Hill Women's Jail Atrium

Time: 08:30-15:30

South Africa 16 June marks the 41st anniversary of the 1976 Soweto uprisings. Today's youth face a different challenge of thinking outside the box especially in ensuring resilience during the times of economic turbulence in a water stressed country.

There is much talk today about the crises of climate change, water, food supplies and prices, and troubled financial markets. Unless resolved, these crises will continue to cause adverse effects on youth employment opportunities.

The SDG 6, ensuring availability and sustainable management of water and sanitation for all compels the youth of today to think more critically about the future of water in order to realize the 2030 Agenda for Sustainable Development (AfSD) and Africa Agenda 2063.

The Water Research Commission (WRC) cordially invites you to participate in a youth dialogue entitled "Re-Imagining the future of water".

The dialogue aims to inspire water conversations among the South African youth, to better understand the sustainable management of water and share opportunities for youth participation

Registration: <http://www.loud.za.com/clients/mailers/wrc/2017/register/index.html>

WRC Symposium – Save the Date

Date: 18-20 September 2017

More information follows later

International

LT&C to Partner with IIPT in Organizing Session on Trans-Border International Peace Parks

Date: 17-21 September 2017

Place: Montreal Canada

Linking Tourism and Conservation (LT&C) is partnering with IIPT to bring together a panel at the UNWTO-IIPT Global Summit highlighting the important role of Trans-Border Peace Parks in contributing to both conservation and peace. The Global Summit is being held in Montreal.

The concept of Transborder Peace Parks has long been promoted by The World Conservation Union (IUCN) because of their many associated benefits. The Montreal Session on Trans-border Peace Parks will highlight specific examples and functioning partnerships from different countries regarding their respective experience and effective practices that benefit sustainable tourism, nature conservation, and the promotion of peace among the countries involved. Facilitating the session will be Dr. Peter Prokosch, CEO of LT&C who has some 40 years of environmental and conservation experience spanning national parks, mountains, forests, seas, oceans and wildlife; and the geographic regions of Europe, Africa, the Arctic and USSR/Russia. His work

has involved collaboration with numerous prestigious environmental and conservation organizations and countries.

Models to be shared will include: Wadden Sea, how three countries, Denmark, Germany and the Netherlands, cooperate on what is today a World Heritage site; the eight Arctic countries cooperating within the Arctic Council to create a Circumpolar Polar Protected Area Network; and the Green Belt along the former iron curtain with cooperation among Russia, Norway and Finland.

The session provides an opportunity to look at different partnerships and cross-boundary cooperation on protected areas and what could be learned from those examples regarding the establishment of peaceful relationships between countries, while also serving to protect and enhance the environment with the aim of encouraging replication in other regions of the world.

Linking Tourism and Conservation (LT&C) is an innovative shared network designed to develop resources and incentives for replication of sustainable tourism best practices that support the establishment and management of national parks and other forms of protected areas. LT&C works with individuals, businesses, and governments to strengthen the benefits of both sustainable tourism and environmental protection. LT&C's vision is a world, where travelers are inspired by experiencing nature and the beauty of natural landscapes. This is supported through a global network of well-managed protected areas that represent the world's diversity of habitats and ecosystems.

For more information: IIPT Website: www.iipt.org

Tel: [\(802\) 253-8671](tel:(802)253-8671)

Email: ljd@iipt.org

UNITAR e-learning: Sustainable Urban Mobility in Developing Countries

On behalf of UNITAR (the United Nations Institute for Training and Research) we are pleased to inform you of the launch of the e-learning course "Sustainable Urban Mobility in Developing Countries", in partnership with the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

The main objective of the online course is to enhance the capacity of local decision makers and urban and transportation planners to formulate and implement appropriate policies that contribute to sustainability in urban transport in developing countries.

You can choose to take the course in English, French or Spanish: please find the links for more information in your language below.

We think that our online course could be of great interest to you and your team, and we cordially invite each of you to participate in this event. We would also be very grateful if you could help us spread the information through your network.

For more information and / or to register, you can access the following website:

English: <https://www.unitar.org/event/full-catalog/sustainable-urban-mobility-developing-countries-3>

French: <https://www.unitar.org/event/full-catalog/mobilit%C3%A9-urbaine-durable-dans-les-pays-en-d%C3%A9veloppement-2>

Spanish: <https://www.unitar.org/event/full-catalog/movilidad-urbana-sostenible-en-pa%C3%ADses-en-desarrollo-2>

The course starts on 18th September 2017 for a duration of 12 weeks. Group discounts are available for this course, so do not hesitate to ask us about it! If you are interested, do not forget to register before the deadline (13th September).

IEA SHC Solar Academy - Solar heating for industrial processes

EA SHC Solar Academy: Solar heating for industrial processes

Thursday 06 July 2017, 13:00 - 14:30 GMT/UTC (check your local time on the registration page)

View the website: <https://www.ises.org/what-we-do/events/webinar/iea-shc-solar-academy-solar-heating-industrial-processes>

NEWS

Ihucha A “Tanzania’s tourism players fight against silent deadly form of poaching in Serengeti” *ETN* 20 June 2017 <http://www.eturbonews.com/157679/tanzanias-tourism-players-fight-silent-deadly-form-poaching-serengeti>

Tairo A “Germany releases 18 million euro for wildlife conservation in Tanzania” *ETN* 20 June 2017 <http://www.eturbonews.com/157672/germany-releases-18-million-euro-wildlife-conservation-tanzania>

“Japan readies whaling law to counter activists” *Asian Review* 15 June 2017 <http://asia.nikkei.com/Politics-Economy/Policy-Politics/Japan-readies-whaling-law-to-counter-activists>

Legislation: More hearings on MPRDA Amendments, ‘D’ version

“A ‘D’ version of the Mineral and Petroleum Resources Amendment Bill will be the focus of today’s parliamentary hearings – at least according to a schedule posted on Parliament’s website one day before the first round of oral representations began last Tuesday. The same version appears to have been sent to the provinces, if information provided by Parliament itself is any indication. However, notes Pam Saxby for *Legalbrief*, given the possibility that a completely different version may have been the subject of recent provincial public hearings (Business Day) – and the level of confusion apparently surrounding procedures to be followed by the NCOP in processing a Bill sent back to Parliament by the country’s President (PMG) – a statement from its Land and Mineral Resources Committee would be helpful.” Read full report: Legalbrief Policy Watch - Legalbrief Today 20 June 2017

Litigation: Fracking lease royalties go to conservation – ruling

“The Pennsylvania Supreme Court ruled this week that the state government must act as the trustee for public natural resources under the Environmental Rights Amendment. A Jurist report notes that the court ruled that royalties gathered from oil and gas leases on state lands cannot be used for budgetary matters and must be dedicated to conserving the Commonwealth’s natural resources. The Environmental Rights Amendment was incorporated into Pennsylvania’s constitution as Article I, Section 27 and states: ‘Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth

shall conserve and maintain them for the benefit of all the people.’ According to the court, the amendment creates a trust where the Commonwealth is the trustee, the people of the Commonwealth the beneficiaries, and the natural resources the assets held in trust. The Supreme Court went on to note that according to Pennsylvania's law in effect at the time the amendment was passed, proceeds from the sale of trust assets must be returned to the body of the trust, which, in this scenario, would mean the proceeds must be used to further preserve Pennsylvania's natural resources.” *Legalbrief Today* 21 June 2017

Nkala O “Watership Down: The reality of mining Mabola” *Daily Maverick* 22 June 2017 <https://www.dailymaverick.co.za/article/2017-06-22-watership-down-the-reality-of-mining-mabola/#.WU10VuuGPIU>

Kings Siphos “Swapping coal for gas keeps world carbon emissions flat” *Mail&Guardian* 23 June 2017 <https://mg.co.za/article/2017-06-23-swapping-coal-for-gas-keeps-world-carbon-emissions-flat>

Kings Siphos “Gauteng approves abattoir, threatening Magaliesberg Biosphere Reserve” *Mail&Guardian* 21 June 2017 <https://mg.co.za/article/2017-06-20-gauteng-approves-abattoir-threatening-magaliesberg-biosphere-reserve>

Environmental: We're reviewing nuclear plans – Energy Minister

“SA will review its nuclear plans as part of its response to the economic recession, says Energy Minister Mmamoloko Kubayi. SA is planning to build 9 600MW of nuclear capacity, a project that could be one of the world’s biggest nuclear contracts in decades, notes a Business Day report. Kubayi, leading a delegation at a nuclear conference in Moscow, said she was a member of a Cabinet committee that was drawing up responses to the recession and that the committee would study the nuclear plan. ‘We will do the nuclear project at a scale and pace that we can afford. So we will look at that completely; if we need to review the scale, we have obviously to go back,’ the Minister said. In response to a question on the company that SA could choose to build new nuclear reactors, Kubayi said it was important to go for ‘the most experienced people who have a track record’. Russian state company Rosatom is a contender to build the reactors and has been talking up its chances of winning the contract, given the delays and cost overruns at French competitor Areva and Japanese-owned Westinghouse, says the report. Kubayi said that it was too early to give an exact date on when the procurement process for the project could restart and that SA was reviewing intergovernmental agreements with many countries following the High Court ruling against the Russian nuclear pact. ‘In a few weeks, we should be able to give an indication (of the procurement restart date), once the internal Cabinet processes have been concluded,’ Kubayi said.”

Full Business Day report (subscription needed) *Legalbrief Today* 22 June 2017

Policy: Mining Charter ‘credit negative’ – Moody’s

“Ratings agency Moody’s has joined Fitch in spelling out the ‘credit negative’ implications of government’s revised Mining Charter. According to Reuters, Moody’s believes that the charter’s ‘higher black economic empowerment equity holding’ ‘will likely require miners to use cash or raise debt to facilitate ... transfer’, diluting the equity interests of current shareholders, deterring investment, raising costs and diminishing cash flow generation. In the view of Fitch, by ‘prioritising radical transformation, even if this leads to (a) weakening of the business climate’ and reduced growth, the revised charter demonstrates a change in ‘the direction of economic policy’ that will make fiscal consolidation ‘more difficult’.”

Read full report *Legalbrief Policy Watch* 22 June 2017

Savides M “What the frack? Outrage over shale gas project near national park”
19 June 2017 <https://www.timeslive.co.za/news/south-africa/2017-06-19-what-the-frack-outrage-over-shale-gas-project-near-national-park/>

Shankleman Jess and Warren Hayley “Solar power will kill coal faster than you think” IMoneyWeb <https://www.moneyweb.co.za/mineweb/coal/solar-power-will-kill-coal-faster-than-you-think/>

Neslen A “EU moves to restrict hormone-disrupting chemical found in plastics”
16 June 2017 <https://www.theguardian.com/society/2017/jun/16/eu-moves-to-restrict-hormone-disrupting-chemical-found-in-plastics>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

North-West University: Executive Dean: Faculty of Law

Closing date: 30 June 2017

Enquiries: Kedireng Oagile 018 299 4970

To apply: www.nwu.ac.za/vacancies

Rhodes University: Faculty of Law Senior Lecturer/ Lecturer (x2)

The Faculty of Law at Rhodes University has the above mentioned posts available:

Requirements:

The Law Faculty seeks to employ two academic staff members. Expertise in following South African fields of law is required: Labour Law, Adjectival Law (Evidence and Procedure) and/or Commercial Law. Please refer to the Academic Role Profile for details regarding qualifications and experience at the various levels.

Very Important: The system does not allow for multiple attachments. This means that candidates should submit all the documentation as one attachment for each application i.e. An application form, a letter of motivation which clearly indicates the level they are applying for, a comprehensive CV and relevant qualifications including academic transcripts.

If you have any questions or experiencing challenges on the system, please contact Ms Busi Nelana or call 046 603 7265

Short-listed candidates must be available to be interviewed on the 26 July 2017.

All applications will be treated in strict confidence. The university reserves the right not to proceed with the filling of the post. An application in itself does not entitle the applicant to an interview. Please apply online by accessing the Rhodes University Website.

Closing Date: 03 July 2017

If you are not contacted within 30 days from the closing date, please consider your application unsuccessful.

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 25

30 June 2017

LEGISLATION

NOTICES

Department of Environmental Affairs – Gen Notice 497 in GG 40949 of 30 June 2017 - Notice of publication of Draft Third National Communication (TNC) Report to the United Nations Framework Convention on Climate Change (UNFCCC) – for comment

National Environmental Management Act 107 of 1998 - GN R626 in GG 40954 of 30 June 2017 - Proposed Regulation to Phase-out the use of Persistent Organic Pollutants, 2017 - for comment

National Forests Act 84 of 1998 – Gen Notice 482 in GG 40945 of 30 June 2017 - Proposed list of particular trees and particular groups of trees to be declared 'Champion Trees' - for comment <http://www.gov.za/documents/national-forests-act-proposed-list-particular-trees-and-particular-groups-trees-0>

Promotion of Access to Information Act 2 of 2000 – Gen Notice 486 in GG 40945 of 30 June 2017 - Description submitted in terms of s. 15 (1) by the Swellendam Municipality

National Railway Safety Regulator Act 16 of 2002 - GN 617 in GG 40945 of 30 June 2017 - Draft Security Matters Regulations, 2017 - for comment

National Railway Safety Regulator Act 16 of 2002 – GN 618 in GG 40945 of 30 June 2017 - Draft Regulations regarding infrastructure or activity affecting safe railway operations, 2017 - for comment

Gas Regulator Levies Act 75 of 2002 – Gen Notice 621 in GG 40950 of 30 June 2017 - Levy and interest payable on the piped-gas industry for the 2017/18 financial year

Petroleum Pipelines Levies Act 28 of 2004 – Gen Notice 622 in GG 40950 of 30 June 2017 - Levy and interest payable on the petroleum pipeline industry for the 2017/18 financial year

Financial Markets Act 19 of 2012 - BN 119 in GG 40945 of 30 June 2017 - Proposed amendments to the JSE Debt Listing Requirements - for comment

National Health Act 61 of 2003 – GN 604 in GG 40945 of 30 June 2017 - Proposed Regulations Relating to the Surveillance and the Control of Notifiable Medical Conditions, 2017 - for comment

PROVINCES

Limpopo

Limpopo Environmental Management Act 7 of 2003 – Gen Notice 83 in PG 2826 of 23 June 2017 - Notice of intention to withdraw the declaration of Part of Private Nature Reserve Boerboomkraal - for comment

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – Gen Notice 84 in PG 2826 of 23 June 2017 - Makhado Local Municipality - Correction notice - Electricity tariffs as published under LAN 68 in PG 2822 of 16 June 2017

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – LAN 74 in PG 2829 of 30 June 2017 - Makhado Local Municipality - Correction notice - Electricity – Other charges as published under LAN 68 in PG 2822 of 16 June 2017

KwaZulu-Natal

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - PN 70 in PG 1842 of 29 June 2017 - Alfred Duma Local Municipality - Notice of establishment of Municipal Planning Tribunal and appointment of members

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 72 in PG 1842 of 29 June 2017 - Alfred Duma Local Municipality - Cemeteries and Crematoria By-law; Electricity Supply By-law; Outdoor Advertising By-law, 2015; and Storm Water By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 72 in PG 1842 of 29 June 2017 - Alfred Duma Local Municipality - Fire Brigade (Emergency Services) By-law; Landfill Site (Refuse Disposal) By-laws; Pound By-laws, 2016; and Problem Building By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - PN 72 in PG 1842 of 29 June 2017 - Alfred Duma Local Municipality - Nuisances and Behaviour in Public Places By-law

Constitution of the Republic of South Africa, 1996 and National Environmental Management: Waste Act 59 of 2008 - PN 72 in *PG* 1842 of 29 June 2017 - Alfred Duma Local Municipality - Waste Management By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 68 in *PG* 1842 of 29 June 2017 - uMhlabuyalingana Local Municipality - Informal Traders By-laws

Constitution of the Republic of South Africa, 1996 and Business Act 71 of 1991 - MN 69 in *PG* 1842 of 29 June 2017 - uMhlabuyalingana Local Municipality: Business Licensing By-laws

Gauteng

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 875 in *PG* 153 of 28 June 2017 - Emfuleni Local Municipality - Notice of adoption of the Operating and capital budget, tariffs and levies and Integrated Development Plan (IDP) - with effect from 1 July 2017

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LANs 903-914 in *PG* 153 of 28 June 2017 - Cemeteries, Issuing of certificates and furnishing of information, Electricity tariffs, Land Development Applications, Refuse Removal, Sewer tariffs, Water supply tariffs

Northern Cape

Division of Revenue Act 3 of 2016 – Gen Notice 63 in *PG* 2104 of 26 June 2017 - Planned expenditure from the Human Settlements Development Grant for Level 1 and 2 Accredited Municipalities for the 2017/18 MTEF

Division of Revenue Act 3 of 2016 – Gen Notice 65 in *PG* 2105 of 26 June 2017 - Planned expenditure from the Human Settlements Development Grant to the Housing Development Agency for the 2017/18 MTEF

Eastern Cape

Local Government: Municipal Finance Act 56 of 2003 - PN 118 in *PG* 3868 of 27 June 2017 - Senqu Local Municipality - Approved 2017/2018 Annual Budget and Integrated Development Plan 2017-2022 - with effect from 1 July 2017

Western Cape

National Environmental Management: Protected Areas Act 57 of 2003 - PN 128 in *PG 7785* of 23 June 2017 - Intention to declare Nature Reserves - Jakkalsdans, Vergelegen, Witkliprug, Wildealsvlei, Oudeberg, Franco Three Fountains, Darling Renosterveld, Paarl Mountain, Buffalo Valley Nature Reserves and Sanbona Wildlife Reserve - for comment

Disaster Management Act 57 of 2002 - LAN 54726 in *PG 7785* of 23 June 2017 - Swartland Local Municipality - Declaration of a local state of disaster as a result of the devastating fire on 18 March 2017 at the Swartland Hospital in Malmesbury

Disaster Management Act 57 of 2002 - LAN 54733 in *PG 7785* of 23 June 2017 - Drakenstein Local Municipality - Declaration of a local state of drought disaster (hydrological and agricultural)

CASES

National

The Waste Group Pty (Ltd) v Brereton and Others (31390/17) [2017] ZAGPPHC 291 (23 June 2017)

Restraint of trade – contrary to public policy or not

“[8] There are four dominant and major role players - competing against each other - within the waste management industry in South Africa and various other different and smaller competitors. The four major largest role players within the waste management industry are able to deliver a complete and holistic service over the spectrum of waste management, namely, industrial waste management; commercial waste management; medical waste management; domestic waste management; mining waste management; municipal waste management and landfill management. There is a further sub-category of hazardous waste management created within any of the aforementioned categories. Each of these four main role players in the complete management industry delivers services and conduct business on a national basis.”

International

Burgess v. United States (filed January 2017)

http://www.greatlakeslaw.org/Flint/Burgess_v_USA_Complaint.pdf

The complaint is under the Federal Tort Claims Act for EPA Region V's negligence and disregard for statutory obligations in the Flint water crisis. It details a breakdown of the EPA's role in cooperative federalism and enforcement in the face of citizen concerns and activism with life-and-death implications.

Findings and recommendations communication adopted by the Aarhus Convention Compliance Committee on 19 June 2017 (ACCC/C/2014/99)

http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2014-99/Findings/C99_Spain_Findings_adopted_advance_unedited.pdf

Findings record

<http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/envpppubcom/acccc201499-spain.html>

PUBLICATIONS

2017 *SA Crime Quarterly* No 60 - Special issue on organised environmental crime funded by the Global Initiative

<https://journals.assaf.org.za/sacq/issue/view/319/showToc>

2016 *South African Journal for Environmental Law and Policy* (now published by Juta) Volume 22

<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

- Gebregiorgis MT “What are the instrumental roles of the introduction of environmental tax in the realisation of the polluter-pays principle in Ethiopia?”
- Kuschke Birgit “Aspects of insurance for environmental damage claims: Some issues raised by proposed hydraulic fracturing”
- Umejesi Ikechukwu “Colonial era practices of eminent domain and state-community contestation for mineral-resource ownership in postcolonial Nigeria: the search for a sustainable synergy”
- Knetsch Jonas & Ollard Romain “The impact of the precautionary principle on civil and criminal liability: A French perspective on South African law”
- Surbun Vishal “The regulation of offshore seismic surveys for petroleum resources in South Africa’s maritime realm”
- Ladan MT “SDGs framework as the blueprint for climate change action and sustainable development in Africa: role of law and parliamentarians”
- Mugadza Amanda “An overview of sustainable tourism development in transfrontier conservation areas (TFCAs): A legal perspective”
- Mkhonza Amanda “The *Palala* Judgment: A Harmonious Relationship between the Mineral and Petroleum Resources Development Act and the Companies Act?”
- Couzens Ed et al “‘The Baboon Behaved Impeccably’: Animal rights and welfare in South Africa, some recent foreign judgments, and the case of *Macrae v State* [SCA, 2014]”

2017 SAJELP: Call for articles, notes and case notes

The editorial committee seeks contributions for 2017 SAJELP. Submit contributions to the editorial committee.

Badenhorst P “The Nature of New Order Prospecting Rights and Mining Rights: A Can of Worms?” 2017 SALJ 361-382

Burns W "Human Rights Dimensions of Bioenergy with Carbon Capture and Storage: A Framework for Climate Justice in the Realm of Climate Geoengineering" in Randall Abate (ed) *Climate Justice: Case Studies in Global and Regional Governance Challenges* 149-176 (2017) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2871527

Craik N and Burns W "Climate Engineering Under the Paris Agreement: A Legal and Policy Primer" *Climate Engineering under the Paris Agreement: A Legal and Policy Primer, Special Report*, Centre for International Governance Innovation (November 2016) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2872528

Whittaker Sean "The Right of Access to Environmental Information and Legal Transplant Theory: Lessons from London and Beijing" 2017 *Transnational Environmental Law* DOI: <https://doi.org/10.1017/S2047102517000115>

Scholtz Werner "Injecting Compassion into International Wildlife Law: From Conservation to Protection?" 2017 *Transnational Environmental Law* DOI: <https://doi.org/10.1017/S2047102517000103>

Kotzé Louis J and Villavicencio Calzadilla Paola "Somewhere between Rhetoric and Reality: Environmental Constitutionalism and the Rights of Nature in Ecuador" DOI: <https://doi.org/10.1017/S2047102517000061>

2017 *Transnational Environmental Law* 6(2)

<https://www.cambridge.org/core/journals/transnational-environmental-law/issue/D82E48FC952497AFBBCBD4D1C4415C57>

- Thijs Eddy, Veerle Heyvaert, Cinnamon Carlarne, Dan Farber, Bruce Huber, Josephine van Zeben "The Maturing of Transnational Environmental Law"
- Heyvaert Veerle "The Transnationalization of Law: Rethinking Law through Transnational Environmental Regulation"
- Turner Stephen J "The Use of 'Macro' Legal Analysis in the Understanding and Development of Global Environmental Governance"
- Green Jessica F and Auld Graeme "Unbundling the Regime Complex: The Effects of Private Authority"
- Blanco Elena Merino and Pontin Ben "Litigating Extraterritorial Nuisances under English Common Law and UK Statute"
- Razzaque Jona "Payments for Ecosystem Services in Sustainable Mangrove Forest Management in Bangladesh"
- Black Celeste M "Taxation of Cross-Border Transfers of Carbon Emission Allowances under Linked Emissions Trading Schemes"
- Couzens Ed "Size Still Matters, Although It Shouldn't: The Debate on Small Cetaceans, IWC 65, and Monaco's Resolution on Highly Migratory Cetaceans"

Driesen DM "Emissions Trading Versus Pollution Taxes: Playing Nice with Other Instruments" June 2017 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2985669

Kalen S “Policing Federal Supremacy: Preemption and Common Law Damage Claims as a Ceiling to the Clean Air Act Regulatory Floor” 2016 *Florida Law Review* <http://www.floridalawreview.com/2017/policing-federal-supremacy-preemption-common-law-damage-claims-ceiling-regulatory-floor/>

Kalen S “Muddling through Modern Energy Policy: The Dormant Commerce Clause and Unmasking the Illusion of an Attleboro Line” 2016 *NYU Environmental Law Journal* http://www.nyuelj.org/wp-content/uploads/2016/09/Kalen_ready_for_printer_1.pdf

Kalen S “An Aspirational Right to a Healthy Environment” 2016 *UCLA Journal of Environmental Law & Policy* <http://escholarship.org/uc/item/98v1z2c1>

Kalen S “Historical Flow of Hydroelectric Regulation: A Brief History” 2017 *Idaho L. Review* <https://www.uidaho.edu/law/law-review/nrel-edition>

“Foot Off The Gas: Increased Reliance on Natural Gas in the Power Sector Risks an Emissions Lock-In” (June 2017) http://climateactiontracker.org/assets/publications/briefing_papers/CAT-2017-06-16-DecarbonisationSeries-NaturalGas.pdf

“Land degradation and cities: The essential role of local and regional governments” (ICLEI Briefing Sheet 2017, No. 3 - Land Degradation and Cities) http://www.iclei.org/fileadmin/PUBLICATIONS/Briefing_Sheets/Land_Degradation/ICLEI_Briefing_Sheet_Land_Degradation.pdf

IRENA “Accelerating the Energy Transition through Innovation, a working paper based on global REmap analysis” (IRENA Abu Dhabi 2017) http://www.irena.org/DocumentDownloads/Publications/IRENA_Energy_Transition_Innovation_2017.pdf

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Blog: Takings Litigation: Big Victory for State and Local Governments in Murr” 26 June 2017 <https://takingslitigation.com/2017/06/26/big-victory-for-state-and-local-governments-in-murr/>

Desmog Blog: Dermansky Julie “Pastor Leads Lawsuit Opposing Bayou Bridge Pipeline to Protect Louisiana Cancer Alley Community” 26 June 2017 <https://www.desmogblog.com/2017/06/26/pastor-leads-lawsuit-opposing-bayou-bridge-pipeline-protect-louisiana-cancer-alley-community>

IISD SDG Knowledge Hub: Elena Kosolapova “Mayors of Major Cities Commit to Implement Paris Agreement, SDG 11” 27 June 2017 <http://bit.ly/2tZwO0m>

IISD SDG Knowledge Hub: Elena Kosolapova “UN Council Calls for Considering Human Rights under UNFCCC” 29 June 2017 <http://bit.ly/2s8pvSw>

IISD SDG Knowledge Hub: Mead L “Environmental Assessments Key to Achieving SDGs, Climate Goals” 27 June 2017 <http://bit.ly/2tm3uTS>

IISD SDG Knowledge Hub: Jungcurt S “Toolkit Aims to Boost Energy Efficiency Finance” 27 June 2017 <http://bit.ly/2snOFfk>

IISD SDG Knowledge Hub: Jungcurt S “Investments in Renewable Energy to Top US\$7 Trillion by 2040” 29 June 2017 <http://bit.ly/2tsXbxS>

IISD SDG Knowledge Hub: Elena Kosolapova “Transparency and Compliance Update: Kyoto Protocol Parties Submissions Reviewed, 2017 GHG Inventory Status Reports Released” 27 June 2017 <http://bit.ly/2ujWa8F>

IISD SDG Knowledge Hub: Mwangi W “Expert Meeting Explores Ethnic-based Land Conflicts in Africa” 27 June 2017 <http://bit.ly/2sSSTPH>

IISD SDG Knowledge Hub: Paul D “UN Environment Encourages Individual Pledges on Water-Related SDGs” 27 June 2017 <http://bit.ly/2sioSdg>

IISD SDG Knowledge Hub: Mwangi W “UN Projects Tackle Desertification in the Mid-East, Asia and Africa” 27 June 2017 <http://bit.ly/2tTdHd>

IISD SDG Knowledge Hub: Paul D “UN Agencies, World Bank Urge Preparation for Drought, Climate Change” 29 June 2017 <http://bit.ly/2sY7RE0>

IISD SDB Knowledge Hub: Tsioumani Elsa “IISD Examines Impacts of Voluntary Agricultural Standards on Biodiversity” 29 June 2017 <http://bit.ly/2ttvsgB>

IISD SDG Knowledge Hub: Wagner L “Sustainable Development Innovations Added to African Knowledge Hub” 29 June 2017 <http://bit.ly/2s9mr8K>

Wbcsd: Natural Capital Protocol Toolkit [Source: National Biodiversity and Business Network (NBBN) - June 2017 Newsletter] https://www.naturalcapitaltoolkit.org/?dm_i=2GI3,12UQP,48BTMK,38XVC,1

Science Daily: “Climate change damages US economy, increases inequality” 29 June 2017 <https://www.sciencedaily.com/releases/2017/06/170629142958.htm>

2017 *Transnational Environmental Law* (free download until 30 July 2017) <http://bit.ly/2tvZllp>

The Conversation: Dunhill Alex “Five mass extinctions – and what we can learn from them about the planet today” 29 June 2017 <http://bit.ly/2s82GOQ>

The Conversation: Radley Ben “The DRC is revisiting its mining code. Why reform is long overdue” 28 June 2017 <http://bit.ly/2s8KRiY>

The Conversation: Sam Williams “How badly implemented land reform can affect wildlife: a Zimbabwean case study” 28 June 2017 <http://bit.ly/2tsjKD8>

The Conversation: Winkler Hartmut “Nuclear and coal lobbies threaten to scupper renewables in South Africa” 26 June 2017 <http://bit.ly/2su2ZD4>

The Conversation: Parker Saahier “South Africans don't know much about science. Why this is a problem” 25 June 2017 <http://bit.ly/2spsRoF>

Science: Qiu Jane “Surge in wildlife killings is wiping out giraffes” 22 June 2017 http://www.sciencemaq.org/news/2017/06/surge-wildlife-killings-wiping-out-giraffes?utm_campaign=news_weekly_2017-06-23&et rid=307814892&et cid=1401874

Forum for Climate Engineering Assessment: Working Paper Series <http://ceassessment.org/wps/>

IISD: Antarctica Today and Tomorrow Bulletin - International Conference: Antarctica Today and Tomorrow <http://enb.iisd.org/oceans/antarctica/2017/>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA Student Conference: The Impacts of Contemporary Societal and Developmental Trends – Novel Environmental Law and Governance Responses

Date: 15-16 September 2017

Place: Potchefstroom

No Registration Fee

Submission of Abstracts to ELA Secretariat: enviro.association.sa@gmail.com

Queries: Prof Anél du Plessis anel.duplessis@nwu.ac.za 018 299 1924

Abstract Submission date: 20 July 2017

ELA Annual Conference and AGM: Save the Date

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

More information will follow soon

2017 NACA (National Association for Clean Air) Conference

Date: 4-6 October 2017

Venue: CedarWoods of Sandton Conference Centre, 120 Western Service Rd, Woodmead, Sandton, Gauteng

For more information visit the NACA website at: www.naca.org.za

Or contact Beverley Terry at 071 683 9770

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

CBSS Training Workshop, Pretoria and Cape Town: Integrated Water Resource Management, the National Water Act and Water Use Authorisations

Date: 15-17 Augustus 2017

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station) (Register before 18 July 2017)

Date: 12-14 September 2017:

Venue: Intaka Island (near Century City) (register before 14 August 2017 for discount).

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 our 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:

Please click on these links for the Course Description <http://www.cbosss.com/training/course-descriptions/> and Registration Form <http://www.cbosss.com/training/wp-content/uploads/2017/05/2017-CBSS-Course-Appl-Form.pdf>

Seats are 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, with payment finalised before the dates indicated. More details regarding these discounts are available on our website <http://www.cbosss.com/training/register/>

For more information contact: Glaudin Kruger Course Coordinator Tel 028 316 2905 Email: kruger@krugerassociate

Land Rehabilitation Society of Southern Africa (LaRSSA) 5th Annual conference

Dates: 1-4 August 2017

Venue: Olifantsriver Lodge, Mpumalanga

More information at: <http://larssa.co.za/>

[Source: National Biodiversity and Business Network (NBBN) - May 2017 Newsletter]

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

All interested are invited to submit proposals for special sessions and workshops, and abstracts for oral and poster presentations for the 2017 Symposium of Contemporary Conservation Practice.

Please submit all proposals for special sessions and/or workshops for consideration by 30 June 2017 using the online submission system: <http://ocs.conservationssymposium.com/sccp/2017/login?source=%2Fsccp%2F2017%2Fauthor%2Fsubmit%3FrequiresAuthor%3D1>

Please submit all abstracts for oral and poster presentations for consideration by 4 August 2017 using the online submission system.

For any queries, contact Freyni or Erica: secretariat@conservationssymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

EOH Legal Services: 3 day Environmental Law Course

Date: 10-12 July 2017

Venue: St George's Hotel

Contact: The contact person for the reservations or any additional information is: Jolene Mascini on 087-405-1825, email address: Jolene.Mascini@eoh.co.za

IMBEWU: Environmental Law Update Workshop

Date: 22 August 2017

Venue: IMBEWU's Offices – Rosebank, JHB

Time: 08:30-16:30

Contact: Lulu@imbewu.co.za or www.imbewu.co.za or call at 011 214 0660/1

WRC Symposium – Save the Date

Date: 18-20 September 2017

More information follows later

2017 joint Biodiversity Information Management Forum (BIMF) and Foundational Biodiversity Information Programme (FBIP) Forum

Dates: 14th – 17th August 2017

Place: Umhlali, KwaZulu-Natal

Registration for the forum is free to delegates. Please note that abstract submissions for the Forum is due by the 16th June 2017. Please ensure the submission of the registration form by the 14th July if accommodation assistance is required. All other delegates please submit the registration form by 25th July 2017. To submit abstracts and registration forms and for further information please email BIMF_FBIP@sanbi.org.za

[Source: National Biodiversity and Business Network (NBBN) - June 2017 Newsletter]

NWU: CEM Courses 2017

- **Environmental law (CEM-02.1.1)**
Date: 10-15 July 2017 Johannesburg (Holiday Inn Johannesburg Airport)
- **Environmental law - for the mining sector CEM-02.1.8**
Date: 17-21 July 2017 (Potchefstroom)
- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Mine Health and Safety Law CEM-02.2.2**
Date: 31 July-4 August 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Integrated Waste Management (CEM-06.2.1)**
Date: 24-28 July 2017 (Potchefstroom)
- **Occupational Health and Safety Management Systems CEM-03.2.1**
Date: 17-21 July 2017
- **Environmental Risk Assessment and Management (ERAM) CEM-05.3.1**
Date: 17-21 July 2017
- **Environmental Management Systems CEM-03.1.1**
***Course based on ISO 14001:2015
Date: 31 July - 4 August 2017

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

International

Adaptation Webinar

Date: 3 July 2017

If you register for the webinar in advance you will receive a mail-reminder before the webinar starts, which is especially helpful if you are in another time-zone. You can also participate without a registration. Then you just click the Webinar link at the appropriate time.

Registration for the Webinar:

<https://www.proprofs.com/survey/t/?title=fs-webinar-on-online-master-of-leadership-in-development-finance>

Access to the Webinar: <https://efiport.adobeconnect.com/adaptationf/>

Below the official invitation for your information:

In order to increase the understanding of the many faces of climate change adaptation finance, Frankfurt School of Finance & Management online programme organizes a free Webinar: "The many faces of Adaptation" by Frankfurt School of Finance and Management.

Webinar: The many faces of Adaptation

When: Monday 3rd July 12:00 – 13:00 CET

The presentation will be held by Prof. Dr. Ulf Moslener, professor for Sustainable Energy Finance at the faculty of Frankfurt School and also Head of Research at the FS UNEP Collaborating Centre for Climate & Sustainable Energy Finance.

The webinar content is extracted from training materials included in the eLearning course “Certified Expert in Climate Adaptation Finance” and will focus on the different stakeholders involved in adaptation and adaptation finance but also provide a brief introduction to the concept of adaptation as a starting point.

FS UNEP Collaborating Centre has developed two eLearning courses in collaboration with the Frankfurt School Development Finance e-Campus: “Certified Expert in Climate Adaptation Finance” (CECAF) and Certified Expert in Climate & Renewable Energy Finance (CECRF).

Both courses are accredited (6 ECTS credits/course) and are elective parts of the online Master of Leadership in Development Finance.

More information about both the courses and the online Master are available on the FS UNEP Centre: <http://fs-unep-centre.org/content/e-learning-certified-expert-climate-renewable-energy-finance-and-climate-adaptation-finance>

Global Nature Fund’s international Natural Capital Conference

Place: Frankfurt, Germany

Date: Thursday 5 October 2017

At this conference you will learn about recent developments in policy, economics and science regarding natural capital. Practitioners from various industries will share their experiences about how to integrate natural capital into their daily business. You will be challenged to take some steps yourself..

Click here. <http://www.business-biodiversity.eu/en/natural-capital-conference>

[Source: National Biodiversity and Business Network (NBBN) - June 2017 Newsletter]

Resilient Cities 2018

Place: Bonn

Date: 26-28 April 2018

Website: <http://resilient-cities.iclei.org/>

NEWS

Peyper Liesl Legal experts clash over constitutionality of minerals bill *Fin24* 29 June 2017 <http://www.fin24.com/Companies/Mining/legal-experts-clash-over-constitutionality-of-minerals-bill-20170629>

“Nigerian widows seek to sue Shell in Dutch courts” *News24* 29 June 2017 <http://www.news24.com/Africa/News/nigerian-widows-seek-to-sue-shell-in-dutch-courts-20170629>

Tairo Apolinari “Selous park in Tanzania at risk of losing status as World Heritage site” *eTN* 29 June 2017 <http://www.eturbonews.com/158461/selous-park-tanzania-risk-losing-status-world-heritage-site>

Governance: Umgeni Water board to go amid forensic probe

“Water and Sanitation Minister Nomvula Mokonyane would not renew the term of the current board of Umgeni Water when it expired this month, the parastatal announced yesterday (Wednesday), according to a report in The Mercury. The term of the 10-member board ends on 1 July. The report notes an anonymous whistle-blower recently made damning allegations of corruption and wrongdoing against senior officials of the state-owned water company. The allegations led to chief executive Cyril Gamede being placed on precautionary suspension. A forensic investigation is expected to start next week. Umgeni Water spokesperson Shami Harichunder said the Minister would soon begin the process of replacing the board.”

Full report in The Mercury (subscription needed) *Legalbrief Forensic* 29 June 2017

Legislation: Protected Disclosures Bill on way to President

“The Protected Disclosures Amendment Bill is finally on its way to President Jacob Zuma for signature. Reflecting NCOP recommendations for a strengthened definition of the term ‘occupational detriment’, a ‘D’ version of the Bill not yet publicly available was passed yesterday by the National Assembly – paving the way for the introduction of measures aimed at facilitating the disclosure of unlawful or irregular conduct on the part of both public and private sector employers. Opposed by the DA and ACDP, the Bill has been criticised by some public interest organisations for its perceived potential to deter whistle-blowing (GroundUp).”

Read full report in Legalbrief Policy Watch *Legalbrief Forensic* 29 June 2017

Herman P “Treasury paints bleak picture of water dept's finances” *News24* 28 June 2017 <http://www.news24.com/SouthAfrica/News/treasury-paints-bleak-picture-of-water-depts-finances-20170628>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Chilean International Cooperation Agency (AGCI) – Nelson Mandela Scholarships: Masters

Fields: Astronomy, Agriculture, Aquaculture, Energy, Management of Public Policies, Health, Environment, and Mining

Closing date: 31 October 2017

Website: <http://www.internationalscholarships.dhet.gov.za/CHILE%20SCHOLARSHIPS%20-%20Copy.html>

Mine Water Coordinating Body (MWCBC) of the NEPAD Business Foundation (NBF): programme manager

Closing date for the submission of applications has been extended to 21 July 2017.

Original advert:

<http://www.miningafricaonline.co.za/index.php/contact-us/advertising/124-website-content/3339-programme-manager-mine-water-coordinating-body-olifants-river-catchment>

Join us on

Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 26

7 July 2017

POLICY

White Paper on Arts, Culture and Heritage 3rd Draft – for comment

LEGISLATION

BILLS

Draft Communal Land Tenure Bill, 2017 – Gen Notice 510 in GG 40965 of 7 July 2017 – explanatory memorandum – for comment

NOTICES

Petroleum Products Act 120 of 1977 – GN R629 in GG 40957 of 4 July 2017 – Regulations in respect of the maximum retail price of liquefied petroleum gas supplied to residential customers

Petroleum Products Act 120 of 1977 – GN R630 in GG 40957 of 4 July 2017 – Amendment of regulations in respect of petroleum products – with effect from 5 July 2017

Petroleum Products Act 120 of 1977 – GN R531 in GG 40891 of 4 July 2017 – Regulations in respect of the single maximum national retail price for illuminating paraffin

National Water Act 36 of 1998 – GN 657 in GG 40965 of 7 July 2017 – Draft Mine Water Management Policy Position – for external consultation and discussion

National Health Act 61 of 2003 – GN 627 in GG 40955 of 30 June 2017 – National Health Insurance Policy towards Universal Health Coverage

National Environmental Management: Biodiversity Act 10 of 2004 – GN 636 in GG 40965 of 7 July 2017 – Notice of intention to declare an extension to the Kwelera National Botanical Garden – for comment

PROVINCES

Limpopo

National Environmental Management: Protected Areas Act 57 of 2003 – PN 68 in *PG 2831* of 7 July 2017 – Declaration of nature reserves: Turfloop, Swebeswebe, Mogol and Alkantrant Nature Reserves

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act and Spatial Planning and Land Use Management Act 16 of 2013 – Capricorn District Municipality – LAN 86 in *PG 2831* of 7 July 2017 – Appointment of members to the Municipal Planning Tribunal

KwaZulu-Natal

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act and Spatial Planning and Land Use Management Act 16 of 2013 – MN 75 in *PG 1845* of 3 July 2017 – eThekweni Metropolitan Municipality – Notice of adoption of Municipal Spatial Development Framework 2017/2018

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – Dr Nkosazana Dlamini Zuma Local Municipality – MN 76 in *PG 1846* of 6 July 2017 – Municipality Pound By-laws 2017; Fire Prevention By-laws 2016; Cemetery, Crematoria and Undertakers By-laws; By-laws relating to the Keeping of Dogs; Dumping and Littering By-law; Encroachment By-law; Informal Trading By-law; Nuisance By-law; Refuse Removal By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – uPhongolo Local Municipality – MN 80 in *PG 1846* of 6 July 2017 – Building Regulation By-law

Gauteng

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – City of Johannesburg Metropolitan Municipality – GN 519 in *PG 167* of 7 July 2017 – Notice of proposed draft Dolomite Risk Management Bylaws – for comment

Eastern Cape

Disaster Management Act 57 of 2002 – LAN 97 in *PG 3872* of 6 July 2017 – Kouga Local Municipality

CASES

National

South African Hunters and Game Conservation Association v Minister of Safety and Security of the Republic of South Africa (21177/2016) [2017] ZAGPPHC 299 (4 July 2017) <http://www.saflii.org/za/cases/ZAGPPHC/2017/299.html>
Constitutionality of sections 24 and 28 of the Firearms Control Act. Act 60 of 2000 – declared unconstitutional – firearms which are to be renewed in terms of s 24 shall deemed to be valid until the Constitutional Court makes its determination on the constitutionality of the sections

PUBLICATIONS

Mathenjwa Mbuseni *Supervision of Local Government* (Juta 2017)
<https://juta.co.za/products/supervision-of-local-government/>

IRENA Report: Renewable Energy Statistics 2017
<http://www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36&CatID=141&SubcatID=3866>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Science: Wittenberg Ariel “Trump will try to sidestep science in rolling back clean water rule” E&E News 28 June 2017 <http://bit.ly/2tvIwDH>

Science: Normile Dennis “Almost all of the 29 coral reefs on U.N. World Heritage list damaged by bleaching” 26 June 2017 <http://bit.ly/2ssvwOp>

Science: Krishna Gopal “In India, critics assail proposal to build 100 waste-fueled power plants” 30 June 2017 <http://bit.ly/2twMw5t>

E&E: Holden E “Pruitt will launch program to 'critique' climate science” 30 June 2017 <https://www.eenews.net/stories/1060056858>

The Conversation: Rodina Lucy “Cape Town needs a new approach to manage water” 3 July 2017 <http://bit.ly/2sm4vrB>

The Conversation: Mutize Misheck “Why the World Bank's efforts to marshal private capital won't reduce poverty” 3 July 2017 <http://bit.ly/2sm8hBl>

The Conversation: Andrews Penelope “South Africa's problems lie in political negligence, not its Constitution” 4 July 2017 <http://bit.ly/2tFEInN>

The Conversation: Oyake-Ombis Leah “Kenya should be focused on recycling, not banning plastic bags” 4 July 2017 <http://bit.ly/2smnm68>

The Conversation: Yeboah Stephen “How a lack of access to reliable weather data is hurting African farmers” 4 July 2017 <http://bit.ly/2tFAMyF>

The Conversation: Welden Natalie “How your pile of laundry fills the sea with plastic pollution” 4 July 2017 <http://bit.ly/2tIChLj>

Daily Maverick: Carnie Tony “Op-Ed: Tough choices ahead for Kruger National Park” 27 June 2017 https://www.dailymaverick.co.za/article/2017-06-27-op-ed-tough-choices-ahead-for-kruger-national-park/?utm_medium=email#.wvblogpiv

Amnesty International: Oil in the Niger Delta: <http://www.amnesty.ca/our-work/issues/business-and-human-rights/oil-in-the-niger-delta>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Smith Ndlovu & Summers: (Durban) Presentation and Discussion: 2017 Amendments to the EIA Regulations and Listing Activities, 2014

Date: 27 July 2017

Venue: 18 Burlington Conference Centre (18 Burlington Road, Dawncliffe, Durban)

Time: 8:30 – 10:30 (Registration from 8am)

Cost: R250.00 pp (excluding VAT) (includes: event material, tea, coffee and a light breakfast)

RSVP (or for more information) Samantha de Villiers: sdevilliers@law.co.za or 031 764 2914

ELA Student Conference: The Impacts of Contemporary Societal and Developmental Trends – Novel Environmental Law and Governance Responses

Date: 15-16 September 2017

Place: Potchefstroom

No Registration Fee

Submission of Abstracts to ELA Secretariat: enviro.association.sa@gmail.com

Queries: Prof Anél du Plessis anel.duplessis@nwu.ac.za 018 299 1924

Abstract Submission date: 20 July 2017

ELA Annual Conference and AGM: Save the Date

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

More information will follow soon

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

2017 NACA (National Association for Clean Air) Conference

Date: 4-6 October 2017

Venue: CedarWoods of Sandton Conference Centre, 120 Western Service Rd, Woodmead, Sandton, Gauteng

For more information visit the NACA website at: www.naca.org.za

Or contact Beverley Terry at 071 683 9770

CBSS Training Workshop, Pretoria and Cape Town: Integrated Water Resource Management, the National Water Act and Water Use Authorisations

Date: 15-17 Augustus 2017

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station) (Register before 18 July 2017)

Date: 12-14 September 2017:

Venue: Intaka Island (near Century City) (register before 14 August 2017 for discount).

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 our 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:

Please click on these links for the Course Description <http://www.cbosss.com/training/course-descriptions/> and Registration Form <http://www.cbosss.com/training/wp-content/uploads/2017/05/2017-CBSS-Course-Appl-Form.pdf>

Seats are 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, with payment finalised before the dates indicated. More details regarding these discounts are available on our website <http://www.cbosss.com/training/register/>

For more information contact: Glaudin Kruger Course Coordinator Tel 028 316 2905 Email: kruger@krugerassociate

Land Rehabilitation Society of Southern Africa (LaRSSA) 5th Annual conference

Dates: 1-4 August 2017

Venue: Olifantsriver Lodge, Mpumalanga

More information at: <http://larssa.co.za/>

[Source: National Biodiversity and Business Network (NBBN) - May 2017 Newsletter]

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

All interested are invited to submit proposals for special sessions and workshops, and abstracts for oral and poster presentations for the 2017 Symposium of Contemporary Conservation Practice.

Please submit all proposals for special sessions and/or workshops for consideration by 30 June 2017 using the online submission system:

<http://ocs.conservationssymposium.com/sccp/2017/login?source=%2Fscsp%2F2017%2Fauthor%2Fsubmit%3FrequiresAuthor%3D1>

Please submit all abstracts for oral and poster presentations for consideration by 4 August 2017 using the online submission system.

For any queries, contact Freyni or Erica: secretariat@conservationssymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

IMBEWU: Environmental Law Update Workshop

Date: 22 August 2017

Venue: IMBEWU's Offices – Rosebank, JHB

Time: 08:30-16:30

Contact: Lulu@imbewu.co.za or www.imbewu.co.za or call at 011 214 0660/1

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

The Faculty of Law invites applications for admission to PhD and Master's by dissertation programmes in the departments of Public, Commercial and Private Law for the 2018 academic year. Click here for details on specific focus areas.

Online applications supported the following documents will be accepted

<http://www.lawresearchdegrees.uct.ac.za/lrd/admission> : A brief CV, Transcript (unless they are UCT graduates), Contact details of two academic referees; and A 3-4 page statement of the research topic (the statement of interest form is available on this website. <http://www.lawresearchdegrees.uct.ac.za/lrd/admission>

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

The final date for applications is 31 August 2017

For further information click here or contact Patricia Phillips patricia.phillips@uct.ac.za

NWU: CEM Courses 2017

- **Environmental law - for the mining sector CEM-02.1.8**
Date: 17-21 July 2017 (Potchefstroom)
- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Mine Health and Safety Law CEM-02.2.2**
Date: 31 July-4 August 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Integrated Waste Management (CEM-06.2.1)**
Date: 24-28 July 2017 (Potchefstroom)
- **Occupational Health and Safety Management Systems CEM-03.2.1**
Date: 17-21 July 2017
- **Environmental Risk Assessment and Management (ERAM) CEM-05.3.1**
Date: 17-21 July 2017
- **Environmental Management Systems CEM-03.1.1**
***Course based on ISO 14001:2015
Date: 31 July - 4 August 2017
- **Water Quality Monitoring- CEM-06.4.1**
Date: 28 August-1 September 2017
- **The Roles and Responsibilities of an Environmental Control Officer-CEM-05.2.1**
Date: 28 August - 1 September 2017

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

University of Pretoria: Short Course Programme in Local Government Law and Municipal Administration

Dates: 18 July - 21 November 2017

The Programme in Local Government Law and Municipal Administration presented by the University of Pretoria provides administrators, government officials and legal practitioners with a better understanding of Local Government law and what it entails to run a municipality.

Delegates will gain knowledge regarding municipal administration and topics such as sustainable service delivery, local government powers and functions, municipal elections and important aspects of municipal finance and fiscal management (including the MFMA and the MPRA) are covered during the course.

For more information: email Hilke Haber: hilke.haber@enterprises.up.ac.za

International

IAIA 2018 in Durban: Environmental Justice in Societies in Transition

Date: 16-18 May 2018

Venue: Durban International Convention Center, Durban, South Africa

Conference website: <http://conferences.iaia.org/2018/index.php>

Announcement available at: http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/FinalFirstAnnouncement_18.pdf

The South African affiliate of the International Association for Impact Assessment, IAIAAsa, is proud to announce its hosting of the next annual international IAIA conference (IAIA 18) that will be taking place in Durban from the 16th to the 19th of May 2018. It is the second time in the 38 years of IAIA that the international conference is coming to South Africa. The conference is expected to be attended by 1200 delegates from approximately 87 countries.

The Conference Theme, "Environmental Justice in Societies in Transition", speaks to the realities faced by African countries today in trying to balance the needs of growing economies with the equally important need to preserve the natural capital. We believe that IAIA 18 will mark a critical moment in the history of developing countries as they remain the most vulnerable to environmental injustices associated with development and economies that still need a major boost through massive infrastructure development. As our members, we hope that you will find it easy to identify with this theme.

Over the past 2 months following the formal announcement of Durban as the host city for the IAIA 18 conference, the IAIA Local Organising Committee has been working tirelessly mobilising strategic partners that will be integral to ensuring delivery of a successful and truly African conference.

You are therefore invited to join us in our journey as we prepare for this momentous milestone in the history of impact assessment in South Africa.

- **Session proposals**

A call for submission of session proposals is already out. This is an opportunity to invite the international impact assessment fraternity to discuss/debate issues of local importance and responses to our environmental problems while taking lessons from the developed world's experiences.

It is therefore critical that there are enough sessions from South Africans. Session proposals will be accepted until the 31st of July 2017 so if you are up for the challenge to take up the opportunity for profiling some of your impact assessment work, there is still time.

Climate action in support of the Paris Agreement SISC V Annual Conference

Date: 26-27 October 2017

Venue: CNR Bologna Research Area, Italy

Extended deadline for abstracts: 17 July 2017

"Climate action in support of the Paris Agreement" is the title of the SISC Fifth Annual Conference <http://www.sisclima.it/conferenza2017> that will take place on October 26-27, 2017 at Conference Center of CNR Bologna Research Area, Italy. The Conference aims to involve scientists, researchers and policy

makers, whose activities are focused on different aspects of climate change, its impacts and related policies. The SISC Fifth Annual Conference is an important interdisciplinary platform for the presentation of new advances and research results in the fields of science and management of Climate Change. The conference will bring together leading scientists who are active at the frontiers of this diverse and multidisciplinary fields.

The abstract (maximum 1.000 words) should be submitted online in English.

Authors are requested to choose the type of presentation (oral presentation or poster) and to follow the instructions given in the Call for Abstracts.

The best poster will be awarded from the Scientific Committee.

Important dates:

July 31, 2017: notification of acceptance.

September 10, 2017: deadline for online registration for presenters

September 30, 2017: notification of the program

IWLC18 International Wildlife Law Conference: Transboundary Dimensions of Wildlife Conservation - Call for Papers

Date: 18-19 April 2018

Place: Tilburg, the Netherlands

Themes:

- Conservation and management of large carnivores and other megafauna
- Flyway-level conservation and management of migratory bird populations
- Marine and terrestrial protected areas (e.g. connectivity, restoration and wilderness issues)
- Prevention, control and eradication of invasive alien species
- Contemporary challenges facing international wildlife law and innovative solutions
- The limits of international wildlife law: perspectives from other sectors and disciplines
- Papers on other topics will also be considered.

A selection of best papers will be published in the *Journal of International Wildlife Law and Policy*.

Abstracts: Maximum 300 words to be sent to iwlc18@tilburguniversity.edu by 13 October 2017

NEWS

Development: Scientists warn against Schoenmakerskop sand mine

“If the proposed Schoenmakerskop sand mine goes ahead, it could kill the rare coastal stromatolite formations in the area, according to a wetland specialist. A report in The Herald quotes Port Elizabeth-based Dr Japie Buckle, the national head of natural resource management in the Department of Environmental Affairs, who said the stromatolites – flagged in April in a landmark NMMU

research presentation – relied on a system of seeps. These seeps were thin streams of water released on a constant basis from small catchments beneath the dunes. ‘If you remove these catchment dunes, water will be released rapidly after rains, causing flow surges,’ Buckle said. For the stromatolites, this would be disastrous, he said. NMMU Institute for Coastal and Marine Research’s Dr Gavin Rishworth said Port Elizabeth’s stromatolites probably played an important buffering role preventing nutrient overloads like sewage, for instance, polluting the coast, and the best examples at Schoenmakerskop, Cape Recife and Seaview could become the centrepiece of a new ecotourism programme. Schoenmakerskop Ratepayers’ Association chairperson Andre Lemmer said that from an environmental perspective, this appeared to be yet another significant factor to take into account regarding the inadvisability of allowing the sand mine proposal to go ahead.”

Full report in The Herald (subscription needed) *Legalbrief Environmental* 4 July 2017

Waste: Enviroserv blames disposal regulations for landfill odour

“While Enviroserv acknowledges its Shongweni landfill site is a contributor to malodour, it blames the 2013 change in waste disposal regulation, which resulted in thousands of complaints from Upper Highway residents. According to a Sunday Tribune report, treatment and disposal specialist Johan Schoonraad said: ‘Our investigations indicate we now have sulphur-reducing bacterial activity which we believe is a consequence of the ph which dropped after we started doing things according to the new regulation. But the department does not agree.’ In August 2013, the Department of Environmental Affairs instituted a new regulation which lowered the requisite ph level for disposing of waste, he said. Before December that year, Enviroserv used to douse the waste with lime to raise the ph levels to between 6 and 12, he added. ‘We don’t blame the DEA because we were all consulted before the change of regulation but no one anticipated this kind of reaction. We all need to admit we adopted legislation with a flaw. It needs to be corrected before other landfills suffer the same fate,’ Schoonraad is quoted in the report as saying. But environmentalist Desmond D’sa said SA needed stricter laws to regulate the waste management industry because ‘some companies are getting away with murder, with no accountability’. ‘We should be looking at ways to reduce waste otherwise companies like Enviroserv will always find excuses and then blame the government for deliberately doing something they knew was wrong,’ he noted. D’sa said the department would not have instituted criminal proceedings against Enviroserv in February if it was its own regulation that was to blame for the ‘disaster’ at Shongweni. The department’s spokesperson, Albi Modise, said the odour was caused by poor management exacerbated by overloading which promoted the growth of sulphur-reducing bacteria. ‘It is not true the regulations caused the drop in ph. All landfills sites are bound by conditions of their licence and any deviation or non-compliance like that described above could result in malodour.’”

Full Sunday Tribune report (subscription needed) *Legalbrief Environmental* 4 July 2017

Energy: SA has a bad environmental impact record - study

“A recent international study has shown that SA – in terms of its environmental impacts – has one of the worst track records. According to a report in *The Mercury*, the report from MoneySuperMarket, a price comparison web site in the UK, found most other African countries fared well. ‘The new research highlights the individual contribution to the world’s climate as well as highlighting areas for improvement for each country. The study helps identify the biggest contributors to negative environmental impact, but the results are also surprising, placing five African countries in the top 10 for lowest environmental impact,’ the report said. SA ranked as one of the 10 worst countries for its impact on the environment. ‘In comparison with other African countries, SA came out worst for their human impact on the environment, along with Trinidad and Tobago, the US and China,’ it said. The study found that only 1.01% of SA’s energy came from green sources, which was second only Trinidad and Tobago. ‘SA’s CO2 emissions equate to 9.3 tons per person, compared with Mozambique’s levels of just 0.1 tons per person,’ it said. David Hallows, a researcher at environmental justice NGO groundWork, said of the study: ‘Most striking is that poor countries are at the top of the rankings. It looks like they are there just because they are poor, not because they are doing anything right.’”

Full report in *The Mercury* (subscription needed) *Legalbrief environmental* 4 July 2017

Cape Town has been named as the most biodiverse urban area in the world

“The honour was bestowed by the leader of the UN’s City and Biodiversity Outlook Project, Thomas Elmqvist, a Swedish expert in natural resource management and urban landscapes. His assessment was published this week as part of *The Guardian’s* Cities project.”

The Times Legalbrief Environmental 4 July 2017

Report investigates climate change science and technology

As the effects of climate change continue to be felt around the world, particularly in Africa, ongoing research has become critical to mitigate its impacts. In response, the Department of Science and Technology (DST) has committed to produce two reports on climate change for Cabinet as part of "Outcome 10: Protect and Enhance our Environmental Assets and Natural Resources" of the Medium-Term Strategic Framework.

Government’s five-year Medium-Term Strategic Framework incorporates an outcomes-based approach to complement the National Development Plan’s vision and trajectory that by 2030 South Africa’s transition to an environmentally sustainable, climate change resilient, low-carbon economy and just society will be well under way.

The first report, *The State of Climate Change Science and Technology in South Africa* undertaken by the Academy of Science of South Africa (ASSAf) on behalf of the DST, has been completed and endorsed by Cabinet. The second report is due in March 2019.

The report assesses the climate change science and technology landscape and highlights the key challenges and impacts in South Africa over the next 30 years. While the country is set to face challenges brought about by climate change, our science research community, which is focusing on this global threat, is productive, well respected and growing.

The report affirms that over the next 30 years the western parts of South Africa are expected to be hotter and drier than the rest of the country. More extreme weather, droughts and floods can be expected. The country will also face increased pressure to move the energy mix away from its current high dependence on fossil fuels, especially coal.

Climate change research outputs have increased by 16% p.a. from 131 p.a. in 2005 to 596 p.a. in 2015, compared with a 5% p.a. growth in all research topics. This assessment is based on a bibliometric survey of peer-reviewed journal articles and book chapters between 2005 and 2015.

The report also revealed strong international research linkages as the number of research collaborating countries increased from 40 in 2006 to 135 in 2015, with many South African scientists serving in leadership positions in international climate change research and assessment bodies.

The climate change research community in South Africa is spread across more than 30 institutions, with five research-intensive higher education institutions (the University of Cape Town, Stellenbosch University, the University of KwaZulu-Natal, the University of the Witwatersrand and the University of Pretoria) dominating research output and the production of graduate students.

There are also strong linkages among climate change researchers in the various higher education institutions and between the university community, science councils and local and national government, but linkages with the private sector are relatively weak.

Climate change-related research and technology development in South Africa is currently funded at around R400 million p.a. This constitutes a growth of about 12% p.a. (nominal, 6% real) over the past decade. Two-thirds of this funding is dedicated to research while the rest goes toward technology development. Climate change research and technology development expenditure amounts to about 1,7% of the total South African research expenditure, which is high for a developing country.

The full report is available at <http://hdl.handle.net/20.500.11911/66> and www.dst.gov.za

This media release is jointly issued by ASSAf and the Department of Science and Technology.

For more information, contact Patsy Scholtz (ASSAf) on 082 550 0757 and Zama Mthethwa (DST) on 082 808 3956.

Awami Sammy Tanzania lawmakers back controversial mining laws BBC News 4 July 2017 [Source: Legalbrief Today 5 July 2017]

http://www.bbc.com/news/live/world-africa-39660321?ns_mchannel=social&ns_source=twitter&ns_campaign=bbc_live&ns_linkname=595b4005e4b08315298beb24%26Tanzania%20lawmakers%20back%20controversial%20mining%20laws%26%ns_fee=0#post_595b4005e4b08315298beb24

Mindock Clark “Court blocks Trump administration's attempt to delay Obama anti-pollution rule” *Independent* 4 July 2017 [Source: Legalbrief Today 5 July 2017] <http://www.independent.co.uk/news/world-0/us-politics/trump-climate-change-epa-methane-emissions-limit-delay-blocked-scott-pruitt-a7821866.html>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Data Engineer (PhD-level) at the Department of Environmental Science at Radboud University (Nijmegen, Netherlands):

1. Land Use and Biodiversity:

http://www.ru.nl/werken/details/details_vacature_0/?recid=598033

2. Machine Learning for Ecology:

http://www.ru.nl/werken/details/details_vacature_0/?recid=598034

3 + 4. Environmental Footprints of Renewable Energy:

http://www.ru.nl/werken/details/details_vacature_0/?recid=597863

5. Environmental and Ecological Data Engineer:

<http://www.ru.nl/english/working-at/jobopportunities/details/details-vacature/?taal=uk&recid=598022&pad=%2fenglish>

Phd Positions: Denmark

https://en.academicpositions.dk/ad/university-of-southern-denmark/2017/phd-fellowships-in-law-at-department-of-law/102617?utm_medium=email&utm_source=transactional&utm_campaign=Job+alerts

Join us on

Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 27

14 July 2017

LEGISLATION

NOTICES

Plant Breeders' Rights Act 15 of 1976 - GN 665 in GG 40978 of 14 July 2017 -
Receipt of applications for plant breeders' rights

Petroleum Products Act 120 of 1977 - GN R683 in GG 40979 of 13 July 2017 -
Amendment regulations regarding petroleum products specifications and
standards published under GN R431 in GG 35410 of 1 June 2012 repealed
with effect from 23 June 2017

National Water Act 36 of 1998 - GN 690 in GG 40987 of 14 July 2017 -
Correction notice to the Draft Mine Water Management Policy Position
published under GN 657 in GG 40965 of 7 July 2017

Promotion of Access to Information Act 2 of 2000 - GG 40977 of 13 July 2017 -
Department of Transport: Section 14 manual

Promotion of Access to Information Act 2 of 2000 - GN 682 in GG 40978 of 14
July 2017 - Department of Water and Sanitation: Section 14 manual

Financial Markets Act 19 of 2012 - BN 133 in GG 40978 of 14 July 2017 -
Notice of publication for comment of proposed inclusion/amendments to the
JSE Debt Listing Requirements

Division Of Revenue Act 3 of 2016 - GN 689 in GG 40985 of 14 July 2017 -
Transfers made from the Municipal Disaster Grant

Special Economic Zones Act 16 of 2014 - GN R664 in GG 40976 of 14 July
2017 - Draft Regulations in terms of the Special Economic Zones Act, 2014 -
for comment

PROVINCES

Western Cape

Disaster Management Act 57 of 2002 - LAN 54755 in *PG 7789* of 7 July 2017 - Stellenbosch 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 - LAN 54758 in *PG 7789* of 7 July 2017 - Drakenstein Local Municipality - Amendment to the Outdoor Advertising and Signage By-law 1 of 2008 published under *PG 6516* of 18 April 2008

Disaster Management Act 57 of 2002 - LAN 54771 in *PG 7789* of 7 July 2017 - Swartland Local Municipality - Declaration of a local state of drought disaster

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; Western Cape Land Use Planning Act 13 of 2014 and Cape Agulhas By-Law on Municipality Land Use Planning - LAN 54772 in *PG 7789* of 7 July 2017 - Cape Agulhas Local Municipality - Notice of adoption of the 2017/18 – 2021/22 Spatial Development Framework (SDF)

Limpopo

Limpopo Tourism Bill, 2017 – Gen Notice 96 in *PG 2832* of 14 July 2017 - for comment

KwaZulu-Natal

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 90 in *PG 1852* of 13 July 2017 - eMadlangeni Local Municipality - Appointment of members to the Municipal Planning Tribunal and commencement of the Tribunal published with effect from 1 June 2017

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 91 in *PG 1852* of 13 July 2017 - Mthonjaneni Local Municipality - Approval and adoption of tariffs for property rates, electricity and solid waste services; and resolution levying property rates for the financial year 1 July 2017 to 30 June 2018 - with effect from 1 July 2017

Gauteng

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 974 in *PG* 171 of 12 July 2017 - Adoption of tariff of charges: electricity, water, cleansing, drainage, general charges for Finance Department, economic development and planning, building control, public safety and security, municipal facilities, housing and administration, and policy for the provision of municipal civil and electric services in privately developed areas - with effect from 1 July 2017

Eastern Cape

Disaster Management Act 57 of 2002 - LAN 102 in *PG* 3876 of 13 July 2017 - Kouga Local Municipality (EC108) - Notice of intention to declare a local state of drought disaster

Mpumalanga

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 67 in *PG* 2830 of 14 July 2017 - Victor Khanye Local Municipality, Emakhazeni Local Municipality, Dr JS Moroka Local Municipality and Thembisile Hani Local Municipality - By-Laws on Outdoor Advertising published with effect from a date to be announced in the *Provincial Gazette*

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 68 in *PG* 2830 of 14 July 2017 - Agreement for the Establishment of a District Municipal Appeal Tribunal Authority between Nkangala District Municipality and Victor Khanye, Dr JS Moroka, Emakhazeni and Thembisile Hani Local Municipalities

CASES

National

Baron and Others v Claytile (Pty) Limited and Another [2017] ZACC 24
<http://www.saflii.org/za/cases/ZACC/2017/24.html>

Extension of Security of Tenure Act 62 of 1997 — section 26 of the Constitution — eviction by a private landowner — suitable alternative accommodation — constitutional obligations of organs of state to provide suitable alternative accommodation in evictions

Removal of former employees of a brick manufacturing business to area 30 km from original accommodation

International

King Felix Sunday Bebor Berebon & Others v The Shell Petroleum Development Company of Nigeria Limited [2017] EWHC 1579 (TCC)

[Source: Legalbrief – A Matter of Justice Rickard C “Delayed Niger Delta clean-up - the REAL story” 11 July 2017]

“1 These proceedings concern land in and around Bodo Creek, in Nigeria, which was the subject of two oil spills in 2008 and 2009. Prior to the commencement of the proceedings, the defendant admitted liability in respect of those spills under the Nigerian Oil Pipelines Act 1990 (“the OPA”). The 18 claimants brought claims on a representative basis. They originally sought damages and a mandatory injunction requiring the defendant to clean up the area, or damages in lieu of an injunction. One of the many issues that now arises concerns the capacity of those 18 claimants to pursue the proceedings.”

PUBLICATIONS

Belinsjkij Antti, Kotzé Louis J and Fuo Oliver “Domestic manifestations of international law’s right to water: A comparative analysis of emerging rights obligations in Finland and South Africa” 2017 25 *African Journal of International and Comparative Law* 261-292

Juta Index to the Namibian Law Reports 1990-2016 <https://juta.co.za/products/3949-namibian-law-reports-1990-to-date-online/> or <https://juta.co.za/products/3584-namibian-law-reports-1990-to-2010/>

Gerrard Michael B "Legal Pathways for a Massive Increase in Utility-Scale Renewable Generation Capacity" in Gerrard MB and Dernbach J (eds) *Legal Pathways To Deep Decarbonization In The United States* (ELI Washington to be published August 2017) http://columbiaclimatelaw.com/files/2017/06/Legal-Pathways-for-a-Massive-Increase-in-Utility-Scale-Renewable-Generation-Capacity.pdf?utm_content=buffer050bd&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer

Transnational Environmental Law – download top 5 most cited articles - free access until end of August <http://bit.ly/2tXruMT>

International Council for Science “A Guide to SDG Interactions: from Science to Implementation” July 2017 <https://www.icsu.org/publications/a-guide-to-sdg-interactions-from-science-to-implementation>

OECD “Policy Coherence for Sustainable Development 2017” (May 2017) <http://www.oecd.org/development/policy-coherence-for-sustainable-development-2017-9789264272576-en.htm>

OECD “Green Growth Indicators 2017” (June 2017) <http://www.oecd.org/environment/green-growth-indicators-2017-9789264268586-en.htm>

World Health Organisation “Progress on Drinking Water, Sanitation and Hygiene Update and SDG Baselines 2017” (July 2017) <http://www.who.int/mediacentre/news/releases/2017/launch-version-report-imp-water-sanitation-hygiene.pdf?ua=1>

World Bioenergy Association “Factsheet on energy recovery from waste” (12 July 2017) <http://worldbioenergy.org/news/366/47/Energy-recovery-from-Waste-to-be-a-major-sector-in-future>

Network of Regional Governments for SDGs “SDGs at the Subnational Level: Regional Governments in the Voluntary National Reviews” (July 2017) <http://www.nrg4sd.org/wp-content/uploads/2017/07/SDGsatSubnationalLevel.pdf>

Bertelsmann Stiftung “SDG Index and Dashboards Report 2017 Global Responsibilities: International spillovers in achieving the goals” July 2017 <http://sdgindex.org/assets/files/2017/2017-SDG-Index-and-Dashboards-Report--full.pdf>

UNICEF “In Search of Opportunities Voices of children on the move in West and Central Africa” July 2017 <https://www.unicef.org/wcaro/nigeriaregionalcrisis/WCAR.Migration.July2017.LRe.pdf>

World Water Council “Mainstreaming Water In Global Agendas” Annual Report July 2017 http://www.worldwatercouncil.org/fileadmin/world_water_council/documents/official_documents/WWC_AnnualReport2016_WEB.pdf

Benson Melinda Harm & Craig Robin Kundis *The End of Sustainability: Resilience and the Future of Environmental Governance in the Anthropocene* (University of Kansas Press forthcoming November 2017) <https://www.amazon.com/End-Sustainability-Resilience-Environmental-Anthropocene/dp/070062516X>

Craig Robin Kundis, Adler Robert W & Hall Noah D *Water Law: Concepts and Insights* (Foundation Press: January 2017) <http://www.westacademic.com/Professors/ProductDetails.aspx?NSIID=69267>

Committee to Review the Edwards Aquifer Habitat Conservation Plan, Water Science & Technology Board, Division of Earth & Life Studies, National Academies of Science, Engineering, and Medicine, *Review of the Edwards Aquifer Habitat Conservation Plan: Report 2* (April 2017), <https://www.nap.edu/catalog/23685/review-of-the-edwards-aquifer-habitat-conservation-plan-report-2> (Report 1 can be downloaded here: <https://www.nap.edu/catalog/21699/review-of-the-edwards-aquifer-habitat-conservation-plan-report-1>)

Craig Robin Kundis "Water, Energy, and Technology: The Legal Challenges of Interdependencies and Technological Limits" in Brownsword Roger, Scotford Eloise & Yeung Karen *Oxford Handbook on the Law and Regulation of Technology, Part V: Energy and the Environment* 1169-1193 (Oxford University Press: online publication Jan. 2017; text publication June 2017) <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199680832.001.0001/oxfordhb-9780199680832-e-70> DOI: 10.1093/oxfordhb/9780199680832.013.70

Craig Robin Kundis, Ruhl JB, Brown Eleanor D & Williams Bryon K "Designing Administration Law for Adaptive Management," 2017 12:7 *Environmental Research Letters* 074018 (July 10) <https://doi.org/10.1088/1748-9326/aa7037>

Craig Robin Kundis *et al* "Balancing stability and flexibility in adaptive governance: The new challenges and a review of tools available," 2017 22(2) *Ecology & Society* 3 [online] (April) <http://www.ecologyandsociety.org/vol22/iss2/art3/> or <https://doi.org/10.5751/ES-08983-220203>

Cosens Barbara *et al* "The role of law in adaptive governance," 2017 22(1) *Ecology and Society* 30 <http://www.ecologyandsociety.org/vol22/iss1/art30/> DOI: <http://dx.doi.org/10.5751/ES-08731-220130>

Craig Robin Kundis "Putting Resilience Theory into Practice: The Example of Fisheries Management" 2017 31:3 *Natural Resources & Environment* 3-7 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2896834

IRENA "Stranded Assets and Renewables How the energy transition affects the value of energy reserves, buildings and capital stock" Working Paper July 2017 <http://www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36&CatID=141&SubcatID=3870>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Science Direct: Wagner A "Take a 360° spin through the heart of the sun" 13 July 2017 http://www.sciencemag.org/news/2017/07/take-360-spin-through-heart-sun?utm_campaign=news_weekly_2017-07-14&et rid=307814892&et cid=1440083

Science Direct: Perkins Sid "Future heat waves are going to make air travel a pain" 13 July 2017 http://www.sciencemag.org/news/2017/07/future-heat-waves-are-going-make-air-travel-pain?utm_campaign=news_weekly_2017-07-14&et rid=307814892&et cid=1440083

The Conversation: Friedman S "What the World Bank's shift from public to private funding means for development" 9 July 2017 <http://bit.ly/2tYqwhQ>

The Conversation: Gossel Sean "How corruption is fraying South Africa's social and economic fabric" 12 July 2017 <http://bit.ly/2v5UXD7>

The Conversation: Scholes Robert "Explainer: unpacking the issues around fracking in South Africa" 13 July 2-17 <http://bit.ly/2ttnJeH>

The Conversation: Duffy R, Dickinson H and Joanny L "Foreign 'conservation armies' in Africa may be doing more harm than good" 12 July 2017 <http://bit.ly/2tfNJiy>

The Conversation: Otto Friederike "Droughts in East Africa: some headway in unpacking what's causing them" 11 July 2017 <http://bit.ly/2t4bw0x>

The Conversation: Ordway Elsa "Africa's tropical forests could be next in line as global food demand grows" 12 July 2017 <http://bit.ly/2uwHZky>

The Conversation: Zengeya Tsungai "South Africa should sort out the bad from the really bad on its invasive species list" 10 July 2017 <http://bit.ly/2tWZIQx>

The Conversation: Aleman Julie C "Why the future of Africa's forests and savannas is under threat" 9 July 2017 <http://bit.ly/2uwHTcV>

IISD: ENB Bulletin: The Oceans Conference PrepCom 4 - 14 July 2017 - New York Highlights: <http://bit.ly/2uuvZzz>

IISD: ENB Bulletin: High-Level Political Forum on Sustainable Development 10-19 July 2017 UN Headquarters New York <http://enb.iisd.org/hlpf/2017/>

IISD: ENB Bulletin: 4th Session of the Preparatory Committee on Marine Biodiversity Beyond Areas of National Jurisdiction 10-21 July 2017 - UN Headquarters, New York <http://enb.iisd.org/oceans/bbni/prepcom4/>

SDG Knowledge Hub: Paul Delia: “Health and Well-Being Issues Under Consideration at HLPF” 13 July 2017 <http://bit.ly/2v6w7CU>

IISD SDG Knowledge Hub: Mead Leila “UN Reports that Billions Lack Safe Water and Proper Sanitation” 13 July 2017 <http://bit.ly/2tYNHc5>

IISD SDG Knowledge Hub: Mead Leila “How Can Progress on Infrastructure, Industry and Innovation Contribute to Achieving the SDGs?” 12 July 2017 <http://bit.ly/2usjmop>

IISD SDG Knowledge Hub: Jungcurt S “IMO Environment Committee Advances Work on Shipping Emissions” 13 July 2017 <http://bit.ly/2ttFrPf>

IISD SDG Knowledge Hub: Paul Delia “EEA Investigates Water Pricing Approaches” 13 July 2017 <http://bit.ly/2us3XEu>

Libreville Outcome Statement on Women Entrepreneurs and Sustainable Energy in Africa, June 2017 Gabon <http://theargeo.org/WESE/outcome.pdf>

IISD SDG Knowledge Hub: Paul Delia “FAO, WWC Promote Water Accounting” 13 July 2017 <http://bit.ly/2v6Hw5Q>

IISD SDG Knowledge Hub: Paul Delia “Eleven EU Countries Breach Air Quality Standards” 11 July 2017 <http://bit.ly/2tu7JJe>

IISD SDG Knowledge Hub: Ledaba Ana Maria “OECD Report Finds Slow Progress on Green Growth” 11 July 2017 <http://bit.ly/2uxqT66>

Gold Standard for Global Goals website: New certification solutions - <https://www.goldstandard.org/our-standard/new-certification-solutions>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

Smith Ndlovu & Summers: (Durban) Presentation and Discussion: 2017 Amendments to the EIA Regulations and Listing Activities, 2014

Date: 27 July 2017

Venue: 18 Burlington Conference Centre (18 Burlington Road, Dawncliffe, Durban)

Time: 8:30 – 10:30 (Registration from 8am)

Cost: R250.00 pp (excluding VAT) (includes: event material, tea, coffee and a light breakfast)

RSVP (or for more information) Samantha de Villiers: sdevilliers@law.co.za or 031 764 2914

ELA Student Conference: The Impacts of Contemporary Societal and Developmental Trends – Novel Environmental Law and Governance Responses

Date: 15-16 September 2017

Place: Potchefstroom

No Registration Fee

Submission of Abstracts to ELA Secretariat: enviro.association.sa@gmail.com

Queries: Prof Anél du Plessis anel.duplessis@nwu.ac.za 018 299 1924

Abstract Submission date: 20 July 2017

ELA Annual Conference and AGM: Save the Date

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

More information will follow soon

2017 NACA (National Association for Clean Air) Conference

Date: 4-6 October 2017

Venue: CedarWoods of Sandton Conference Centre, 120 Western Service Rd, Woodmead, Sandton, Gauteng

For more information visit the NACA website at: www.naca.org.za

Or contact Beverley Terry at 071 683 9770

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

CBSS Training Workshop, Pretoria and Cape Town: Integrated Water Resource Management, the National Water Act and Water Use Authorisations

Date: 15-17 Augustus 2017

Venue: Pretoria (Encore Complex, Church Street, near Hatfield Gautrain Station) (Register before **18 July 2017**)

Date: 12-14 September 2017:

Venue: Intaka Island (near Century City) (register before 14 August 2017 for discount).

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 our 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:

Please click on these links for the Course Description <http://www.cbosss.com/training/course-descriptions/> and Registration Form <http://www.cbosss.com/training/wp-content/uploads/2017/05/2017-CBSS-Course-Appl-Form.pdf>

Seats are 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, with payment finalised before the dates indicated. More details regarding these discounts are available on our website <http://www.cbosss.com/training/register/>

For more information contact: Glaudin Kruger Course Coordinator Tel 028 316 2905 Email: kruger@krugerassociate

Land Rehabilitation Society of Southern Africa (LaRSSA) 5th Annual conference

Dates: 1-4 August 2017

Venue: Olifantsriver Lodge, Mpumalanga

More information at: <http://larssa.co.za/>

[Source: National Biodiversity and Business Network (NBBN) - May 2017 Newsletter]

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

All interested are invited to submit proposals for special sessions and workshops, and abstracts for oral and poster presentations for the 2017 Symposium of Contemporary Conservation Practice.

Please submit all proposals for special sessions and/or workshops for consideration by 30 June 2017 using the online submission system: <http://ocs.conservationssymposium.com/sccp/2017/login?source=%2Fscpp%2F2017%2Fauthor%2Fsubmit%3FrequiresAuthor%3D1>

Please submit all abstracts for oral and poster presentations for consideration by 4 August 2017 using the online submission system.

For any queries, contact Freyni or Erica: secretariat@conservationssymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

IMBEWU: Environmental Law Update Workshop

Date: 22 August 2017

Venue: IMBEWU's Offices – Rosebank, JHB

Time: 08:30-16:30

Contact: Lulu@imbewu.co.za or www.imbewu.co.za or call at 011 214 0660/1

NWU: CEM Courses 2017

- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Mine Health and Safety Law CEM-02.2.2**
Date: 31 July-4 August 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Integrated Waste Management (CEM-06.2.1)**
Date: 24-28 July 2017 (Potchefstroom)
- **Environmental Management Systems CEM-03.1.1**
***Course based on ISO 14001:2015
Date: 31 July - 4 August 2017
- **Water Quality Monitoring- CEM-06.4.1**
Date: 28 August-1 September 2017
- **The Roles and Responsibilities of an Environmental Control Officer-CEM-05.2.1**
Date: 28 August - 1 September 2017

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

Conference: Strengthening local government legislative authority in South Africa: enforcing municipal by-laws

Date: 28 September 2017

Venue: The Roots, Potchefstroom

The joint conference of the Faculty of Law, NWU and the Konrad-Adenauer Foundation will be held on 28 September 2017 at The Roots in Potchefstroom, is aimed at building capacity in the local government sphere as far as the enforcement of municipal by-laws are concerned.

Everyone interested in the matter of local governance, public governance, good governance, law-making authority and the making and implementation of municipal bylaws are welcome to attend the event.

There is no registration fee but registration is compulsory, as space is limited. No registration costs apply but registered attendees who do not arrive will be invoiced for the full costs of the conference. Please register on/before Friday 1 September 2017 via the following web-link: <https://goo.gl/nynFKK>

Refreshments and lunch will be provided. Accommodation and transportation arrangements and costs are, however, the responsibility of attendees.

Further information and the preliminary programme are available from Mrs Angela van der Berg angela.vanderberg@nwu.ac.za or Mrs Rieëtte Venter rieette.venter@nwu.ac.za

International

IAIA 2018 in Durban: Environmental Justice in Societies in Transition

Date: 16-18 May 2018

Venue: Durban International Convention Center, Durban, South Africa

Conference website: <http://conferences.iaia.org/2018/index.php>

Announcement available at: http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/FinalFirstAnnouncement_18.pdf

The South African affiliate of the International Association for Impact Assessment, IAIAAsa, is proud to announce its hosting of the next annual international IAIA conference (IAIA 18) that will be taking place in Durban from the 16th to the 19th of May 2018. It is the second time in the 38 years of IAIA that the international conference is coming to South Africa. The conference is expected to be attended by 1200 delegates from approximately 87 countries.

The Conference Theme, "Environmental Justice in Societies in Transition", speaks to the realities faced by African countries today in trying to balance the needs of growing economies with the equally important need to preserve the natural capital. We believe that IAIA 18 will mark a critical moment in the history of developing countries as they remain the most vulnerable to environmental injustices associated with development and economies that still need a major boost through massive infrastructure development. As our members, we hope that you will find it easy to identify with this theme.

Over the past 2 months following the formal announcement of Durban as the host city for the IAIA 18 conference, the IAIA Local Organising Committee has

been working tirelessly mobilising strategic partners that will be integral to ensuring delivery of a successful and truly African conference.

You are therefore invited to join us in our journey as we prepare for this momentous milestone in the history of impact assessment in South Africa.

- **Session proposals**

A call for submission of session proposals is already out. This is an opportunity to invite the international impact assessment fraternity to discuss/debate issues of local importance and responses to our environmental problems while taking lessons from the developed world's experiences.

It is therefore critical that there are enough sessions from South Africans. Session proposals will be accepted until the 31st of July 2017 so if you are up for the challenge to take up the opportunity for profiling some of your impact assessment work, there is still time.

IWLC18 International Wildlife Law Conference: Transboundary Dimensions of Wildlife Conservation - Call for Papers

Date: 18-19 April 2018

Place: Tilburg, the Netherlands

Themes:

- Conservation and management of large carnivores and other megafauna
- Flyway-level conservation and management of migratory bird populations
- Marine and terrestrial protected areas (e.g. connectivity, restoration and wilderness issues)
- Prevention, control and eradication of invasive alien species
- Contemporary challenges facing international wildlife law and innovative solutions
- The limits of international wildlife law: perspectives from other sectors and disciplines
- Papers on other topics will also be considered.

A selection of best papers will be published in the *Journal of International Wildlife Law and Policy*.

Abstracts: Maximum 300 words to be sent to iwlc18@tilburguniversity.edu by 13 October 2017

37th Public Lands Law Conference: Bridging Divides: Energy, Environment, and Empowerment in a New Era

Date 12-13 October 2017

The 37th Public Land Law Conference seeks to answer the question: How do we bridge divides and find common vision to manage our energy and environmental resources in an evolving political climate? The conference will bring together voices of local communities, federal and state actors, tribal nations, and private and nonprofit interests, to work toward a common vision of the law and policy of energy and the environment. Featured keynotes include Ryan Zinke, Secretary of the Interior (invited), and Distinguished Professor

Charles F. Wilkinson, Moses Lasky Professor of Law at the University of Colorado School of Law.

Day 1 includes a field trip through the Upper Clark Fork River Basin to study on-the-ground examples of mining reclamation and energy development. (7 CLE credits pending)

Day 2 includes panels on Water, Wind & Wildlife; Energy, Infrastructure & Culture; and The Theory and Practice of Sustainable Energy Development (7 CLE credits pending)

To register and see the full agenda, visit: regonline.com/37thPublicLandLawConference

UN Summer Academy: Localizing the 2030 Agenda for Sustainable Development

Date: 21-25 August 2017

Place: Bonn, Germany

We are pleased to inform you about the upcoming UN Summer Academy 2017 titled Localizing the 2030 Agenda for Sustainable Development happening from 21 to 25 August 2017 in Bonn, Germany. This 5-day engaging programme fosters rich interaction on issues relevant to the work of the UN and its partners in the context of the 2030 Agenda and the Paris Agreement through panel discussions, workshops, excursions and practical clinics such as Share Fair and Application Labs (App Labs). The 2017 edition of the Summer Academy will focus on ways to implement the 2030 Agenda at national, regional and local level, examining the particular role of cities and local authorities in the process.

At the end of the 5-day programme, participants will:

- Have deepened their knowledge of the core substance and processes related to the 2030 Agenda, the Paris Agreement as well as the Financing for Development process.
- Have an increased awareness of the specific roles of different development partners as well as related cooperation opportunities.
- Have had a first-hand exposure to good practices in the area of sustainable development programming and implementation.
- Have gained knowledge and skills on building substantive and sustainable partnerships and enhancing their networks.

Participants will have ample opportunities to listen to renowned speakers, engage in workshops and interactive sessions and network among each other. Highlights of the Summer Academy include an excursion and other exciting opportunities to discover Bonn and its region from a sustainability perspective.

An exclusive access to our online learning platform with training and supporting background materials, and the opportunity to stay connected with colleagues is also included in the event package which allows participants to have unlimited access to resources and contacts.

For more information and to register, please visit <http://bit.ly/UNSA2017>. Deadline for registration is on 7 August 2017. Should you have questions, please email sustainable-development@unssc.org

New postgraduate studies program on "International, European and Comparative Energy, Environmental and Climate Change Law"

As organised by the new Sustainability College Bruges, from January 2018

More information at <https://www.sustainabilitycollegebruges.com/continuing-education/postgraduate-programs/energy-environmental-and-climate-change-law/>

Call for Abstracts: Africa-EU Renewable Energy Research & Innovation Symposium

Date: 23-26 January 2018

Place: Lesotho

From 23 to 26 January 2018, the National University of Lesotho will host the 2nd Africa-EU Renewable Energy Research and Innovation Symposium (RERIS 2018 <http://www.euei-pdf.org/en/recp/innovation-and-skills-development/second-africa-eu-renewable-energy-research-innovation>) in the sidelines of its NULSTICE Conference.

The Symposium is organised jointly with the Africa-EU Renewable Energy Cooperation Programme (RECP), the Finnish University Partnership for International Development (UniPID), the Low Carbon Energy for Development Network (LCEDN), the Pan African University Institute of Water and Energy Sciences (PAUWES), and Microenergy International. Following on to a successful first Symposium at the University of Abou Bekr Belkaïd Tlemcen/Algeria in 2016, <http://www.euei-pdf.org/en/recp/innovation-and-skills-development/africa-eu-symposium-on-renewable-energy-research-and> RERIS 2018 aims to foster research cooperation on renewable energy between African and European academia, private and public sector.

The organisers have opened a Call for Abstracts to be presented at the Symposium. Abstracts should demonstrate the relevance of Africa-EU research cooperation and focus on the topics of grid-connected renewable energy, de-centralised renewable and household energy solutions, energy socioeconomics or the promotion of energy research, innovation, education and entrepreneurship. The submission deadline is 10 September 2017.

To learn more about RERIS 2018 and the Call for Abstracts, visit the website <http://www.euei-pdf.org/en/recp/innovation-and-skills-development/second-africa-eu-renewable-energy-research-innovation> or follow the hashtag #RERIS18 on Twitter

NEWS

New ELA Executive member for Free State Clive Vinti

We welcome Clive Vinti as our new ELA Executive member for the Free State. He is a lecturer at the Faculty of Law, University of the Free State. Members in the Free State can contact him at VintiC@ufs.ac.za

Larsson N "Hong Kong launches bill to ban domestic ivory trade" *TheGuardian* 26 June 2017 <https://www.theguardian.com/environment/2017/jun/26/hong-kong-launches-bill-ban-domestic-ivory-trade>

"UN warns of worsening hunger in East Africa" eTN 15 July 2017 <http://www.eturbonews.com/159684/un-warns-worsening-hunger-east-africa>

Environmental: Partnerships sought to combat acid mine drainage

“The government is looking for new ways to regulate the effects of mining activity on SA’s scarce water resources, according to a policy position articulated by Water and Sanitation Minister Nomvula Mokonyane. A *Business Day* report notes the policy position paper was published in the *Government Gazette*. In it, Mokonyane said ‘emergency interventions’ were under way to deal with acid mine drainage in the Witwatersrand gold fields, where new technologies for testing mine water were being tried out. This comes as a team including University of Cape Town students has come up with a salt-based method for mine wastewater treatment, which will be rolled out at the Tweefontein colliery in Mpumalanga. Mokonyane said companies should consider acid mine drainage and other water pollutants not only as a threat, but also as an opportunity for private-public partnerships. The policy document said mining companies should, ‘in the interest of optimum water resource protection’, provide infrastructure and planning for the life cycle of their sites and after mine closures.” *Legalbrief Today* 14 July 2017

Full Business Day report: <https://www.businesslive.co.za/bd/national/science-and-environment/2017-07-14-new-rules-sought-to-combat-acid-mine-drainage/>

Local government: Cape Town seeks control of small harbours

“The City of Cape Town received 15 public responses on its bid to pass a draft harbour by-law that would place the administration of the five small harbours which fall within the city’s jurisdiction in its hands. A *Cape Argus* report says because it considered the harbours at Gordon’s Bay, Granger Bay, Hout Bay, Kalk Bay and Murray’s Bay at Robben Island to be mismanaged by the Department of Public Works (DPW) and the Department of Agriculture, Forestry and Fisheries (DAFF), the city was prompted to forge ahead with the draft by-law. Deputy mayor Ian Neilson said that DAFF had submitted ‘their comments as part of the public participation process’ while DPW representatives met city officials ‘to provide their input on the draft by-law and discuss how best to work together on implementing it’. The city’s public participation unit was compiling a record of the comments, which would be submitted to the city’s legal advisers for evaluation. ‘Once all internal processes are completed, the draft by-law will be submitted to council for adoption,’ said Neilson.” Full Cape Argus report (subscription needed) *Legalbrief Today* 14 July 2017

Jamasmie Cecilia “AngloGold taking Tanzania to UN court over country’s new mining law” *Mining.com* 13 July 2017 <http://www.mining.com/anglogold-taking-tanzania-un-court-countrys-new-mining-law/> See also the *MiningWeekly* report: <http://www.miningweekly.com/article/anglogold-initiates-arbitration-proceedings-over-new-tanzania-legislation-2017-07-13>

Child Katharine “Eskom delays financial results amid red flags” *TimesLive* 11 July 2017 [Source: *Legalbrief Forensic* 13 July 2017] <https://www.timeslive.co.za/politics/2017-07-11-eskom-delays-financial-results-amid-red-flags/>

General: How corruption holds Africa back

“The World Bank and the EU estimate that about \$1.5trn of the world’s gross domestic product is lost through corruption and this has hampered development in most African countries. A report in *The Southern Times* notes that in his presentation at the recent International Conference for Research, Innovation and Development organised by the European Alliance for Innovation, the past chairperson for the Engineering Council of Zimbabwe, Martin Manhuwa, said corruption was a major obstacle to the development of safe and adequate infrastructure in Africa. He said the situation has changed from 20 years ago when corruption was widely regarded as normal, part of the culture, an inevitable part of business life and necessary economic oil. He said the realisation that corruption was damaging led to demands for change in the 1990s when a number of anti-corruption organisations emerged. Manhuwa said it was encouraging that some organisations were now beginning to look for independent verification that their clients, partners and supply chain have implemented anti-corruption systems. He said governments must come up with strategies to combat corruption in both the private and public sector with key project participants committing to strict anti-corruption policies. The report says Manhuwa also called for the establishment of councils of good governance to advise on anticorruption policy and the establishment of anti-corruption commissions.” Full report in *The Southern Times Legalbrief Today* 14 July 2017

Conservation: Protesting villagers close Silaka nature reserve

“Disagreements between the Eastern Cape’s tourism agency and residents of a village near Port St Johns have led to the temporary closure of Silaka nature reserve. According to a Daily Dispatch report, two weeks ago frustrated residents of Sicambeni village protested outside the reserve’s gates and demanded that the reserve be closed until their grievances were attended to. Among their grievances are the issues of recruitment in the reserve and some unused land which the community wants back. The reserve is co-managed by the Eastern Cape Parks and Tourism Agency (ECPTA) and seven claimant villages through provincial co-management agreements that seek to ensure communities benefit from reserves. Sicambeni spokesperson, Ntsindiso Nongqavu, said the protest was the only way of getting the attention of the Department of Economic Development and Environment Affairs and Tourism MEC Sakhumzi Somyo. ECPTA CEO Vuyani Dayimani said the reserve had to be closed with immediate effect for the safety of visitors and staff, whom the protesters had told to vacate the premises.”

Full Daily Dispatch report (subscription needed) *Legalbrief Environmental* 11 July 2017

Callan A “India Supreme Court suspends government ban on cattle traded for slaughter” *The Jurist* 11 July 2017 <http://www.jurist.org/paperchase/2017/07/india-supreme-court-suspends-government-ban-on-cattle-traded-for-slaughter.php>

Eachambadi Ram “UN adopts historic nuclear disarmament treaty” *The Jurist* 8 July 2017 <http://www.jurist.org/paperchase/2017/07/122-un-member-states-adopt-historic-treaty-on-prohibition-of-nuclear-weapons.php#>

Callan A “Federal judge blocks \$59 million dam project to protect ancient fish species” *The Jurist* 6 July 2017 <http://www.jurist.org/paperchase/2017/07/judge-blocks-construction-of-dam-to-preserve-ancient-fish-species.php>

Callan A “Federal appeals court rejects EPA attempt to postpone protections against methane leaks” *The Jurist* 5 July 2017 <http://www.jurist.org/paperchase/2017/07/federal-appeals-court-rejects-epa-attempts-to-postpone-protections-against-methane-leaks.php>

Tomlinson A “UK withdraws from international fishing arrangement” *The Jurist* 2 July 2017 <http://www.jurist.org/paperchase/2017/07/uk-withdraws-from-international-fishing-arrangement.php>

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

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

Environmental Law Association Newsletter 28

21 July 2017

LEGISLATION

NOTICES

National Environmental Management Act 107 of 1998 - GN R698 in GG 40994 of 20 July 2017 - Section 24G Fine Regulations <http://www.gov.za/documents/national-environmental-management-act-regulations-procedure-be-followed-and-criteria-be-1>

Promotion of Access to Information Act 2 of 2000 - GN 737 in GG 40996 of 21 July 2017 - Department of Social Development: Promotion of Access to Information Manual

Promotion of Access to Information Act 2 of 2000 – Gen Notices 535, 536 & 537 in GG 40996 of 21 July 2017 - Descriptions submitted in terms of s. 15 (1) by the Public Service Commission, the Theewaterskloof Municipality and the Western Cape Provincial Government

Mineral And Petroleum Resources Development Act 28 of 2002 - GN 692 GG 40989 of 19 July 2017 - Invitation for representations from relevant stakeholders on proposed restriction under s. 49 (1) on the granting or renewal of all applications for prospecting rights and mining rights in terms of ss. 16 and 22; and 18 and 24 respectively <http://www.gov.za/documents/mineral-and-petroleum-resources-development-act-restriction-granting-new-applications-1>

National Environmental Management: Protected Areas Act 57 of 2003 - GN 704 in GG 40996 of 21 July 2017 - Draft notices declaring the following Marine Protected Areas under s. 22A of the Act - Robberg Marine Protected Area - for comment

National Environmental Management: Protected Areas Act 57 of 2003 - GN 706 in GG 40996 of 21 July 2017 - Draft notices declaring the following Marine Protected Areas under s. 22A of the Act - Betty's Bay Marine Protected Area - for comment

National Environmental Management: Protected Areas Act 57 of 2003 - GN 707 in GG 40996 of 21 July 2017 - Draft notices declaring the following Marine Protected Areas under s. 22A of the Act - Goukamma Marine Protected Area - for comment

National Environmental Management: Protected Areas Act 57 of 2003 - GN 705 in GG 40996 of 21 July 2017 - Draft notices declaring the following Marine Protected Areas under s. 22A of the Act - Draft Robberg Marine Protected Area Regulations - for comment

National Environmental Management: Protected Areas Act 57 of 2003 - GN 708 in GG 40996 of 21 July 2017 - Draft notices declaring the following Marine Protected Areas under s. 22A of the Act - Draft Goukamma Marine Protected Area Regulations - for comment

National Environmental Management: Protected Areas Act 57 of 2003 - GN 709 in GG 40996 of 21 July 2017 - Draft notices declaring the following Marine Protected Areas under s. 22A of the Act - Draft Betty's Bay Marine Protected Area Regulations - for comment

National Environmental Management: Air Quality Act 39 of 2004 - GN 710 in GG 40996 of 21 July 2017 - Declaration of greenhouse gases as priority air pollutants <http://www.gov.za/documents/national-environmental-management-air-quality-act-declaration-greenhouse-gases-priority-1>

National Pollution Prevention Plans Regulations, 2017 published (GN 712 in GG 40996 of 21 July 2017) <http://www.gov.za/documents/national-environmental-management-air-quality-act-regulations-national-pollution-0>

National Environmental Management: Integrated Coastal Management Act 24 of 2008 - GN 711 in GG 40996 of 21 July 2017 - Dumping at Sea Regulations <http://www.gov.za/documents/national-environmental-management-integrated-coastal-management-act-regulations-dumping-0>

PROVINCES

Western 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 - LAN 54792 in PG 7792 of 14 July 2017 - Cape Agulhas Local Municipality - Appointment and designation of members to the Municipal Planning Tribunal

City of Cape Town Metropolitan Municipality - City of Cape Town Water By-law, 2010 - LAN 54794 in PG 7792 of 14 July 2017 - Notice directing all consumers to adhere to the level 4b water restrictions and to limit consumption of drinking water to 87 litres per person per day

Western Cape Local Government Laws Rationalisation Bill, 2017 - PN 140 in PG 7794 of 14 July 2017 - for comment

Western Cape Housing Development Amendment Bill, 2017 - PN 141 in *PG* 7795 of 14 July 2017 - for comment

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 and Land Use Planning By-law for George Municipality, 2015 - LAN 54809 in *PG* 7797 of 21 July 2017 - George Local Municipality - Notice of re-adoption of the Spatial Development Framework, 2013

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; Western Cape Land Use Planning Act 13 of 2014 and Cape Town Municipal Planning By-law, 2015 - LAN 54806 in *PG* 7797 of 21 July 2017 - City of Cape Town Metropolitan Municipality: Notice of Municipal Spatial Development Framework (MSDF) - for comment

Disaster Management Act 57 of 2002 - LAN 54811 in *PG* 7797 of 21 July 2017 - City of Cape Town Metropolitan Municipality - Extension of the declaration of a local state of disaster in the Imizamo-Yethu informal settlement situated in Hout Bay for a period of one month

KwaZulu-Natal

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - MN 93 in *PG* 1853 of 14 July 2017 - City of uMhlatuze Local Municipality - Spatial Planning and Land Use Management By-law, 2017 published with effect from a date to be determined

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - MN 94 in *PG* 1855 of 17 July 2017 - eThekweni Metropolitan Municipality - Notice of adoption of Municipal Spatial Development Framework 2017/2018

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - MN 95 in *PG* 1856 of 18 July 2017 - Kwasani Local Municipality - Planning and Land Use Management By-law, 2015 as published under MN 38 in *PG* 1633 of 4 March 2016 amended

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - MN 97 in *PG* 1857 of 20 July 2017 - AbaQulusi Local Municipality - Appointment of members to the Municipal Planning Tribunal

Eastern Cape

Disaster Management Act 57 of 2002 - PN 142 in PG 3880 of 21 July 2017 - Joe Gqabi District Municipality - Extension of the declaration of a local state of disaster due to damaged road network

CASES

National

Mobile Telephone Networks (Pty) Ltd v Beekmans NO and Others 2017 (4) SA 623 (SCA)

“Local authority - Buildings—Temporary buildings—Meaning of ‘provisional authorisation’—Requirements for classification as temporary building—National Building Regulations and Building Standards Act 103 of 1977; National Building Regulations, regs A23(1) and A23(6).”

National Director for Public Prosecutions v Moyane and Another (51250/2011) [2017] ZAGPPHC 368 (18 July 2017)
<http://www.saflii.org/za/cases/ZAGPPHC/2017/368.html>

Prevention of Organised Crime Act 121 of 1998 – confiscation of vehicle – gold smuggling

A v Blue Crane Route Municipality (4784/2015) [2017] ZAECGHC 86 (11 July 2017) <http://www.saflii.org/za/cases/ZAECGHC/2017/86.html>

Electricity Regulation Act 4 of 2006 – high voltage lines – damage and injury caused by high voltage lines – negligence not proved

Seekoei and Others v Ekapa Minerals Case no 485/17 Supreme Court of Appeal 13 July 2017

Illegal mining – leave to appeal dismissed with costs – no prospect of success

International

Auas Diamond Company (Pty) Ltd v Minister of Mines and Energy 2017 (2) NR 418 (SC) (Namibia)

“Mines and minerals - Exclusive prospecting licence—Renewal in terms of s 48 of Minerals (Prospecting and Mining) Act 33 of 1992—Renewal subject to acceptance of terms and conditions within one month of being granted—Acceptance of renewal by person not authorised to do so—Renewal of licence lapsing—Time periods in Act peremptory—Respondent refusing further renewal—Appellant retained no residual rights to apply for second renewal.”

The County of Marin on behalf of the People of California vs Chevron Corp and Others Case No CN 17-02586 Superior Court of the State of California in and for the County of Marin Filed on 17 July 2017

The City of Imperial Beach vs Chevron Corp and Others Case No CN 1701227 Superior Court of the State of California in and for the County of Contra Costa Filed on 17 July 2017

The County of San Mateo v Chevron and Others Case No 17CIV03222 Superior Court of the State of California in and for the County of San Mateo Filed on 17 July 2017

“Three local governments in California have filed claims (on multiple grounds including nuisance, negligence, trespass) seeking damages for the costs of managing climate change impacts, with a particular focus on rising sea levels and impacts on infrastructure, public services and community assets. The claims are brought against a large group of big oil companies.

Statements of claim (attached) follow the argument that:

- Big Oil have known for decades that their activities cause climate change;
- They have concealed and denied this knowledge and actively discredited climate science and campaigned against climate regulation;
- They have profited from a massive increase in the exploitation of fossil fuels causing climate change;
- These companies are directly responsible for 20.3% of global GHG emissions between 1965 and 2016 and therefore also for a significant proportion of committed sea level rise;
- Plaintiffs have already spent millions to study and mitigate climate change impacts and sea level rise specifically already adversely impacts on infrastructure, essential public services and community assets;
- Big Oil's production, promotion, marketing and use of fossil fuels; their concealment of known hazards of these products and their championing of anti-regulation and anti-science campaigns actually and proximately caused the Plaintiff's injuries.” [Source: Dr Anita Foerster University of Melbourne women_energyclimate law list]

PUBLICATIONS

Weitz Nina *et al* “Closing the governance gaps in the water-energy-food nexus: Insights from integrative governance” 2017 45 *Global Environmental Change* 165-173

UN “Progress towards the Sustainable Development Goals” 27 July 2017
<https://unstats.un.org/sdgs/files/report/2017/secretary-general-sdg-report-2017--EN.pdf>

UNDP “Spark, Scale, Sustain: Innovation for the Sustainable Development Goals” (July 2017) <http://www.undp.org/content/undp/en/home/librarypage/development-impact/spark--scale--sustain---2016-year-in-review.html> or full report at <http://www.undp.org/content/dam/undp/library/innovation/Version%2022%20-%20July%2011%20-%20Annual%20Report%202016%20V17.pdf>

UN “Green Finance Report 2017” July 2017 http://unepinquiry.org/wp-content/uploads/2017/07/Green_Finance_Progress_Report_2017.pdf

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Sabin Center for Climate Change Law Videos: “Climate Change Laws of the World -- global trends in legislation and litigation” <https://www.youtube.com/watch?v=fZjSrl3Kja4>

Sabin Center for Climate Change Law Videos: “Using Green Infrastructure for Climate Change Adaptation and Hazard Mitigation” <http://bit.ly/2u4eUtl>

Website: EIA – Environmental Investigation Agency: “The lion’s share” “A briefing on how South Africa’s trade in lion bone is driving consumer demand for tiger parts and products” 14 July 2017 <https://eia-international.org/report/the-lions-share>

The Conversation: Broto Vanesa Castán *et al* “Maputo's residents can now use gas. But dropping charcoal is proving hard” 17 July 2017 <http://bit.ly/2uv86rl>

The Conversation: Caruso Bethany “Women still carry most of the world's water” 17 July 2017 <http://bit.ly/2u6eiWd>

Website: Caux Dialogue on Land and Security (CDLS) <http://www.caux.ch/>

The Jurist: Wheeler A “California extends environmental legislation” 19 July 2017 <http://www.jurist.org/paperchase/2017/07/california-extends-environmental-legislation.php>

TimesLive: Yeomans Jon “Who would want to own a mine? Possibly only a government” 16 July 2017 <https://www.businesslive.co.za/bt/opinion/2017-07-16-who-would-want-to-own-a-mine-possibly-only-a-government/>

Daily Maverick: Benni Andrew Op-Ed: ‘Resistance is fertile’ – Amadiba agriculture challenges elite mining agenda 20 July 2017 <https://www.dailymaverick.co.za/article/2017-07-20-op-ed-resistance-is-0fertile-amadiba-agriculture-challenges-elite-mining-agenda/#.WXIcKYSGOuk>

The Guardian: Nelsen A Pepsico, Unilever and Nestlé accused of complicity in illegal rainforest destruction 21 July 2017 <https://www.theguardian.com/environment/2017/jul/21/pepsico-unilever-and-nestle-accused-of-complicity-in-illegal-rainforest-destruction>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

UP and ELA Gauteng Branch film screening: 'El Rio, The love Amazonians have for their rivers'

Date: 1 August 2017

Time: 12h00 to 14h00

Venue Sanlam Auditorium of the University of Pretoria, Hatfield Campus.

The film runs for roughly 50 minutes and director and environmental humanities scholar, Juan Carlos Galeano, will be present to facilitate discussion and respond to questions about the film.

ELA Student Conference: The Impacts of Contemporary Societal and Developmental Trends – Novel Environmental Law and Governance Responses

Date: 15-16 September 2017

Place: Potchefstroom

No Registration Fee

Submission of Abstracts to ELA Secretariat: enviro.association.sa@gmail.com

Queries: Prof Anél du Plessis anel.duplessis@nwu.ac.za 018 299 1924

Abstract Submission date: 25 July 2017

ELA Annual Conference and AGM: Save the Date

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

More information will follow soon

2017 NACA (National Association for Clean Air) Conference

Date: 4-6 October 2017

Venue: CedarWoods of Sandton Conference Centre, 120 Western Service Rd, Woodmead, Sandton, Gauteng

For more information visit the NACA website at: www.naca.org.za

Or contact Beverley Terry at 071 683 9770

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

CBSS Training Workshop, Pretoria and Cape Town: Integrated Water Resource Management, the National Water Act and Water Use Authorisations

Date: 15-17 Augustus 2017

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

Date: 12-14 September 2017:

Venue: Intaka Island (near Century City) (register before 14 August 2017 for discount).

Please click on these links for the Course Description <http://www.cbosss.com/training/course-descriptions/> and Registration Form

<http://www.cbosss.com/training/wp-content/uploads/2017/05/2017-CBSS-Course-Appl-Form.pdf>

More details regarding these discounts are available on our website <http://www.cbosss.com/training/register/>

For more information contact: Glaudin Kruger Course Coordinator Tel 028 316 2905 Email: kruger@krugerassociate

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

Please submit all proposals for special sessions and/or workshops for consideration by 30 June 2017 using the online submission system:

<http://ocs.conservationssymposium.com/sccp/2017/login?source=%2Fscpcp%2F2017%2Fauthor%2Fsubmit%3FrequiresAuthor%3D1>

Please submit all abstracts for oral and poster presentations for consideration by 4 August 2017 using the online submission system.

For any queries, contact Freyni or Erica: secretariat@conservationssymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

IMBEWU: Environmental Law Update Workshop

Date: 22 August 2017

Venue: IMBEWU's Offices – Rosebank, JHB

Time: 08:30-16:30

Contact: Lulu@imbewu.co.za or www.imbewu.co.za or call at 011 214 0660/1

NWU: CEM Courses 2017

- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Mine Health and Safety Law CEM-02.2.2**
Date: 31 July-4 August 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Integrated Waste Management (CEM-06.2.1)**
Date: 24-28 July 2017 (Potchefstroom)
- **Environmental Management Systems CEM-03.1.1**
***Course based on ISO 14001:2015
Date: 31 July - 4 August 2017
- **Water Quality Monitoring- CEM-06.4.1**
Date: 28 August-1 September 2017
- **The Roles and Responsibilities of an Environmental Control Officer-CEM-05.2.1**
Date: 28 August - 1 September 2017

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

Conference: Strengthening local government legislative authority in South Africa: enforcing municipal by-laws

Date: 28 September 2017

Venue: The Roots, Potchefstroom

The joint conference of the Faculty of Law, NWU and the Konrad-Adenauer Foundation will be held on 28 September 2017 at The Roots in Potchefstroom, is aimed at building capacity in the local government sphere as far as the enforcement of municipal by-laws are concerned.

Everyone interested in the matter of local governance, public governance, good governance, law-making authority and the making and implementation of municipal bylaws are welcome to attend the event.

There is no registration fee but registration is compulsory, as space is limited. No registration costs apply but registered attendees who do not arrive will be invoiced for the full costs of the conference. Please register on/before Friday 1 September 2017 via the following web-link: <https://goo.gl/nynFKK>

Refreshments and lunch will be provided. Accommodation and transportation arrangements and costs are, however, the responsibility of attendees.

Further information and the preliminary programme are available from Mrs Angela van der Berg angela.vanderberg@nwu.ac.za or Mrs Rieëtte Venter rieette.venter@nwu.ac.za

International

IAIA 2018 in Durban: Environmental Justice in Societies in Transition

Date: 16-18 May 2018

Venue: Durban International Convention Center, Durban, South Africa

Conference website: <http://conferences.iaia.org/2018/index.php>

Announcement available at: http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/FinalFirstAnnouncement_18.pdf

The South African affiliate of the International Association for Impact Assessment, IAIAA, is proud to announce its hosting of the next annual international IAIA conference (IAIA 18) that will be taking place in Durban from the 16th to the 19th of May 2018. It is the second time in the 38 years of IAIA that the international conference is coming to South Africa. The conference is expected to be attended by 1200 delegates from approximately 87 countries.

The Conference Theme, "Environmental Justice in Societies in Transition", speaks to the realities faced by African countries today in trying to balance the needs of growing economies with the equally important need to preserve the natural capital. We believe that IAIA 18 will mark a critical moment in the history of developing countries as they remain the most vulnerable to environmental injustices associated with development and economies that still need a major boost through massive infrastructure development. As our members, we hope that you will find it easy to identify with this theme.

Over the past 2 months following the formal announcement of Durban as the host city for the IAIA 18 conference, the IAIA Local Organising Committee has been working tirelessly mobilising strategic partners that will be integral to ensuring delivery of a successful and truly African conference.

You are therefore invited to join us in our journey as we prepare for this momentous milestone in the history of impact assessment in South Africa.

- **Session proposals**

A call for submission of session proposals is already out. This is an opportunity to invite the international impact assessment fraternity to discuss/debate issues of local importance and responses to our environmental problems while taking lessons from the developed world's experiences.

It is therefore critical that there are enough sessions from South Africans. Session proposals will be accepted until the **31st of July 2017** so if you are up for the challenge to take up the opportunity for profiling some of your impact assessment work, there is still time.

Energy Management in Small- and Medium-Scale Industries (EMSI) with focus on preparing for ISO Standard 50001 Energy Management

Course date: 27 September – 15 December 2017.

This is an international course for the public and private sectors involved in energy efficiency and environmental protection in industries. The EMSI course discusses modern approaches to energy management encompassing both technical and non-technical aspects on the firm and policy levels. There is a focus on energy management tools to improve energy efficiency emphasizing

that these improvements provide a win-win situation for small- and medium-scale industries.

The course is suitable for: management staff involved in energy planning in their industries; policymakers from government organizations, industrial associations, and institutes involved in industrial development; consultants who work in areas related to the themes of the course.

The course is divided into two parts. Part 1 consists of a supported self-study component which participants, in their own time, participate in Webinars and on-line forums, undertake reading assignments, watch short videos, listen to presentations and complete short quizzes and written assignments. Part 1 is spread out over 5 weeks. It is estimated that to complete the material participants will need 8 hours per week. All modules of Part 1 must be successfully completed before the start of Part 2 – the two week residential course. Part 2 consists of an assignment in which participants work in groups on an energy audit, which forms the basis of a plan to reach ISO50001.

The EMSI course discusses modern approaches to energy management encompassing both technical and non-technical aspects at the firm and policy levels. The programme includes energy management tools to improve energy efficiency, emphasizing that these improvements provide a win-win situation for small- and medium-scale industries. In particular there is a focus on preparing for reaching the new International Standard on Energy Management (ISO 50001).

The course is non-profit making and is delivered by the University of Twente (a public university). We are pleased to announce that this year we are teaming up with UNIDO and UNEP DPU Partnership to deliver the course.

Deadline for self-funded applications is 1 September 2017.

More information and an application form can be found on the website:

<https://www.utwente.nl/bms/cstm/education/emsi/>

NEWS

Webber Wentzel “Yet another Zwane *faux pas* - Minister of Mineral Resources may bring an ailing industry to its knees!” 19 July 2017 <http://comms.webberwentzel-mail.com/public/messages/view-online/kofTmZG55MtCXjJW/q6NgJmZ6prARGi9O/d952b3ecb1e17662>

Thompson Warren “Chamber to Zwane: withdraw or we’re going to court (again) Chamber of Mines responds to minister’s proposed halt on mining licenses” MoneyWeb 20 July 2017 [Legalbrief Today 21 July 2017] <https://www.moneyweb.co.za/news/economy/chamber-to-zwane-withdraw-or-were-going-to-court-again/>

Wolhuter Bernadette “Pensioner wins legal case over sewage in home” IOL 17 July 2017 <http://Www.Iol.Co.Za/Mercury/News/Pensioner-Wins-Legal-Case-Over-Sewage-In-Home-10325504>

Legislation: Parliamentary hearings on Forest Bills

“In anticipation of parliamentary hearings next month on the National Veld and Forest Fire Amendment Bill and National Forests Amendment Bill, the National Assembly’s Agriculture, Forestry and Fisheries Committee has called for written submissions. The overarching purpose of the National Veld and Forest Fire Amendment Bill is to ‘encourage’ local authorities to introduce the by-laws necessary for the statute’s effective implementation, while the National Forests Amendment Bill seeks to strengthen measures in the principal statute aimed at controlling and remedying deforestation.” *Legalbrief Policy Watch* 18 July 2017

Petersen T “Abalone worth 'several million rand' seized in Cape Town” News24 11 July 2017 [Source: Legalbrief Environmental 18 July 2017] <http://www.news24.com/SouthAfrica/News/abalone-worth-several-million-rand-seized-in-cape-town-20170711>

Criminal: Poaching case prosecutor given *warning*

“A Hoedspruit state prosecutor who failed to provide crucial evidence – which led to three alleged rhino poachers being granted R5 000 bail each – has been given a warning. *The Herald* reports this was revealed after the Limpopo Director of Public Prosecutions launched a probe into why three suspected poachers – who have been in and out of jail over the last year – were granted bail. It emerged that the state’s strategy had been to set bail at R5m instead of opposing bail, but the court released the men on R5 000 bail each. Prior to their Hoedspruit appearance, the men were granted R15 000 bail in the Eastern Cape High Court (Grahamstown) in a separate case. Two weeks after their release, they were re-arrested for two other poaching incidents in Hoedspruit. During the Hoedspruit proceedings, the state prosecutor also failed to call crucial witnesses from the Eastern Cape, who had been summoned to appear. The NPA confirmed that the prosecutor had been given a verbal warning by the senior public prosecutor.”

Full report in *The Herald* (subscription needed) *Legalbrief Today* 19 July 2017

Forensic: NGO probes R200m nuclear build spend

“The NGO that took the government to court to halt SA’s nuclear build programme is investigating the implications of the programme and hundreds of millions of rands already spent, says a report in *The Mercury*. This came as the Department of Energy said yesterday it would not confirm how far along the process was, but that it would be able to respond next week. The SA Faith Communities’ Environment Institute (Safcei) said it was investigating the implications of deals the government had entered into in the agreements, and the millions of rands that had been poured into the preparatory phase of the project. Liz McDaid, of Safcei, said their investigations would be able to give a clear picture on some of the agreements. The court ordered that the government must scrap all the five agreements it signed with Russia, China, France, the US and Korea. It also found that the process was flawed and there was no public consultation in the nuclear build programme. Parliament has to be consulted by the government on the project. Following the judgment, the government said it would start the process from scratch and ensure the

judgment was fully implemented. McDaid said they wanted to know where the R200m used for the preparatory phase of nuclear had gone to.”

Full report in The Mercury (subscription needed) *Legalbrief Today* 21 July 2017

Rickard Carmel “Slamming 'offensive' SA court decision, mining giant abandons \$6m cargo” *financialmail* 20 July 2017

<https://www.businesslive.co.za/fm/opinion/in-good-faith/2017-07-20-carmel-rickard-mining-giant-abandons-6m-of-mined-material-why/>

“Tanzania questions Acacia Mining staff in row with government” Timeslive 21 July 2017 <https://www.timeslive.co.za/sunday-times/business/2017-07-21-tanzania-questions-acacia-mining-staff-in-row-with-government/>

Halliday J “Tensions rise at fracking site in UK after police and activists clashes” *theGuardian* 20 July 2017

<https://www.theguardian.com/environment/2017/jul/20/tensions-rise-at-fracking-site-in-uk-after-police-and-activists-clashes>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Climate Change job opportunity at BHP

<http://jobs.bhp.com/cw/en/job/793085/principal-climate-change>

Call for Independent Chair and Vice-Chair for DFID Research Advisory Group

Please see this call from DfID for an Independent Chair and Vice-Chair for the DFID Research Advisory Group. DFID is seeking the best scientific and research expertise internationally for this Group. Application deadline is the 24th July 2017, with all application submitted to RAGRotation@dfid.gov.uk - . <https://www.gov.uk/guidance/funding-for-development-research#dfid-research-advisory-group-rag-chair-and-vice-chair-vacancies>

Join us on

Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

--+

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

Environmental Law Association Newsletter 29

28 July 2017

POLICY

Department of Home Affairs - GN 750 in GG 41009 of 28 July 2017 - White Paper on International Migration for South Africa

LEGISLATION

NOTICES

Plant Breeders' Rights Act 15 of 1976 - GN 747 in GG 41009 of 28 July 2017 - Receipt of applications for plant breeders' rights

National Research Foundation Act 23 of 1998 - GN 754 in GG 41009 of 28 July 2017 - Notice of withdrawal of the declaration of the Hartebeesthoek Radio Astronomy Observatory (HartRAO) as a National Research Facility and declaration of the South African Radio Astronomy Observatory (SARAO) as a National Facility

Special Economic Zones Act 16 of 2014 - GN 743 in GG 41002 of 25 July 2017 - Designation of Special Economic Zone: Richards Bay Industrial Development Zone

PROVINCES

KwaZulu-Natal

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 102 in PG 1860 of 27 July 2017 - KwaDukuza Local Municipality - Revision of the adopted Spatial Development Framework - for comment

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - MN 103 in PG 1860 of 27 July 2017 - Inkosi Langalibalele Local Municipality - Spatial Planning and Land Use Management By-law, 2017

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 104 in PG 1860 of 27 July 2017 - Endumeni Local Municipality - Draft Spatial Development Framework 2017–2022 - for comment

North West

National Environmental Management Act 107 of 1998 - PNs 149 & 150 in PG 7783 of 25 July 2017 - Greater Taung Local Municipality and Dr Kenneth Kaunda District Municipality Notice of intention to adopt the Environmental Management Framework - for comment

Gauteng

National Environmental Management: Waste Act 59 of 2008 and Gauteng Health Care Waste Management Regulations, 2004 - PN 646 in PG 186 of 26 July 2017 - List of transporters authorised in 2016 to transport health care risk waste and list of treatment facilities authorised to treat health care risk waste

Mpumalanga

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management By-law, 2015 - LAN 81 in PG 2835 of 28 July 2017 - Nkangala District Municipality - Notice of officials appointed to, and commencement of, Appeal Tribunal

CASES

National

South African Diamond Producers Organisation v Minister of Minerals and Energy N.O. and Others [2017] ZACC 26

<http://www.saflii.org/za/cases/ZACC/2017/26.html>

Summary: Diamonds Act 56 of 1986 - constitutionality of section 20A - section is constitutional

Section 25 of the Constitution - right not to be deprived of property arbitrarily - deprivation analysis - no deprivation by section 20A - interference not substantial

Section 22 of the Constitution - right to choose trade, occupation or profession - no limitation on choice by section 20A - rational regulation of practice

PUBLICATIONS

Subscription to South African Journal for Environmental Law and Policy – new publications – reduction of 15% available for ELA Members
<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

First issue of the 2017 *Chinese Journal of Environmental Law* is online for free for the next few months <http://booksandjournals.brillonline.com/content/journals/24686042>

- Barresi Paul A “The Role of Law and the Rule of Law in China’s Quest to Build an Ecological Civilization” 9 –36
- Yun Ma “Vertical Environmental Management: A Panacea to the Environmental Enforcement Gap in China?” 37-68
- Zahar Alexander “ A Bottom-Up Compliance Mechanism for the Paris Agreement” 69-98
- Baird Matthew and Thomas Brendom “ Developing an Environmental Code for Cambodia” 99-103
- Jae Woon Lee “A new global approach to mitigating emissions from international aviation: the international civil aviation” 104-110
- Wang Shuyi and Zhou Di “Book Review: Between Green Courts and Environment Justice” 111-116
- Humby Tracy “Book Review: International Environmental Law and the Global , *written by* Shawkat Alam, Sumudu Atapattu, Carmen G. Gonzalez and Jona Razzaque” 117-121
- In memoriam: Dr. Wolfgang Burhenne 123 –126

2017 Spring *Journal of Sustainable Development Law and Policy* - a Special Issue on Investment and Governance of Africa’s Natural Resources

<http://www.ogeesinstitute.edu.ng/volume-8-issue-1-2017>

Call for Papers: Journal of Sustainable Development Law and Policy

The Editorial Committee of the Journal of Sustainable Development Law and Policy, now welcomes submissions for Volume 8 Issue 2 2017 for publication in Fall (October) 2017. The Call for Papers is available at

<http://www.ogeesinstitute.edu.ng/#!about1/c1k5v>

The Journal of Sustainable Development Law and Policy (JSDLP) is Nigeria’s first interdisciplinary sustainable development journal, published by the OGEES Institute, Afe Babalola University, Nigeria. The journal seeks to foster the dissemination of scholarly research work by teaching and research scholars in Africa and across the world in the area of sustainable development law and policy. It is achieved on HeinOnline, African Journals Online (AJOL) and the Directory of Open Access Journals (DOAJ) amongst others.

UN Habitat “Trends in Urban Resilience 2017” <https://unhabitat.org/books/trends-in-urban-resilience-2017/>

CARISMA “CARISMA D7.1 How should international institutions promote research and innovation technologies for climate change mitigation” Policy Brief (July 2017) <http://www.carisma-project.eu/Portals/0/Documents/international%20institutions%20R%20and%20I%20Policy%20Brief.pdf>

CARISMA “CARISMA D7.2 Government-led international research and innovation collaboration in climate mitigation: Practical guidance for policy makers” Policy Brief (July 2017) <http://www.carisma-project.eu/Portals/0/Documents/government%20led%20R%20and%20I%20Policy%20Brief.pdf> see also <http://www.carisma-project.eu/> for other publications

Bird Neil, Monkhouse Claire and Booth Katharine “10 propositions for success: Integrating international climate change commitments into national development planning” (Climate & Knowledge Development Network Report July 2017) https://cdkn.org/resource/report-10-propositions-success-integrating-international-climate-change-commitments-national-development-planning/?loclang=en_gb

United Nations “Sustainable Development Goals Report 2017” <https://unstats.un.org/sdgs/files/report/2017/TheSustainableDevelopmentGoalsReport2017.pdf>

Bodansky Daniel, Brunnée Jutta and Rajamani Lavanya “Introduction to International Climate Change Law” in *International Climate Change Law* (Oxford Univ Press 2017) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3000009
[Provided by Andrew Gilder ENS]

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Science: Ulrike Niemeier & Simone Tilmes, *Sulfur injections for a cooler planet* 357:246–248 (2017) <http://science.sciencemag.org/content/357/6348/246>

Legal Planet: Jackson A: Guest Blogger Gregory Dotson: Is Scott Pruitt Calling for an Amendment to the Clean Air Act?” <http://legal-planet.org/2017/07/24/guest-blogger-gregory-dotson-is-scott-pruitt-calling-for-an-amendment-to-the-clean-air-act/>

Video: Question Power (2016) <https://www.youtube.com/watch?v=dr-3AzFevIE>

Climate Liability News: <https://www.climateliabilitynews.org/>

The Conversation: Khelifa Rassim “Goldfinches need protection - migrating songbirds might be vanishing from North Africa” 24 July 2017 <http://bit.ly/2tHaV9q>

UNFCCC – United Nations Climate Change Climate Action: “Rapid Urbanization Increases Climate Risk for Billions of People UN Outlines Inspiring Examples of Building Resilience” 3 July 2017 <http://newsroom.unfccc.int/climate-action/rapid-urbanization-increases-climate-risk-for-billions-of-people/>

ICLEI City Blog: Brand Kobie “Why nature matters in our new urban world: Making the case for nature in cities” 21 June 2017 <http://talkofthecities.iclei.org/why-nature-matters-in-our-new-urban-world-making-the-case-for-nature-in-cities/>

ICLEI City Blog: Oke Cathy “How women are leading sustainable and resilient cities” 10 July 2017 <http://talkofthecities.iclei.org/how-women-are-leading-sustainable-and-resilient-cities/>

Resilient Cities 2017 Online Congress Proceedings:

The post-congress proceedings and background papers of the Resilient Cities 2017 Congress are published online. They consist of academic papers written by expert speakers at the congress. You can access them at <http://resilient-cities.iclei.org/resilient-cities-hub-site/congress-publications/online-proceedings/>

The Guardian: Hance J “Ultimate bogs: how saving peatlands could help save the planet” 28 July 2017 <https://www.theguardian.com/environment/2017/jul/28/ultimate-bogs-how-saving-peatlands-could-help-save-the-planet>

The Conversation: Paget Dan “All bets are off as Magufuli's resource nationalism moves up a gear in Tanzania” 27 July 2017 <http://bit.ly/2eVi1k2>

Science: Lallensack Rachael “Lawmakers move closer to funding Trump's border wall, worrying biologists trying to save endangered species” 28 July 2017 <http://bit.ly/2eVPNG7>

IISD SDG Knowledge Hub: Müller Alexander and Lobos Alva Ivonne “SDG Thematic Reviews for Integrated Implementation: What We Learned from a Review Pilot” 27 July 2017 <http://bit.ly/2v6HRs2>

IISD SDG Knowledge Hub: Nelson Gillian “TERI's ‘NDC Footprints’ Maps Synergies Between SDGs and NDCs” 27 July 2017 <http://bit.ly/2ul1m99>

Jungcurt S “UK Government to Ban Gasoline Vehicle, Supports Off-shore Wind Power” 27 July 2017 <http://bit.ly/2vgOKqW>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

UP and ELA Gauteng Branch film screening: 'El Rio, The love Amazonians have for their rivers'

Date: 1 August 2017

Time: 12h00 to 14h00

Venue Sanlam Auditorium of the University of Pretoria, Hatfield Campus.

The film runs for roughly 50 minutes and director and environmental humanities scholar, Juan Carlos Galeano, will be present to facilitate discussion and respond to questions about the film.

ELA Student Conference: The Impacts of Contemporary Societal and Developmental Trends – Novel Environmental Law and Governance Responses

Date: 15-16 September 2017

Place: Potchefstroom

No Registration Fee

Submission of Abstracts to ELA Secretariat: enviro.association.sa@gmail.com

Queries: Prof Anél du Plessis anel.duplessis@nwu.ac.za 018 299 1924

ELA Annual Conference and AGM: Save the Date

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

More information will follow soon

CBSS Training Workshop, Pretoria and Cape Town: Integrated Water Resource Management, the National Water Act and Water Use Authorisations

Date: 12-14 September 2017:

Venue: Intaka Island (near Century City) (register before 14 August 2017 for discount).

Please click on these links for the Course Description <http://www.cbosss.com/training/course-descriptions/> and Registration Form

<http://www.cbosss.com/training/wp-content/uploads/2017/05/2017-CBSS-Course-Appl-Form.pdf>

For more information contact: Glaudin Kruger Course Coordinator Tel 028 316 2905 Email: kruger@krugerassociate

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

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

Please submit all proposals for special sessions and/or workshops for consideration by 30 June 2017 using the online submission system:

<http://ocs.conservationssymposium.com/sccp/2017/login?source=%2Fscpcp%2F2017%2Fauthor%2Fsubmit%3FrequiresAuthor%3D1>

Please submit all abstracts for oral and poster presentations for consideration by 4 August 2017 using the online submission system.

For any queries, contact Freyni or Erica: secretariat@conservationssymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

IMBEWU: Environmental Law Update Workshop

Date: 22 August 2017

Venue: IMBEWU's Offices – Rosebank, JHB

Time: 08:30-16:30

Contact: Lulu@imbewu.co.za or www.imbewu.co.za or call at 011 214 0660/1

Conference: Strengthening local government legislative authority in South Africa: enforcing municipal by-laws

Date: 28 September 2017

Venue: The Roots, Potchefstroom

The joint conference of the Faculty of Law, NWU and the Konrad-Adenauer Foundation will be held on 28 September 2017 at The Roots in Potchefstroom, is aimed at building capacity in the local government sphere as far as the enforcement of municipal by-laws are concerned.

Everyone interested in the matter of local governance, public governance, good governance, law-making authority and the making and implementation of municipal bylaws are welcome to attend the event.

There is no registration fee but registration is compulsory, as space is limited.

No registration costs apply but registered attendees who do not arrive will be invoiced for the full costs of the conference. Please register on/before Friday 1 September 2017 via the following web-link: <https://goo.gl/nynFKK>

Refreshments and lunch will be provided. Accommodation and transportation arrangements and costs are, however, the responsibility of attendees.

Further information and the preliminary programme are available from Mrs Angela van der Berg angela.vanderberg@nwu.ac.za or Mrs Rieëtte Venter rieette.venter@nwu.ac.za

NWU: CEM Courses 2017

- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Water Quality Monitoring- CEM-06.4.1**
Date: 13-17 November 2017
- **The Roles and Responsibilities of an Environmental Control Officer-CEM-05.2.1**
Dates: Date: 28 August - 1 September 2017
- **Occupational health and safety management system**
Date: 4–8 September 2017
- **Environmental law – integrated water resource management**
Date: 11–15 September 2017
- **Ecological rehabilitation and mine closure**
Date: 11–15 September 2017

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

Class Action Litigation in South Africa: book launch

Date: 2 August 2017

Time: 17:30- 20:00

Venue: Inanda Club, Forrest Road, Inanda, Sandton

Edited by John Oxenham, Max du Plessis, Luke Kelly, Sarah Pudifin-Jones and Isabel Goodman (all of whom are recognised for their involvement in the pivotal class action litigation matters both in South Africa and abroad), *Class Action Litigation in South Africa* promises to be a leading resource for companies, practitioners, judges and academics alike.

Confirm your attendance to Michael James Currie michael@nortonsinc.com

International

IAIA 2018 in Durban: Environmental Justice in Societies in Transition

Date: 16-18 May 2018

Venue: Durban International Convention Center, Durban, South Africa

Conference website: <http://conferences.iaia.org/2018/index.php>

Announcement available at: http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/FinalFirstAnnouncement_18.pdf

The South African affiliate of the International Association for Impact Assessment, IAIAAsa, is proud to announce its hosting of the next annual international IAIA conference (IAIA 18) that will be taking place in Durban from

the 16th to the 19th of May 2018. It is the second time in the 38 years of IAIA that the international conference is coming to South Africa. The conference is expected to be attended by 1200 delegates from approximately 87 countries.

The Conference Theme, "Environmental Justice in Societies in Transition", speaks to the realities faced by African countries today in trying to balance the needs of growing economies with the equally important need to preserve the natural capital. We believe that IAIA 18 will mark a critical moment in the history of developing countries as they remain the most vulnerable to environmental injustices associated with development and economies that still need a major boost through massive infrastructure development. As our members, we hope that you will find it easy to identify with this theme.

Over the past 2 months following the formal announcement of Durban as the host city for the IAIA 18 conference, the IAIA Local Organising Committee has been working tirelessly mobilising strategic partners that will be integral to ensuring delivery of a successful and truly African conference.

You are therefore invited to join us in our journey as we prepare for this momentous milestone in the history of impact assessment in South Africa.

- **Session proposals**

A call for submission of session proposals is already out. This is an opportunity to invite the international impact assessment fraternity to discuss/debate issues of local importance and responses to our environmental problems while taking lessons from the developed world's experiences.

It is therefore critical that there are enough sessions from South Africans. Session proposals will be accepted until the **31st of July 2017** so if you are up for the challenge to take up the opportunity for profiling some of your impact assessment work, there is still time.

Energy Management in Small- and Medium-Scale Industries (EMSI) with focus on preparing for ISO Standard 50001 Energy Management

Course date: 27 September – 15 December 2017.

This is an international course for the public and private sectors involved in energy efficiency and environmental protection in industries. The EMSI course discusses modern approaches to energy management encompassing both technical and non-technical aspects on the firm and policy levels. There is a focus on energy management tools to improve energy efficiency emphasizing that these improvements provide a win-win situation for small- and medium-scale industries.

The course is suitable for: management staff involved in energy planning in their industries; policymakers from government organizations, industrial associations, and institutes involved in industrial development; consultants who work in areas related to the themes of the course.

The course is divided into two parts. Part 1 consists of a supported self-study component which participants, in their own time, participate in Webinars and on-line forums, undertake reading assignments, watch short videos, listen to presentations and complete short quizzes and written assignments. Part 1 is spread out over 5 weeks. It is estimated that to complete the material participants will need 8 hours per week. All modules of Part 1 must be

successfully completed before the start of Part 2 – the two week residential course. Part 2 consists of an assignment in which participants work in groups on an energy audit, which forms the basis of a plan to reach ISO50001.

The EMSI course discusses modern approaches to energy management encompassing both technical and non-technical aspects at the firm and policy levels. The programme includes energy management tools to improve energy efficiency, emphasizing that these improvements provide a win-win situation for small- and medium-scale industries. In particular there is a focus on preparing for reaching the new International Standard on Energy Management (ISO 50001).

The course is non-profit making and is delivered by the University of Twente (a public university). We are pleased to announce that this year we are teaming up with UNIDO and UNEP DPU Partnership to deliver the course.

Deadline for self-funded applications is 1 September 2017.

More information and an application form can be found on the website:

<https://www.utwente.nl/bms/cstm/education/emsi/>

Southern African Development Community Lawyers' Association (SADCLA) Annual Conference and General Meeting

Dates: 9 to 12 August 2017

Venue: Gaborone International Convention Centre in Botswana.

This year's event which is hosted by the SADC Lawyers Association in conjunction with the Law Society of Botswana (LSB) will follow the theme of "A skilled and competent legal profession: Catalyst for a prosperous SADC".

The conference which has steadily increased in profile and attendance over the years has become an important hub for lawyers, advocates, government officials and judiciary members from the SADC to network and discuss legal issues relating to the region.

Delegates attending this year's conference can look forward to a well put together programme which will include the SADCLA Business Expo, the launch of the SADCLA Women Lawyers Forum and a special opening address by the President of Botswana, His Excellency Mr. Ian Khama.

<http://sadcla.org/11-notice/35-2017-sadcla-agm-and-conference-registration-information-brochure>

NEWS

Cronje Jan "Limpopo police nab two alleged illegal mining bosses" *News24* 22 July 2017 <http://www.news24.com/SouthAfrica/News/limpopo-police-nab-two-alleged-illegal-mining-bosses-20170722>

Venktesh Kyle "Eastern Cape woman's geyser sleeve reduces power consumption" *Fin24* 23 July 2017 <http://www.fin24.com/Tech/News/eastern-cape-womans-geyser-sleeve-reduces-power-consumption-20170723>

De Lange Jan "Eskom 'bought' coal mine for the Guptas" *News24* 23 July 2017 <http://www.news24.com/SouthAfrica/News/eskom-bought-coal-mine-for-the-guptas-20170722>

Webber Wentzel “Carbon Tax puzzle of law almost complete” 27 July 2017
<http://comms.webberwentzel-mail.com/public/messages/view-online/xiHSI61iK9jS2R0i/bEMWnhEjILm92fYF/d952b3ecb1e17662>

Zim deploys 150 rangers, police after latest cyanide killings in national park
News 24 22 July 2017 <http://www.news24.com/Africa/Zimbabwe/zim-deploys-150-rangers-police-after-latest-cyanide-killings-in-national-park-20170722>

Tandwa Lizeka “US court orders SA poacher to hand over R479m” *News24* 21 July 2017 <http://www.news24.com/SouthAfrica/News/us-court-orders-sa-poacher-to-hand-over-r479m-20170721>

Deklerk Aphiwe “Cape Town suing energy minister” *TimesLive* 27 July 2017
<https://www.timeslive.co.za/politics/2017-07-27-cape-town-suing-energy-minister/>

Legislation: Mining moratorium ‘damage’ will be ‘corrected’

“Mineral Resources Deputy Minister Godfrey Oliphant believes that any ‘damage’ done by proposals for a moratorium on new prospecting and mining applications will be ‘corrected’ (Engineering News). He was apparently not party to discussions on the move, which is widely perceived to have been prompted by industry resistance to minimum black shareholding thresholds in the revised mining charter. Interestingly, former Deputy President Kgalema Motlanthe told yesterday’s ‘public interest law gathering’ at the University of the Western Cape that ‘only people with deep pockets’ have ‘the wherewithal to sustain ... (the) long periods of investment’ entailed in developing a profitable mining project (Engineering News). He was speaking as chair of a panel appointed in January 2016 to assess key post-1994 legislation and ‘accelerate fundamental change’.”

Read full report *Legalbrief Policy Watch* 28 July 2017

Litigation: Chamber lodges urgent application to stop Mining Charter

“Legal challenges to Mineral Resources Minister Mosebenzi Zwane are piling up, with the Chamber of Mines yesterday lodging an urgent application to halt the Minister’s proposals to ‘restrict’ the granting of new mineral and prospecting rights, freezing mining transactions. A Business Day report says the chamber now has three legal processes against Zwane and the Department of Mineral Resources, seeking to overturn the proposed moratorium and the third Mining Charter, and seeking a declaratory order from the court about whether past empowerment deals count towards empowerment credits or whether companies must perpetually top up empowerment holdings as the department wants them to do. Chamber CEO Roger Baxter wrote a letter to Zwane on 20 July, advising him that the chamber had received legal advice that the Minister’s proposal, for which he was seeking public comment, ‘constitutes an unlawful exercise of power’ and warned that if the notice was not rescinded by 24 July the chamber would approach the court for ‘urgent relief to interdict you from giving effect to the notice, pending an application to court for reviewing and setting aside of the notice’. Yesterday, the chamber lodged its urgent application, clearly showing Zwane had not backed down.”

Full Business Day report (subscription needed) *Legalbrief Today* 26 July 2017

Slezak Michael “Australia's marine parks face cuts to protected areas” *theGuardian* 21 July 2017 <https://www.theguardian.com/environment/2017/jul/21/turnbull-government-plans-further-cuts-to-fishing-protection-zones>

Cama Timothy “Senate panel rejects Trump funding cuts on Energy Department programs” *The Hill* 20 July 2017 <http://thehill.com/policy/energy-environment/342961-senate-panel-moves-spending-bill-for-doe-water>

David Abel “Trump administration steps in on fishing limits, and the implications could ripple” *Boston Globe* 25 July 2017 http://www.bostonglobe.com/metro/2017/07/25/trump-administration-roils-regional-waters-with-unprecedented-decision/3Tagq1zlg71BUseIhHux1N/story.html?s_campaign=breakingnews:newsletter

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

University of Dundee Lecturer in Law (Teaching & Research)

http://www.sociology.com/announcement_a3419.html

Junior Officer, Resilient Cities (Congress program)

ICLEI World Secretariat is offering the following position: Junior Officer, Resilient Cities (Congress program) to support the program team of Resilient Cities 2018, 9th Global Forum on Urban Resilience and Adaptation to Climate Change (see www.iclei.org/resilient-cities for more information about the previous editions) to be held from 26 to 28 April 2018 in Bonn, Germany.

Application deadline is 10 August 2017 and more information about the position is available at

http://www.iclei.org/fileadmin/user_upload/ICLEI_WS/Documents/Job_postings/JO_ResCities2018_job_posting_final.pdf

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

--+

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

Environmental Law Association Newsletter 30

4 August 2017

LEGISLATION

ACTS

Protected Disclosures Amendment Act 5 of 2017 - GG 41016 of 2 August 2017
– commence 2 August 2017

Courts of Law Amendment Act 7 of 2017 - GG 41017 of 2 August 2017 –
commence on date to be proclaimed

Performing Animals Protection Amendment Act 4 of 2016 - GN 772 in GG
41019 of 3 August 2017 - commenced 28 July 2017

NOTICES

National Nuclear Regulator Act 47 of 1999 - GN R773 in GG 41023 of 4 August
2017 - Draft categorisation of the various nuclear installations in the Republic,
the level of financial security to be provided by holders of nuclear installation
licences in respect of each category of nuclear installation and the manner in
which that financial security is to be provided - for comment

Promotion of Access to Information Act 2 of 2000 – Gen Notices 562 & 563 in
GG 41024 of 4 August 2017 - Descriptions submitted in terms of s. 15 (1) by
the KwaZulu-Natal Provincial Government: Department of Agriculture and
Rural Development and the Eastern Cape Provincial Government: Department
of Human Settlements

Performing Animals Protection Amendment Act 4 of 2016 - GN 771 in GG
41019 of 3 August 2017 & GN 776 in GG 41024 of 4 August 2017 -
Performing Animals Protection Regulations, 2016 and Performing Animals
Protection Regulations in GN R1672 in GG 15102 of 1 September 1993
repealed

PROVINCES

Northern Cape

Wet op Plaaslike Regering: Munisipale Stelsels 32 van 2000 - MK 23 in *PK* 2116 van 31 Julie 2017 - Kareeberg Plaaslike Munisipaliteit: Wysiging van alle relevante verordeninge

Gauteng

National Environmental Management: Waste Act 59 of 2008 and Gauteng Health Care Waste Management Regulations, 2004 - PNs 671 & 672 in *PG* 192 of 2 August 2017 - List of registered persons on the Gauteng Waste Information System database from January 2015 to December 2015 and January 2016 to December 2016

Gauteng Rationalisation of Local Government Affairs Act 10 of 1998 and Local Government: Municipal Systems Act 32 of 2000 - LAN 1062 in *PG* 192 of 2 August 2017 - City of Ekurhuleni: Notice of intention to pass the Special Rating Area Draft By-law and Policy - for comment

Constitution of the Republic of South Africa, 1996; Gauteng Rationalisation of Local Government Affairs Act 10 of 1998 and Local Government: Municipal Systems Act 32 of 2000 - LAN 1115 in *PG* 194 of 2 August 2017 - City of Ekurhuleni - Notice of intention to pass the Draft By-law and Draft Service Delivery Agreement (SDA) for the establishment of the Ekurhuleni Development Agency - for comment

Mpumalanga

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – Gen Notice 76 in *PG* 2835 of 28 July 2017 - City of Mbombela Local Municipality - Electricity Supply By-law, and Wastewater and Industrial Effluent By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – Gen Notice 76 in *PG* 2835 of 28 July 2017 - City of Mbombela Local Municipality - Refuse (Solid Waste) and Sanitary By-laws

Water Services Act 108 of 1997 – Gen Notice 76 in *PG* 2835 of 28 July 2017 - City of Mbombela Local Municipality - Water Supply Services By-laws published and Water Services Supply By-law

CASES

National

Snyders NO v Louistef (Pty) Ltd and Another (CCT311/16) [2017] ZACC 28 (3 August 2017)

Summary: Petroleum Products Amendment Act 58 of 2003 - legal nature of site licences under section 2D - licence is asset, but subject to constraint

Westwood Insurance Brokers (Pty) Ltd v Ethekewini Municipality and Others (8221/16) [2017] ZAKZDHC 29 (31 July 2017)

Insurance for water loss – award of tender – irregularity – failure by officials to provide reasons to the court – appeal against cost orders against officials in their personal capacity

PUBLICATIONS

Subscription to South African Journal for Environmental Law and Policy – new publications – reduction of 15% available for ELA Members

<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

Barnard Michelle “Koolstofbelasting as voorgestelde ekologiese fiskale hervormingsmaatreeël in Suid-Afrika” 2016 *Litnet Akademies*
<http://www.litnet.co.za/koolstofbelasting-voorgestelde-ekologiese-fiskalehervormingsmaatreeel-suid-afrika/>

Blackmore Andy “Public trust doctrine, research and responsible wildlife management in South Africa” 2017 *Bothalia – African Biodiversity & Conservation* 47(1) <https://doi.org/10.4102/abc.v47i1.2217>

2017 *South African Journal of Environmental Law and Policy*

<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

- Gebregiorgs MT “What are the instrumental roles of the introduction of environmental tax in the realisation of the polluter-pays principle in Ethiopia?”
- Kuschke Birgit “Aspects of insurance for environmental damage claims: Some issues raised by proposed hydraulic fracturing”
- Umejesi Ikechukwu “Colonial era practices of eminent domain and state-community contestation for mineral-resource ownership in postcolonial Nigeria: the search for a sustainable synergy”
- Knetsch Jonas & Ollard Romain “The impact of the precautionary principle on civil and criminal liability: A French perspective on South African law”
- Surbun Vishal “The regulation of offshore seismic surveys for petroleum resources in South Africa’s maritime realm”

- Ladan MT “SDGs framework as the blueprint for climate change action and sustainable development in Africa: role of law and parliamentarians”
- Mugadza Amanda “An overview of sustainable tourism development in transfrontier conservation areas (TFCAs): A legal perspective”
- Mkhonza Amanda “The *Palala* Judgment: A Harmonious Relationship between the Mineral and Petroleum Resources Development Act and the Companies Act?”
- Couzens Ed *et al* “The Baboon Behaved Impeccably’: Animal rights and welfare in South Africa, some recent foreign judgments, and the case of *Macrae v State* [SCA, 2014]”

Clark Ben, Larco Nico and Mann Roberta “Impact of Autonomous Vehicles on Local Government Budgeting and Finance” (August 2017)
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3009840

Call for Papers: Special Issue of the International Journal of Climate Change Strategies and Management on "Climate Change and Biodiversity Assets"
<http://www.emeraldgroupublishing.com/authors/writing/calls.htm?id=7185>

IFLA “Development and Access to Information” (Report August 2017)
<https://da2i.ifla.org/>

2017 *International Climate Policy* Number 47 (August)
<http://www.iccgov.org/en/iccgstudies/international-climate-policy-n-47/>

Kotzé Louis J (ed) *Environmental Law and Governance for the Anthropocene* (Hart Bloomsbury 2017) <https://www.bloomsburyprofessional.com/uk/environmental-law-and-governance-for-the-anthropocene-9781509906567/>

1. The Role of Sustainable Development and the Associated Principles of Environmental Law and Governance in the Anthropocene - Jonathan Verschuuren
2. Reimagining International Environmental Law in the Anthropocene - Tim Stephens
3. Doing Time-The Temporalities of Environmental Law - Benjamin J Richardson
4. 'Anthropocene, Capitalocene, Chthulucene': Re-encountering Environmental Law and its 'Subject' with Haraway and New Materialism - Anna Grear
5. Critical Environmental Law and the Double Register of the Anthropocene: A Biopolitical Reading - Vito De Lucia
6. Critical Environmental Law in the Anthropocene - Andreas Philippopoulos-Mihalopoulos
7. Materiality and the Ontological Turn in the Anthropocene: Establishing a Dialogue between Law, Anthropology and Eco-Philosophy - Saskia Vermeylen
8. Global Environmental Governance in the Anthropocene: Setting and Achieving Global Goals - Maria Ivanova and Natalia Escobar-Pemberthy

9. Global Environmental Constitutionalism in the Anthropocene - Louis J Kotzé
10. Global Justice in the Anthropocene - Carmen G Gonzalez
11. The Imperative of Ecological Integrity: Conceptualising a Fundamental Legal Norm for a New 'World System' in the Anthropocene - Klaus Bosselmann
12. Of Human Responsibility: Considering the Human/Environment Relationship and Ecosystems in the Anthropocene - Karen Morrow
13. The Corporation and the Anthropocene - Sally Wheeler
14. Judging the Anthropocene: Transformative Adjudication in the Anthropocene Epoch - Lynda Collins
15. The Emergence of Transnational Environmental Law in the Anthropocene - Jolene Lin
16. The End of European Union Environmental Law: An Environmental Programme for the Anthropocene - Han Somsen

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

ENB: CITES Meeting of Scientific Committees 18-27 July Geneva Switzerland
<http://enb.iisd.org/cites/ac29pc23/about.html>

New York Times: Popovich Nadja, Schwartz John and Schlossberg Tatiana
 “How Americans think about climate change, in six maps” 21 March 2017
<http://nyti.ms/2vtw5aS>

US digital legislative handbook:

“The USC Schwarzenegger Institute and the National Caucus of Environmental Legislators (NCEL) partnered to create a “digital environmental legislative handbook” which aims to provide political leaders with legal / legislative research, voting records, bill language, and data to help prepare bills re environmental action, including air quality, renewable energy, health and climate change.” <http://envirolaws.org/>

The Conversation: Smit Josephine B “What camera traps tell us about elephants eating crops” 1 August 2017 <http://bit.ly/2hx8Rvb>

The Conversation: Pereira Laura “The global food system still benefits the rich at the expense of the poor” 30 July 2017 <http://bit.ly/2udEbVJ>

Global Footprint Network: Earth Overshoot Day 2 August 2017
<http://www.footprintnetwork.org/our-work/earth-overshoot-day/>

Youtube video: <https://www.youtube.com/watch?v=oPO2-KCyFvc&feature=youtu.be>

World Bioenergy Association: <http://www.worldbioenergy.org/>

World Bioenergy Association: “Factsheet on Energy Recovery from Waste” 12 July 2017 <http://www.worldbioenergy.org/news/366/47/Energy-recovery-from-Waste-to-be-a-major-sector-in-future>

IISD: SDG Knowledge Hub: Leitner G “Enabling Development for All: New Report on Access to Information and the UN 2030 Agenda” 3 August 2017 <http://bit.ly/2wuQgST>

IISD: SDG Knowledge Hub: Ledaba Ana-Maria “International Tax Cooperation Initiatives Driving Progress on Target 17.1” 3 August 2017 <http://bit.ly/2vA9tW5>

IISD: SDG Knowledge Hub: “Climate Finance Update: Climate Funds Announced for Africa” 3 August 2017 <http://bit.ly/2fcjse7>

Forum for Climate Engineering Assessment: Monthly newsletter <http://mailchi.mp/3c2421da1b10/building-a-climate-engineering-clearinghouse>

The Guardian: Carrington Damian “Electric cars are not the answer to air pollution, says top UK adviser” 4 August 2017 <https://www.theguardian.com/environment/2017/aug/04/fewer-cars-not-electric-cars-beat-air-pollution-says-top-uk-adviser-prof-frank-kelly>

The Guardian: “Public support for fracking in the UK at record low, official survey reveals” 3 August 2018 <https://www.theguardian.com/environment/2017/aug/03/public-support-for-fracking-in-the-uk-at-record-low-official-survey-reveals>

The Guardian: “UK needs bottle deposit scheme to cut plastic litter in oceans, says thinktank” 4 August 2017 <https://www.theguardian.com/environment/2017/aug/04/uk-needs-bottle-deposit-scheme-to-cut-plastic-litter-in-oceans-says-thinktank>

The Guardian: Lavallo S “Carmakers accused of 'clutching at straws' over retrofitting polluting diesels” 3 August 2017 <https://www.theguardian.com/environment/2017/aug/03/carmakers-accused-of-clutching-at-straws-over-retrofitting-polluting-diesels>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA Student Conference: The Impacts of Contemporary Societal and Developmental Trends – Novel Environmental Law and Governance Responses

Date: 15-16 September 2017

Place: Potchefstroom

No Registration Fee

Queries: Prof Anél du Plessis anel.duplessis@nwu.ac.za 018 299 1924

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

ELA Annual Conference and AGM: Save the Date

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

More information will follow soon

CBSS Training Workshop, Pretoria and Cape Town: Integrated Water Resource Management, the National Water Act and Water Use Authorisations

Date: 12-14 September 2017:

Venue: Intaka Island (near Century City) (register before 14 August 2017 for discount).

Please click on these links for the Course Description <http://www.cbosss.com/training/course-descriptions/> and Registration Form

<http://www.cbosss.com/training/wp-content/uploads/2017/05/2017-CBSS-Course-Appl-Form.pdf>

For more information contact: Glaudin Kruger Course Coordinator Tel 028 316

2905 Email: kruger@krugerassociate

IAIAsa 2017 National Conference: Inspiration of Integrated Environmental Management: Crafting Innovative Solutions to Persistent Environmental and Social Problems

Date: 16-18 August 2017

Venue: Goudini Spa, Western Cape

More information on deadlines and participation:

<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/PresentationOptions5final.pdf>

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

Please submit all proposals for special sessions and/or workshops for consideration by 30 June 2017 using the online submission system:

<http://ocs.conservationssymposium.com/sccp/2017/login?source=%2Fscpp%2F2017%2Fauthor%2Fsubmit%3FrequiresAuthor%3D1>

Please submit all abstracts for oral and poster presentations for consideration by 4 August 2017 using the online submission system.

For any queries, contact Freyni or Erica: secretariat@conservationssymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

IMBEWU: Environmental Law Update Workshops

Date: 22 August 2017

Venue: IMBEWU's Offices – Rosebank, JHB

Time: 08:30-16:30

Date: 1 September 2017

Venue: Intaka Island Eco Centre – Century City – Cape Town

Time: 08:30-16:00

Contact: Lulu@imbewu.co.za or www.imbewu.co.za or call at 011 214 0660/1

Conference: Strengthening local government legislative authority in South Africa: enforcing municipal by-laws

Date: 28 September 2017

Venue: The Roots, Potchefstroom

The joint conference of the Faculty of Law, NWU and the Konrad-Adenauer Foundation will be held on 28 September 2017 at The Roots in Potchefstroom, is aimed at building capacity in the local government sphere as far as the enforcement of municipal by-laws are concerned.

Everyone interested in the matter of local governance, public governance, good governance, law-making authority and the making and implementation of municipal bylaws are welcome to attend the event.

There is no registration fee but registration is compulsory, as space is limited. No registration costs apply but registered attendees who do not arrive will be invoiced for the full costs of the conference. Please register on/before Friday 1 September 2017 via the following web-link: <https://goo.gl/nynFKK>

Refreshments and lunch will be provided. Accommodation and transportation arrangements and costs are, however, the responsibility of attendees.

Further information and the preliminary programme are available from Mrs Angela van der Berg angela.vanderberg@nwu.ac.za or Mrs Rieëtte Venter rieette.venter@nwu.ac.za

NWU: CEM Courses 2017

- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Water Quality Monitoring- CEM-06.4.1**
Date: 13-17 November 2017
- **The Roles and Responsibilities of an Environmental Control Officer-CEM-05.2.1**
Dates: Date: 28 August - 1 September 2017
- **Occupational health and safety management system**
Date: 4–8 September 2017
- **Environmental law – integrated water resource management**
Date: 11–15 September 1017
- **Ecological rehabilitation and mine closure**
Date: 11–15 September 2017

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

South African National Wetlands Indaba

Date: 16-19 October 2017

Venue: Sun International Wildcoast Hotel, outskirts of Port Edward, KwaZulu-Natal, South Africa

For more information, see <http://nwi17.sawetlands.org/> or contact kznwetlandforum@gmail.com

International

Call for Abstracts: AELERT Conference -- Is Being Right Enough?

Date: 14-16 February 2018

Venue: Aerial Function Centre UTC Sydney Australia

Considering the modern pressures and context of environmental regulation, this conference will ask the critical question: Is being right enough? Do we need more than the traditional regulatory tools (i.e. legislation, regulation, incentives and information) to achieve good outcomes for the environment and the community?

file:///C:/Users/10063994/Downloads/814_2018_aelert_conference_sponsorship_prospectus.pdf

EU Environmental Enforcement Networks Conference

Dates: 20-21 September 2017

Place: Oxford, England

https://app.azavista.com/event_website_pages/view/home/58be9791-fbf0-42f5-81f9-1ac4ac110002/6fef9ad8d7

First Postgraduate Colloquium on Frontiers of International Environmental Law

Dates: 21 September 2017

Location: University of Oslo

<http://www.jus.uio.no/pluricourts/english/news-and-events/events/2017/2017-09-21-frontiers-of-international-environmental-law.html>

NEWS

Marikana mine workers charged

“Seventeen mineworkers charged with the murder of 10 people in Marikana during a violent strike at Lonmin mine near Rustenburg four years ago, appeared briefly in the North West High Court yesterday. North West Judge President Monica Leeuw postponed the case to 13 October, for the defence to file an application to review the National Director of Public Prosecutions’ decision that the charges should not be withdrawn.” *Legalbrief Today* 1 August 2017

Energy: Lack of political will crippling renewables

“A German think tank believes lack of political will could be among the reasons SA has not embraced renewable energy to solve its energy crisis. According to a *Cape Times* report, Markus Steigenberger, deputy executive director of Agora Energiewende (‘energy transition’), an economic think tank, criticised Eskom for not signing the 37 outstanding agreements with independent power

producers (IPPs) for the supply of renewable energy. He had just returned to Berlin from SA, where he gave presentations at workshops in Johannesburg and Pretoria last week at the invitation of the Centre for Environmental Rights in Cape Town. Steigenberger said that renewable energy is 'very, very cheap' compared to 'dangerous' nuclear energy. He blamed the 'current political situation for the stalemate'. 'There is a lot of discussion now about whether SA should deploy more renewable energy or whether there should be more nuclear and coal. That discussion is very harmful to the renewable energy industry,' he said. 'One of the things SA could learn from Germany is that you can operate a power system with a very high share of wind and solar. Eskom and the SA Government are afraid of having too much weather-dependent energy on their system,' the report quotes him as saying."

Full Cape Times report (subscription needed) *Legalbrief Environmental* 1 August 2017

Energy: Buffalo City focuses on renewables

"The Buffalo City Metro plans to use renewable energy as it hopes to stop relying so heavily on Eskom for electricity. According to a *Daily Dispatch* report, a tender advertisement for a feasibility study was issued last week. The delegation of two scientists from Germany's DLR Institute of Networked Energy Systems who work with renewable energy systems visited the city in an effort to combine German and South African ideas to create renewable energy projects for the metro. DLR's Meike Kühnel said BCM was currently not creating electricity from its wastewater treatment work and sludge treatment despite the potential in the field. 'We have advised them to produce energy from waste,' she said. Acting BCM electricity and energy services manager, Robert Ferrier: 'BCM has vast potential within the city to reduce reliance on external energy.' BCM renewable energy options include wind energy (where large tracts of land are more suitable for wind farms than housing), solar energy, waste energy with a 'big' regional waste disposal site with 'huge potential' and closed waste dump sites which have potential to harvest natural gas. 'The big one we are looking at is the Berlin waste site for recycling and supply of electricity energy,' Ferrier said."

Full Daily Dispatch report (subscription needed) *Legalbrief Environmental* 1 August 2017

O'Sullivan K "EPA names worst offenders for breaching environmental laws" *The Irish Times* 12 July 2017 <https://www.irishtimes.com/news/environment/epa-names-worst-offenders-for-breaching-environmental-laws-1.3151951>

Secombe Allan "Chamber of Mines accuses department of freezing all rights applications" *BusinessDay* 3 August 2017 <https://www.businesslive.co.za/bd/national/2017-08-03-chamber-of-mines-accuses-department-of-freezing-all-rights-applications/>

Secombe Allan "Moratorium on mining rights withdrawn at last minute" 4 August 2017 <https://www.businesslive.co.za/bd/companies/mining/2017-08-04-moratorium-on-mining-rights-withdrawn/>

Savides Matthew “Move rhino poaching kingpin case to the high court: online petition” 27 July 2017 <https://www.timeslive.co.za/news/south-africa/2017-07-27-move-rhino-poaching-kingpin-case-to-the-high-court-online-petition/>

Mukhuthu Zwanga “Trial of Water Board boss postponed to next year” *Dispatch Live* 26 July 2016 <http://www.dispatchlive.co.za/news/2017/07/26/trial-water-board-boss-postponed-next-year/>

“Gambian environmentalists to sue 'polluting' Chinese firm” *News24* 2 August 2017 <http://www.news24.com/Africa/News/gambian-environmentalists-to-sue-polluting-chinese-firm-20170802-2>

Gerber R “France court orders government to provide water to Calais refugees” *The Jurist* 1 August 2017 <http://www.jurist.org/paperchase/2017/08/france-court-orders-government-to-provide-water-to-calais-refugees.php>

“113 environmental defenders while protecting their community’s land or natural resources” *theguardian* 31 July 2017 <https://www.theguardian.com/environment/ng-interactive/2017/jul/13/the-defenders-tracker> see also <https://www.theguardian.com/environment/2017/jul/13/environmental-defenders-being-killed-in-record-numbers-globally-new-research-reveals>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Department of Environmental Affairs Control environmental officer grade A: Reactive Inspection (Compliance Environmental Impact Pollution

Closing date: 7 August 2017

<https://www.indeed.co.za/viewjob?jk=bfd78586da4cda1c&q=Environmental+Enforcement&tk=1bktvdr60auphdc8&from=web>

University of Sydney: Post-doctoral fellowship

The Australian Centre for Climate and Environment Law at The University of Sydney Law School is partnering with the interdisciplinary Sydney Environment Institute at the University to advertise a Law School Postdoctoral Fellowship in the areas of International and Domestic Law/governance around issues of climate change, climate disasters, climate change adaptation and disaster risk reduction, climate displaced persons, risk transfer and compensation, oceans, biodiversity, water, energy, humans and non-humans. Application of these issues to the Pacific region is also an area of interest. The University of Sydney Law School Postdoctoral Fellowship aims to attract an outstanding early career researcher to the University of Sydney to contribute to and enhance the research strengths and culture of the University and the Law School, and to build capacity and collaborative links with the University of Sydney multidisciplinary initiatives.

Essential Selection Criteria

- A PhD (in any discipline) awarded (i.e. passed by examiners) prior to the commencement of the fellowship, and in any event no earlier than 1 January 2012 and no later than 1 January 2018;
- An LLB or JD
- A proven track record for innovative and high quality research

- The ability to work collaboratively in a cross disciplinary environment
- The ability to teach into our LLB/JD teaching program
- A proposed research project.

To apply please go to Postdoctoral Fellowship: <http://bit.ly/2uHgvz7>

Chilean International Cooperation Agency (AGCI) – Nelson Mandela Scholarships

Master Programmes: Agriculture, Aquaculture, Energy, Management of Public Policies, Health, Environment, Mining

Closing date: 31 October 2017

<http://www.internationalscholarships.dhet.gov.za/CHILE%20SCHOLARSHIPS%20-%20Copy.html>

New Zealand Development Scholarship and Commonwealth Scholarship 2019

Programmes: Master’s and PhD in subjects that can improve the social and economic development of your country. Priority Sectors: Agriculture development; Renewable energy

Closing date: Early 2018

<http://www.internationalscholarships.dhet.gov.za/NEW%20ZEALAND%20-%20Copy.html>

Environmental compliance and enforcement positions worldwide:

<https://inece.org/news/jobs/>

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

--+

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

Environmental Law Association Newsletter 31

11 August 2017

LEGISLATION

PROVINCES

Eastern Cape

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - PN 157 in PG 3891 of 7 August 2017 - Mquma Local Municipality - By-law on Spatial Planning and Land Use Management

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 25 in PG 2119 of 7 August 2017 - Khai-Ma Local Municipality – Notice of intention to revise the Spatial Planning Development Framework (SDF)

Western Cape

Disaster Management Act 57 of 2002 - PN 150 in PG 7801 of 4 August 2017 - Proposed Directions dealing with restrictions on the use of potable water for domestic and industrial purposes - for comment

CASES

International

Notice of filing: *Guy Abrahams v Commonwealth Bank of Australia* Victoria Registry - Federal Court of Australia 8 August 2017 [http://envirojustice.org.au/sites/default/files/files/170807%20Concise%20Statement%20\(as%20filed\).pdf](http://envirojustice.org.au/sites/default/files/files/170807%20Concise%20Statement%20(as%20filed).pdf)
“Shareholders suing the bank for misleading disclosure of climate risks, including risks associated with the Bank's stance on the financing of the Adani coal mine project.” [Source: Anita Foerster University of Melbourne]

Environmental Protection Agency and E. Scott Pruitt, Administrator, United States Environmental Protection Agency, Respondents; American Wind Energy Association, et al., Intervenors Case No 15-1363 United States Court of Appeals for the District of Columbia Circuit Filed on 8 August 2017 https://www.edf.org/sites/default/files/content/2017.08.08_order_regarding_case_status.pdf

“The U.S. Court of Appeals for the District of Columbia Circuit indefinitely suspended litigation over President Obama's climate rule for new power plants.” See also **NEWS**

PUBLICATIONS

Subscription to South African Journal for Environmental Law and Policy – new publications – reduction of 15% available for ELA Members
<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

Ashukem Jean-Claude “Setting the scene for climate change litigation in South Africa: *Earthlife Africa Johannesburg v Minister of Environmental Affairs and Others* [2017] ZADPPHC 58 (2017) 65662/16” 2017 *LEAD Journal* 13(1) http://www.lead-journal.org/current_issue.htm

Chamberlain Lisa “Beyond Litigation: The Need for Creativity in Working to Realise Environmental Rights” 2017 *LEAD Journal* 13(1) http://www.lead-journal.org/current_issue.htm

Ang Geraldine, Röttgers Dirk and Burli Pralhad “The Empirics of Enabling Investment and Innovation in Renewable Energy” (OECD Centre on Green Finance and Investment Report July 2017) http://www.oecd-ilibrary.org/environment/the-empirics-of-enabling-investment-and-innovation-in-renewable-energy_67d221b8-en

Leal-Arcas R “Prosumers: New actors in EU energy security,” 2017 *Netherlands Yearbook of International Law*
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3010714

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

The Conversation: Colenbrander Sarah “Africa's cities face unique risks. What can be done to manage them?” 30 July 2017 <http://bit.ly/2vCXbwh>

IISD: ENS Bulletin: Twenty-third Annual Session of the International Seabed Authority 8-18 August 2017, Headquarters of the International Seabed Authority, Kingston, Jamaica <http://enb.iisd.org/isa/2017/about.html>

IUCN: Law for Sustainability: <https://www.iucn.org/theme/environmental-law/our-work/governance-and-meas/law-sustainability>

The Conversation: Rakotonarivo Sarobidy and Hockly N “Forest conservation approaches must recognise the rights of local people” 8 August 2017 <http://bit.ly/2uo4x7H>

The Conversation: Durant Sarah “Fences are an increasing threat to Africa's migratory wildlife” 9 August 2017 <http://bit.ly/2uP9eCC>

The Conversation: Winter Kevin “What's driving Cape Town’s water insecurity, and what can be done about it” 7 August 2017 <http://bit.ly/2uzveSI>

IISD: SDG Knowledge Hub: Sullivan B “How Can the Oil and Gas Industry Contribute to the Sustainable Development Goals?” 10 August 2017 <http://bit.ly/2wxVY7v>

IISD: SDG Knowledge Hub: Jungcurt S “FAO Climate Strategy Links to Hunger, Poverty and Biodiversity SDGs” 10 August 2017 <http://bit.ly/2wyz1RE>

IISD: SDG Knowledge Hub: Nelson G “Transparency and Compliance Update: Annex I Parties’ Review Reports, APA Transparency Workshop Report Released” 10 August 2017

Editor’s Vox: Renforth P “Preventing Climate Change by Increasing Ocean Alkalinity” 9 August 2017 <https://eos.org/editors-vox/preventing-climate-change-by-increasing-ocean-alkalinity>

The Guardian: Watts J “Norway's push for Arctic oil and gas threatens Paris climate goals – study” 10 August 2017 <https://www.theguardian.com/environment/2017/aug/10/norways-push-for-arctic-oil-and-gas-threatens-paris-climate-goals-study>

The Guardian: Nuccitelli Dana “The year Trump was elected was so hot, it was one-in-a-million” 11 August 2017 <https://www.theguardian.com/environment/climate-consensus-97-per-cent/2017/aug/11/the-year-trump-was-elected-was-so-hot-it-was-1-in-a-million>

Daily Maverick: Van der Merwe J “Right of Reply: Proposed three-tier tariff structure will be responsive to electricity consumption and property values” 10 August 2017 <http://bit.ly/2wRCM42>

LSE Business Review Blog: Ang G “What’s holding back investment and innovation in renewable energy?” <http://blogs.lse.ac.uk/businessreview/2017/07/21/whats-holding-back-investment-and-innovation-in-renewable-energy/>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA Student Conference: The Impacts of Contemporary Societal and Developmental Trends – Novel Environmental Law and Governance Responses

Date: 15-16 September 2017

Place: Potchefstroom

No Registration Fee

Queries: Prof Anél du Plessis anel.duplessis@nwu.ac.za 018 299 1924

ELA Annual Conference and AGM: Save the Date

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

More information will follow soon

CBSS Training Workshop, Pretoria and Cape Town: Integrated Water Resource Management, the National Water Act and Water Use Authorisations

Date: 12-14 September 2017:

Venue: Intaka Island (near Century City) (register before 14 August 2017 for discount).

Please click on these links for the Course Description <http://www.cbosss.com/training/course-descriptions/> and Registration Form <http://www.cbosss.com/training/wp-content/uploads/2017/05/2017-CBSS-Course-Appl-Form.pdf>

For more information contact: Glaudin Kruger Course Coordinator Tel 028 316 2905 Email: kruger@krugerassociate

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

For any queries, contact Freyni or Erica or Janice Tooley as per separate ELA email: secretariat@conservationsymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

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

Conference: Strengthening local government legislative authority in South Africa: enforcing municipal by-laws

Date: 28 September 2017

Venue: The Roots, Potchefstroom

The joint conference of the Faculty of Law, NWU and the Konrad-Adenauer Foundation will be held on 28 September 2017 at The Roots in Potchefstroom, is aimed at building capacity in the local government sphere as far as the enforcement of municipal by-laws are concerned.

Everyone interested in the matter of local governance, public governance, good governance, law-making authority and the making and implementation of municipal bylaws are welcome to attend the event.

There is no registration fee but registration is compulsory, as space is limited. No registration costs apply but registered attendees who do not arrive will be invoiced for the full costs of the conference. Please register on/before Friday 1 September 2017 via the following web-link: <https://goo.gl/nynFKK>

Refreshments and lunch will be provided. Accommodation and transportation arrangements and costs are, however, the responsibility of attendees.

Further information and the preliminary programme are available from Mrs Angela van der Berg angela.vanderberg@nwu.ac.za or Mrs Rieëtte Venter rieette.venter@nwu.ac.za

South African National Wetlands Indaba

Date: 16-19 October 2017

Venue: Sun International Wildcoast Hotel, outskirts of Port Edward, KwaZulu-Natal, South Africa

For more information, see <http://nwi17.sawetlands.org/> or contact kznwetlandforum@gmail.com

Human Rights and the Rule of Law: A Bulwark against Corruption and Maladministration in South Africa?

Annual Human Rights Law Lecture presented by Judge Mahomed S Navsa
Supreme Court of Appeal

Title: Human Rights and the Rule of Law: A Bulwark against Corruption and Maladministration in South Africa?

Date & Time: Tuesday, 5 September 2017 at 18h15 for 18h30

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

A cocktail reception will follow after the lecture

RSVP: Ms Yolandi Filander yolandi@sun.ac.za on or before 18 August 2017 or call (021) 808 4853

NWU: CEM Courses 2017

- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Water Quality Monitoring- CEM-06.4.1**
Date: 13-17 November 2017
- **The Roles and Responsibilities of an Environmental Control Officer-CEM-05.2.1**
Dates: Date: 28 August - 1 September 2017
- **Environmental law – integrated water resource management**
Date: 11–15 September 2017
- **Ecological rehabilitation and mine closure**
Date: 11–15 September 2017

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

Groundwater and Soil Contamination Assessment and Remediation Conference

Dates: 21–22 August 2017

Venue: Emperor's Palace, Johannesburg

This networking opportunity will offer participants a platform to discuss the hybrid disciplines between soil, groundwater, surface water and the management thereof. Latest regulations on contaminated soil will be explored. It will provide an update on recent research findings and development pertaining to remedial methods and technologies. Tried and tested case studies with successful results will be shared giving an insight of available strategies for different contaminants. It will look at strategies to deal with sites which display complex groundwater flow regimes. It will address a broad suite of contaminants and site characterization for different projects. Emerging contaminants and how to apply remedial strategies and latest technologies.

Soil and groundwater contamination not only poses significant challenges to scientist, but it has a significant impact on funders and managers alike as the cost of remediation or the liability of contaminated land contribute to lower property values and significant fines. Visit the website to access further information, the programme and registration form. <http://ecopartners.skillsguru.web.za/wp-content/uploads/sites/14/2017/06/Groundwater-and-Soil-Contamination-Conference-2017-.pdf>

Kindly make contact directly with the organisers at virginia@ecopartners.co.za or telephone 011 431 2251 should you require further information.

International

Green Development and Climate Change Programme at United Nations Institute for Training and Research (UNITAR) Green Fiscal Reform

This e-course in English language, developed within the scope of the Partnership for action on Green Economy (PAGE), will take place from 18 September – 10 November 2017.

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 to take part. The application deadline is 28 August for fellowships and 11 September for regular participants. Further information can be found at the UNITAR event catalogue <https://www.unitar.org/event/full-catalog/green-fiscal-reform> .
General contact: page@unitar.org

Sustainability College Bruges: Post-graduate Programmes: 2018

- International, European and Comparative Energy, Environmental and Climate Change Law, relevant to Energy Sector
- International and European Environmental, Climate, Health & Safety Law, Relevant to Health Sector

See the website for more information:

<https://www.sustainabilitycollegebruges.com/continuing-education/postgraduate-programs/energy-environmental-and-climate-change-law/>

Online Geoengineering Conference

If you're interested in learning more about the emerging field of climate geoengineering, this all-day event, held entirely online, would be a good introduction to the current state of play. Organized and sponsored by the Institute on Science for Global Policy, Forum for Climate Engineering Assessment, the Forum for Climate Geoengineering Assessment at American University, and Arizona State University:

https://www.facebook.com/events/111210602848401/?acontext=%7B%22ref%22%3A%2222%22%2C%22feed_story_type%22%3A%2222%22%2C%22action_history%22%3A%22null%22%7D&pnref=story

University of Eastern Finland - UN Environment Course on Multilateral Environmental Agreements - Fourteenth Course

Dates: 9 to 19 October 2017,

Place: Chambéry, France (near Geneva)

- High-profile two week Course on MEAs, international environmental law-making and diplomacy. The thematic focus for 2017 is "Trade and the Environment".
- Intended for experienced government officials engaged in international environmental negotiations. Other stakeholders, such as representatives of NGOs and the private sector, researchers and academics in the field of international environmental law are also

eligible. By far, around 400 participants from all over the world have been trained through the series of the Course.

- Approximately 30 participants, with an equal distribution from the North and South and taking into account gender balance will be admitted to the Course.
- Participants are expected to pay their travel and other expenses and a tuition fee of EUR 1000.
- Candidates from developing countries and from countries with economies in transition can apply for a full or partial fellowship.
- The application deadline has been extended until 28 August 2017.

Further information: Course website: <http://www.uef.fi/unep> or <http://www.unep.org/training>

Contact address: mea-course@uef.fi or Law.Division@unep.org

Conference: EIALAW 2018: How to combine streamlining with environmental effectiveness? – Sharing First Experiences with the New EIA Directive

Friday 23 March 2018

Place: Helsinki

More information: <http://www.yvary.fi/eialaw2018/>

NEWS

Labour: Millions set aside for possible silicosis settlement

“Mining companies Gold Fields and Anglo American have set aside more than \$130m between them for a possible settlement with miners who contracted lung diseases at work with James Wellstead, spokesperson for Sibanye Gold, confirming that the company would also have a provision for a settlement included in its financial results, set for release at the end of August. AngloGold Ashanti and Harmony Gold have yet to announce their provisions. A settlement of some sort has been under discussion since at least early last year, when a class action against the mines was certified.” *Legalbrief Today* 2 August 2017

Ntuli Nokuthula “More charges likely at EnviroServ” *Sunday Tribune* 6 August 2017 <http://www.iol.co.za/sunday-tribune/news/more-charges-likely-at-enviroserv-10658062> [Source: *Legalbrief Today* 7 August 2017]

Friedman Lisa “Scientists Fear Trump Will Dismiss Blunt Climate Report” *New York Times* 7 August 2017 https://mobile.nytimes.com/2017/08/07/climate/climate-change-dramatic-warming-trump.html?emc=edit_na_20170807&nl=breaking-news&nid=49044956&ref=cta&_r=0&referer=

Climate Change: ELA warns against power station assessment

“The Department of Environmental Affairs (DEA) could be giving the go-ahead for what will be one of the most greenhouse gas (GHG) emission intensive coal-fired power stations in the world. According to a report on the Legalbrief Environmental site, the Thabametsi coal-fired power station’s GHG emissions are likely to be 60% higher than Eskom’s new Medupi and Kusile coal plants. Thabametsi is to be built near Lephalale, Limpopo. Last week, Earthlife Africa

Johannesburg (ELA), with the assistance of the Centre for Environmental Rights (CER), submitted comments on Thabametsi's climate change impact assessment. They state, among other things, that the technology proposed for the Thabametsi plant means that SA will be bringing online a new coal plant which will emit the same amount or even more climate-changing GHGs than Eskom's old coal plants. In addition, the impact assessment has not considered the external costs of the project's GHG emissions. The ELA also notes that the impact assessment has failed to consider how the power station will exacerbate the vulnerability of the communities and environment in the Lephalale area to the impacts of climate change. ELA's Makoma Lekalakala says it is not clear why the DEA authorised Thabametsi to begin as it will have irreversible climate impacts. 'We hope that the findings of the climate change impact assessment now make it clear that this power station should not have been given approval,' he added."

Full Legalbrief Environmental report *Legalbrief Environmental* 8 August 2017

Kolyangha Mudangha "Uganda: Nema Evicts 7,000 Wetland Encroachers" *AllAfrica* 1 August 2017 [Source: *Legalbrief Environmental* 8 August 2017] <http://allafrica.com/stories/201708010095.html>

Milman O "US federal department is censoring use of term 'climate change', emails reveal" 7 August 2017 <https://www.theguardian.com/environment/2017/aug/07/usda-climate-change-language-censorship-emails>

Slezak Michael "Commonwealth Bank shareholders sue over 'inadequate' disclosure of climate change risks" *theGuardian* 8 August 2017 <https://www.theguardian.com/australia-news/2017/aug/08/commonwealth-bank-shareholders-sue-over-inadequate-disclosure-of-climate-change-risks>

Branford Sue and Torres Maurício "Brazil's Temer threatens constitutional indigenous land rights" *Mongabay* 1 August 2017 <https://news.mongabay.com/2017/08/brazils-temer-revokes-constitutional-indigenous-land-rights/>

Reilly Amanda "Court indefinitely halts suit on Obama new power plant rule" *E&E News* <https://www.eenews.net/eenewspm/2017/08/10/stories/1060058659>

Lewis Pete "End in site for silicosis case?" *GroundUp* 11 August 2017 <http://www.groundup.org.za/article/end-sight-silicosis-case/>

Masweneng Kgaugelo "We'll always live in squalor, say Matholesville residents during HRC visit" *TimesLive* 11 August 2017 <https://www.timeslive.co.za/news/south-africa/2017-08-11-well-always-live-in-squalor-say-matholesville-residents-during-hrc-visit/>

Neslen A "Britain spent 'twice as much on overseas fossil fuels as renewables'" *theGuardian* 11 August 2017 <https://www.theguardian.com/environment/2017/aug/11/britain-spent-twice-as-much-on-overseas-fossil-fuels-as-renewables>

Harvey F "Al Gore: Trump has failed to knock Paris climate deal off course" *theGuardian* 11 August 2017 <https://www.theguardian.com/environment/2017/aug/11/trump-has-failed-to-knock-paris-climate-deal-off-course-says-al-gore>

Davenport C and Lipton E “Scott Pruitt is carrying out his E.P.A. in secret, critics say” *NYTimes* 11 August 2017 <http://nyti.ms/2vrSh4D>

“Gigaba orders forensic investigation into Tegeta report” *Mining Weekly* 4 August 2017 http://www.miningweekly.com/article/gigaba-orders-forensic-investigation-into-tegeta-report-2017-08-04/rep_id:3650

Charles M “City files suit to buy power directly” IOL 8 August 2017 [Source: Legalbrief Today 10 August 2017] <https://www.iol.co.za/news/crime-courts/city-files-suit-to-buy-power-directly-10686166>

Walters Max “Supreme Court hands victory to E.ON in wind farm construction row” *The Law Society Gazette* 4 August 2017 [Source: Legalbrief Today 10 August 2017] <https://www.lawgazette.co.uk/law/supreme-court-hands-victory-to-eon-in-wind-farm-construction-row/5062371.article>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

University of Dundee, UK Lecturer in Law (Teaching & Research)

http://www.sociology.com/announcement_a3419.html

Faculty job opening in Climate Change Mitigation and Development ATREE, Bangalore

This is to announce 2 faculty positions at the Climate Change Mitigation and Development Programme at the Ashoka Trust for Research in Environment and Ecology (ATREE), Bangalore, India.

The position is research focussed and fresh PhDs may also be considered for a faculty track postdoc appointment. Please direct all inquiries to Dr. Sharad Lele - slele@atree.org

The detailed announcement follows:

• Faculty Positions in Climate Change Mitigation & Development

Ashoka Trust for Research in Ecology and the Environment (ATREE) is seeking to fill two faculty positions for its interdisciplinary research programme on Climate Change Mitigation and Development.

The programme focuses on building an interdisciplinary understanding of the challenges to and solutions for achieving low-carbon, local environment-friendly and equitable development in India and south Asia. This includes (but is not limited to) such issues as:

- renewable energy generation and energy access
- transportation, GHG reduction and local air quality improvement
- urbanization, industrialization and their environmental footprints and drivers
- cross-cutting questions of behavioural change, economic instruments and environmental governance in the above contexts

The applicant may have a background in any area of engineering, urban planning, environmental science, economics, public policy, political science, development studies, and allied disciplines relevant to the above.

Essential qualifications

- PhD from a reputed university and at least two years of post-PhD research experience (or equivalent pre-PhD work experience)
- Strong publication record related to the area of research
- Strong motivation towards interdisciplinary problem-solving and policy-/action-relevant research
- Understanding of the key issues in and challenges facing climate research in developing countries
- Ability to work in a team and to build teams
- Ability to contribute to the ATREE PhD programme in Conservation Science and Sustainability Studies and/or ATREE's policy outreach efforts

Desirable qualifications

- Demonstrated ability to obtain research grants
- Prior teaching experience

Appointments and emoluments

Appointments will normally be at the level of Fellow (equivalent to Assistant Professor), but candidates for more senior positions will also be considered. Similarly, fresh PhDs could be considered for 'faculty-track' post-doctoral positions. The positions are long-term, supported by endowments. Salaries at ATREE are competitive and at par with the IITs/IISc. The positions will be based in Bangalore.

About ATREE

ATREE (www.atree.org) is one of South Asia's leading conservation and environmental research organizations. ATREE seeks to address pressing environmental challenges through interdisciplinary research, teaching and active engagement with civil society and policy makers. ATREE fosters autonomy, professional growth, diversity and gender equity at the work place. Women and persons from underprivileged groups are especially encouraged to apply.

Application process

Interested candidates should first contact the Programme Leader, Dr. Sharachchandra Lele slele@atree.org with their CV to explore their fit with the programme.

When they are requested to submit a full application, they should email their CV, names and contact information of three references, a concise and clear proposal (five pages) and a letter describing their professional goals and interests to the following address, with a Cc to Dr. Lele.

The HR Officer

Ashoka Trust for Research in Ecology and the Environment

E-mail: hr@atree.org

Royal Enclave, Srirampura, Jakkur P.O. Bangalore 560 064.

Join us on
Facebook

<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>
The ELA is registered as a Public Benefit Organisation
www.elasa.co.za

-+

**Remember that members of the Environmental Law Association may
subscribe to
Legalbrief Environmental
and the
South African Journal of Environmental Law and Policy.
Discount available.**

Environmental Law Association Newsletter 31

18 August 2017

The date of the next Newsletter is 1 September 2017

BILLS

Draft Agricultural Product Standards Amendment Bill, 2015 - GN 848 in GG 41052 of 18 August 2017 - for comment

Draft Communal Land Tenure Bill, 2017 – Gen Notice 611 in GG 41047 of 18 August 2017 - extension of comment period

LEGISLATION

NOTICES

National Forests Act 84 of 1998 – Gen Notice 594 in GG 41047 of 18 August 2017 - Notice of intention to declare a portion of the Farm Kathu 465 as a Forest Nature Reserve under s 8(1) of the Act - for comment

Promotion of Access to Information Act 2 of 2000 – Gen Notices 597-607 in GG 41047 of 18 August 2017 - Descriptions submitted in terms of s 15(1) by the Free State Provincial Government: Department of Public Works and Infrastructure; Department of Human Settlements; Department of Provincial Treasury; Department of Police, Roads and Transport; Department of Health; Department of Agriculture and Rural Development; Department of Economic, Small Business Development, Tourism and Environmental Affairs; Department of Social Development; Office of the Premier

National Regulator for Compulsory Specifications Act 5 of 2008 - GN 845 in GG 41047 of 18 August 2017 - Amendment to the compulsory specification for safety of electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1 900/3 300 V)

National Environmental Management: Waste Act 59 of 2008 - GN 847 in GG 41049 of 17 August 2017 - Proposed Waste Tyre Regulations, 2017 - for comment

PROVINCES

Eastern Cape

Disaster Management Act 57 of 2002 - LAN 118 in *PG* 3893 of 11 August 2017 - Sarah Baartman District Municipality - Declaration of a Local State of Disaster due to drought and water shortages

Disaster Management Act 57 of 2002 – Gen Notice 19 in *PG* 3895 of 14 August 2017 - Nelson Mandela Bay Metropolitan Municipality - Declaration of a Local State of Disaster due to drought and water shortages

Free State

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000; Local Government Municipal Planning and Performance Regulation, 2001 and Local Government: Municipal Finance Management Act 56 of 2003 - PN 83 in *PG* 38 of 7 July 2017 - Mohokare Local Municipality - Notice of publication of the adoption of the Integrated Development Plan (IDP) 2017/2018 and Budget for 2017/2018 to 2019/2020; and rates and tariffs for 2017/2018 published with effect from 1 July 2017 ()

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Finance Management Act 56 of 2003 - PN 90 in *PG* 44 of 14 July 2017 - Letsemeng Local Municipality - Notice of publication of approved Budget and Integrated Development Plan 2017/2018

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 - PN 112 in *PG* 54 of 11 August 2017 - Moqhaka Local Municipality - Publication of Draft By-laws: Fire & Emergency Services By-law, Street Trading By-law and Water Services Amendment By-law - for comment

KwaZulu-Natal

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 - MN 110 in *PG* 1868 of 17 August 2017 - Ubuhlebezwe Local Municipality - Notice of establishment of the Ubuhlebezwe Municipal Planning Tribunal

Limpopo

National Environmental Management: Protected Areas Act 57 of 2003 - PN 80 in PG 2844 of 11 August 2017 - Intention to declare Nature Reserves: Nwanedi and Thabina Nature Reserves and Struwig Private Nature Reserve - 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 - PN 83 in PG 2846 of 18 August 2017 - Giyani Local Municipality - Spatial Planning and Land Use Management By-law

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 - LAN 103 in PG 2846 of 18 August 2017 - Thulamela Local Municipality - Notice of intention to compile a Municipal Spatial Development Framework (SDF)

Western Cape

Water Services Act 108 of 1997; National Water Act 36 of 1998; Local Government: Municipal Systems Act 32 of 2000; and National Building Regulations - LAN 54875 in PG 7807 of 11 August 2017 - Stellenbosch Local Municipality - Water Services By-laws

CASES

National

Limpopo Legal Solutions v Vhembe District Municipality and Others (CCT119/16) [2017] ZACC 30 (17 August 2017)

Leave to appeal -voluntary association - legal standing - public interest – *Biowatch* principle - cost order - not urgent - leave is granted

PUBLICATIONS

Subscription to South African Journal for Environmental Law and Policy – new publications – reduction of 15% available for ELA Members

<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

Barnard Michelle “Koolstofbelasting as voorgestelde ekologiese fiskalehervormingsmaatreël in Suid-Afrika” 2016 Litnet Akademies

<http://www.litnet.co.za/koolstofbelasting-voorgestelde-ekologiese-fiskalehervormingsmaatreel-suid-afrika/>

Knight-Jones TJD, McLaws M and Rushton J “Foot-and-Mouth Disease Impact on Smallholders - What Do We Know, What Don't We Know and How Can We Find Out More?” 2017 64 *Transboundary and Emerging Diseases* 1079-1094 [Source: AHEAD Update- August / September / October 2017] <http://onlinelibrary.wiley.com/doi/10.1111/tbed.12507/full>

Løvschal M, Bøcher PK, Pilgaard J, Amoke I, Odingo A, Thuo A and Svenning J-C “Fencing Bodes a Rapid Collapse of the Unique Greater Mara Ecosystem” 2017 7 *Scientific Reports* 41450 [Source: AHEAD Update- August / September / October 2017] <https://www.nature.com/articles/srep41450>

Wolf C and Ripple WJ “Range Contractions of the World's Large Carnivores” 2017 4 *Royal Society Open Science* 170052. [Source: AHEAD Update- August / September / October 2017] <http://rsos.royalsocietypublishing.org/content/4/7/170052>

Almada, AA, Golden CD, Osofsky SA and Myers SS “A Case for Planetary Health / GeoHealth” 2017 1 *GeoHealth* 75-78. [Source: AHEAD Update- August / September / October 2017] <http://onlinelibrary.wiley.com/doi/10.1002/2017GH000084/full>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Victoria Falls KAZA-AHEAD-FAO Workshop Proceedings now available at <http://www.wcs-ahead.org/kaza Ahead fao workshop 2016/kaza Ahead fao workshop 2016.html>
The complete agenda and PDFs of presentations are available at <http://www.wcs-ahead.org/kaza Ahead fao workshop 2016/agenda.html> [Source: AHEAD Update- August / September / October 2017]

KAZA Transfrontier Area: <http://www.kavangozambezi.org/index.php/en/> [Source: AHEAD Update- August / September / October 2017]

Wildlife Health Cornell <http://conta.cc/2rKjZbG> [Source: AHEAD Update- August / September / October 2017]

ASSAf: First Biennial Report to Cabinet on the State of Climate Change Science Technology in South Africa 2017 <http://research.assaf.org.za/handle/20.500.11911/66>

The Jurist: “Executive Order 13807 Issued by on Tuesday 15 August 2017 Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure” <http://www.jurist.org/documents/executiveorders/13807.php>

The Guardian: Hill David ‘Indigenous peoples are the best guardians of world's biodiversity’ 9 August 2017 <https://www.theguardian.com/environment/andes-to-the-amazon/2017/aug/09/indigenous-peoples-are-the-best-guardians-of-the-worlds-biodiversity>

The Conversation: Foerster Anita and Peel Jacqueline “Climate change is a financial risk, according to a lawsuit against the CBA” 15 August 2017 <https://theconversation.com/climate-change-is-a-financial-risk-according-to-a-lawsuit-against-the-cba-82505>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA Student Conference: The Impacts of Contemporary Societal and Developmental Trends – Novel Environmental Law and Governance Responses

Date: 15-16 September 2017

Place: Potchefstroom

No Registration Fee but registration is necessary

Queries: Angela van der Berg angela.vanderberg8@gmail.com or the ELA Secretariat enviro.association.sa@gmail.com / 018 299 1568

ELA Annual Conference and AGM: Save the Date

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

The Call for Abstracts will be sent with the next newsletter

Imbewu: Environmental Law Update Workshop

Date: Friday 1 September 2017

Venue: Intaka Island Eco Centre – Century City – Cape Town

Time: 08:30-16:00

Contact: www.imbewu.co.za / lulu lulu@imbewu.co.za or 011 214 0660/1

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

For any queries, contact Freyni or Erica or Janice Tooley as per separate ELA email: secretariat@conservationsymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

Conference: Strengthening local government legislative authority in South Africa: enforcing municipal by-laws

Date: 28 September 2017

Venue: The Roots, Potchefstroom

The joint conference of the Faculty of Law, NWU and the Konrad-Adenauer Foundation will be held on 28 September 2017 at The Roots in Potchefstroom, is aimed at building capacity in the local government sphere as far as the enforcement of municipal by-laws are concerned.

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

Everyone interested in the matter of local governance, public governance, good governance, law-making authority and the making and implementation of municipal bylaws are welcome to attend the event.

There is no registration fee but registration is compulsory, as space is limited. No registration costs apply but registered attendees who do not arrive will be invoiced for the full costs of the conference. Please register on/before Friday 1 September 2017 via the following web-link: <https://goo.gl/nynFKK>

Refreshments and lunch will be provided. Accommodation and transportation arrangements and costs are, however, the responsibility of attendees.

Further information and the preliminary programme are available from Mrs Angela van der Berg angela.vanderberg@nwu.ac.za or Mrs Rieëtte Venter rieette.venter@nwu.ac.za

South African National Wetlands Indaba

Date: 16-19 October 2017

Venue: Sun International Wildcoast Hotel, outskirts of Port Edward, KwaZulu-Natal, South Africa

For more information, see <http://nwi17.sawetlands.org/> or contact kznwetlandforum@gmail.com

NWU: CEM Courses 2017

- **Environmental law -integrated waste management CEM-02.1.3**
Date: 18-19 September 2017
- **Environmental Management System Transition (CEM-03.7.1)**
Prerequisites: Prior learning and/or experience in ISO 14001:2004
Dates: 26-27 September 2017 (Potchefstroom)
- **Environmental Management System - auditor transition (CEM-03.7.1.1)**
Dates: 28 September 2017 (Potchefstroom)
- **Water Quality Monitoring- CEM-06.4.1**
Date: 13-17 November 2017
- **The Roles and Responsibilities of an Environmental Control Officer-CEM-05.2.1**
Dates: Date: 28 August - 1 September 2017
- **Environmental law – integrated water resource management**
Date: 11–15 September 2017
- **Ecological rehabilitation and mine closure**
Date: 11–15 September 2017

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

International

Webinar - Environmental impacts from coal mining and related transport logistic

Date: 23 August 2017

Time: Noon UK time

Environmental impacts from coal mining and related transport logistic, is the subject for the next webinar from the IEA Clean Coal Centre which will be presented by Dr Lesley Sloss, on Wednesday 23 August at midday (UK time)

This webinar addresses the environmental effects of coal mining and related transport, reviewing the potential environmental impacts arising at all stages of the coal chain. Potential environmental impacts from emissions of dust, water, and local land use are reviewed, highlighting emerging techniques to limit and reduce negative effects.

Examples of best practice for mine operation, transport logistics and dust control will demonstrate the potential for improved performance and environmental sustainability in the field. Socioeconomic impacts, as well as regional employment and community engagement, are also covered. In this day and age mining companies will need to comply with environmental law as well as demonstrating best practice and public engagement to have new projects approved.

IEA Clean Coal Centre (CCC) webinars can be viewed from our webinar page live <http://www.iea-coal.org.uk/site/2010/news/webinars?LanguageId=0> or at any time after the event. A one-off registration is required.

For more information visit IEA Clean Coal Centre <http://www.iea-coal.org.uk/site/2010/home?ParamReload=true&>

NEWS

Gradstein Linda “Cross-Border Environmental Cooperation: Israel, Palestine and Jordan” *eTN* 13 August 2017 <https://etarbonews.com/161857/cross-border-environmental-cooperation-israel-palestine-jordan>

Myat Moe Aung “Conservationists alarmed over rising elephant skin trade *Myanmar Times*” 15 August 2017 <http://www.mmtimes.com/index.php/national-news/yangon/27273-conservationists-alarmed-over-rising-elephant-skin-trade.html>

Winkler Hartmut “Nuclear and coal lobbies threaten to scupper renewables in South Africa” *Energy Post* 17 August 2017 <http://energypost.eu/nuclear-and-coal-lobbies-threaten-to-scupper-renewables-in-south-africa/>

Environmental: Enviroserv bosses charged over landfill ‘stink’

“Enviroserv could be fined millions of rand – and some of its senior officials sentenced to jail terms – should the criminal case against it, in connection with its Shongweni landfill site, succeed. The Mercury reports the case came before Magistrate Stanley Hlophe in the Durban Regional Court yesterday, when State Advocate Yuri Gangai announced that four more accused were being added. Previously, the case was only against the company, but now

EnviroServ CE Dean Thompson, coastal operations manager Clive Kidd, group technical director Esme Gombault and group treatment specialist Dr Johan Schoonraad are being charged in their personal capacities. The final charge sheet lists one count of contravening the National Environmental Management: Air Quality Act and two counts of contravening the National Environmental Management: Waste Act. The former is because 'during the period January 2015 to January 2017 and at or near Shongweni landfill site... the accused did not prevent emission of offensive odours caused by activity on their premises'. The latter two relate to failing to 'manage waste in such a manner that it did not endanger health or the environment or cause a nuisance through odour' and failing to ensure effective access control. Proceedings were brief, with Gangai telling the court the state handed the completed docket over to the defence, then requesting an adjournment until November."

Full report in The Mercury (subscription needed) *Legalbrief Today* 18 August 2017

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Call for Wetland Project Proposals

ICLEI – Local Governments for Sustainability - seeks to appoint service providers to implement wetland projects in selected municipalities: Amathole DM, Bojanala Platinum DM, Buffalo City MM, Eden DM, Ehlanzeni DM, Frances Baard DM, iLembe DM, Overberg DM, Waterberg DM, West Rand DM

For more information on this call see <http://cbc.iclei.org/project/lab-wetlands-sa>

Closing date for applications: 22 September 2017

Vermont Law School Environmental Faculty Opening

Vermont Law School invites applications for a tenured or tenure-track faculty position teaching environmental law courses and potentially a first-year course. Hiring rank will be dependent on the background and experience of the applicant. The successful candidate will be an environmental expert with a strong academic background including a demonstrated interest in scholarship; a commitment to excellence in teaching; and relevant experience in private practice, government service, or non-governmental organization. Vermont Law School is the top-ranked school for environmental law in the country. Our graduates become attorneys and environmental professionals who work across the country and the globe. We offer a rich array of environmental courses and a range of degrees including a Master of Environmental Law and Policy and an LLM in Environmental Law as well as certificates in the JD program in climate law, energy law, food and agriculture law, land use law, and water resources law. More information about our environmental program is available at <http://www.vermontlaw.edu/academics/centers-and-programs/environmental-law-center>

Vermont Law School's mission is to educate lawyers for the community and the world. The faculty believes that its scholarship, teaching and service should be meaningful and relevant to the local, national, and international communities. The law school is dedicated to building a diverse faculty, and it strongly

encourages candidates of color, women, veterans, and members of other underrepresented groups to apply. Please submit a cover letter, curriculum vitae, and references to Vice Dean Stephanie J. Willbanks, Vermont Law School, 164 Chelsea Street, South Royalton, VT 05068. Electronic applications are strongly preferred and can be submitted to facultyappointments@vermontlaw.edu - materials should be submitted by October 20, 2017, although submissions received after this time may be considered until the position is filled.

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

-+

Remember that members of the Environmental Law Association may subscribe to
Legalbrief Environmental
and the
South African Journal of Environmental Law and Policy.
Discount available.

Environmental Law Association Newsletter 34

8 September 2017

BILLS

Draft National Research Foundation Amendment Bill, 2016, notice of intention to introduce and explanatory summary published for comment (GN 980 in GG 41100 of 8 September 2017)

LEGISLATION

NOTICES

Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 - GN 972 in GG 41100 of 8 September 2017 - Notice of regulations relating fertilizers

Plant Improvement Act 53 of 1976 - GN 970 in GG 41100 of 8 September 2017 - Regulations relating to establishments, varieties, plants and propagating material amended

Petroleum Products Act 120 of 1977 - GN R960 in GG 41093 of 5 September 2017 - Regulations in respect of the maximum retail price of liquefied petroleum gas supplied to residential customers

Petroleum Products Act 120 of 1977 - GN R961 in GG 41093 of 5 September 2017 - Amendment of regulations in respect of petroleum products

Petroleum Products Act 120 of 1977 - GN R962 in GG 41093 of 5 September 2017 - Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 6 September 2017

Conservation of Agricultural Resources Act 43 of 1983 - GN 971 in GG 41100 of 8 September 2017 - New long-term grazing capacity map for South Africa, 2017 - for comment

Water Services Act 108 of 1997 - GN 982 in GG 41100 of 8 September 2017 - Department of Water and Sanitation: National Norms and Standards for Domestic Water and Sanitation Services

National Forests Act 84 of 1998 – Gen Notice 690 in GG 41100 of 8 September 2017 - List of protected tree species

Promotion of Access to Information Act 2 of 2000 - Publication of descriptions submitted in terms of s. 15 (1) by:

- Gen Notice 694 in GG 41100 of 8 September 2017 - Mpumalanga Provincial Government: Department of Public Works, Roads and Transport
- Gen Notices 696 in GG 41100 of 8 September 2017 - Department of Planning, Monitoring and Evaluation (DPME)

Gas Regulator Levies Act 75 of 2002 & Petroleum Pipelines Levies Act 28 of 2004 - GN 957 in GG 41091 of 4 September 2017 - Proposed levy on the piped-gas and petroleum pipeline industries for 2018/19 - for comment

Standards Act 8 of 2008 – Gen Notice 706 in GG 41100 of 8 September 2017 - South African Bureau of Standards (SABS): Draft National Norm for the development of South African National Standards - for comment

Protection of Personal Information Act 4 of 2013 – Gen Notice 709 in GG 41105 of 8 September 2017 - Notice of draft Regulations relating to the Protection of Personal information - for comment

Special Economic Zones Act 16 of 2014 - GN 981 in GG 41100 of 8 September 2017 - Designation of the Atlantis Special Economic Zone as a Special Economic Zone - for comment

Eastern Cape

Disaster Management Act 57 of 2002 - PN 180 in PG 3908 of 4 September 2017 - Amathole District Municipality - Notice of the extension of the Drought Disaster Declaration for a further 3 months (28 July to 28 October 2017)

Gauteng

Disaster Management Act 57 of 2002 - PN 774 in PG 225 of 6 September 2017 - Draft Provincial Disaster Management Policy Framework - for comment

Mpumalanga

National Land Transport Act 5 of 2009 – Gen Notice 98 in PG 2849 of 8 September 2017 - Declaration of all Provincial Transport Inspectorate offices and Public Works Roads, and Transport centers as impoundment depots, and all Chief Transport Inspectors, Control Transport Inspectors and the Director for Transport Inspectorate as Heads of those depots

Northern Cape

Housing Act 107 of 1997 – Gen Notice 110 in *PG* 2131 of 4 September 2017 - Department of Cooperative Governance, Human Settlements and Traditional Affairs - Invitation to nominate persons to serve as members of the Northern Cape Housing Advisory Panel

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Structures Act 117 of 1998 – Gen Notices 112–132 in *PG* 2131 of 4 September 2017 - Dawid Kruiper Local Municipality - Caravan Parks By-law, 2012 as amended by the Caravan Parks Amendment By-law 2017; Street Trading Control By-law, 2012 as amended by the Street Trading Control Amendment By-law 2017; Aerial Systems By-law, 2012 as amended by the Aerial Systems Amendment By-law 2017; Water Services By-law, 2012 as amended by the Water Services Amendment By-law 2017; Fire Brigade By-law, 2012 as amended by the Fire Brigade Amendment By-law 2017; Refuse Removal By-law, 2012 as amended by the Refuse Removal Amendment By-law 2017; Municipal Commonage By-law, 2012 as amended by the Municipal Commonage Amendment By-law 2017; Electricity By-law, 2012 as amended by the Electricity Amendment By-law 2017; Advertising Signs By-law, 2012 as amended by the Advertising Signs Amendment By-law 2017; Cemeteries By-law, 2012 as amended by the Cemeteries Amendment By-law 2017; Health Nuisance By-law, 2012 as amended by the Health Nuisances Amendment By-law 2017; Fireworks By-law, 2012 as amended by the Fireworks Amendment By-law, 2017; Keeping of Animals, Poultry and Bees Control By-law, 2012 as amended by the Keeping of Animal, Poultry and Bees Control Amendment By-law, 2017; Accommodation Establishment By-law, 2012 as amended by the Accommodation Establishment Amendment By-law 2017; Keeping of Dogs Control By-law, 2012 as amended by the Keeping of Dogs Amendment By-law, 2017

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Structures Act 117 of 1998 and Spatial Planning and Land Use Management Act 16 of 2013 - ON 4 in *PG* 2131 of 4 September 2017 - ZF Mgcawu District Municipality - Notice of establishment of a new ZFM Joint Municipal Planning Tribunal and call for nominations for persons to be appointed as members published and ZF Mgcawu Joint Municipal Planning Tribunal terminated

Limpopo

Limpopo Economic Development Agency Act 5 of 2016 - Proc 21 in *PG* 2850 of 8 September 2017 - commencement to be proclaimed

North West

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Structures Act 117 of 1998 and Spatial Planning and Land Use Management Act 16 of 2013 - Proc 34 in *PG 7804* of 5 September 2017 - Ramotshere Moiloa Local Municipality - Notice of adoption of the Ramotshere Moiloa Land Use Scheme, 2017

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Structures Act 117 of 1998 - Proc 35 in *PG 7804* of 5 September 2017 - Draft North West Promotion of Preferential Procurement for, and Development of Villages, Townships and Small Dorpies Bill, 2017 - for comment

North West Biodiversity Management Act 4 of 2016 - PN 181 in *PG 7804* of 5 September 2017 - Publication of the draft North West Biodiversity Management Regulations, 2017 - for comment

Western Cape

Draft Western Cape Transport Infrastructure Amendment Bill, 2017 and Draft Western Cape Transport Infrastructure Regulations, 2017 - PNs 161 & 162 in *PG 7815* of 30 August 2017 - for comment

Disaster Management Act 57 of 2002 - PN 163 in *PG 7816* of 1 September 2017 - Declaration of a provincial state of disaster as a result of the magnitude and severity of the fires and storms in the Western 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; Western Cape Land Use Planning Act 3 of 2014; and Regulations in terms of the Spatial Planning and Land Use Management Act 16 of 2013 - LAN 54924 in *PG 7816* of 1 September 2017 - Langeberg Local Municipality - Notice of approval and adoption of Spatial Development Framework

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 Land Use Planning By-law - LAN 54930 in *PG 7816* of 1 September 2017 - George Local Municipality: Notice to withdraw the George Central Area Local Structure Plan, 2012 and adopt the Local Spatial Development Framework

Constitution of the Republic of South Africa, 1996; Local Government: Municipal Systems Act 32 of 2000; National Environmental Management: Waste Act 59 of 2008 and National Environmental Laws Amendment Act 25 of 2014 - LAN 54936 in PG 7818 of 1 September 2017 - Eden District Municipality - EDM Waste Management By-laws, 2017

INTERNATIONAL AND REGIONAL INSTRUMENTS

Lomé Declaration - Green Mini-Grid Africa Strategy of March 2017
<file:///C:/Users/10063994/Downloads/GMG%20AFRICA%20STRATEGY.pdf>

CASES

International

Western Watersheds Project; National Press Photographers Association and natural Defense Council vs People for the Ethical Treatment of Animals Inc; Center for Food Safety Case No 16-8083 United States Court of Appeals for the Tenth Circuit <https://www.ca10.uscourts.gov/opinions/16/16-8083.pdf>

“In addition to its generally applicable law of trespass, the State of Wyoming has enacted a pair of statutes imposing civil and criminal liability upon any person who “[c]rosses private land to access adjacent or proximate land where he collects resource data.’ Wyo. Stat. §§ 6-4-414(c); 40-27-101(c). In light of the broad definitions provided in the statutes, the phrase ‘collects resource data’ includes numerous activities on public lands, such as writing notes on habitat conditions, photographing wildlife, or taking water samples, so long as an individual also records the location from which that data was collected. ...”

“We conclude that the statutes regulate protected speech under the First Amendment and that they are not shielded from constitutional scrutiny merely because they touch upon access to private property. Although trespassing does not enjoy First Amendment protection, the statutes at issue target the ‘creation’ of speech by imposing heightened penalties on those who collect resource data.”

PUBLICATIONS

Subscription to South African Journal for Environmental Law and Policy – new publications – reduction of 15% available for ELA Members
<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

Blackmore Andrew “The relationship between NEMA and the public trust doctrine: The importance of the NEMA principles in safeguarding South Africa’s biodiversity” 2015 2 SAJELP 87-116

Ashuken Jean-Claude N “Trans-boundary transportation of dangerous goods: The conformance of the South African legal framework with criteria derived from relevant international and regional standards” 2015 2 *SAJELP* 116-143

Peté Stephen and Crocker Angela “Reflections on the concept of sustainable development in the context of developing economies: three cautionary tales – Part two” 2015 2 *SAJELP* 145—158

De la Harpe Stephen “The influence of environmental rights on the balance of convenience in the granting of interim interdicts: A note on *WJ Building & Civil Engineering Contractors CC v Umhlathuze Municipality and others*” 2015 2 *SAJELP* 159-166

PBL Netherlands Environmental Assessment Agency “People and the Earth” (2017) <http://www.pbl.nl/en/publications/people-and-the-earth>

The publication ‘People and the Earth: International cooperation for the Sustainable Development Goals in 23 infographics’ delivers a storyboard of human-nature interdependency, using visual representations to communicate challenges and options for making progress towards the UN’s 2030 Agenda for Sustainable Development.

Burt M *et al* “Tall Towers, Long Blades and Manifest Destiny: The Migration of Land-based Wind from the Great Plains to the Thirteen Colonies” 2017 206 *Applied Energy* 487-497 <http://www.sciencedirect.com/science/article/pii/S0306261917312035>

Flatt VB and Stys JJ “Long Term Recovery in Disaster Response and the Role of Non-Profits” 2013 *Oñati Socio-Legal Series* Vol 3(2) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2119879

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

Webber Wentzel e-alert: “Companies and directors: Past environmental transgressions may haunt you” 7 September 2017 <http://comms.webberwentzel-mail.com/public/messages/view-online/ALnyoqY6qqxtMcUK/i50njFRXWacq92Zc/d952b3ecb1e17662>

An Environmental law conferences, symposia list: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2437105

Comment on the updated Minimum Standards for Heritage Specialist Studies

“SAHRA invites the public to provide comments on the updated Minimum Standards for Heritage Specialist Studies in terms of section 38 of the National Heritage Resources Act, No 25 of 1999 from 1 September 2017 until 30 September 2017. Comments may be sent to nhiggitt@sahra.org.za or nkhumalo@sahra.org.za. The document aims to improve the section 38 application process by providing guidance on how Heritage Specialist Studies are to be completed and what they should contain as per section 38(3) of the NHRA. Additionally, the document aims to align the section 38 process with the Environmental Application process in terms of the National Environmental

Management Act, Act No 107 of 1998 (NEMA) (As Amended) and the NEMA 2014 and/or 2017 Environmental Impact Assessment (EIA) Regulations. The document may be downloaded from the SAHRA website:”
<http://www.sahra.org.za/34969-2/> [Source: IAIAsa News 2017/2018 - September 2017 – 1]

EPA Environmental Justice: <https://www.epa.gov/environmentaljustice>

Sustainable Energy for All: Heatmaps <http://www.seforall.org/heatmaps>

Sustainable Energy for All Guest Blog: Schroth Daniel “The heat is on in Africa”
<http://www.se4all.org/content/heat-is-on-in-africa>

IISD ENS Bulletin: 13th Meeting of the Conference of the Parties to the UN Convention to Combat Desertification (UNCCD COP 13) 6-16 September 2017 Ordos, China <http://enb.iisd.org/desert/cop13/about.html>

The Guardian: Nuccitella Dana “Here’s what happens when you try to replicate climate contrarian papers” 25 August 2017
<https://www.theguardian.com/environment/climate-consensus-97-per-cent/2015/aug/25/heres-what-happens-when-you-try-to-replicate-climate-contrarian-papers>

Widener University Delaware Law School: Dignity Rights Project:
<http://delawarelaw.widener.edu/prospective-students/jd-program/jd-academics/public-interest/dignity-rights-project/>

“New initiative that aims to support human dignity rights through public and professional education, advocacy, and support for high-impact lawyering.”

The Rural Environment Blog: Hudson Blake “Acts of God vs. Acts of Man” 8 September 2017 [on Hurricane Harvey in Texas]
<https://ruralenvironment.net/2017/09/08/acts-of-god-vs-acts-of-man/>

The Conversation: Macarthy Joseph “Sierra Leone mudslide was a man-made tragedy that could have been prevented” 5 September 2017 <http://bit.ly/2gSgfNU>

The Conversation: Kibret Solomon “Ethiopia's Lake Tana is losing the fight to water hyacinth” 4 September 2017 <http://bit.ly/2wODbYp>

The Conversation: Nelson Odume “How Nigeria is wasting its rich water resources” 5 September 2017 <http://bit.ly/2eVRlQG>

The Conversation: Turok Ivan “A shift in thinking is needed to counter South Africa's startling rise in poverty” <http://bit.ly/2xcAu2W>

Science Magazine: Grimm David “PETA versus the postdoc: Animal rights group targets young researcher for first time” 8 September 2017
<http://www.sciencemag.org/news/2017/09/peta-versus-postdoc-animal-rights-group-targets-young-researcher-first-time>

IFL Science: “18th-Century Maps Reveal Florida's Long Lost Coral Reefs”
<http://www.iflscience.com/environment/18thcentury-maps-reveal-floridas-long-lost-coral-reefs/> read
more at Oceanography, Plants & Animals doi:10.1126/science.aap8896

The Conversation: Kahara Sharon “Using new techniques to track Kenya's
disappearing amphibians” 7 September 2017 <http://bit.ly/2fanroF>

Sabin Center: Climate Law Blog: Gundlach J “Congress Can Help Make
Houston More Resilient To The Next Hurricane By Adding 3 Words To The
2017 Emergency Supplemental Appropriations Bill” 8 September 2017
<http://bit.ly/2eURB2q>

Sabin Center: Climate Law Blog: Kurtz L “D.C. District Court Upholds
Protections For Noaa Climate Scientists’ Research Materials” 25 August 2017
<http://bit.ly/2gTjgkV>

Honoring the Future Short Film: *Let’s Explore*, a 360° virtual reality film
“Less than 7 minutes long, the film is available for free online at
<http://www.honoringthefuture.org/vr-film/>; it can be viewed on a smartphone, laptop,
desktop, or, for a more immersive experience, through inexpensive
headsets. Produced by Honoring the Future, a nonprofit climate
education project, the film enables viewers to accompany scientists —
virtually — to the far corners of the globe. Viewers can see how scientists
gather evidence of climate change in some of the world’s most beautiful
and remote locations – such as underneath glaciers and atop coral reefs.
An accompanying (optional) survey empowers viewers to influence the
direction of virtual reality film as Honoring the Future intends to use the
survey results to plan future films.” Fran Dubrowski dubrowski@aol.com

The Jurist: Gerber Karin “Senate Committee approves \$10 million to UN
climate agency” 8 September 2017 [http://www.jurist.org/paperchase/2017/09/senate-
committee-approves-10-million-to-un-climate-agency.php](http://www.jurist.org/paperchase/2017/09/senate-committee-approves-10-million-to-un-climate-agency.php)

Mail&Guardian: Khan Maaz “Fear and sweating in Pakistan's hottest cities” 4
September 2017 <https://mg.co.za/article/2017-09-04-fear-and-sweating-in-pakistans-hottest-cities>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA Student Conference: The Impacts of Contemporary Societal and Developmental Trends – Novel Environmental Law and Governance Responses

Date: 15-16 September 2017

Place: Potchefstroom

No Registration Fee but registration is necessary

Queries: Angela van der Berg angela.vanderberg8@gmail.com or the ELA Secretariat enviro.association.sa@gmail.com / 018 299 1568

ELA KZN Branch Event – Environmental Case Law

Date: 14 September 2017

Time: 14:30

Venue: Garlicke & Bousfield Inc, 7 Torsvale Crescent, La Lucia Ridge Office Estate

RSVP by 11.09.2017: Carol Tromp : email: carol.tromp@gb.co.za

Tel: 031 570 5365

ELA Annual Conference and AGM: SA's Environmental Law Scorecard: 20 years since the White Paper on Environmental Management Policy for South Africa, 1997

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

Find the Preliminary Call for Abstracts in the Annexure to the Newsletter.

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

For any queries, contact Freyni or Erica or Janice Tooley as per separate ELA

email: secretariat@conservationsymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

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

Conference: Strengthening local government legislative authority in South Africa: enforcing municipal by-laws

Date: 28 September 2017

Venue: The Roots, Potchefstroom

There is no registration fee but registration is compulsory, as space is limited. No registration costs apply but registered attendees who do not arrive will be invoiced for the full costs of the conference. Please register on/before Friday 1 September 2017 via the following web-link: <https://goo.gl/nynFKK>

Further information and the preliminary programme are available from Mrs Angela van der Berg angela.vanderberg@nwu.ac.za or Mrs Rieëtte Venter rieette.venter@nwu.ac.za

South African National Wetlands Indaba

Date: 16-19 October 2017

Venue: Sun International Wildcoast Hotel, outskirts of Port Edward, KwaZulu-Natal, South Africa

For more information, see <http://nwi17.sawetlands.org/> or contact kznwetlandforum@gmail.com

NWU: CEM Courses 2017

Environmental impact assessment for practitioners CEM-05.1.1

Date: 9 - 13 October 2017

Climate change management CEM-06.6.1

Date: 9 - 13 October 2017

Integrated land management CEM-06.8.1

Date: 16 - 20 October 2017

Integrated land management CEM-06.8.1

Date: 16 - 20 October 2017

Environmental law - spatial planning CEM-02.1.5

Date: 16 - 20 October 2017

The fundamentals of environmental management CEM-01.1.1

Date: 16 - 20 October 2017

Safety, health environmental and quality (SHEQ) management CEM-01.2.1

Date: 16 October - 3 November 2017

Occupational health and safety law CEM-02.2.1

Date: 23 - 27 October 2017

Environmental law - natural resource/conservation management CEM-02.1.6

Date: 30 October - 3 November 2017

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

Imbewu: Environmental Law Update Workshops

Johannesburg

Date: 10 October 2017
Venue: IMBEWU's Offices – Rosebank
Time: 08H30 to 16H30

Cape Town

Date: 6 October 2017
Venue: Intaka Island Eco Centre – Century City
Time: 08:30-16:00

Contact: lulu@imbewu.co.za or call them on 011 214 0660/1 / www.imbewu.co.za

All Africa Mayors & Municipal Governance Conference

Dates: 27 – 29 September 2017

Venue: @ The Sandton Sun Hotel - Sandton, South Africa

Contact: Cathy Tel: 0116203088. Fax: 0862457901 or Email:
cathy@premierknowledge.co.za

Renewable Energy-Distributed Generation - workshop 2017

The program is accredited with 3 CPD Points by SAAMA (Southern African Asset Management Association)

Hosted by PENIEL CMT

Dates" 11th to 13th October 2017

Venue: Sandton Convention Centre, Johannesburg.

The course outline will be covering the fast-growing Wind and PV technology in detail and other Renewable Energy (RE) technology i.e. Small hydro-power systems, Concentrating Solar Power (CSP) Technologies, Biomass with the last day delving on the critical financing aspects of these projects.

The workshop is aimed at both technical and non-technical staff and mainly designed for Engineers, Engineering Technologists, Technicians, and people involved in design, planning, maintenance, operations and support of energy systems. It will be presented by an accomplished Professor and expert in the Power and Energy industry, Prof. Ramesh Bansal.

For more information contact Victoriamu@penielhealth.co.za or fax to +2711 609 1373

Corporate Governance King IV: The New King Has Come-Changes, Challenges and Practical Application

Dates: 05-06 October, 2017 and 21-22 November 2017

Venue: @ The Holiday Inn Sandton.

4 CPD Points (Ethics) | 9 CPD Points (Knowledge)

For More information on this event kindly call Michelle on our booking hotline +27 01 210 7042 Fax +27 86 605 8717 or email her on michelle@optimumupgrade.co.za

International

GGKP Webinar: Bringing Natural Capital into Green Growth Policy: Lessons from Africa

Date: 13 September 2017

Time: 15:00-16:30 CET

Registration: <http://bit.ly/2eE8MRy>

Call for Papers: University of Arkansas at Little Rock Law Review: The Law and Unnatural Disasters: Legal Adaptations to Climate Change

The University of Arkansas at Little Rock Law Review is pleased to announce a call for papers for its 2018 Symposium, "The Law and Unnatural Disasters: Legal Adaptations to Climate Change," to be held on Friday, February 16, 2018.

The United States has experienced literally hundreds of weather disasters with damage over \$1 billion since 1980, and the number of billion-dollar-plus weather related disasters has risen from an average of two per year in the 1980s to an annual average of 10.6 for the 2012 to 2016 period. And although these figures capture much of the direct economic costs of disasters, they fail to reflect indirect and non-economic costs like loss of life, displacement, and community disruption. The market has not spawned robust adaptation; development subsidized by federal insurance continues in vulnerable areas. Nor does any coherent body of law exist in the United States at either the federal or state level that is aimed at reducing vulnerability to climate change.

This perfect storm of market and law failure presents a timely opportunity for scholars and practitioners to contribute to the discourse on climate change adaptation lawmaking in the United States. Potential areas ripe for scholarly examination include but are not limited to (1) adaptation issues specific to vulnerable regions or sectors, such as the southern United States, or agriculture and forestry; (2) obstacles local or state governments face with respect to adaptation lawmaking, and strategies for overcoming these obstacles; (3) mechanisms by which local, state or federal lawmaking can facilitate adaptive as opposed to maladaptive development; (4) the state of the law with respect to NEPA and consideration of effects of future climate change on proposed actions; (5) the use of land use controls to facilitate adaptive development, including, for example, condemnation, development moratoria and rolling easements; (6) "retreat" as an adaptation strategy; (7) liability of government entities for failure to adapt or negligent adaptation; and (8) takings liability jurisprudence with respect to temporary takings or negligent adaptation. The University of Arkansas at Little Rock Law Review will publish articles from the symposium in an issue of volume 40 slated for release in the fall of 2018. We encourage all interested potential authors to respond. Authors should submit an abstract and a cover letter to Camille Neemann, Symposium Editor, at cmneemann@ualr.edu. The deadline for submissions of article proposals is October 2, 2017; completed articles will be due at the time of the symposium in February. Please feel free to email Ms. Neemann with any questions.

Web-Roundtable WWF MaxiMiseR: Support of countries to produce 2050 Climate Strategies

Date: 26 September 2017

Time: 9:30-11:00

The Roundtable will focus on the particular benefits and challenges that stakeholder involvement can bring to a strategy's development and implementation process.

As part of the WWF MaxiMiseR project's drive to support countries in producing 2050 climate strategies of quality, the WWF MaxiMiseR project will be holding a roundtable. This roundtable will explore what stakeholder engagement is, means, and why it matters; as well as present results from studies on what effective stakeholder participation is and how it can be made use of more. Experiences from countries and cities will also be shared.

We hope you can make it! Join the discussion via your laptop, phone, iPad, from anywhere you want, registration is now open. Please read our instructions on using our videoconferencing system:

https://gallery.mailchimp.com/ea404aee9c118a31232e854a0/files/84d1e9a5-ddd3-41fd-8135-6742efc724e7/Webex_instructions_to_connect.04.pdf

This roundtable is possible due to funding from the EU LIFE Programme for the Environment and the MAVA Foundation.

Register at: <http://bit.ly/2jdklzd>

Explore how climate affects European energy demand and supply with the new C3S ECEM Demonstrator

Join us for a webinar on Sep 22, 2017 at 10.00am UTC (11:00am BST).

Register: <https://attendee.gotowebinar.com/register/1506599595978510849>

This webinar introduces the Copernicus Climate Change Service (C3S) European Climatic Energy Mixes (ECEM) Demonstrator designed to assess how well different energy supply mixes in Europe will meet demand over different time horizons focusing on the role of climate.

Further information, talk abstracts and presenter biographies can be found at <http://ecem.climate.copernicus.eu/stakeholder/ecem-webinars/>

After registering, you will receive a confirmation email containing information about joining the webinar.

NEWS

Eskom concedes liability for farm veld fire

"Eskom has conceded 100% liability in the Free State High Court for the damages suffered by a farmer in a veld fire. A Volksblad report notes that the settlement is the first of at least 17 claims against Eskom, amounting to many millions of rands. In this case, some 5 000ha of land was destroyed near Paul Roux in August 2014. Eskom has now conceded that it was warned a month before the fires that an overhead power line was damaged near Paul Roux, but failed to correct it. Sparks from the power cable caused the fire, Eskom conceded. Judge Abe Mathebula ordered Eskom to pay the costs of the owners of the farm Bo-Berg as well as the fees incurred for experts. The

quantum of damages awarded in the Bo-Berg R4.2m claim will be decided later, after which the other claims will be finalised.”

Full Volksblad report (subscription needed) *Legalbrief Today* 8 September 2017

Buchan L “Brexit bill 'gravely threatens' UK climate change protections, top environmentalists warn” *Independent* 6 September 2017 [Source: *Legalbrief Today* 8 September 2017] <http://www.independent.co.uk/news/uk/politics/brexit-latest-uk-climate-change-policies-withdrawal-bill-threat-green-environment-warning-a7933171.html>

IISD SDG Knowledge Hub: Ledaba Ana Maria “Governments, Stakeholders Discuss Collaboration for New Urban Agenda, SDGs” 7 September 2017 <http://bit.ly/2vVmHYK>

Etheridge Jenna “Companies created to smuggle perlemoen out of SA as 'pilchards', court finds” *News24* 4 September 2017 [Source: *Legalbrief Forensic* 7 September 2017] <http://www.news24.com/SouthAfrica/News/companies-created-to-smuggle-perlemoen-out-of-sa-as-pilchards-court-finds-20170904>

Litigation: Miners consider Sibanye Gold compensation offer

“Sibanye Gold has made a financial offer to relocate and build temporary structures for 167 impoverished mineworkers it expelled eight years ago. The Star reports the company has for years been involved in a legal battle to get the miners evicted from a hostel near Rustenburg – which the company had been renting for about R100 000 a month since 2009. However, the occupiers refuse to leave, claiming the company still owes them pension funds since it fired them for taking part in an unprotected strike. At the time they worked for Murray & Roberts Cementation, which was later sold to Aquarius Platinum. Sibanye Gold has since bought Aquarius. The employees, some of whom are foreigners, won the initial eviction case in 2009. However, an appeal by the company went in its favour and the court ordered the firm to find them alternative accommodation. Late last year, the company informed the miners to vacate the premises within 60 days, but this was also ignored. Aquarius has now brought an application to the Randburg Land Claims Court to have the eviction enforced. Mbuso Majozi, legal representative for Aquarius, said the company was willing to contribute R4 100 per worker for relocation to a township 40km away, near Magaliesburg. The miners’ Advocate Johan Botha said his clients would discuss the proposals and that some of them were willing to take between R25 000 and R35 000 compensation. Aquarius is expected to make a decision on an offer at the end of this month.”

Full report in The Star (subscription needed) *Legalbrief Today* 7 September 2017

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Cullinan Diamond Mine Bursaries External (Local Communities)

Petra Diamonds is committed to develop and expand South African's skills base. To this end, Petra Diamonds provides an opportunity for South Africans to acquire qualifications and skills to develop a career in the mining industry and make a positive contribution to South Africa.

Cullinan Diamond Mine offers bursaries in the following fields for 2018: Occupational Hygiene and Ventilation/ Environmental and Geology.

Requirements:

- Applicant must be a South African Citizen
- Applicant must have registered and been accepted to University or University of Technology to study in the above field.
- Applicant must have achieved a minimum of 6 or 7 for mathematics and science for mid-year examinations (not maths literacy)
- Applicants who are currently studying at University or University of Technology should demonstrate high academic achievement within their field of study.
- Applicants should be prepared to relocate to rural areas where the mining operation are located if required.
- Please attach your results with your application and acceptance correspondence from the University.

Value Of The Bursary Includes:

- Full tuition fees
- Full residence and meals (or equivalent allowance)
- Annual cash and travel allowance
- Life skills training (if applicable)
- Compulsory practical vacation employment during December and January at various Petra Diamonds Operations

Bursary Conditions:

- The Bursary Carries a contractual obligation, for which the bursar is required to work for Petra Diamonds SA (Pty) Ltd for a period equal to the study period of the bursary (on completion of internship period). Bursar who fail to graduate or do not take up employment for any reason is required to repay costs incurred.

Please note:

Preference is given to permanent employees' children, learners on Company scholarship programmes as well as individuals from local communities who are citizens of the Republic of South Africa. Candidates must reside in the labour sending area (Region 5&7) of City of Tshwane Municipalities. We will require proof of residence.

Cullinan Diamond Mine is an equal opportunity employer and reserves the right to appoint. Preference will be given to EE applicants. Pre-screening, Psychometric assessments, form part of the minimum requirements of the selection process. Short listed candidates will be required to attend a panel interview at Petra Diamonds HQ.

Please send your completed application forms, CV, with certified copies of qualifications and ID, to Sylvia Gombi, fax 0866914691, or e-mail: sylvia.gombi@petradiamonds.com

Closing date: 30 September 2017. If you have not heard from us within 30 days of the closing date, please regard your application as unsuccessful.

University of South Africa – College of Law: Executive Dean

Unisa is the only publicly funded Higher Education Institution in South Africa dedicated to distance education. In keeping with its mandate as a comprehensive, Open and Distance Learning (ODL) Institution offering a variety of academic and career-focused programmes, Unisa is inviting applications for the position of Executive Dean: College of Law.

Roles and responsibilities

An Executive Dean is an Executive Officer of the College. S/he is a member of the Extended Management Committee of the University, and is required to advance the strategic goals, academic objectives and the management philosophy of the University. The incumbent reports to the Vice-Principal: Teaching, Learning, Community Engagement and Student Support and Vice-Principal: Research, Postgraduate Studies, Innovation and Commercialisation and provides strategic leadership to the College of Law to ensure that the College is functioning in line with the overall vision and mission of Unisa. S/he also has to ensure that the College becomes a centre of excellence in education with regard to tuition, learning, research, innovation, commercialisation and community engagement in South Africa and on the African continent.

The purpose of the position is to plan and provide high quality Open Distance e-Learning (ODeL) academic services in the field of Law (inclusive of tuition, learning, research, community engagement and student support) to all clients of Unisa, in accordance with relevant legislation and in alignment with the Institution's Open Distance and e-Learning (ODeL) 2016-2030 strategy.

The incumbent does so by:

- Positioning the College as a leading provider of quality distance education programmes in the field of Law through an academic product range that expands on its comprehensive character, growing accredited research, and increasing throughput
- Leading and directing the development and implementation of the College strategy and objectives in line with the Institution's Open Distance and e-Learning (ODeL) 2016-2030 strategy and in accordance with relevant legislation
- Providing strategic leadership to the development of the annual performance review as is required by the Department of Higher Education Training (DHET)
- Providing strategic direction in the College's area(s) of specialization
- Providing leadership regarding all the operations of the College from an overall perspective, which include:
 - The provision of support with the management of ODeL-focused tuition, learner support and community in the College through the Office: Tuition and Learning Support

- The strengthening of the Unisa as a leading research institution and as the leading provider of post graduate programmes in Africa through the Office: Graduate Studies and Research
 - The effective functioning of the Institute for Dispute Resolution in Africa
 - The effective functioning of the Schools in the College and ultimately the College's provisioning of academic formal and short learning programmes
 - The ensuring of high standards of excellence in all aspects of academic work through appropriate quality assurance and enhancement processes
 - Exploring and promoting the development of multi-, inter- and transdisciplinary programmes with other Colleges, Departments and Stakeholders within the University
 - Driving processes for the development of innovative teaching strategies, open distance e-learning methodologies and curriculum development and evaluation
 - Driving actions to ensure the quality and relevance of study material by reviewing the Programme Qualification Mix (PQM) and all qualifications within the framework of changes/development in legislation and government policy requirements
 - Driving actions to ensure compliance with the legislative frameworks impacting on teaching, learning and research, including the standards set by the Council of Higher Education
 - Overseeing and actively promoting research within the College to increase NRF rated researchers and research grant holders
 - Promoting academic leadership and citizenship through collaboration and sharing of knowledge within and outside of the University, and through membership of professional bodies
 - Overseeing the provision of legal advice and court representation to poor and unfortunate members of the community through the Legal Aid Clinic
 - Formulating strategy forecast costs, which are factored into the Portfolio and Institutional budgeting processes
 - People Management
 - Promoting sound governance principles through effective planning, maintenance of operating and service standards, management of compliance and risk and participating in institutional governance structures
 - Managing strategic relationships and networks with internal and external stakeholders
 - Monitoring community engagement projects and reports status and progress on an ongoing basis
- Requirements
- A relevant Doctoral degree at NQF level 10
 - Minimum of fifteen (15) years' experience in Higher Education and academia of which 5 years should be at relevant management experience in the last 10 years
- Competencies/Capabilities
- Knowledge, skills and abilities required for the successful accomplishment

of the job, which include:

- General management including knowledge of applicable policies and procedures
- Strategy development and implementation
- A noted academic – proven experience in, and proficient knowledge of all aspects of academic work, student and academic support
- Sound track record as an academic leader with proven experience and involvement in the management of Colleges, Faculties and / or Schools
- Knowledge of relevant legislation
- Knowledge of Department of Higher Education and Training (DHET) regulations and other relevant regulations applicable to higher education institutions
- Sound knowledge and insight into the challenges facing higher education, specifically with regard to open distance and e-learning (ODEL)

Assumption of duty: As soon as possible

Salary Remuneration is commensurate with the seniority of the Position

Closing Date 25 September 2017

Enquiries Nosipho Moyo – 011 058 0030/011 075 2744

- Application can be forwarded by email to: nosipho@warriortalent.co.za
- Unisa is not obliged to fill an advertised position.
- Late, incomplete and incorrect applications will not be considered.
- We welcome applications from persons with disabilities.

Appointments will be made in accordance with Unisa's Employment Equity Plan and other applicable legislation.

Principle Specialist Environmental: Mpumalanga, South Africa | Sasol Ltd

Functions: Project Management

Experience: 12-15 years

Job Description:

To provide strategic direction and lead all technical studies and plant optimisation efforts aimed at delivering feasible business solutions to ensure that Synfuels remains compliant to all environmental legislation associated with Institute emissions (including green house gases), waste management as well as water and soil. Specific responsibilities include

- Lead and coordinate all technical studies on behalf of Synfuels relating to either incremental or 'step-change' solutions in the pursuit of sustaining environmental compliance. - Participate in liaising between Synfuels and all relevant Government departments on matters associated with environmental compliance.

- Manage the interfaces and maintain alignment between Synfuels, Group Technology, SHE and other OME's relating to the delivery of environmental compliance solutions. - Drive the development and implementation of a green house gas reduction roadmap for Synfuels, including reporting, baseline development, risk mitigation and impact quantification wrt to carbon tax. - Lead

a team of environmental specialists and engineers- Integrate all environmental roadmaps into the Synfuels technical landscape associated with renewals, growth & energy efficiency.

Minimum Qualifications and Experience required

B. Eng or equivalent degree

12-15 years experience

Proven record of management of others as well as managing interfaces between different Sasol-OME's Experience with Sasol's capital governance processes

Relevant post graduate qualification (wish)

Understanding of environmental legislation and environmental technologies (wish)

Environmental Supervisor for Qatar Steel Company Jobs

Key Responsibilities:

1. Monitoring environment releases (Ambient air, Stack emissions & Ground Water) to ensure compliance with government safety regulations and industry standards
2. Prepare and Follow-up on Environmental reports and update MOE with QS environmental status
3. Maintaining accurate records related to Qatar Steel emissions
4. Reviewing environmental impact assessments, monitoring and environmental studies obtainable to Qatar Steel
5. Ensure records of the radiation safety program are maintained and documented as required by applicable regulation.
6. Develop and implement mechanisms to track progress in achieving environmental sustainable goals and objectives.
7. Reviewing Tender documents and issuing Technical-Commercials evaluation report
8. Perform related work as required to support ongoing Departmental activities.
9. Collect all information & Maintain HSE Department HSE portal.
10. Prepare board meeting presentation in coordination with seniors.
11. Prepare & review scope of work for HSE projects

QUALIFICATIONS, Experience & Skills:

University Graduate In Environmental Science/ Chemistry & Technical Discipline And Minimum 5 Years Relevant Experience In HSE Environment Section

NEBOSH Environment Certificate Desirable

Comprehensive Understanding Of Relevant Administrative And Business Support Procedure And Their Importance To The Overall Function Of The Department

Good Understanding Of HSE Services And HSEQ Standards (ISO 9001/14001, OHSAS 18001)

Planning And Organizing Skills

Ability To Work Both Independently And As Part Of Team

Problem solving skills

Communication skills

Basic report writing skills
English language skills written and spoken
Location : Qatar
Education: B.Com,M.Com
Experience : 5 (yrs)

Chilean International Cooperation Agency (AGCI) – Nelson Mandela Master Scholarships

Fields: Astronomy, Agriculture, Aquaculture, Energy, Management of Public Policies, Health, Environment, and Mining

Closing date: 31 October 2017

More details: <http://www.internationalscholarships.dhet.gov.za/CHILE%20SCHOLARSHIPS%20-%20Copy.html>

[Source: Department of Higher Education]

New Zealand Development Scholarship and Commonwealth Master and PhD Scholarships 2019

Fields: Subjects that can improve the social and economic development of your country.

Closing date: Early 2018 – it is recommended that potential applicants start preparing early

More details: <http://www.internationalscholarships.dhet.gov.za/NEW%20ZEALAND%20-%20Copy.html>

[Source: Department of Higher Education]

Louisiana State University, Paul M. Hebert Law Center: three (3) tenure-track or tenured faculty members

Areas of particular interest to us include the following: business & transactional law; civil procedure; criminal law & procedure; environmental law; energy law; ethics and professionalism; evidence; family law; and juvenile justice clinical teaching. We may consider applications who specialize in areas other than those listed. We also seek applications for the position of Director of the John P. Laborde Energy Law Center.

Applicants should have superior academic credentials and publications or promise of productivity in legal scholarship. Contact: Melissa T. Lonegrass, Chair of the Faculty Appointments Committee, c/o Pam Hancock, Paul M. Hebert Law Center, Louisiana State University, 1 East Campus Drive, Baton Rouge, LA 70803-0106. The Paul M. Hebert Law Center of LSU is an Equal Opportunity/Equal Access Employer and is committed to building a culturally diverse faculty and encourages applications from female and minority candidates.

Pam Hancock - Pamela A Hancock phancock@lsu.edu

2018-2010 Sabin Center Fellowship in Climate Change Law

The Sabin Center for Climate Change Law is now accepting applications for a two-year fellowship to commence on September 1, 2018. The fellow will work on a wide variety of research and writing projects concerning climate change; contribute to advocacy-oriented programs and projects; and help organize conferences and seminars.

Applicants must have received a J.D., J.D. equivalent, or LL.M. within three years of beginning the fellowship. Strong academic qualifications and a background in environmental, natural resources, or energy law and policy will be expected.

For more information, visit the website:

[http://columbiaclimatelaw.com/about-us/internships-and-job-openings/#Fellowship in Climate Change Law](http://columbiaclimatelaw.com/about-us/internships-and-job-openings/#Fellowship%20in%20Climate%20Change%20Law)

Opportunity for Leading and Established Researchers in Systems Analysis (UK-South Africa)

Deadline: 29 September 2017

The British Council, under the Newton Fund, has partnered with the National Research Foundation South Africa to support and expand its SASAC (Southern African Systems Analysis Centre)/ IIASA (International Institute for Applied Systems Analysis) PhD programme. The call is intended to establish new links between South African leading and established researchers in Systems Analysis with leading and established researchers working across similar areas in the UK. The opportunity involves co-supervision of South African registered Ph.D. students and mobility for the UK researchers to participate in research and writing workshops to be held in South Africa.

Eligibility criteria

- Must be a leading and established researcher in Systems Analysis
- Be willing to co-supervise at least 2 South African PhD scholars and to work closely with their SA/ UK co-supervisors
- Be actively involved in the training and development workshops

See link <https://www.britishcouncil.org.za/opportunity-leading-and-established-researchers-systems-analysis-uk-south-africa>

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

**Remember that members of the Environmental Law Association may
subscribe to**

***Legalbrief Environmental
and the***

South African Journal of Environmental Law and Policy.

Discount available.

ANNEXURE
CALL FOR ABSTRACTS
ENVIRONMENTAL LAW ASSOCIATION OF SOUTH AFRICA
ANNUAL NATIONAL CONFERENCE and AGM
SA's Environmental Law Scorecard:
20 years since the White Paper on Environmental
Management Policy for South Africa, 1997

10-11 November 2017

University of Cape Town

The White Paper on Environmental Management was published in July 1997 setting out the dream for environmental management for South Africa. The White Paper followed the Consultative National Environmental Policy Process (CONNEPP). People from all walks of life contributed to the formulation of the eventual 1997 White Paper. The White Paper is available at https://www.environment.gov.za/sites/default/files/legislations/environmental_management.pdf and its final 1998 version at https://www.gov.za/sites/default/files/environwp_0.pdf

The White Paper amongst other things set the “the policy principles that [had to] be applied in developing and testing policy and subsequent actions including decision making, legislation and regulation government's strategic goals and supporting objectives to begin addressing major issues facing environmental management and the sustainable use of resources and for measuring the success of policy implementation government's approach to governance, setting out the powers and responsibilities of the different spheres and agencies of government and the regulatory approach to environmental management.”

Twenty years later it merits to question if South Africa has achieved its vision of 1997. What did the legal fraternity and government achieve and what are the challenges that remain?

This is a Call for Abstracts for conference papers / presentations addressing any of the following:

- Section 24 of the Constitution and its realisation
- Existing and emerging sustainability principles and goals
- Integrated environmental management
- EIA regulations [20 years since the first EIA regs under the ECA]
- The one environmental system

- The specific environmental management acts
- Environmental law enforcement
- Law, science and environmental phenomena
- The law and sector issues: sustainable cities, cultural heritage protection, food security, ocean and fisheries governance etc.
- Other topics fitting the broader Conference theme will also be considered.

Date of Submission of Abstracts: 22 September 2017

Submit abstracts to the Secretariat to enviro.association.sa@gmail.com

Registration information will follow.

Accommodation:

Houtkapperskloof Mountain Retreat Resort Cottages offers 10% reduction on accommodation to ELA members attending the Conference. Please book your own accommodation at <http://www.houtkapperspoortresort.co.za/> if you want to make use of this opportunity or use one of the booking websites.

Other B&B and hotels are available in the vicinity of the University.

Contact the Secretariat of the Environmental Law Association for any administrative queries or queries related to the programme: enviro.association.sa@gmail.com

SPONSORED BY JUTA

*

Environmental Law Association Newsletter 35

15 September 2017

BILLS

Draft Critical Infrastructure Protection Bill, 2017 – Gen Notice 714 in GG 41114 of 15 September 2017 - notice of intention to introduce and explanatory summary - for comment

Draft Airports Company Amendment Bill, 2017 – Gen Notice 724 in GG 41120 of 15 September 2017 - notice of intention to introduce and explanatory summary - for comment

Draft Air Traffic and Navigation Services Company Amendment Bill, 2017 – Gen Notice 725 in GG 41120 of 15 September 2017 - notice of intention to introduce and explanatory summary - for comment

LEGISLATION

NOTICES

National Environmental Management Act 107 of 1998 – GN 987 in GG 41114 of 15 September 2017 - Draft Environmental Management Instruments Regulations, 2017 - for comment

Water Services Act 108 of 1997 - GN 1001 in GG 41121 of 15 September 2017 - Notice of intention to publish draft Norms and Standards for Levels of Water and Sanitation Services - for comment

Merchant Shipping Act 57 of 1951 – GN R986 in GG 41108 of 11 September 2017 - Merchant Shipping (Seafarer Recruitment and Placement) Regulations, 2017

Promotion of Access to Information Act 2 of 2000 – Gen Notice 716 in GG 41114 of 15 September 2017 - Descriptions submitted in terms of s. 15 (1) by the Free State Provincial Government: Department of Co-operative Governance and Traditional Affairs

Promotion of Access to Information Act 2 of 2000 – GG 41116 of 14 September 2017 - KwaZulu-Natal Department of Agriculture & Rural Development: Section 14 manual

Broad-Based Black Economic Empowerment Act 53 of 2003 - Proc 31 in GG 41110 of 13 September 2017 - Codes of Good Practice on Broad-Based Black Economic Empowerment: Notice of intention to publish a B-BBEE Petroleum and Liquid Fuels Sector Transformation Charter - for comment

National Energy Regulator Act 4 of 2004 - GN 1002 in GG 41123 of 15 September 2017 - National Energy Regulator of South Africa (NERSA) - Notice of public hearings regarding and invitation to comment on Eskom's revenue application for 2018/19

Eastern Cape

Disaster Management Act 57 of 2002 - LAN 147 in PG 3912 of 11 September 2017 - Kouga Local Municipality - Intention to extend the declaration of a local state of disaster due to widespread veldt fires

National Environmental Management: Protected Areas Act 57 of 2003 - PN 191 in PG 3914 of 11 September 2017 - Correction notice for private land declared as part of Compassberg and Renosterberg Protected Environments and Bergplaas Nature Reserve

Northern Cape

National Environmental Management Act: Protected Areas Act 57 of 2003 - Gen Notice 135 in PG 2134 of 11 September 2017 - Notice of intention to expand the Goegap and Oorlogskloof Nature Reserves - for comment

Grondwet van die Republiek van Suid-Afrika, 1996, Wet op Plaaslike Regering: Munisipale Stelsels 32 van 2000 en Wet op Plaaslike Regering: Munisipale Eiendomsbelasting 6 van 2004 - MK 30 in PK 2134 van 11 September 2017 - Nama Khoi Plaaslike Munisipaliteit - GOP vir die 2017/2018 finansiële jaar gepubliseer met ingang van 1 Julie 2017

Limpopo

National Environmental Management: Protected Areas Act 57 of 2003 - PN 90 in PG 2851 of 15 September 2017 - Notice of intention to declare Kapama, Machaka, Tzaneen Dam, Kalkbank, Studholme, and Wolkberg as nature reserves and protected environments - for comment

Free State

Spatial Planning and Land Use Management Act 16 of 2013 - PN 172 in *PG* 66 of 15 September 2017 - Nketoana 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 - PN 175 in *PG* 66 of 15 September 2017 - Nketoana Local Municipality - Indigent Support By-Law

Western Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54937 in *PG* 7821 of 1 September 2017 - George Local Municipality - Integrated Zoning Scheme By-law

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54951 in *PG* 7822 of 8 September 2017 - City of Cape Town Water By-law, 2010 - City of Cape Town Metropolitan Municipality - Notice of implementation of level 5 water restrictions

National Environmental Management: Protected Areas Act 57 of 2003 - PN 173 in *PG* 7826 of 15 September 2017 - Declaration of nature reserve: Steenbras nature reserve

National Environmental Management: Protected Areas Act 57 of 2003 - PN 174 in *PG* 7826 of 15 September 2017 - Notice of intention to declare nature reserves published under PN 165 in *PG* 7283 of 4 July 2014 amended

Disaster Management Act 57 of 2002 - LAN 54959 in *PG* 7826 of 15 September 2017 - 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 until 21 October 2017

Disaster Management Act 57 of 2002 - LAN 54965 in *PG* 7826 of 15 September 2017 - City of Cape Town Metropolitan Municipality - Declaration of a local state of drought disaster

Disaster Management Act 57 of 2002 - LAN 54973 in *PG* 7826 of 15 September 2017 - Stellenbosch Local Municipality: Extension of the declaration of a local state of drought disaster from 20 September 2017 to 20 October 2017

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 54971 in PG 7826 of 15 September 2017 - Langeberg Local Municipality: Informal Trading By-law

INTERNATIONAL AND REGIONAL INSTRUMENTS

International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM) Adoption: 13 February 2004; Entry into force: 8 September 2017

[http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Control-and-Management-of-Ships'-Ballast-Water-and-Sediments-\(BWM\).aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Control-and-Management-of-Ships'-Ballast-Water-and-Sediments-(BWM).aspx)

CASES

International

United States of America, et al. v. Kelsey Cascadia Rose Juliana, et al. On Petition for Writ of Mandamus in Case No. 6:15-cv-01517-TC-AA(D.Or.) United States District Court for the District Of Oregon Consent Motion for Leave to File Amicus Brief in Opposition to Petition for Writ of Mandamus in The United States Court of Appeals for the Ninth Circuit United States Of America

<https://static1.squarespace.com/static/571d109b04426270152febe0/t/59af2b9bb8a79b0ce0dd8fcc/1504652189002/CIEL-ELAW+Motion+and+Amicus+Brief.pdf>

Leave to file a brief on violations of “a fundamental right to a climate system capable of sustaining human life.”

Wildearth Guardians et al v US Bureau of Land Management and Wyoming Mining Association et al Case No 15-8109 10th Circuit
<https://www.ca10.uscourts.gov/opinions/15/15-8109.pdf>

A claim that the Bureau of Land Management did not adequately address the GHG emissions associated with some coal leases here in Wyoming.

Wildearth Guardians et al v US Bureau of Land Management and Wyoming Mining Association et al Case No 15-8109 Brief of the Institute for Policy Integrity at New York University School of Law as Amicus Curiae in Support of Petitioners-Appellants http://policyintegrity.org/documents/10th_Cir_BLM_Brief.pdf

PUBLICATIONS

Subscription to South African Journal for Environmental Law and Policy – new publications – reduction of 15% available for ELA Members
<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

“Blossom Time: The UNDP–UN Environment Poverty-Environment Initiative 2016 Annual Report” (August 2017) <http://www.unpei.org/knowledge-resources/publications/blossom-time-the-undp%E2%80%93un-environment-poverty-environment-initiative-2016-annual-report>

Du Plessis M *et al* “Class Action Litigation in South Africa” (2017 Juta) <https://juta.co.za/products/class-action-litigation-in-south-africa/>

REN21 *Renewable Energy Tenders and Community [Em]power[ment]: Latin America and Caribbean* (September 2017) <http://www.ren21.net/wp-content/uploads/2017/09/LAC-Report.pdf>

Pollans Margot J “Drinking Water Protection and Agricultural Exceptionalism” <http://digitalcommons.pace.edu/lawfaculty/1051/>

Pollans Margot J “Farming and Eating” <http://digitalcommons.pace.edu/lawfaculty/1074/>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETC

The Conversation: Lubbe WD “Africa’s ambitious new biodiversity laws come with teeth, will protect people too” 10 September 2017 <http://bit.ly/2wT0Q7R>

The Conversation: Moultrie Tom “In the quest to meet the SDGs, there's a danger that some may be left behind” 10 September 2017 <http://bit.ly/2x7f3ON>

Jurist: Fares Lawrence “UN rights expert: climate change poses heightened threat to impoverished persons” 15 September 2015 <http://www.jurist.org/paperchase/2017/09/un-rights-expert-climate-change-poses-heightened-threat-to-impoverished-persons.php>

Jurist: Santiago Matthew “Philippines lower house drastically cuts human rights budget” 13 September 2017 <http://www.jurist.org/paperchase/2017/09/philippines-lower-house-drastically-cuts-human-rights-budget.php>

American Society of International Law: Payne Cymie “Biodiversity in High Seas Areas: An Integrated Legal Approach” 1 September 2017 <https://www.asil.org/insights/volume/21/issue/9/biodiversity-high-seas-areas-integrated-legal-approach>

IISD IMPAC Bulletin: 4th International Marine Protected Areas Congress 5-9 September 2017 | La Serena – Coquimbo and Valparaíso, Chile <http://enb.iisd.org/oceans/impac/2017/about.html>

United Nations Convention to Combat Desertification “Global Land Outlook” (September 2017) <http://knowledge.unccd.int/knowledge-products-and-pillars/access-capacity-policy-support-technology-tools/global-land-outlook>

IISD SDG Knowledge Hub: Benson Wahlén Catherine “Ballast Water Convention Enters into Force” 12 September 2017 <http://bit.ly/2xiCAht>

IISD SDG Knowledge Hub: Kosolapova Elena “BRICS Commit to Cooperate on SDGs, Climate Change” 12 September 2017 <http://bit.ly/2y2yLLp>

IISD SDG Knowledge Hub: Kosolapova Elena “VCS, WOCAN Launch Standard to Integrate Women’s Empowerment in Carbon Projects” 11 September 2017 <http://bit.ly/2wYOWLI>

IISD ENB: 46th Session of the Intergovernmental Panel on Climate Change - 6-10 September 2017 - Headquarters of the International Civil Aviation Organization (ICAO), Montreal, Canada <http://enb.iisd.org/climate/ipcc46/about.html>

IRENA “Geothermal power: Technology brief“(September 2017) <http://www.irena.org/menu/index.aspx?mnu=Subcat&PriMenuID=36&CatID=141&SubcatID=3875>

The Conversation: Avery Sean “Fears over Ethiopian dam's costly impact on environment, people” 12 September 2017 <https://theconversation.com/fears-over-ethiopian-dams-costly-impact-on-environment-people-80757>

Carbon Tracker: “No country for coal gen – Below 2°C and regulatory risk for US coal power owners” <http://www.carbontracker.org/report/no-country-for-coal-gen/>

The Guardian: Vaughan Adam and Elgot Jessica “Nuclear power plants may not keep Britain's lights on, say Lib Dems” 16 September 2017 <https://www.theguardian.com/business/2017/sep/16/nuclear-power-plants-lib-dems-vince-cable-wind-energy>

The Guardian: Neslen Arthur “EU report on weedkiller safety copied text from Monsanto study” 15 September 2017 <https://www.theguardian.com/environment/2017/sep/15/eu-report-on-weedkiller-safety-copied-text-from-monsanto-study>

The Guardian: Laville Sandra and Marsh Sarah “UK legal claims grow over exposure at work to toxic diesel fumes” 16 September 2017 <https://www.theguardian.com/environment/2017/sep/16/legal-claims-grow-exposure-at-work-to-toxic-diesel-fumes>

The Guardian: Guthrie Joanna “The Florida Keys are the canaries in the climate-change coalmine” 15 September 2017 <https://www.theguardian.com/commentisfree/2017/sep/15/florida-keys-canaries-climate-change-coalmine>

Science: Perkins Sid “Are countries being honest about their carbon emissions? Satellites could tell” 14 September 2017 <http://www.sciencemag.org/news/2017/09/are-countries-being-honest-about-their-carbon-emissions-satellites-could-tell>

Science: Cornwall Warren “Who is starting all those wildfires? We are” 12 September 2017 <http://www.sciencemag.org/news/2017/09/who-starting-all-those-wildfires-we-are>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA Annual Conference and AGM: SA's Environmental Law Scorecard: 20 years since the White Paper on Environmental Management Policy for South Africa, 1997

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

Call for abstracts: Closing date 22 September 2017

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

For any queries, contact Freyni or Erica or Janice Tooley as per separate ELA email: secretariat@conservationsymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

Imbewu: Environmental Law Update Workshops Johannesburg

Date: 10 October 2017

Venue: IMBEWU's Offices – Rosebank

Time: 08H30 to 16H30

Cape Town

Date: 6 October 2017

Venue: Intaka Island Eco Centre – Century City

Time: 08:30-16:00

Contact: lulu@imbewu.co.za or call them on 011 214 0660/1 / www.imbewu.co.za

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

NWU: CEM Courses 2017

Environmental impact assessment for practitioners CEM-05.1.1

Date: 9 - 13 October 2017

Climate change management CEM-06.6.1

Date: 9 - 13 October 2017

Integrated land management CEM-06.8.1

Date: 16 - 20 October 2017

Integrated land management CEM-06.8.1

Date: 16 - 20 October 2017

Environmental law - spatial planning CEM-02.1.5

Date: 16 - 20 October 2017

The fundamentals of environmental management CEM-01.1.1

Date: 16 - 20 October 2017

Safety, health environmental and quality (SHEQ) management CEM-01.2.1

Date: 16 October - 3 November 2017

Occupational health and safety law CEM-02.2.1

Date: 23 - 27 October 2017

Environmental law - natural resource/conservation management CEM-02.1.6

Date: 30 October - 3 November 2017

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

The International Climate Change Regime, Modern Sustainable Energy and the Sustainable Development Goals

Date: 13 April 2018

Venue: Stellenbosch, Western Cape (TBC) Date: 13 April 2018

Fourth Annual Rule of Law And Sustainable Development Seminar is presented by the Regional African Law And Human Security Programme, Uwc (Rathus) in conjunction with the South African Research Chair in International Law, University of Johannesburg.

Goal 13 of Agenda 2030 mandates states to “take urgent action to combat climate change and its impacts”. SDG 13 affirms that the UN Framework Convention on Climate Change (UNFCCC) is the primary international, intergovernmental forum for negotiating the global response to climate change. Reciprocal acknowledgement of the SDGs by the UNFCCC regime can be found in Decision 1/CP.21 adopted at the 21st Conference of the Parties (COP) where the COP welcomed the adoption of the SDGs, in particular Goal 13. The Paris Agreement provides for several mechanisms to address climate change in order to further sustainable development and SDG 13. As such the preamble of the Paris Agreement explicitly acknowledges “the need to promote universal access to sustainable energy in developing countries, in particular in Africa, through the enhanced development of renewable energy”. Furthermore, the UNFCCC refers to energy efficiency in its preamble as a measure to counteract increasing energy consumption. These references lend

considerable support to SDG 7 on sustainable energy, in particular targets 7.1 and 7.2 and the potential that the climate change regime has to induce sustainable energy projects.

Hence, the forthcoming “Rule of Law and Sustainable Development” seminar aims to facilitate discourse on the international climate change regime and SDGs as well as modern sustainable energy and the promotion of SDGs 7 and 13.

Scholars interested in presenting a paper that deals with the aforementioned themes are cordially invited to submit an abstract and bio by 1 November 2017 to Mr S Kasker (skasker@gmail.com).

Renewables in the electrification of Mozambique Conference – Registration open!

Maputo, Mozambique, on October 25 and 26. The objective of the conference is to bring together European and African Renewable Energy businesses, developers and policy makers.

The conference will focus on the contribution of renewable energy technologies for the electrification of Mozambique, in line with its National Electrification Strategy under preparation to achieve universal access by 2030.

ALER is expecting up to 250 participants at the conference, from Mozambique institutions, private sector, financiers, multilateral and bilateral institutions engaging in renewable energy support programmes, NGOs and academic institutions. Therefore, it will offer the chance to meet key stakeholders, have access to first-hand information and find business partners.

Some of the conference highlights include:

- A roundtable with high-level representatives of the main Mozambican institutions operating in the energy sector;
- A matchmaking session, where participants will be able to schedule B2B, B2F or B2G meetings in advance with potential business partners, financiers or representatives of Mozambican institutions
- Presentation of the second edition of ALER’s “Renewables in Mozambique – National Status Report” accompanied by a mapping exercise of all existing initiatives of donor support programs
- Presentation of the second edition of ALER’s “Renewables in Mozambique – National Status Report” accompanied by a mapping exercise of all existing initiatives of donor support programs
- Presentation of the Portuguese version of the RECP Mini-grid Policy Toolkit, including mini-grids case studies in African Portuguese-speaking countries
- Cocktail to celebrate the launch of the new Mozambican Renewable Energy Association (AMER), where participants will have the opportunity to network while learning about AMER’s objectives and planned activities.

Participation is free of charge but limited to a maximum of 250 participants, and registration is required. <https://www.b2match.eu/aler-conference-2017>

NMU CONFERENCE: Protecting Marine Resources: A Tangled Net

Date: 8-9 November 2017

Place: Port Elizabeth

The Centre for Law in Action and the FishFORCE Academy at the Nelson Mandela University will host a conference “Protecting Marine Resources: A Tangled Net” on 8 and 9 November in Port Elizabeth, South Africa. The establishment of the academy will also be launched on 8 November. A “save-the-date” notification (for the conference) was sent out a few months ago, but since then it was decided to shift the focus a bit (I was also incapacitated for a number of weeks). For that reason some of you may have not been included in the earlier notification. My sincere apologies for that. We are in the process of developing formal invitations and these will be sent to you as soon as they are available. In the meantime, it would be appreciated if you could find time in your schedule to reserve these dates/date. I will also approach some of you to read papers or be involved in certain capacities at the event.

The conference will focus on the role of local government in the protection of marine resources as it is an available resource that is often not taken into consideration. Especially for coastal municipalities this is a matter of great importance as it is closely related to economic development and safety and security. In 2000 already, certain employees of 14 coastal municipalities were designated as Fisheries Control Officers with the powers to enforce the Marine Living Resources Act. Law enforcement officers from the City of Cape Town received training as part of the FishFORCE project, but other municipalities should also be sensitised, even those who have no coastal jurisdiction as they may be the conduit for illegal smuggling. Non-municipal law enforcement agencies should also be made aware of these resources. It will be a multi-agency approach and international as well as local experts will be reading papers.

An indication of your availability and would be appreciated. Some financial assistance may be available upon the submission of a motivation.

12th Southern African Energy Efficiency Confederation Conference (2017SAEEC)

Dates: 14 - 15 November 2017

Venue: Emperors Palace, Ekurhuleni, Gauteng

Erika Kruger or Nikki Nel for 2017SAEEC sponsorship opportunities

Tel: +27 (0)18 290 5130,

Email: Support@saeec.org.za

Web: www.saeec.org.za

International

IAIA18: Environmental Justice in Societies in Transition

Durban International Convention Centre, Durban

Dates: 16-19 May 2018

Poster and abstract submissions opened on 1 September 2017, and close on 20 November 2017

Submit your abstract online at <http://conferences.iaia.org/2018/index.php>

Patterned Injustice, Neoliberalism and Coloniality: Looking Back Looking Forward at Human and Non-Human Rights and the Law

Date: 9 November 2017

Place: Sydney

For more information on this, contact Peter Burdon at peter.burdon@adelaide.edu.au

Resource Extraction and the Human Rights of Women and Girls

Dates: 26-27 October 2017

Venue: University of Ottawa, Human Rights Research Centre Policy

For more information on this, contact Sara Seck at Sara.Seck@dal.ca

The Second Dignity Rights Project Virtual Workshop

Date: November 2017 - More details to follow.

(Go here for more information on the Dignity Rights Project: <http://delawarelaw.widener.edu/prospective-students/jd-program/jd-academics/public-interest/dignity-rights-project/>)

For interest in participating, please contact Erin Daly at edaly@widener.edu or Jim May at jmay@widener.edu

WEBINAR - Overcoming barriers to CCS through international collaboration

Date: 27 September 2017

Time: Midday (UK time)

This webinar will review the barriers to carbon capture and storage development and highlight the work of some key multilateral and bilateral initiatives, as well as the challenges they have faced. CCS must be implemented on a global scale if ambitious targets for greenhouse gas emissions are to be met, yet deployment of the technology over the last decade has been slow. CCS faces a number of unique barriers, including high upfront costs and investment risks, uncertain public and political support, and a need for new regulatory regimes.

A one-off registration is required. <http://www.iea-coal.org.uk/site/2010/news/webinars?LanguageId=0>

For more information visit [IEA Clean Coal Centre](http://www.iea-coal.org.uk/site/2010/home?ParamReload=true&) <http://www.iea-coal.org.uk/site/2010/home?ParamReload=true&>

Grand Renewable Energy 2018 International Conference and Exhibition – Grand RE 2018

Conference: June 17-22, 2018

Exhibition: June 20-22, 2018

Venue: Pacifico Yokohama, Yokohama, Japan

<http://www.grand-re2018.org>

NEWS

De Wet Phillip “BP, others to face criminal charges” *Mail&Guardian* 8 September 2017 <https://mg.co.za/article/2017-09-08-00-bp-others-to-face-criminal-charges/>

Broughton Tania “AFT 'proactive' in finding judge for probe into 'dubious town planning’” *News24* 8 September 2017 <http://www.news24.com/SouthAfrica/News/aft-proactive-in-finding-judge-for-probe-into-dubious-town-planning-20170908>

Broughton Tania “Durban dust-up: Family trusts sue local factory for R9m in damages” *News24* 5 September 2017 [Source Legalbrief Today 11 September 2017] <http://www.news24.com/SouthAfrica/News/durban-dust-up-family-trusts-sue-local-factory-for-r9m-in-damages-20170905>

Villette Francesca “Overloaded bakkie leads to abalone syndicate's conviction” *IOL* 6 September 2017 [Source Legalbrief Today 11 September 2017] <https://www.iol.co.za/capetimes/news/overloaded-bakkie-leads-to-abalone-syndicates-conviction-11095412>

Ensor Linda “PetroSA signs large oil and gas deal with Russia's Rosgeo” *TimesLive* 14 September 2017 <https://www.businesslive.co.za/bd/companies/energy/2017-09-14-petrosa-signs-large-oil-and-gas-deal-with-russias-rosgeo/>

Mathews Charlotte “Silicosis settlement: a battle against time” *BusinessLive* 7 September 2017 <https://www.businesslive.co.za/fm/features/2017-09-07-silicosis-settlement-a-battle-against-time/>

Secombe Allan “Regulatory uncertainty could hasten closure of SA's mines, Moody's warns” *Sunday Times* 12 September 2017 <https://www.timeslive.co.za/sunday-times/business/2017-09-12-regulatory-uncertainty-could-hasten-closure-of-sas-mines-moodys-warns/>

Winning Alexander “SA could start nuclear procurement process again as soon as next month” *BusinessDay* 15 September 2017 <https://www.businesslive.co.za/bd/national/2017-09-15-sa-could-start-nuclear-procurement-process-again-as-soon-as-next-month/>

Crowley Kevin “Lonmin given deadline to fix non-compliant parts of its social labour plan” *BusinessDay* 15 September 2017 <https://www.businesslive.co.za/bd/companies/mining/2017-09-15-lonmin-given-deadline-to-fix-non-compliant-parts-of-its-social-labour-plan/>

Swart Murray “We did not start veld fires – miners” *DFA* 15 September 2017 <https://www.dfa.co.za/news/we-did-not-start-veld-fires-miners/>

Swart Murray “Blow to NC mining as water rights revoked” *DFA* 12 September 2017 <https://www.dfa.co.za/news/blow-to-nc-mining-as-water-rights-revoked/>

Swart Murray “Miners in Court” *DFA* 14 September 2017 <https://www.dfa.co.za/news/miners-in-court/>

Myburgh Pieter-Louis “Guptas' 'unlawful' loan backed by mine rehab fund” *News24* 15 September 2017 <http://www.news24.com/SouthAfrica/News/exclusive-guptas-unlawful-loan-backed-by-mine-rehab-fund-20170914>

Philips Dom “Brazil investigates alleged slaughter of Amazonian tribespeople by gold miners” *The Guardian* 12 September 2017 <https://www.theguardian.com/global-development/2017/sep/12/brazil-investigates-reports-of-massacre-among-amazon-tribe-javari-valley>

McCormick Myles “‘They lied’: Bolivia's untouchable Amazon lands at risk once more” *The Guardian* 11 September 2017 <https://www.theguardian.com/environment/2017/sep/11/they-lied-bolivia-untouchable-amazon-lands-tipnis-at-risk-once-more>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

National Director Probono.org

Probono.org is a dynamic NGO that enables private legal practitioners to provide pro bono legal services to the most vulnerable, marginalised and impoverished people living in South Africa.

This position is based in Johannesburg.

The person employed must: Provide leadership and strategic direction; Ensure sound and prudent financial management and accountability; Demonstrate strong communication skills, both verbal and written; Have management and interpersonal skills; Have legal experience and familiarity with the law; Be able to work closely with the Board to ensure sound corporate governance, the development and implementation of organisational policies, and compliance with legal, regulatory and ethical standards; Have the ability to raise funds for the organisation.

Closing date: 6th October 2017

Lecturer or Faculty Fellow in Sustainability, Science and Society Rensselaer Polytechnic Institute, School of Humanities, Arts and Social Sciences

Location” Troy, NY Campus

Search Number” F17-00046

Portfolio: School of Humanities, Arts and Social Sciences, Business Unit:
Science & Technology Studies Department

Full Time

Job Summary

Faculty Fellow/Lecturer, Sustainability, Science and Society

Department of Science and Technology Studies Rensselaer Polytechnic
Institute

The Department of Science and Technology Studies in the School of Humanities, Arts and Social Sciences at Rensselaer Polytechnic Institute invites applications for a Faculty Fellow or Lecturer focused on Sustainability, Science and Society. Rensselaer's STS Department offers a Ph.D. and three undergraduate B.S. degrees: Science, Technology and Society; Design, Innovation & Society; and Sustainability Studies. The candidate must be prepared to teach large introductory lecture courses focused on the history and sociology of science, especially in the context of debates and initiatives related to environmental sustainability. The candidate must also be prepared to play a lead role promoting sustainability studies and culture at Rensselaer (by organizing events, coordinating with sustainability-focused student groups, etc.)

The successful candidate must hold a Ph.D., JD, or Foreign Degree Equivalent in Anthropology, Sociology, History, Science and Technology Studies, or a related field. Candidates should have a rich record of professional practice relevant to the position, and a demonstrated commitment to teaching at the undergraduate level. Ability to interact effectively with faculty in a broadly inclusive department is important, as is ability to effectively engage students and faculty from other disciplines, particularly in science and engineering.

Founded in 1824, Rensselaer Polytechnic Institute is the nation's oldest technological university. With approximately 5,000 undergraduate and 2,500 graduate students from across the country and around the world, the university offers more than 145 programs at the bachelor's, master's, and doctoral levels. Rensselaer is located in Troy, NY, the heart of the "Tech Valley" region of the Hudson River Valley. The university's Curtis R. Priem Experimental Media and Performing Arts Center (EMPAC) offers scholars and students opportunities for creative interdisciplinary research in the arts, performance technologies, science, and engineering.

We welcome candidates who will bring diverse intellectual, geographical, gender and ethnic perspectives to Rensselaer's work and campus communities. Rensselaer Polytechnic Institute is an Affirmative Action/Equal Opportunity Employer.

Screening of applications will begin immediately and will continue until the position is filled. To apply, please submit a letter of interest, curriculum vitae, and three letters of reference at this site

<http://www.sociology.com/announcement.a3487.html>

Chevening Scholarship 2019 United Kingdom

Master's (1 year)

Any field at a UK university – it should reflect your current or future career goals

Closing date: 7 November 2017 (mid-day UK time)

<http://www.chevening.org/south-africa>

[Source: Department of Higher Education]

Australia: Master Scholarships Awards 2019

Priority areas are:

- Agricultural Productivity
- Extractives
- Public Policy (education, public health, trade, public financial administration, infrastructure, road safety and social policy)
- Applications will also be considered in the following sectors:
- Climate Change
- Environmental Management
- Water Management
- Gender Studies
- Social Development

<http://www.australiaawardsafrica.org/african-countries/south-africa/awards/masters-awards/>

[Source: Department of Higher Education]

Australia Awards 2018: Short Courses

- Agricultural Productivity
- Extractives
- Public Policy

Closing date: 15 January 2018

<http://www.australiaawardsafrica.org/african-countries/south-africa/awards/short-courses/>

[Source: Department of Higher Education]

Africa Business Education Initiative 2018: Japan - Master's and internships

All available fields, with priority given to: Agriculture, Economics / Business Administration and Engineering

Closing date: 31 October 2017

<http://education-japan.org/africa/index.html>

[Source: Department of Higher Education]

Nelson Mandela Scholarship 2018: Chile – Master's

Fields: Astronomy, Agriculture, Aquaculture, Energy, Management of Public Policies, Health, Environment, and Mining

Closing date: Early 2018

<http://www.internationalscholarships.dhet.gov.za/CHILE%20SCHOLARSHIPS%20-%20Copy.html>

[Source: Department of Higher Education]

New Zealand Development Scholarship and Commonwealth Master's and PhD

Fields: Subjects that can improve the social and economic development of your country; priority sectors agriculture development and renewable energy

Closing date: Early 2018 (It is recommended that potential applicants start preparing early)

<http://www.internationalscholarships.dhet.gov.za/NEW%20ZEALAND%20-%20Copy.html>

University of Tulsa College of Law is hiring this year to fill two available lines

We are particularly interested in entry level or lateral candidates with scholarly and teaching interests in the following areas: energy law & natural resources; cyberlaw/cybersecurity; social justice; human rights; health law; constitutional law; civil procedure; and property.

Expressions of interest should be sent to our hiring chair, Bob Spoo, at robert-spoo@utulsa.edu

Join us on
Facebook

<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>
The ELA is registered as a Public Benefit Organisation
www.elasa.co.za

Remember that members of the Environmental Law Association may subscribe to
Legalbrief Environmental
and the
South African Journal of Environmental Law and Policy.
Discount available.

Environmental Law Association Newsletter 36

22 September 2017

BILLS

Critical Infrastructure Protection Bill, 2015 to be tabled in parliament

LEGISLATION

NOTICES

National Water Act 36 of 1998 - GN 1038 in GG 41132 of 22 September 2017 - Proposed reserve determination of water resources for the Olifants and Letaba Catchments - for comment

National Water Act 36 of 1998 - GN 1039 in GG 41132 of 22 September 2017 - Pongola-Mtamvuna Water Management Area - Limitation of the use of water in terms of para. 6(1)(i) of Schedule 3 to the Act for irrigation, domestic and urban purposes from Goedertrouw, Mgeni, Klipfontein, Hluhluwe and Lake Merthely systems in KwaZulu-Natal

PROVINCES

Eastern Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 150 in PG 3919 of 18 September 2018 - Kouga Local Municipality - Banning of jet-skis on the main beach (Dolphin Beach)

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 151 in PG 3921 of 19 September 2017 - Kouga Local Municipality - Notice of appointment of the Executive Mayoral Committee as the Appeal Tribunal

KwaZulu-Natal

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - MN 119 in *PG* 1878 of 21 September 2017 - City of uMhlatuze Local Municipality - Notice of commencement of the Spatial Planning and Land Use Management By-law, 2017 published under MN 93 in *PG* 1853 of 14 July 2017

KwaZulu-Natal Internal Audit Act Repeal Act 2 of 2017 - Notice 3 in *PG* 1879 of 22 September 2017 - commences 22 September 2017

Mpumalanga

Mpumalanga Planning Commission Bill, 2017 - PN 120 in *PG* 2854 of 22 September 2017 - for comment

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 - LAN 106 in *PG* 2854 of 22 September 2017 - Bushbuckridge Local Municipality - Draft Spatial Development Framework (SDF) - for comment

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 – LAN 107 in *PG* 2854 of 22 September 2017 - Bushbuckridge Local Municipality – Notice of adoption and approval of Trading By-laws published with effect from 1 November 2017

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 108 in *PG* 2854 of 22 September 2017 - Bushbuckridge Local Municipality - Notice of adoption and approval of Land Use Scheme published with effect from 1 October 2017

CASES

National

Minister of Environmental Affairs v Recycling and Economic Development Initiative of South Africa NPC, Minister of Environmental Affairs v Recycling and Kusaga Taka Consulting (Proprietary) Limited (9675/2017, 10123/17) [2017] ZAWCHC 101 (15 September 2017)

<http://www.saflii.org/za/cases/ZAWCHC/2017/101.html>

Recycle – waste tyres – regulations – tax payments – application of new rules – insolvency of Redisa

“[1] This is a consolidated application, brought by the Minister of Environment Affairs ... for the final liquidation of two entities that has an association with each other.”

[provided by Adv Marius Oosthuizen SC]

Long Beach Homeowners Association v Department of Agriculture, Forestry and Fisheries (South Africa) and Another (865/2016) [2017] ZASCA 122 (22 September 2017) <http://www.saflii.org/za/cases/ZASCA/2017/122.html>

Summary: National Forests Act 84 of 1998 – ss 3(3)(a), 7(1)(a) and 7(4) – licence to carry out prohibited activities in a natural forest – meaning of ‘natural forests must not be destroyed save in exceptional circumstances’ – nature of discretion – rigid adherence to policy – improper exercise of discretion – refusal of licence – review of decision.

Drift Supersand (Pty) Limited v Mogale City Local Municipality and Another (1185/2016) [2017] ZASCA 118 (22 September 2017)

<http://www.saflii.org/za/cases/ZASCA/2017/118.html>

Summary: Administrative law - Town Planning and Townships Ordinance 15 of 1986 – owner of land in close proximity to proposed township having standing as an interested person to challenge establishment of township.

Fairness of procedure to approve township – breach of legitimate expectation of a hearing by municipal tribunal – procedure inherently unfair in various respects.

Party excluded from process not obliged to pursue internal appeal against such decision before seeking to review the administrative action taken.

Procedure – striking out – court required to exercise practical, common sense and flexible approach in considering whether allegations made in reply need be struck out – cross-appeal relating to the failure to strike out an incontrovertible fact which was in any event not relied upon to decide the merits of the dispute – cross-appeal dismissed.

Els v S (1241/2016) [2017] ZASCA 117 (22 September 2017)

<http://www.saflii.org/za/cases/ZASCA/2017/117.html>

Summary: Appeal against sentence - environmental offences - unlawful purchasing, possession and conveying of rhinoceros horns without a permit - in contravention of the Limpopo Environmental Management Act 7 of 2003 - misdirection by the trial court - appeal court entitled to interfere - four years' imprisonment appropriate.

Costa NO v Arvum Exports (969/2016) [2017] ZASCA 113 (21 September 2017) <http://www.saflii.org/za/cases/ZASCA/2017/113.html>

Plant breeders' rights: rights not infringed where there is no propagation of a fruit tree varietal.

Reclamation Property Holdings (Pty) Ltd v Arcelormittal South Africa Limited and Others (1074/2016) [2017] ZASCA 112 (21 September 2017)

<http://www.saflii.org/za/cases/ZASCA/2017/112.html>

Summary: Section 67 of the Town-Planning and Townships Ordinance 15 of 1986: prohibition of sale of erf until township is declared an approved township: definition of 'erf'.

Minister of Environmental Affairs v Recycling and Economic Development Initiative of South Africa NPC, Minister of Environmental Affairs v Recycling and Kusaga Taka Consulting (Proprietary) Limited (9675/2017, 10123/17) [2017] ZAWCHC 101 (15 September 2017)

<http://www.saflii.org/za/cases/ZAWCHC/2017/101.html>

Propshaft Master (Pty) Ltd and Others v Ekurhuleni Metropolitan Municipality and Others Case No 33788/17 High Court Gauteng Local Division Delivered 19 September 2017

Disaster with environmental consequences - river – flood control – flash floods – disaster management – damage and death – clean up and clearance of culverts – responsibilities of local government – mandamus “[8.4] The Applicants to my mind, correctly, submitted that a person's sense of environmental security in relation to the potential risks and dangers of environmental disaster fall within the scope of protection provided by section 24 of the Constitution.”

International

United States District Court for the District of Oregon, Eugene vs Kelsey Cascadia Rose Juliana et al Case No 17-71692 United States Court of Appeals for the Ninth Circuit *Amicus Curiae* Brief in Opposition to the Petition for Writ of Mandamus dd 9 May 2017 [available from Secretariat]

Recognition of a right to climate system capable of sustaining human life

PUBLICATIONS

Subscription to South African Journal for Environmental Law and Policy – new publications – reduction of 15% available for ELA Members

<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

GIZ “Assessing the impact of increasing shares of variable generation on system operations in South Africa” Report for Department of Energy and Eskom (September 2017)

http://www.ee.co.za/wp-content/uploads/2017/09/GIZ_M_P_E_2017_Flexibility_Study_Report.pdf

Morales Héctor Camilo “The Role of Sustainable Energy Access in the Migration Debate” (EUEI PDF September 2017)

file:///C:/Users/10063994/Downloads/the_role_of_energy_access_in_the_migration_debate_euei_pdf_up_date_2017.pdf

GEF Partners “Listening to Our Land: Stories of Resilience” (September 2017)
<http://www.thegef.org/publications/listening-our-land-stories-resilience>

Burns William CG & Nicholson Simon “Bioenergy and carbon capture with storage (BECCS): the prospects and challenges of an emerging climate policy response” 2017 *Journal of Environmental Studies and Science*
<https://link.springer.com/article/10.1007/s13412-017-0445-6>

Leal-Arcas Rafael “Sustainability, Common Concern and Public Goods, just published” 2017 *The George Washington International Law Review* 49(4):801-877
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2915150

Emirates Diplomatic Academy (EDA) *Synergies between Global Food Security and Climate Goals: Recommendations for Gulf Countries’ Foreign Trade, Investments and Aid* (September 2017) <http://eda.ac.ae/media-events/news/item/474-eda-insight-identifies-measures-for-achieving-food-and-climate-goals>

Moerenhout Tom SH *GCC States and Energy Pricing Reform: Building and Using International Frameworks of Cooperation* (August 2017)
<http://eda.ac.ae/media-events/news/item/469-eda-working-paper-explores-ways-for-gcc-countries-to-engage-with-international-cooperative-frameworks-on-energy-pricing-reform>

Luomi Mari *Financing Sustainable Development through Development Cooperation: Role for Arab Donors* (July 2017)
<http://eda.ac.ae/media-events/news/item/466-eda-insight-identifies-role-for-arab-aid-donors-in-supporting-financing-for-sustainable-development>

United Nations Human Rights “Report of the Special Rapporteur on the right to development” A/HRC/36/49 2 August 2017
http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/49

“The Carbon Boomerang Litigation Risk as a Driver and Consequence of the Energy Transition” (Report MinterEllison September 2017) http://2degrees-investing.org/IMG/pdf/me_2ii_carbonboomerang_v0.pdf

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETCS

EOS: Brewer Peter “Do You Expect Me to Just Give Away My Data?” 14 September 2017
https://eos.org/editors-vox/do-you-expect-me-to-just-give-away-my-data?utm_source=eos&utm_medium=email&utm_campaign=EosBuzz091517

Video on US regulators: “*The Regulators: Our Invisible Government* is a 1982 PBS documentary that focuses on regulation of air pollution in the national parks.” Recommended by our US colleagues. <https://www.c-span.org/video/?423696-1/regulators>

Business Day: Burnell Matthew *et al* “Fracking rights holders can avoid legal snags by preparing well” 14 September 2017
<https://www.businesslive.co.za/bd/opinion/2017-09-14-fracking-rights-holders-can-avoid-legal-snags-by-preparing-well/>

New York Times: Gilles Justin and Han Jon “Climate change is complex: We’ve got answers to your questions”

<https://www.nytimes.com/interactive/2017/climate/what-is-climate-change.html?emc=eta1>

[Questions and answers: Parts 1-3 for the lay person]

The Jurist: Slobe Erik ‘San Francisco sues fossil fuel companies over global warming’ 22 September 2017 <http://www.jurist.org/paperchase/2017/09/san-francisco-sues-fossil-fuel-companies-over-global-warming.php>

The Jurist: Theissen W ‘Florida resident files class action suit against power company following Hurricane Irma-related outages’ 20 September 2017 <http://www.jurist.org/paperchase/2017/09/florida-resident-files-class-action-suit-against-power-company-following-hurricane-irma-related.php>

IISD: SDG Knowledge Hub: Elizabeth Kahurani ‘Can 365 Years of Climate History Help Prevent Crises in East Africa?’ 19 September 2017 <http://bit.ly/2wcv44k>

IISD: SDG Knowledge Hub: Bizikova Livia and Searcy Cory “Cities and the SDGs: An Interdependent Partnership’ 19 September 2017 <http://bit.ly/2xYLrGy>

IISD: SDG Knowledge Hub: Lebot Benoît and Yada Jurei “Energy Efficiency for Sustainable Cities: Achieving SDGs 7 and 11” 21 September 2017 <http://bit.ly/2yk8UOx>

IISD: SDG Knowledge Hub: Nelson Gillian “Investors Worth US\$1.8 Trillion Urge Banks to Disclose Climate Risk” 21 September 2017 <http://bit.ly/2fgF8CA>

IISD: SDG Knowledge Hub: Jungcurt Stefan “IFAD and African Farmers Carve Giant Message for Agriculture Investments into their Fields” 21 September 2017 <http://bit.ly/2yx6EnL>

EDA publications on energy, climate change and sustainable development - available at: <http://eda.ac.ae/research/research-analysis-overview/energy-climate-change-and-sustainable-development>

The Conversation: Obura David “The environmental impact of a coal plant on Kenya's coast is being underplayed” 19 September 2017 <http://bit.ly/2xzB9LW>

The Conversation: Frame Dave “Keeping global warming to 1.5 degrees: really hard, but not impossible” 19 September 2017 <http://bit.ly/2xlSkAI>

The Conversation: Ryan Holly Eva “Brazil must protect its remaining 'uncontacted' indigenous Amazonians” 19 September 2017 <http://bit.ly/2xlSkAI>

The Conversation: Hübschle Annette “The fight against poaching must shift to empowering communities” 20 September 2017 <http://bit.ly/2xmG8A5>

The Conversation: Roudier Philippe “The relationship between drought and famine: lessons from the Horn of Africa” 21 September 2017 <http://bit.ly/2xqSKDw>

The Conversation: Spear Dian “How to help farmers prepare for climate change” 21 September 2017 <http://bit.ly/2hqfL1X>

The Conversation: Glen Robbins “South Africa's housing challenge seen through the lens of its third largest city” 21 September 2017 <http://bit.ly/2wKwuYa>

The Conversation: Luis Gómez Romero “Twin earthquakes expose Mexico's deep inequality” 20 September 2017 <http://bit.ly/2fpev2i>

The Conversation: Levi Gahman “In the Caribbean, colonialism and inequality mean hurricanes hit harder” <http://bit.ly/2jSTmyl>

Science: Pala Christopher “Scientists pan proposal to open pristine Pacific islands to fishing” 21 September 2017 http://www.sciencemag.org/news/2017/09/scientists-pan-proposal-open-pristine-pacific-islands-fishing?utm_campaign=news_weekly_2017-09-22&et rid=307814892&et cid=1560724

Daily Maverick: Simelane Bheki C “Electricity Theft: Kliptown ‘hero’ brings light to forgotten community” 22 September 2017 <https://www.dailymaverick.co.za/article/2017-09-22-electricity-theft-kliptown-hero-brings-light-to-forgotten-community/#.WcaTorIjHIU>

GroundUp: Kretzmann Steve: “Fishing communities battle the law and a depleted ocean” 20 September 2017 <https://www.groundup.org.za/article/fishing-communities-battle-law-and-depleted-sea/>

Daily Maverick: Yelland Chris “Op-Ed: Engineering study dispels myths on limits to renewable energy in the South African grid” 20 September 2017 <http://bit.ly/2xwfssp>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA Annual Conference and AGM: SA's Environmental Law Scorecard: 20 years since the White Paper on Environmental Management Policy for South Africa, 1997

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

Call for abstracts: **Closing date extended to 2 October 2017**

Registration: Contact enviro.association.sa@gmail.com

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

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

For any queries, contact Freyni or Erica or Janice Tooley as per separate ELA

email: secretariat@conservationsymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

Imbewu: Environmental Law Update Workshops

Johannesburg

Date: 10 October 2017

Venue: IMBEWU's Offices – Rosebank

Time: 08H30 to 16H30

Cape Town

Date: 6 October 2017

Venue: Intaka Island Eco Centre – Century City

Time: 08:30-16:00

Contact: lulu@imbewu.co.za or call them on 011 214 0660/1 / www.imbewu.co.za

NWU: CEM Courses 2017

Environmental impact assessment for practitioners CEM-05.1.1

Date: 9 - 13 October 2017

Climate change management CEM-06.6.1

Date: 9 - 13 October 2017

Integrated land management CEM-06.8.1

Date: 16 - 20 October 2017

Integrated land management CEM-06.8.1

Date: 16 - 20 October 2017

Environmental law - spatial planning CEM-02.1.5

Date: 16 - 20 October 2017

The fundamentals of environmental management CEM-01.1.1

Date: 16 - 20 October 2017

Safety, health environmental and quality (SHEQ) management CEM-01.2.1

Date: 16 October - 3 November 2017

Occupational health and safety law CEM-02.2.1

Date: 23 - 27 October 2017

Environmental law - natural resource/conservation management CEM-02.1.6

Date: 30 October - 3 November 2017

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

UCT Law @ Work Law & Local Government in SA

Dates: 25-27 October 2017

Contact Don Coue don.coue@uct.ac.za or call 021 650 3242

2017 Biodiversity & Business Indaba: Theme: Biodiversity for Better Business

Date: 24 & 25 October 2017

Venue: Hatch, 58 Emerald Parkway Rd, Greenstone Hill, Johannesburg, South Africa

For registration ASAP contact Shelley Lizzio at shelleyl@ewt.org.za.

Registration closes on 20 October 2017

APHP Panel Discussion Workshop on the Gees-Judgment

Date: 19 October 2017

Venue: Cape Institute for Architecture, 71 Hout Street, Cape Town

Time: 17.30 – 19.30

Panellists: Penelope Meyer, Richard Summers and Richard Townsend
The Gees Judgement

<http://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZASCA/2016/136.html&query=gees>

has changed the way that Heritage Authorities have been managing impacts to areas with heritage significance, not without controversy. This has had implication for the work of many members of Association of Professional Heritage Practitioners (APHP). We would like to interrogate this judgement further and have convened a panel of experts to discuss the judgement, its implications and its impact on the implementation of the NHRA.

Please formulate and send any questions on the topic to the APHP Secretary in advance so that they can be tabled at the panel discussion at

info.wcape@aphp.org.za

International

IAIA18: Environmental Justice in Societies in Transition

Durban International Convention Centre, Durban

Dates: 16-19 May 2018

Poster and abstract submissions opened on 1 September 2017, and close on 20 November 2017

Submit your abstract online at <http://conferences.iaia.org/2018/index.php>

IAIAsa Panel: Submission of abstracts for ELA Panel event: "Environmental Justice and the Pursuit of Sustainable Cities"

Please kindly consider to submit an abstract for the dedicated panel session on: "Environmental Justice and the Pursuit of Sustainable Cities"

You will find the necessary information at: <http://conferences.iaia.org/2018/index.php>

Abstract submissions close on 20 November 2017.

Any queries regarding the panel can be submitted to Anel du Plessis:

anel.duplessis@nwu.ac.za

IAIA18 Panel: Submission of abstracts for Warburton Panel Event: “Environmental Impact Assessment (EIA) Effectiveness for Infrastructure Development Projects in Africa”

Warburton Attorneys will be the lead organiser of a session at the 38th Annual Conference of the International Association for Impact Assessment (IAIA18) to be held in Durban from 16-19 May 2018. This is the second time in 38 years that the annual conference will be hosted in South Africa.

The title of the session is: “Environmental Impact Assessment (EIA) Effectiveness for Infrastructure Development Projects in Africa”

Abstract submission for this session is now open. We hereby invite all interested persons/organisations to submit an abstract to present and be a panelist for this session. Please list your abstract as well as your name and contact details on: <http://conferences.iaia.org/2018/invitation-only/>

If you have any questions or concerns about the process, please contact jen@iaia.org

2018 Strathclyde IUCN Academy of Environmental Law Colloquium Call for Abstracts

The organizers of the 2018 Colloquium have been hard at work this summer putting together the 2018 Colloquium

Dates: 4-6 July 2018.

More information about the 2018 Colloquium can be found here:

<https://www.strath.ac.uk/research/strathclydecentreenvironmentallawgovernance/events/conferences/2018thetransformationofenvironmentallawandgovernanceinnovationriskandresilience/>

Intensive Practical Seminar: Implementing the Energy Performance of Buildings Directive

Date: 27-28 November 2017

Place: Berlin

For more information see https://de.euroacad.eu/fileadmin/brochure-marked/Implementing_the_Energy_Performance_of_Buildings_Directive_S-1712-DM.pdf?t=1505748505

Call for Papers: The Real Life of Real Property

Dates: 7-10 June 2018

Place: Toronto, Canada

Abstract Deadline: 29 September 2017

The Socio-Legal Approaches to Property Network (SLAP) of the Law and Society Association (LSA) Panels to be held at the LSA/Canadian Law and Society Association Annual Meeting

Too often, property is studied only as legal doctrine, while empirical studies of property are read and discussed only within their authors' home disciplines. The new Socio-Legal Approaches to Property network aims to change that. SLAP will host several cross-disciplinary discussions about the real life of real property. We plan to bring together socio-legal scholars of real property from any discipline in several panels at the 2018 annual meeting of the Law and Society Association.

Submissions

We invite original, unpublished submissions from scholars (including graduate students, post-docs, and early-career researchers, as well as established scholars). We are interested in empirically-based papers examining any issues related to the treatment of land and other tangible things as property. Topics may include but are not limited to: land tenure; indigenous forms of property; collectives and property pluralism; land use; symbols of property; resource extraction; civil forfeiture, inheritance; embodied property; redistribution of property; social movements and resistance to property. We will consider all empirically-grounded papers that focus on tangible property, anywhere in the world. All kinds of empirical methods are welcome, including historical, statistical, interviews, comparative, ethnographic, case study, discourse analysis, etc. Also note that papers submitted for publication, but not yet accepted, are also welcome.

We are hoping to have as many panels as possible, so please submit your work, and encourage your colleagues and students to the same!

To submit your paper for consideration, fill out this [google form](#) to provide the following information:

<https://docs.google.com/forms/d/e/1FAIpQLSdy86kBjwPGPRAAPNKJk79KvDkbCpkqZHAzcstoM8op3dT E2g/viewform?c=0&w=1>

- A 100-250 word abstract describing the topic, methodological approach, and findings (or expected findings) of your paper. For more detailed instructions on composing abstracts, see LSA website: <http://www.lawandsociety.org/Toronto2018/2018-guidelines.html>
- Your contact information
- Your institution
- Your discipline(s)

Submission deadline

The deadline for submission is 11:59 PM Eastern Time on Friday, September 29.

We will notify all authors about the results of their submissions by email within about a week. If accepted, authors will receive instructions about how to submit abstracts directly to the Law and Society Association before Wednesday, October 18.

Questions

Contact any of the following with questions: John Acevedo jacevedo@laverne.edu, Debbie Becher dbecher@barnard.edu, Thomas Joo twjoo@ucdavis.edu, Esther Sullivan esther.sullivan@ucdenver.edu

NEWS

Mathope Gosebo “The efficacy of Protected Disclosure Act under scrutiny” *The Citizen* 14 September 2017 <https://citizen.co.za/news/south-africa/1653605/power-restored-in-the-joburg-cbd/>

Legislation: Climate Change Bill a work in progress

“Environmental Affairs Minister Edna Molewa has confirmed that work is still under way on legislation to ‘facilitate’ the mitigation and adaptation interventions underpinning SA’s ‘nationally determined contribution’ towards a ‘low-carbon and climate-resilient future’ worldwide. According to her department’s 2017/18 annual performance plan, it is expected be in place before the end of 2019 – for implementation the following year. In addition to addressing ‘planning, reporting, accounting, vulnerability assessment and resilience options’, the proposed new statute will provide for the ‘periodic projection of needs and costs’. This is noting that, according to the Minister, it will not be possible for SA to intervene ‘at the scale possible’ without international co-operation on ‘enabling’ access to the necessary finance and technology – a clarion call repeated on Monday by President Jacob Zuma.” (Engineering News). *Legalbrief Policy Watch* 20 September 2017

Environmental: Nersa doesn't want media at green energy hearing

“The energy regulator (Nersa) is determined to exclude the media when it considers the complaint by the SA Wind Energy Association (Sawea) about Eskom, *Die Burger* reports. Sawea lodged a complaint in October last year about Eskom’s unwillingness to sign agreements with independent power producers in terms of the green energy programme. A Nersa sitting was scheduled last week, but Eskom asked for a postponement to prepare for the hearing. Sawea is objecting to the exclusion of the media and its lawyers argued that Nersa’s refusal to hold an open sitting was offending not only the constitutional principles of transparency, but also Nersa’s legislation. Mbulelo Ncetezo, Nersa’s regulator for electricity, claims that the hearing differs from other Nersa processes and can therefore be closed to the public. The sitting is now scheduled for 29 September.”

Full report in *Die Burger* (subscription needed) *Legalbrief Today* 22 September 2017

Cronje Jan “Gupta coal mine to pay salaries late after bank bid fails” *Fin24* 22 September 2017 <http://www.fin24.com/Companies/Mining/gupta-coal-mine-to-pay-salaries-late-after-court-bid-fails-20170922>

Cronje Jan “OUTA's court bid to freeze Gupta mine funds set for Tuesday” 22 September 2017 <http://www.fin24.com/Companies/Mining/outas-court-bid-to-freeze-gupta-mine-funds-set-for-tuesday-20170922>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

2018 Haub Visiting Scholar: Call for Nominations and Letters of Interest

The Environmental Law Program 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 Haub Law students, faculty and staff.

The Environmental Law Program at the Elisabeth Haub School of Law is internationally recognized and ranked in the top three environmental law programs in the nation. Haub 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 residency. The Scholar will conduct his or her residency in the spring of 2018, 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 Haub 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, 2017. Please send letters of interest, nominations and related inquiries to Jessica Steinberg Albin, Associate Director of Environmental Law Programs at jalbin@law.pace.edu

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.

University of Denver seeking candidates for clinical and doctrinal environmental and natural resources positions

The University of Denver Sturm College of Law seeks applications from entry-level and junior-lateral candidates for one or more full-time, tenure-track faculty positions at the rank of Assistant or Associate Professor of Law to begin in August 2018. We seek candidates with J.D. or Ph.D. degrees (or their equivalent), exceptional academic records, relevant professional experience, and the capacity to make outstanding contributions in the areas of scholarship, teaching, and service. Although we welcome candidates across all subject matter areas and methodological perspectives, we anticipate particular interest in the following fields: environmental and natural resources law, including both doctrinal and clinical teaching; evidence; healthcare law; professional responsibility; and regulatory compliance. Currently celebrating its 125th anniversary year, Denver Law (www.law.du.edu) is a leader in experiential and interdisciplinary legal education, and is located in one of the nation's most dynamic, iconic, and livable cities. Interested persons should send a cover

letter, resume (including at least three references), teaching statement, and research agenda to Professor Alan Chen, Chair, Faculty Appointments Committee (achen@law.du.edu). The University of Denver is committed to enhancing the diversity of its faculty and staff and encourages applications from members of historically underrepresented minority groups, women, members of the LGBTQ community, persons with disabilities, and veterans. The University is an equal opportunity/affirmative action employer.

Join us on
Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

+*

**Remember that members of the Environmental Law Association may
subscribe to**

Legalbrief Environmental

and the

South African Journal of Environmental Law and Policy.

Discount available.

Environmental Law Association Newsletter 37

29 September 2017

BILLS

Plant Improvement Bill (B8B – 2015) [See also **NEWS**]

Plant Breeders' Rights Bill (B11B – 2015) [See also **NEWS**]

LEGISLATION

NOTICES

South African Maritime Safety Authority Act 5 of 1998 - GN 1042 in GG 41135 of 26 September 2017 - Determination of charges published and GN 560 in GG 40005 of 19 May 2016 as corrected by GN 567 in GG 40016 of 25 May 2016 revoked with effect from 17 October 2017

South African Maritime Safety Authority Levies Act 6 of 1998 - GN 1041 in GG 41135 of 26 September 2017 - Determination of levies published and GN 559 in GG 40005 of 19 May 2016 as corrected by GN 566 in GG 40016 of 25 May 2016 revoked with effect from 17 October 2017

National Water Act 36 of 1998 - GN 1056 in GG 41145 of 28 September 2017 - Western Cape Water Supply System (WCWSS) - Implementation of further water restrictions in terms of para 6(1)(i) of Schedule 3 to the Act for agricultural, domestic and industrial users published with effect from 1 October 2017

National Water Act 36 of 1998 - GN 1056 in GG 41145 of 28 September 2017 - Breede-Gouritz and Berg-Olifants Water Management Areas - Limiting the use of water in terms of par. 6(1)(i) of Schedule 3 to the Act for urban, irrigation and industrial (including mining) purposes

National Heritage Resources Act 25 of 1999 - GNs 1044 & 1045 in GG 41141 of 29 September 2017 - South African Heritage Resources Agency - Declaration of the Owl House and Camel Yard and the Evangelical Lutheran Church Complex as National Heritage Sites

PROVINCES

Eastern Cape

Disaster Management Act 57 of 2002 - LAN 156 in *PG* 3925 of 25 September 2017 - Sarah Baartman District Municipality - Declaration of a local state of disaster due to extensive fires

Disaster Management Act 57 of 2002 - PN 211 in *PG* 3929 of 29 September 2017 - Joe Gqabi District Municipality - Extension of the declared local state of disaster due to damaged road network

KwaZulu-Natal

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 105 in *PG* 1881 of 28 September 2017 - uMzinyathi District Municipality - Notice of appointment of members to the uMzinyathi District Joint Municipal Planning Tribunal (JMPT), Joint Agreement for the Establishment of a Joint Municipal Planning Tribunal and Agreement for the Appointment of the Joint Municipal Planning Tribunal members for uMzinyathi District Family of Municipalities

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 Notices 142 in *PG* 2138 of 25 September 2017 - Dawid Kruiper Local Municipality - Notice of compilation 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 - for comment

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 93 in *PG* 2854 of 22 September 2017 - Lephalale Local Municipality - Spatial Planning and Land Use 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 119 in *PG* 2854 of 22 September 2017 - Greater Tzaneen Local Municipality - Spatial Planning and Land Use

Management By-law - Notice of adoption of the final reviewed Spatial Development Framework

Western Cape

National Environmental Management: Protected Areas Act 57 of 2003 - PN 175 in *PG 7827* of 22 September 2017 - Notice of intention to declare Table Bay Nature Reserve - for comment

National Heritage Resources Act 25 of 1999 - PN 176 in *PG 7827* of 22 September 2017 - Heritage Western Cape - Declaration of a Provincial Heritage Site - The Auwal Masjied, Erf 163450, 39 Dorp Street, Bo-Kaap

National Heritage Resources Act 25 of 1999 - PN 177 in *PG 7827* of 22 September 2017 - Heritage Western Cape - Declaration of a Provincial Heritage Site - Erf 11553, including the Rocklands Community Hall, the Library, the Memorial Square and the Community Health Care Centre thereon, situated on the corner of Lancaster Road and Parker Street, Rocklands, Mitchells Plain

Disaster Management Act 57 of 2002 - LAN 54976 in *PG 7827* of 22 September 2017 - Swartland Local Municipality - Extension of declaration of a local state of drought disaster as published under LAN 54771 in *PG 7789* of 7 July 2017

Disaster Management Act 57 of 2002 - LAN 54983 in *PG 7827* of 22 September 2017 - Drakenstein Local Municipality - Extension of declaration of a local state of drought disaster as published under LAN 54733 in *PG 7785* of 23 June 2017

Local Government: Municipal Systems Act 32 of 2000 - Stellenbosch Local Municipality - Stellenbosch Municipal Water Services By-Law, 2017 - LAN 54986 in *PG 7827* of 22 September 2017 - Notice of implementation of level 5 water restrictions published with effect from 22 September 2017

Disaster Management Act 57 of 2002 - PN 179 in *PG 7829* of 21 September 2017 - Extension of the declaration of a provincial state of drought disaster in the Western Cape for one month from 24 September 2017 to 23 October 2017

CASES

National

Reclamation Property Holdings (Pty) Ltd v Arcelormittal South Africa Ltd (986/2016) ZASCA 112 (21 September 2017)

<http://www.saflii.org/za/cases/ZASCA/2017/112.html>

“Summary: Section 67 of the Town-Planning and Townships Ordinance 15 of 1986: prohibition of sale of erf until township is declared an approved township: definition of ‘erf’”

Els v S (1241/2016) [2017] ZASCA 117 (22 September 2017)

<http://www.saflii.org/za/cases/ZASCA/2017/117.html>

“Summary: Appeal against sentence - environmental offences - unlawful purchasing, possession and conveying of rhinoceros horns without a permit - in contravention of the Limpopo Environmental Management Act 7 of 2003 - misdirection by the trial court - appeal court entitled to interfere - four years’ imprisonment appropriate.”

Drift Supersand (Pty) Limited v Mogale City Local Municipality and Another (1185/2016) [2017] ZASCA 118 (22 September 2017)

<http://www.saflii.org/za/cases/ZASCA/2017/118.html>

“Summary: Administrative law - Town Planning and Townships Ordinance 15 of 1986 – owner of land in close proximity to proposed township having standing as an interested person to challenge establishment of township.

Fairness of procedure to approve township – breach of legitimate expectation of a hearing by municipal tribunal – procedure inherently unfair in various respects.

Party excluded from process not obliged to pursue internal appeal against such decision before seeking to review the administrative action taken.

Procedure – striking out – court required to exercise practical, common sense and flexible approach in considering whether allegations made in reply need be struck out – cross-appeal relating to the failure to strike out an incontrovertible fact which was in any event not relied upon to decide the merits of the dispute – cross-appeal dismissed.”

Annex Distribution (Pty) Ltd and Others v Bank of Baroda (52590/2017) [2017] ZAGPPHC 608 (21 September 2017)

<http://www.saflii.org/za/cases/ZAGPPHC/2017/608.html>

Interim interdict – freezing of funds in Bank of Baroda (also rehabilitation funding)

PUBLICATIONS

Subscription to South African Journal for Environmental Law and Policy – new publications – reduction of 15% available for ELA Members

<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

Crafford Philip L, Blumentritt Melanie and Wessels C Brand “The potential of South African timber products to reduce the environmental impact of buildings” 2017 *South African Journal of Science*

DOI: <http://dx.doi.org/10.17159/sajs.2017/20160354>

Leif Petersen et al "Perspectives of wild medicine harvesters from Cape Town, South Africa" 2017 *South African Journal of Science*

DOI: <http://dx.doi.org/10.17159/sajs.2017/20160260>

Nkambule Nonophile P and James Blignaut “Externality costs of the coal-fuel cycle: The case of Kusile Power Station” 2017 *South African Journal of Science*

DOI: <http://dx.doi.org/10.17159/sajs.2017/20160314>

Michiel O. de Kock et al “Deflating the shale gas potential of South Africa’s Main Karoo basin” 2017 *South African Journal of Science*

DOI: <http://dx.doi.org/10.17159/sajs.2017/20160331>

Staker Alexia “Should Chimpanzees Have Standing? The Case for Pursuing Legal Personhood for Non-Human Animals” 2017 *Transnational Environmental Law* <https://doi.org/10.1017/S204710251700019X>

Donnenfeld Zachary and Aucoin Ciara “Guns, poison and horns: Organised wildlife crime in Southern Africa” (ISS Report 11 September 2017) [Source: Legalbrief Today 26 September 2017] <https://issafrica.org/research/papers/guns-poison-and-horns-organised-wildlife-crime-in-southern-africa>

Environmental Law Institute & American Bar Association's Section of Civil Rights and Social Justice *Environmental Protection in the Trump era* (2017) Book available for download at <https://www.eli.org/eli-press-books/environmental-protection-in-the-trump-era>

OECD “Water risk hotspots for agriculture” (September 2017) (focus USA, China and India) http://www.keepeek.com/Digital-Asset-Management/oced/agriculture-and-food/water-risk-hotspots-for-agriculture_9789264279551-en#.WcukgVuCzIU#page13

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETCS

IISD ENB Bulletin: First Conference of the Parties to the Minamata Convention on Mercury 24-29 September 2017 Geneva Switzerland <http://enb.iisd.org/mercury/cop1/about.html>

Graham Institute: Database on the Climate Change Laws of the World, covering the climate change legislation and policies in 177 countries: <http://www.lse.ac.uk/GranthamInstitute/countries/>

The Conversation: Argyriou Meg “Developing countries can prosper without increasing emissions” 21 September 2017 <http://bit.ly/2yC25J9>

The Conversation: Fraser James Angus “Why Amazonian forest peoples are 'counter-mapping' their ancestral lands” 26 September 2017 <https://theconversation.com/why-amazonian-forest-peoples-are-counter-mapping-their-ancestral-lands-84474>

ProPublica: Lustgarten Abraham “How military outsourcing turned toxic” 26 September 2017 https://features.propublica.org/military-pollution/military-pollution-contractors-scandal-toxic-cleanups/?utm_source=pardot&utm_medium=email&utm_campaign=majorinvestigations&utm_content=bombspt3

University of California Press: *Case Studies in the Environment* Open access journal <http://cse.ucpress.edu>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA Annual Conference and AGM: SA’s Environmental Law Scorecard: 20 years since the White Paper on Environmental Management Policy for South Africa, 1997

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

Call for abstracts: **Closing date extended to 2 October 2017**

Registration: ELAConferenceCapeTown2017

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

For any queries, contact Freyni or Erica or Janice Tooley as per separate ELA email: secretariat@conservationsymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

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

Imbewu: Environmental Law Update Workshops Johannesburg

Date: 10 October 2017

Venue: IMBEWU's Offices – Rosebank

Time: 08H30 to 16H30

Contact: lulu@imbewu.co.za or call them on 011 214 0660/1 / www.imbewu.co.za

NWU: CEM Courses 2017

Environmental impact assessment for practitioners CEM-05.1.1

Date: 9 - 13 October 2017

Climate change management CEM-06.6.1

Date: 9 - 13 October 2017

Integrated land management CEM-06.8.1

Date: 16 - 20 October 2017

Integrated land management CEM-06.8.1

Date: 16 - 20 October 2017

Environmental law - spatial planning CEM-02.1.5

Date: 16 - 20 October 2017

The fundamentals of environmental management CEM-01.1.1

Date: 16 - 20 October 2017

Safety, health environmental and quality (SHEQ) management CEM-01.2.1

Date: 16 October - 3 November 2017

Occupational health and safety law CEM-02.2.1

Date: 23 - 27 October 2017

Environmental law - natural resource/conservation management CEM-02.1.6

Date: 30 October - 3 November 2017

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

International

IAIA18: Environmental Justice in Societies in Transition

Durban International Convention Centre, Durban

Dates: 16-19 May 2018

Poster and abstract submissions opened on 1 September 2017, and close on 20 November 2017

Submit your abstract online at <http://conferences.iaia.org/2018/index.php>

IAIAsa Panel: Submission of abstracts for ELA Panel event: "Environmental Justice and the Pursuit of Sustainable Cities" (Anél du Plessis)

Please kindly consider to submit an abstract for the dedicated panel session on: "Environmental Justice and the Pursuit of Sustainable Cities"

You will find the necessary information at: <http://conferences.iaia.org/2018/index.php>

Abstract submissions close on 20 November 2017.

Any queries regarding the panel can be submitted to Anel du Plessis: anel.duplessis@nwu.ac.za

IAIAsa Panel: Submission of abstracts for ELA Panel event: Environmental Justice: Legal Case Studies (Stewart Green)

Please kindly consider to submit an abstract for the dedicated panel session on: "Environmental Justice: Legal Case Studies"

You will find the necessary information at: <http://conferences.iaia.org/2018/index.php>

Abstract submissions close on 20 November 2017.

Any queries regarding the panel can be submitted to Stewart Green: Stewart.Green@ekurhuleni.gov.za

IAIA18 Panel: Submission of abstracts for Warburton Panel Event: "Environmental Impact Assessment (EIA) Effectiveness for Infrastructure Development Projects in Africa"

Warburton Attorneys will be the lead organiser of a session at the 38th Annual Conference of the International Association for Impact Assessment (IAIA18) to be held in Durban from 16-19 May 2018. This is the second time in 38 years that the annual conference will be hosted in South Africa.

The title of the session is: "Environmental Impact Assessment (EIA) Effectiveness for Infrastructure Development Projects in Africa"

Abstract submission for this session is now open. We hereby invite all interested persons/organisations to submit an abstract to present and be a panelist for this session. Please list your abstract as well as your name and contact details on: <http://conferences.iaia.org/2018/invitation-only/>

If you have any questions or concerns about the process, please contact jen@iaia.org

NEWS

Chirume Joseph "Farmers speak out against new plant bills" *GroundUp* 26 September 2017 <https://www.groundup.org.za/article/farmers-speak-out-against-new-plant-bills/>
[See also **Bills**]

Constitutional Court refuse illegal diamond miners' leave for appeal

The Constitutional court refused an application for leave for appeal by Lucky Seekoe and Others against Ekapa Minerals (Pty) Ltd and Others on 26 September 2017. The Court was of the opinion that the appeal has no prospect of success. The Court also found that it would not hear any further evidence. The court did not make a cost order.

Cronje Jan “Court freezes mine rehab billions from Gupta-owned mines” *fin24* 26 September 2017 <http://www.fin24.com/Companies/Mining/court-freezes-mine-rehab-billions-from-gupta-owned-mines-20170926>

“Wildlife groups accused of funding abuses against Pygmies in Africa” *News24* 26 September 2017 <http://www.news24.com/Africa/News/wildlife-groups-accused-of-funding-abuses-against-pygmyes-in-africa-20170926-2>

Groenewald Yolandi “Limpopo's solar plant shows coal not only power king of the Bushveld” *fin* 26 September 2017 <http://www.fin24.com/Companies/Industrial/limpopos-solar-plant-shows-coal-not-only-power-king-of-the-bushveld-20170926>

“France declares war on pesticides” *News24* 25 September 2017 <http://www.news24.com/Green/News/france-declares-war-on-pesticides-20170925>

“Japan kills 177 whales in Pacific campaign” *News24* <http://www.news24.com/Green/News/japan-kills-177-whales-in-pacific-campaign-20170926>

Mooney Chris and Dennis Brady “Next wave of EPA science advisers could include those who question climate change” *Washington Post* 18 September 2017 https://www.washingtonpost.com/news/energy-environment/wp/2017/09/18/next-epa-science-advisers-could-include-those-who-question-climate-change/?utm_term=.b1a7919ffb81

Zweynert Astrid “Sponges, urban forests and air corridors: how nature can cool cities” *Reuters* 26 September 2017 <https://uk.reuters.com/article/heatwave-cities-nature/feature-sponges-urban-forests-and-air-corridors-how-nature-can-cool-cities-idUKL5N1LU3BK>

Charles D “Arkansas Defies Monsanto, Moves To Ban Rogue Weedkiller” *The Salt* 22 September 2017 <http://www.npr.org/sections/thesalt/2017/09/22/552803465/arkansas-defies-monsanto-moves-to-ban-rogue-weedkiller>

Harvey Fiona “European countries spend billions a year on fossil fuel subsidies, survey shows” *theGuardian* 28 September 2017 <https://www.theguardian.com/environment/2017/sep/28/european-countries-spend-billions-a-year-on-fossil-fuel-subsidies-survey-shows>

Jones Miracle “UN rights expert urges Mongolia to protect environment” *The Jurist* 28 September 2017 <http://www.jurist.org/paperchase/2017/09/un-rights-expert-urges-mongolia-to-protect-environment.php>

Lowman Elizabeth “Environmental group asks court to recognize Colorado River as a person” *The Jurist* 26 September 2017 <http://www.jurist.org/paperchase/2017/09/environmental-group-asks-court-to-recognize-colorado-river-as-a-person.php>

Churchin Jonathon “International tribunal rules for Ghana in Ivory Coast maritime boundary dispute” *The Jurist* 25 September 2017 <http://www.jurist.org/paperchase/2017/09/international-tribunal-rules-for-ghana-in-ivory-coast-maritime-boundary-dispute.php>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Job Opening at the Law Division, UN Environment (P-4, LEGAL OFFICER - JO 17-LEG-UNEP-83520-R-NAIROBI (R))

Members of specific countries are encouraged to apply.

https://inspira.un.org/psc/UNCAREERS/EMPLOYEE/HRMS/c/UN_CUSTOMIZATIONS.UN_JOB_DETAIL.GBL?Page=UN_JOB_DETAIL&Action=A&JobOpeningId=83520&PostingSeq=1

National Director Probono.Org

Probono.Org is a dynamic NGO that enables private legal practitioners to provide pro bono legal services to the most vulnerable, marginalised and impoverished people living in South Africa.

This position is based in Johannesburg.

The person employed must:

- Provide leadership and strategic direction to the organisation;
- Ensure sound and prudent financial management and accountability;
- Demonstrate strong communication skills, both verbal and written;
- Have management and interpersonal skills;
- Have legal experience and familiarity with the law;
- Be able to work closely with the Board to ensure sound corporate governance, the development and implementation of organisational policies, and compliance with legal, regulatory and ethical standards;
- Have the ability to raise funds for the organisation, develop and maintain relationships with donors, and oversee donor reporting;
- Demonstrate a commitment to access to justice, public interest law and social justice;
- Build and nurture strategic relationships with the legal profession and its organisations, chapter 9 institutions and civil society organisations;
- Be familiar with relevant law and policy governing the private legal profession and pro bono;
- Be experienced in management, and have at least 10 years working experience; and
- Have SA citizenship or permanent residence status.

When applying please email the following documents to phumi@probono.org.za

- A covering letter that covers each criteria mentioned above and provides a motivation regarding your suitability for the position;
- A full and comprehensive CV;
- Names and contact details of 3 referees;
- Copy of your passport or ID.

Closing date: 6th October 2017

If you do not hear from us by 13th October 2017, it means you were not shortlisted.

Join us on

Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

**Remember that members of the Environmental Law Association may
subscribe to**

Legalbrief Environmental

and the

South African Journal of Environmental Law and Policy.

Discount available.

Environmental Law Association Newsletter 38

6 October 2017

BILLS

Critical Infrastructure Protection Bill, 2017 [B22-2017]

LEGISLATION

NOTICES

Petroleum Products Act 120 of 1977 - GN R1065 in GG 41158 of 3 October 2017 - Regulations in respect of the single maximum national retail price for illuminating paraffin published with effect from 4 October 2017

Petroleum Products Act 120 of 1977 - GN R1066 in GG 41158 of 3 October 2017 - Amendment of regulations in respect of petroleum products published with effect from 4 October 2017

Petroleum Products Act 120 of 1977 - GN R1067 in GG 41158 of 3 October 2017 - Regulations in respect of the maximum retail price of Liquefied Petroleum Gas supplied to residential customers published with effect from 6 September [sic] 2017

National Nuclear Regulator Act 47 of 1999 - GN 1070 in GG 41164 of 6 October 2017 - Notice of application for nuclear vessel licence - for comment

Promotion of Access to Information Act 2 of 2000 – Gen Notice 789 in GG 41164 of 6 October 2017 Publication of descriptions submitted in terms of s. 15 (1) by Department of Tourism

National Environmental Management: Waste Act 59 of 2008 - GN 1064 in GG 41157 of 29 September 2017 - Waste Tyre Regulations, 2017

PROVINCES

Eastern Cape

Constitution of the Republic of South Africa, 1996, Local Government: Municipal Systems Act 32 of 2000 and Spatial Planning and Land Use Management Act 16 of 2013 PN 212 in *PG* 3931 of 2 October 2017 - Mhlontlo Local Municipality - By-law on Spatial Planning and Land Use Management

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 213 in *PG* 3931 of 2 October 2017 - Nyandeni Local Municipality - By-law on Spatial Planning and Land Use Management

Gauteng

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 1539 in *PG* 242 of 4 October 2017 - City of Tshwane Metropolitan Municipality - Health By-law for Keeping of Animals, Birds and Poultry

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 Municipal By-law on Spatial Planning and Land Use Management, 2017 - LAN 137 in *PG* 7811 of 3 October 2017 - Maquassi Hills Local Municipality - Notice of Draft Spatial Development Framework (SDF) - for comment

Western Cape

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 55009 in *PG* 7830 of 29 September 2017 - Stellenbosch Local Municipality - By-law relating to Public Nuisance and the Keeping of Animals

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 - LAN 55010 in *PG* 7830 of 29 September 2017 - Stellenbosch Local Municipality - Impoundment of Animals By-law

Disaster Management Act 57 of 2002 - LAN 54995 in PG 7831 of 29 September 2017 - Swartland Local Municipality - Extension of declaration of a local state of drought disaster published under LAN 54771 in PG 7789 of 7 July 2017

Disaster Management Act 57 of 2002 - LAN 55012 in PG 7831 of 29 September 2017 - Swartland Local Municipality - Extension of declaration of a local state of disaster as a result of the devastating fire on 18 March 2017 at the Swartland Hospital published under LAN 54726 in PG 7785 of 23 June 2017

CASES

National

United Manganese of Kalahari (Proprietary) Limited v Commissioner for the South African Revenue Service (74158/2016) [2017] ZAGPPHC 628 (3 October 2017)

“Case Summary: Revenue - Mineral and Petroleum Resources Royalty Act 28 of 2008 - Interpretation - section 6(3)(b) - correct manner of calculating 'gross sales' for the purpose of calculating the royalty payable in terms of s 3(2) - legislature intended to exclude from the calculation of gross sales all expenditure incurred in respect of transport, insurance and handling (TIH) of an unrefined mineral resource after that mineral resource was brought to the condition specified in Schedule 2 and TIH expenditure incurred to effect the disposal of the unrefined mineral resource - the provision is not limited to amounts in respect of TIH expenditure received by or accrued to a seller of that unrefined mineral resource from its customer.”

PUBLICATIONS

Subscription to South African Journal for Environmental Law and Policy – new publications – reduction of 15% available for ELA Members
<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

Gencsu Ipek *et al* “Phase-out 2020: monitoring Europe's fossil fuel subsidies” (ODI September 2017) <https://www.odi.org/publications/10939-phase-out-2020-monitoring-europes-fossil-fuel-subsidies>

US National Academies of Sciences “Designing Safety Regulations for High-Hazard Industries” Report October 2017
<https://www.nap.edu/catalog/24907/designing-safety-regulations-for-high-hazard-industries>

“EU climate leadership after Paris: rising to the challenge?” (CARISMA Discussion Paper No. 3 (October 2017)) <http://www.carisma-project.eu/Publications/Discussion-Papers>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETCS

ENS CCAC Bulletin: 21st Meeting of the Climate & Clean Air Coalition to Reduce Short-Lived Climate Pollutants Working Group 25-26 September 2017 Paris, France <http://enb.iisd.org/climate/ccac/21st-working-group/>

IISD SDG Knowledge Hub: Kosolapova Elena “Paris Agreement Reaches 166 Ratifications” 3 October 2017 <http://bit.ly/2y0DzUp>

Sabin Centre: Climate Change Blog: Kurtz Lauren “Arizona Appeals Court Vacates Ruling Against Climate Scientists, And Rules That Protections For Scientific Research Must Be Considered” 20 September 2017 <http://bit.ly/2z5lph3>

Sabin Centre Climate Change Blog: Adler Dena “Hurricanes’ Contaminated Floodwaters Might Crest Next Wave Of Climate Change Litigation” 19 September 2017 <http://bit.ly/2wEpNmH>

LexisNexis Legal: Newsroom Environmental (US)
<https://www.lexisnexis.com/legalnewsroom/environmental/default.aspx?Redirected=true>

The Guardian: Harvey Fiona “EU rules out tax on plastic products to reduce waste” 6 October 2017 <https://www.theguardian.com/environment/2017/oct/06/eu-rules-out-tax-on-plastic-products-to-reduce-waste>

The Conversation: Atkins Peter “Why hunger is on the rise in the world, and what can be done about it” 2 October 2017 <http://bit.ly/2xUFcCf>

The Conversation: Scholes Robert “Shale gas in South Africa: game-changer or damp squib?” 4 October 2017 <http://bit.ly/2fNezFt>

The Conversation: Adeniran Adegboyega “The attempt to replenish Lake Chad's water may fail again. Here's why” 6 October 2017 <http://bit.ly/2y7o7W8>

New York Times: Uhlmann David M “Undermining the Rule of Law at the E.P.A.” 4 October 2017 https://www.nytimes.com/2017/10/04/opinion/contributors/epa-rule-of-law-pruitt.html?_r=0

Webber Wentzel Linklaters: “Water Management in South Africa – change on the horizon” 6 October 2017 <http://comms.webberwentzel-mail.com/public/messages/view-online/S7TQaEhx2z5FvQkU/uBdrx6vm4TcqOnID/d952b3ecb1e17662>

Science: Bendana Christopher “Uganda removes key hurdle to GM crops” 6 October 2017 http://www.sciencemag.org/news/2017/10/uganda-removes-key-hurdle-gm-crops?utm_campaign=news_weekly_2017-10-06&et rid=307814892&et cid=1590436

Science: Stokstad Erik “Pesticides found in honey around the world” 5 October 2017
http://www.sciencemag.org/news/2017/10/pesticides-found-honey-around-world?utm_campaign=news_weekly_2017-10-06&et rid=307814892&et cid=1590436

Science: Cornwall Warren “Why does this famous protector of trees now want to cut some down?” 5 October 2017 http://www.sciencemag.org/news/2017/10/why-does-famous-protector-trees-now-want-cut-some-down?utm_campaign=news_weekly_2017-10-06&et rid=307814892&et cid=1590436

Daily Maverick: Naidoo Jay “We need to find the courage and political will to reimagine mining in South Africa” 6 October 2017 <https://www.dailymaverick.co.za/opinionista/2017-10-06-we-need-to-find-the-courage-and-political-will-to-reimagine-mining-in-south-africa/#.WdkMvVuCzIU>

Daily Maverick: Botswana: “Government fishing ban cuts lifeline to impoverished villagers” 6 October 2017 <https://www.dailymaverick.co.za/article/2017-10-06-botswana-government-fishing-ban-cuts-lifeline-to-impooverished-villagers/#.WdkN9VuCzIU>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA Annual Conference and AGM: SA’s Environmental Law Scorecard: 20 years since the White Paper on Environmental Management Policy for South Africa, 1997

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

Draft programme attached to email.

Registration: ELAConferenceCapeTown2017

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

For any queries, contact Freyni or Erica or Janice Tooley as per separate ELA

email: secretariat@conservationsymposium.com

Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

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

Water Research Commission Invitation: National Water RDI Roadmap Session in North West

Date: 16 October 2017

Time: 09:00-16:00

The venue for the National Water RDI Roadmap Session in North West is Willows Garden Hotel, 82 Govan Mbeki Drive, Potchefstroom

Registration is still open and you RSVP at:

https://docs.google.com/forms/d/e/1FAIpQLSeoNda8xl6AmNLX2wYDX9YtmdxvrwA_rXaupXsBr_N5rzCkHQ/viewform

NWU: CEM Courses 2017

Integrated land management CEM-06.8.1

Date: 16 - 20 October 2017

Integrated land management CEM-06.8.1

Date: 16 - 20 October 2017

Environmental law - spatial planning CEM-02.1.5

Date: 16 - 20 October 2017

The fundamentals of environmental management CEM-01.1.1

Date: 16 - 20 October 2017

Safety, health environmental and quality (SHEQ) management CEM-01.2.1

Date: 16 October - 3 November 2017

Occupational health and safety law CEM-02.2.1

Date: 23 - 27 October 2017

Environmental law - natural resource/conservation management CEM-02.1.6

Date: 30 October - 3 November 2017

A course will only be presented if enough participants register. In-house courses may, however, also be arranged Contact: (018) 299 2714 /

ceminfo@nwu.ac.za / <http://www.cem-nwu.co.za/>

Department of Water and Sanitation Sub-Directorate: In-Stream Water Use: two sessions of Section 21 (c) and (i) Water Use Authorisation training

The training sessions are free, and are open to all DWS staff and external stakeholders. Find the training agenda here:

[http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/S21\(c\)&\(i\)TrainingAgenda-2017.pdf](http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/S21(c)&(i)TrainingAgenda-2017.pdf)

Date: 14 and 22 November 2017

Time: 09h00 to 15h00

Venue: Roodeplaat Training Centre

Please RSVP to Dr. Wietsche Roets before 31 October 2017 for catering purposes (RoetsW@dws.gov.za).

Tel +27(0)12 336 6510 Fax +27(0)86 614 7806 Cell +27(0)82 604 7730

Website: www.dws.gov.za

[Source: IAIAsa News 2017/2018 - October 2017 – 1]

Department of Environmental Affairs: knowledge sharing workshop on the latest amendments to the NEMA legislation and on the new Screening Tool

The first road show was held on 14 September in Pretoria. Dates of the upcoming workshops (click on the relevant event to download the invitation) are as follows:

- Western Cape | 4 October 2017 | Cape Town | SALGA offices 44 Strand Street
<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/InvitationtoaseminaratCapetown.pdf>
- KZN | 3 November 2017 | Pietermaritzburg | University of KZN, PMB Campus DSLT Venue
<http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/kznseminar.pdf>
- Limpopo | 7 November 2017 | Polokwane | Department of Economic Development, Environment & Tourism Auditorium, corner of Dorp and Suid Streets.
[http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/Invitationn\(7Nov2017\)Polokwane.pdf](http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/Invitationn(7Nov2017)Polokwane.pdf)
- Mpumalanga | 9 November 2017 | subject to confirmation
- Gauteng | 17 November 2017 | Pretoria | DEA Auditorium
[http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/Invitation\(17.11.2017\)DEA.pdf](http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/Invitation(17.11.2017)DEA.pdf)
- North West | 21 November 2017 | subject to confirmation

Reservations, cancellations or queries can be sent/directed to Chantal van Eeden: cveeden@environment.gov.za or Humbulani Muhangane: huhangane@environment.gov.za telephone numbers 012 399 9323 or 012 399 9324

Mandela Institute at Wits School of Law Postgraduate Certificate Courses

Now is the time to start thinking about the future of your career! The Mandela Institute at Wits School of Law offers short courses in many different aspects of law that will add value to your cv and prepare you for the opportunities ahead.

The Mandela Institute is accepting applications until 30 November 2017 for the following 2017 first semester short courses with a focus on elaw and management: Administrative Law for Regulators, Mining Tax Law

Other courses on offer include: Introduction to Law for Non-Lawyers, Law & Sustainability I, Mediation and Conciliation (LRDP).

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

<https://www.wits.ac.za/mandelainstitute/short-courses/>

Inquiries: E-mail mandela.institute@wits.ac.za or Call: 011 7178438/8435.

Postgraduate Certificate Course in Mining Tax Law

The Mining Tax Law course aims to provide candidates with a thorough grounding in the fundamental principles of mining tax law and to provide insight into the mining industry both on a general and specific level.

Some topics to be covered include: Foundational Definitions; Mining Income and Expenditure; Specific Deductions Relating to Mining; Selected Topics in Mining Tax Law and Mineral and Petroleum Royalties.

Venue: Mandela Institute of the School of Law, University of the Witwatersrand, Johannesburg

Date: 05 February to 17 May 2018

The lectures for Mining Tax Law take place over five Saturdays from 08:30 to 14:00. Entry requirements, course details and application process can be found on the Short Courses pages of the Mandela Institute website.

Inquiries: Please e-mail mandela.institute@wits.ac.za or phone 011 7178438/8435.

International

IAIA18: Environmental Justice in Societies in Transition

Durban International Convention Centre, Durban

Dates: 16-19 May 2018

Poster and abstract submissions opened on 1 September 2017, and close on 20 November 2017

Submit your abstract online at <http://conferences.iaia.org/2018/index.php>

IAIAsa Panel: Submission of abstracts for ELA Panel event: "Environmental Justice and the Pursuit of Sustainable Cities" (Anél du Plessis)

Please kindly consider to submit an abstract for the dedicated panel session on: "Environmental Justice and the Pursuit of Sustainable Cities"

You will find the necessary information at: <http://conferences.iaia.org/2018/index.php>

Abstract submissions close on 20 November 2017.

Any queries regarding the panel can be submitted to Anel du Plessis:

anel.duplessis@nwu.ac.za

IAIAsa Panel: Submission of abstracts for ELA Panel event: Environmental Justice: Legal Case Studies (Stewart Green)

Please kindly consider to submit an abstract for the dedicated panel session on: "Environmental Justice: Legal Case Studies"

You will find the necessary information at: <http://conferences.iaia.org/2018/index.php>

Abstract submissions close on 20 November 2017.

Any queries regarding the panel can be submitted to Stewart Green:

Stewart.Green@ekurhuleni.gov.za

IAIA18 Panel: Submission of abstracts for Warburton Panel Event: "Environmental Impact Assessment (EIA) Effectiveness for Infrastructure Development Projects in Africa"

Warburton Attorneys will be the lead organiser of a session at the 38th Annual Conference of the International Association for Impact Assessment (IAIA18) to be held in Durban from 16-19 May 2018. This is the second time in 38 years that the annual conference will be hosted in South Africa.

The title of the session is: "Environmental Impact Assessment (EIA) Effectiveness for Infrastructure Development Projects in Africa"

Abstract submission for this session is now open. We hereby invite all interested persons/organisations to submit an abstract to present and be a panelist for this session. Please list your abstract as well as your name and

contact details on: <http://conferences.iaia.org/2018/invitation-only/> If you have any questions or concerns about the process, please contact jen@iaia.org

International

WWF MaxiMiseR webinar: How to produce long-term decarbonisation strategies

Date: 18 October 2017

Time: 15:00 - 16:00 CEST

The event will showcase the guidance that the WWF MaxiMiseR project produced to help countries develop effective and ambitious long-term decarbonisation and development strategies. You will have the chance to share your experiences with long-term planning, and to hear from other well informed participants.

There will be 3 short presentations followed by a Q&A.

Join the discussion via your laptop, phone, iPad, from anywhere you want, registration is now open - you will need to register to receive the dial-in details for this webinar. Please read our instructions on how to use our videoconferencing system.

This webinar has been organised by the WWF European Policy Office's MaxiMiseR project <http://www.maximiser.eu/> which is funded by the EU LIFE programme and the MAVA Foundation.

Registration: <http://bit.ly/2yFvHnV>

Pace Environmental Law Review Symposium - Call for Participation and Abstracts

Dates: 25-26 April 2017

Venue: Pace Law School, White Plains, USA

The Pace Environmental Law Review, Haub Environmental Law Program at Pace University, and the K.G. Jepsen Centre for the Law of the Sea (JCLOS) will host the upcoming symposium entitled "Climate Change, Coasts, and Precaution" at Pace Law School April 25-26, 2018. The symposium seeks to re-examine legal and policy approaches dealing with coastal communities and resources in light of global climate change. For more information on the symposium and on how to submit abstracts, follow this link:

<http://www.law.pace.edu/2018-pace-environmental-law-review-symposium>

NEWS

Quintal Genevieve "Trustees oppose bid to have Gupta-owned mines' rehab fund accounts frozen" *BusinessLive* 2 October 2017 [Source: Legalbrief Today 3 October 2017]

<https://www.businesslive.co.za/bd/companies/mining/2017-10-02-trustees-oppose-bid-to-have-gupta-owned-mines-rehab-fund-accounts-frozen/>

Groenewald Yolandi “Limpopo's solar plant shows coal not only power king of the Bushveld” *fin24* 26 September 2017 [Source: Legalbrief Environmental 3 October 2017] <http://www.fin24.com/Companies/Industrial/limpopos-solar-plant-shows-coal-not-only-power-king-of-the-bushveld-20170926>

Omarjee Lameez “Go back to 'parents' of Mining Charter to avert destruction – analyst” *fin24* 7 October 2017 <http://www.fin24.com/Companies/Mining/go-back-to-parents-of-mining-charter-to-avert-destruction-analyst-20171007-2>

Pillay Kavitha “World unites to march for elephants, rhino and lions” *Traveller24* 7 October 2017 <http://www.traveller24.com/Explore/Green/world-unites-to-march-for-elephants-rhinos-and-lions-20171007>

Business urged to take govt role in clean energy quest *News24* 7 October 2017 <http://www.news24.com/Green/News/business-urged-to-take-govt-role-in-clean-energy-quest-20171006>

Mthethwa Bongani “Ocean economy catches thousands of jobs and billions in investment: Zuma” *Sunday Times* 6 October 2017 <https://www.timeslive.co.za/sunday-times/business/2017-10-06-ocean-economy-catches-thousands-of-jobs-and-billions-in-investment-zuma/>

Gosling Melanie “Mining company has eyes on West Coast National Park, say activists” *News24* 7 October 2017 <http://www.news24.com/SouthAfrica/News/mining-company-has-eyes-on-west-coast-national-park-say-activists-20171006>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Department of Environmental Affairs: Bursaries 2018

LLB/LLM and several other degrees with focus on environmental studies

Closing date for applications: 27 October 2017

https://www.environment.gov.za/sites/default/files/docs/fulltimebursaryadvert2017_applicationformattachere.pdf

Call for Student Papers to Become the IEL Hartrick Scholar for 2018

IEL Hartrick Scholar Writing Competition: The Institute for Energy Law of The Center for American and International Law announces its 2018 Hartrick Scholar writing competition. All eligible students are invited to participate.

Eligible Students and Topics: Students enrolled in law school anywhere in the world as of December 2017, and seeking a first degree in law, such as a *juris doctor*, LL.B. or an equivalent, are eligible to submit an article for consideration in the IEL Hartrick Scholar competition. The general subject for this year's competition is any topic related to energy development. This includes, for example, topics concerning oil and gas law, alternative energy resources, energy regulation, and environmental regulation of the energy industries.

The article can be any work prepared by the student while enrolled in law school and can include prior works prepared for a law journal or a law school course, so long as the submitted version complies with the submission

guidelines. The Hartrick Scholar Judging Committee will select one or more outstanding submissions that they deem worthy of recognition.

Submission Guidelines: The article must be submitted electronically to the Hartrick Scholar Judging Committee, at the address listed below, on or before December 8, 2017. The article should not exceed 8,000 words including footnotes (this approximates 40 double-spaced pages of text and footnotes or 25 printed pages). The article must be submitted in English. Footnotes should be in Blue Book format and placed at the bottom of the page where the footnoted text appears. The article should be submitted in .pdf format accompanied by a cover email message that contains the following information: (1) your name; (2) the title of your article; (3) the law school where you are currently enrolled; (4) your year at law school (in 2017-18); (5) your mailing address; (6) your telephone number, preferably cell phone; and (7) your email address. The article should NOT contain your name, law school, or any other identifying information. The winning paper will be published in the *69th Annual Proceedings of the Institute on Oil & Gas Law*; therefore if the article has been published elsewhere, the submission must include permission to publish the article from the original publisher.

Selection of the 2018 Hartrick Scholar: The Hartrick Scholar selected by the Judging Committee will be notified on February 1, 2018. The Scholar will receive a \$2,500 cash award at the Institute for Energy Law's 69th Annual Oil & Gas Law Conference to be held February 15-16, 2018, in Houston, Texas. The Hartrick Scholar will also be recognized for his or her work at the IEL's Annual Law School Symposium, held April 13-14 at the University of Houston Law Center. Selection as the Hartrick Scholar includes, in addition to the \$2,500 cash award, reimbursement of the cost of travel to attend the Conference in Houston and the Law School Symposium.

Submit Articles and Questions to:

Hartrick Scholar Judging Committee

ATTN: Vickie Adams, Institute for Energy Law, Using this email address:

vadams@cailaw.org

Dean: Faculty of Law University of the Free State

Contract Appointment: 5 years

Inherent requirements:

- A doctorate in Law.
- Academic work experience at higher education level.
- Proven research record.
- Appointable as professor at the University of the Free State.

Apply before: 18 October 2017

<https://www.ufs.ac.za/templates/vacancies?Vacancy=5833>

Lecuring positions: Faculty of Law – North-West University

- Junior Lecturer (Mahikeng) MC10455
- Junior lecturer / Lecturer / Senior Lecturer (Mahikeng) MC02575
- Junior Lecturer . Senior Lecturer (Potchefstroom) PC08540

Closing date: 20 October 2017

More information and apply at: www.nwu.ac.za/vacancies

Join us on

Facebook

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

The ELA is registered as a Public Benefit Organisation

www.elasa.co.za

**Remember that members of the Environmental Law Association may
subscribe to**

Legalbrief Environmental

and the

South African Journal of Environmental Law and Policy.

Discount available.

Environmental Law Association Newsletter 39

13 October 2017

LEGISLATION

NOTICES

National Environmental Management: Waste Act 59 of 2008 - GN 1093 in GG 41175 of 11 October 2017 - National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening, Chipping or Baling of General Waste, 2017

National Environmental Management: Waste Act 59 of 2008 - GN 1094 in GG 41175 of 11 October 2017 - List of waste management activities that have, or are likely to have a detrimental effect on the environment published in GN 921 in GG 37083 of 29 November 2013 amended

Subdivision Of Agricultural Land Act 70 of 1970 - GNs 1095-1097 in GG 41178 of 13 October 2017 - Exclusion of land from the application of the Act in the Victor Khanye Local Municipality, Mpumalanga Province; Rustenburg Local Municipality, North West Province; Naledi Local Municipality, North West, Musina Local Municipality, Limpopo Province and Mandeni Local Municipality, KwaZulu-Natal Province

Water Research Act 34 of 1971 - GN 1105 in GG 41178 of 13 October 2017 - 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

Plant Breeders' Rights Act 15 of 1976 - GN R1106 in GG 41179 of 13 October 2016 - Regulations relating to plant breeders' rights amended

National Water Act 36 of 1998 - GN 1088 in GG 41168 of 6 October 2017 - Notice of intention to extend the comment period on the Draft Mine Water Management Policy Position published under GN 657 in GG 40965 of 7 July 2017 – see **BLOGS** and **NEWS**

Animal Improvement Act 62 of 1998 - GN 1098 of GG 41178 of 13 October 2017 - Notice of registration of the Kennel Union of Southern Africa Society as a registering authority with effect from 13 June 2016

PROVINCES

Gauteng

Constitution of the Republic of South Africa, 1996 and Local Government: Municipal Systems Act 32 of 2000 and City of Tshwane Land Use Management By-law, 2016 - LAN 1562 in PG 249 of 11 October 2017 - Draft Regional Spatial Development Framework (RSDF) for regions 1 to 7 - for comment

Western Cape

Nature and Environmental Conservation Ordinance 19 of 1974 - PN 189 in PG 7836 of 13 October 2017 - Hunting season, daily bag limits and hunting by the use of prohibited hunting methods, 2018

Disaster Management Act 57 of 2002 - LAN 55034 in PG 7836 of 13 October 2017 - 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 until 22 October 2017

CASES

National

Du Preez and Others v Viljoen NO and Others (A174/2016) [2017] ZAWCHC 113 (11 October 2017)

<http://www.saflii.org/za/cases/ZAWCHC/2017/113.html>

“[1] Media reports suggest that the Western Cape is currently suffering the most extreme drought conditions in recorded history. Dam storage levels have dropped incrementally since 2014. No one in the province has been unaffected by the resultant water shortage. Most people, including domestic users of municipal water, have taken special measures to cope with it. This appeal concerns a dispute between neighbouring farmers over the availability of water for agricultural use; more particularly, in consequence of the implementation by the first appellant, in 2015, of a scheme to pipe water emanating from a natural spring on state land on the mountain slopes above Wolseley to a dam on his farm in the Breede River Valley quite some distance below. The appeal lies from the judgment at first instance of a single judge of the court in which an order was made (i) directing the appellants, until the determination of the action that has been instituted by the first to third respondents in case no. 15076/14, to close a manmade water channel (‘the furrow’) together with all pipes and other relevant works installed by

the first appellant in 2015 by which water was being diverted from the Watervalstroom or the sources thereof to the farm Kanonkop and (ii) authorising the respondents to have access to the water sources on the farm Bergplaas for the purposes of inspecting, protecting and maintaining them. It is brought with the leave of the learned judge at first instance.”

Annex Distribution (Pty) Ltd and Others v Bank of Baroda (52590/2017) [2017] ZAGPPHC 639 (9 October 2017)

<http://www.saflii.org/za/cases/ZAGPPHC/2017/639.html>

Including mining rehabilitation funds

“Summary: Urgency – Rule 6(12) of the Uniform Rules of Court - application for interim interdict - matter specially enrolled by directive of Deputy Judge President – respondent refusing to preserve status quo until the determination of application for interim interdict – applicants’ bringing an application for an interim interdict pending interim interdict – such application refused – whether such dismissal constitutes *res judicata* and whether issue estoppel applicable when applicants seek to argue the main interim application.

Application to strike out – applicants alleging that the respondent’s answering affidavit contains vexatious and irrelevant matter –the overriding consideration that of prejudice.

Bank-client relationship – right of bank to close client’s account – bank alleging reputational harm by being associated with the applicants- applicants alleging notices of termination of relationship invalid as being unreasonable and against public policy, and seeking to challenge them in an application for a final interdict.

Requisites for an interim interdict – whether the applicants have established such requisites.”

Astral Operations Ltd t/a County Fair Foods and Others v Minister for Local Government, Environmental Affairs and Development Planning (W Cape) and Others (3509/2014) [2017] ZAWCHC 114 (11 October 2017)

<http://www.saflii.org/za/cases/ZAWCHC/2017/114.html>

“[1] The Minister for Local Government, Environmental Affairs and Development Planning (Western Cape) has granted the City of Cape Town leave to undertake various activities identified in terms of s 21 of the Environment Conservation Act No. 73 of 1989 for the purpose of a large refuse deposit at a regional landfill site that the City proposes to operate at Kalbaskraal. The first and second applicants and the members of third applicant conduct farming operations in the vicinity of the proposed facility. They have applied for the judicial review of the Minister’s decision. The Minister and the City are the first and second respondents, respectively, in the review application. One of the issues of central significance in the pending review proceedings is whether the impugned decision was made with properly informed regard to the risk of

pollution of the underground water resources in the area if the contemplated landfill operation goes ahead. The parties have agreed that the dispute concerning the pertinent facts in this regard will be the subject of oral evidence at the hearing of the review. It is accepted that there are aquifers that underlie the site and that waste deposited at the landfill has the potential to contaminate run-off water and produce leachate that could pollute groundwater in the area. Most of the farmers in the area are reportedly dependent to a greater or lesser extent on groundwater supplies.”

PUBLICATIONS

Subscription to South African Journal for Environmental Law and Policy – new publications – reduction of 15% available for ELA Members

<https://juta.co.za/products/south-african-journal-of-environmental-law-and-policy/>

Corruption Watch “Mining for Sustainable Development Research Report” (October 2017)

<https://www.corruptionwatch.org.za/wp-content/uploads/2017/10/Mining-for-Sustainable-Development-report-South-Africa-2017.pdf>

2017 *International Climate Policy Magazine* (No 48)

<http://www.iccgov.org/en/iccgstudies/international-climate-policy-n-48/>

BLOGS, WEBSITES, DATABASES, VIDEOS, OPINIONS, ETCS

Shangoni News Flashes: Redelinghuis Lize: “Extension of Comment Period: Draft Mine Water Management Policy Position” 9 October 2017

http://www.shangoni.co.za/extension-comment-period-draft-mine-water-management-policy-position/?utm_source=Shangoni+Newsletter&utm_campaign=44ff7782f4-

[RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_c08216c9a3-44ff7782f4-148067437](http://www.shangoni.co.za/extension-comment-period-draft-mine-water-management-policy-position/?utm_source=Shangoni+Newsletter&utm_campaign=44ff7782f4-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_c08216c9a3-44ff7782f4-148067437)

IISD: SDG Knowledge Hub: Wahlén Catherine Benson “Fourth Our Ocean Conference Generates Over €7 Billion in Pledges” 10 October 2017

<http://bit.ly/2kGV8TW>

The Conversation: Mount Nick “Can a river have legal rights? I visited the jungles of Colombia to find out” 6 October 2017

<https://theconversationafrica.cmail20.com/t/r-l-jlksk-iutiojhk-n/>

Vermont Law School: Youtube: New Economy Law and Policy Forum: Gar Alperovitz “The New Economy and the Quietly Emerging Next System”

<https://www.youtube.com/watch?v=bY3R4uYIMJY&t=1163s> or

<https://livestream.com/vermontlawschool/new-economy-forum> and <http://go.vermontlaw.edu/new-economy-forum>

Pace Law School Green Law Blog: Coplan Karl “Pruitt’s Arbitrary Cost Accounting is Built into the Concept of Cost Benefit Analysis” 10 October 2017

<http://greenlaw.blogs.pace.edu/2017/10/10/pruitts-arbitrary-cost-accounting-is-built-into-the-concept-of-cost-benefit-analysis/>

The New York Times: Revesz Richard L and Lienke Jack “The E.P.A.’s smoke and mirrors on climate” 9 October 2017

<https://www.nytimes.com/2017/10/09/opinion/environmental-protection-obama-pruitt.html>

The Jurist: Gerber Rachel “Supreme Court hears arguments on Clean Water Act, Alien Tort Statute” 12 October 2017 <http://www.jurist.org/paperchase/2017/10/supreme-court-hears-arguments-on-clean-water-act-alien-tort-statute.php>

The Jurist: Tomlinson Akira “US Supreme Court adds two water cases to docket” 11 October 2017 <http://www.jurist.org/paperchase/2017/10/supreme-court-adds-two-water-cases-to-docket.php>

GroundUp: De Greef Kimon “Diving for abalone among the great white sharks” 11 October 2017 <https://www.groundup.org.za/article/urgent-interdict-sought-stop-mine-using-west-coast-groundwater/>

GroundUp: Maregele Barbara “Wolseley residents complain of no refuse collection for five years” 11 October 2017 <https://www.groundup.org.za/article/illegal-electrical-connections-hinder-service-delivery-wolseley-says-municipality/>

GroundUp: Serume Joseph “PE houses stand in ‘dams of human faeces’” 10 October 2017 <https://www.groundup.org.za/article/pe-houses-stand-dams-human-faeces/>

Daily Maverick: Davis Rebecca “The Right to Food: Government asked to hear cries of a hungry country” 13 October 2017 <https://www.dailymaverick.co.za/article/2017-10-13-the-right-to-food-government-asked-to-hear-cries-of-a-hungry-country/#.WeH991uCzIU>

CONFERENCES/SEMINARS/TRAINING/WORKSHOPS¹

National

ELA Annual Conference and AGM: SA’s Environmental Law Scorecard: 20 years since the White Paper on Environmental Management Policy for South Africa, 1997

Date: 10-11 November 2017

Venue: School of Law, University of Cape Town

Draft programme available on www.elasa.co.za

Registration: ELAConferenceCapeTown2017

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

2017 Symposium of Contemporary Conservation Practice: First Announcement - Call for Abstracts and Proposals

Date: 6-10 November 2017

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

For any queries, contact Freyni or Erica or Janice Tooley as per separate ELA email: secretariat@conservationsymposium.com / Tel: +27 (0)49 842 4335 or +27 (0)83 256 7202

Department of Water and Sanitation Sub-Directorate: In-Stream Water Use: two sessions of Section 21(c) and (i) Water Use Authorisation training

The training sessions are free, and are open to all DWS staff and external stakeholders. Find the training agenda here:

[http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/S21\(c\)&\(i\)TrainingAgenda-2017.pdf](http://eolstoragewe.blob.core.windows.net/wm-698609-cmsimages/S21(c)&(i)TrainingAgenda-2017.pdf)

Date: 14 and 22 November 2017

Time: 09h00 to 15h00

Venue: Roodeplaat Training Centre

Please RSVP to Dr Wietsche Roets before 31 October 2017 for catering purposes (RoetsW@dws.gov.za).

Tel +27(0)12 336 6510 Fax +27(0)86 614 7806 Cell +27(0)82 604 7730

Website: www.dws.gov.za

[Source: IAIAsa News 2017/2018 - October 2017 – 1]

Postgraduate Programmes @NWU

- **LLM Environmental Governance Law** <http://law.nwu.ac.za/postgraduate-programmes/structured-llm-environmental-governance-law> (An MPhil qualification is available for non-lawyers <http://law.nwu.ac.za/postgraduate-programmes/structured-mphil-degree-environmental-governance-law> (Potchefstroom Campus) (other programme also available)
- **Research LLM** <http://law.nwu.ac.za/postgraduate-programmes/llm> or **LLD** <http://law.nwu.ac.za/postgraduate-programmes/lld-obtained-writing-thesis> in all fields (Potchefstroom and Mahikeng campuses)
Minimum requirement for LLM: LLB.
An average of 60%+ in LLB IV is recommended.
Seminars in the coursework LLMs are presented in block sessions on some Fridays and Saturdays.
Read more <http://law.nwu.ac.za/postgraduate-programmes/structured-mphil-degree-environmental-governance-law> or e-mail LLM@nwu.ac.za
Deadline for applications <http://www.nwu.ac.za/postgrad/how-to-apply> and bursary applications: <http://www.nwu.ac.za/postgraduate-bursaries> 31 October 2017.

NWU: CEM Courses 2017

- **Occupational health and safety law CEM-02.2.1**
Date: 23 - 27 October 2017
- **Environmental law - natural resource/conservation management CEM-02.1.6**
Date: 30 October - 3 November 2017
- **Environmental law CEM-02.1.1**
Date: 13 - 17 November 2017
- **Dangerous goods and hazardous substances management CEM-06.1.1**
Date: 6 - 10 November 2017
- **Environmental management systems CEM-03.1.1**
Date: 6 - 10 November 2017
- **Water quality monitoring CEM-06.4.1**
Date: 13 - 17 November 2017
- **Environmental management system transition CEM-03.7.1**
Date: 20 - 21 November 2017
- **Documenting management system CEM-03.6.2**
Date: 20 - 24 November 2017
- **Environmental management system - lead auditor CEM-04.1.1**
Date: 27 November - 1 December 2017
- **Occupational health and safety management system - lead auditor CEM-04.2.1**
Date: 27 November - 1 December 2017

A course will only be presented if enough participants register.

In-house courses may, however, also be arranged

Contact: (018) 299 2714 / ceminfo@nwu.ac.za / <http://www.cem-nwu.co.za/>

International

5th Symposium and 4th Scientific Conference of the Association of Environmental Law Lecturers in African Universities: Call for Abstracts

Date: 10-14 January 2018

Place: Yaoundé Cameroon

The 5th Symposium of the Association of Environmental Law Lecturers in African Universities is planned to be held in early 2018 with a view to discussing and consolidating the achievements from the first four Symposia held in Nakuru (Kenya) in September 2004, Entebbe (Uganda) in September 2006 and in Nairobi (Kenya) in March 2009 and December 2015. It will provide a platform for sharing and exchanging information between African environmental law scholars and is aimed at expanding and improving the teaching of environmental law in universities across the continent.

As on previous occasions, an academic conference (the 4th Scientific Conference) will be held simultaneously with the Symposium, with the former providing a forum for presenting and debating particular environmental law

issues of relevance to Africa. The 4th Scientific Conference and the 5th Symposium will take place from 10-14 January 2018 in Yaoundé, Cameroon.

Themes

In acknowledgment of the importance of the environment to the African continent and to provide an opportunity for sharing information and discussions on critical environmental issues in Africa, the 4th Scientific Conference will cover national, regional and international law aspects on five (5) main substantive topics:

- Climate Change and Energy
- Natural Resource Governance (Biodiversity; Protected Areas; Soil; Minerals, Oil and Gas)
- Land Use (Planning; Development and EIA)
- Water (Governance; Management and Use)
- Marine (Governance; Management and Use)

Papers

We are inviting abstracts for papers falling within any of the above topics that will propose groundbreaking academic style contributions to environmental law in Africa. The contributions can take a continental approach to the issues they cover; or focus on sub- regional or country level case studies. In so far as methodology is concerned, papers adopting multi-disciplinary and empirical approaches are welcome. The papers can also address innovative approaches to teaching, carrying out research in and litigating on environmental law.

Submission of abstracts and publication timetable

Environmental law teachers, scholars and legal practitioners, and other persons interested in the discipline of environmental law and policy from Africa, are invited to submit an abstract on any of the above 5 main substantive topics. The proposals should be of no more than 600 words and include the following elements: name of the author; institutional affiliation of the author; author's contact details; a short description of the topic to be addressed in the paper; the methodological approach taken; and a brief overview of the expected outcomes of the final paper.

Abstracts should be submitted, together with a copy of the author's curriculum vitae, as e- mail attachments to Prof. Patricia Kameri-Mbote (profpkmbote@gmail.org) and Prof. Alexander Paterson (alexander.paterson@uct.ac.za). The closing date for submission of abstracts is **31 October 2017**. Any questions on this call for abstracts should be directed to either of the persons mentioned above.

The selection panel will consider the submitted abstracts and inform only the selected authors on or before **7 November 2017**. On acceptance of an abstract by the selection panel, the author will be invited to submit a full draft paper using the NOMOS general style guide (copy attached) by **31 December 2017**. The author will also be invited to present their paper for discussion at the ASSELLAU 4th Scientific Conference to be held on **11-12 January 2018**.

In addition to comments received at the 4th Scientific Conference, authors of papers will receive comments from the editors of the Conference Proceedings to be published by NOMOS. Authors are expected to incorporate these comments and return their final papers to the editors by 31 March 2018.

Finally accepted papers will be published in the Conference Proceedings by NOMOS before the end of 2018.

Submission Guidelines

- The submission must be original and not have already been published or submitted elsewhere.
- Please ensure that submissions do not infringe other persons' intellectual property rights.
- Follow the NOMOS Style Guide (available from Secretariat)

IAIA18: Environmental Justice in Societies in Transition

Venue: Durban International Convention Centre, Durban

Dates: 16-19 May 2018

Poster and abstract submissions opened on 1 September 2017, and close on 20 November 2017

Submit your abstract online at <http://conferences.iaia.org/2018/index.php>

IAIAsa Panel: Submission of abstracts for ELA Panel event: "Environmental Justice and the Pursuit of Sustainable Cities" (Anél du Plessis)

Please kindly consider to submit an abstract for the dedicated panel session on: "Environmental Justice and the Pursuit of Sustainable Cities"

You will find the necessary information at: <http://conferences.iaia.org/2018/index.php>

Abstract submissions close on 20 November 2017.

Any queries regarding the panel can be submitted to Anel du Plessis:

anel.duplessis@nwu.ac.za

IAIAsa Panel: Submission of abstracts for ELA Panel event: Environmental Justice: Legal Case Studies (Stewart Green)

Please kindly consider to submit an abstract for the dedicated panel session on: "Environmental Justice: Legal Case Studies"

You will find the necessary information at: <http://conferences.iaia.org/2018/index.php>

Abstract submissions close on 20 November 2017.

Any queries regarding the panel can be submitted to Stewart Green:

Stewart.Green@ekurhuleni.gov.za

IAIA18 Panel: Submission of abstracts for Warburton Panel Event: “Environmental Impact Assessment (EIA) Effectiveness for Infrastructure Development Projects in Africa”

Warburton Attorneys will be the lead organiser of a session at the 38th Annual Conference of the International Association for Impact Assessment (IAIA18) to be held in Durban from 16-19 May 2018. This is the second time in 38 years that the annual conference will be hosted in South Africa.

The title of the session is: “Environmental Impact Assessment (EIA) Effectiveness for Infrastructure Development Projects in Africa”

Abstract submission for this session is now open. We hereby invite all interested persons/organisations to submit an abstract to present and be a panelist for this session. Please list your abstract as well as your name and contact details on: <http://conferences.iaia.org/2018/invitation-only/> If you have any questions or concerns about the process, please contact jen@iaia.org

WWF MaxiMiseR webinar: How to produce long-term decarbonisation strategies

Date: 18 October 2017

Time: 15:00 - 16:00 CEST

The event will showcase the guidance that the WWF MaxiMiseR project produced to help countries develop effective and ambitious long-term decarbonisation and development strategies. You will have the chance to share your experiences with long-term planning, and to hear from other well informed participants.

There will be 3 short presentations followed by a Q&A.

Join the discussion via your laptop, phone, iPad, from anywhere you want, registration is now open - you will need to register to receive the dial-in details for this webinar. Please read our instructions on how to use our videoconferencing system.

This webinar has been organised by the WWF European Policy Office’s MaxiMiseR project <http://www.maximiser.eu/> which is funded by the EU LIFE programme and the MAVA Foundation.

Registration: <http://bit.ly/2yFvHnV>

Pace Environmental Law Review Symposium - Call for Participation and Abstracts

Dates: 25-26 April 2018

Venue: Pace Law School, White Plains, USA

The Pace Environmental Law Review, Haub Environmental Law Program at Pace University, and the K.G. Jebsen Centre for the Law of the Sea (JCLOS) will host the upcoming symposium entitled “Climate Change, Coasts, and Precaution” at Pace Law School April 25-26, 2018. The symposium seeks to re-examine legal and policy approaches dealing with coastal communities and resources in light of global climate change. For more information on the symposium and on how to submit abstracts, follow this link:

<http://www.law.pace.edu/2018-pace-environmental-law-review-symposium>

MOOC on Off-grid Electricity Access - Scholarship available!

A professional Massive Open Online Course on off-grid electricity access is starting at the end of October!

The course adopts a unique multidisciplinary perspective to develop innovative mindsets and cross boundaries, key to the off-grid revolution. It is not just engineering or business, social or political. It is all this! To reach this, the course relies on the complementary expertise of practitioners, business developers, academic experts and non-profit organisation leaders, all active in different countries. Scholarships are available.

<http://ise.innoenergy.com/en/web/off-grid-renewable-energy-systems.-towards-reliable-sustainable-power-for-the-global-community>

Conference on Climate Change and Human Migration

Dates: 27 November – 1 December 2017

Place: Busan, South Korea

The IBS Center for Climate Physics at Pusan National University, together with Korea's Institute for Basic Science (IBS) and the German Embassy in Seoul, is hosting this international Conference

Registration at: <https://ibs-conference.org/2017/C2HM/#registration>

The first two days of the conference (11/27-11/28) feature plenary talks that will cover a wide range of disciplines and introduce attendees to the field of climate-induced migration, past and present. The remaining three days of the conference (11/29-12/1) will include in-depth panel presentations on key topics introduced during the plenary session. Panel sessions include:

- *Climate, Anthropology, and Human Migration,
- *Climate and Civilization: Past, Present, and Future,
- *Climate Justice
- *Sea Level Rise and Relocation.

Please find more information in the attached flyer or at the conference website: <https://ibs-conference.org/2017/C2HM/>

First meeting of the UNECE Joint Task Force on Energy Efficiency Standards in Buildings and 4th session of the Group of Experts on Energy Efficiency

Date: 30 October - 1 November 2017

Place: Geneva

You are invited to participate in the first meeting of the UNECE Joint Task Force (JTF) on Energy Efficiency Standards in Buildings on 30-31 October and fourth session of the Group of Experts on Energy Efficiency (GEEE), 31 October - 1 November 2017 in Geneva.

A Joint Task Force on Energy Efficiency Standards in Buildings was established in 2015 by the UNECE Committee on Sustainable Energy and Committee on Housing and Land Management to enhance market harmonization for products and technologies that increase energy efficiency in buildings and support the achievement of the global and regional commitments in the UNECE region. Representatives of member States, business

community, academia, civil society and international organizations comprise the membership of the JTF. The first meeting of JTF aims to operationalize the Task Force and to discuss the approaches of a study on mapping existing energy efficiency standards in buildings in the UNECE region. The JTF will also discuss next steps related to the implementation of the Framework Guidelines on Energy Efficiency Standards in Buildings recently endorsed by the Committee on Sustainable Energy.

More information, meeting documents and on-line registration are available at: <http://www.unece.org/index.php?id=46402>. You may also contact Ms. Domenica Carriero (Domenica.Carriero@unece.org) and Mr. Oleg Dzioubinski (Oleg.Dzioubinski@unece.org) if you have further questions.

The meeting will be held back-to-back with the fourth Session of the Group of Experts on Energy Efficiency. Participants of the GEEE session will have an opportunity to share existing practices and exchange experience in implementation of energy efficiency policies and measures in their countries as well as challenges to their implementation in the industry sector. A joint study by UNECE and the Copenhagen Centre on Energy Efficiency that looked into barriers to investing in energy efficiency and ways to overcome them will be presented. A discussion on policies and actions that increase the bankability of energy efficiency and proposed next steps for energy efficiency finance options in the region is planned. Participants will look at the role of utilities and energy service companies in improving energy efficiency and discuss the possible use of geo-spatial and big data in energy transition. Outcomes of the Eighth International Forum on Energy for Sustainable Development, their implications for the work of GEEE, actions to achieve energy-related Sustainable Development Goals, and cross-cutting activities on transition of the energy sector will also be discussed at the session. More information, meeting documents and on-line registration are available at: <http://www.unece.org/index.php?id=45694>. You may also contact Mr. Oleg Dzioubinski (Oleg.Dzioubinski@unece.org) if you have further questions.

NEWS

Swart Murray “Illegal miners target game farm” *IOL* 10 October 2017
<https://www.iol.co.za/news/south-africa/northern-cape/illegal-miners-target-game-farm-11534859>

Mabuza Ernest “Report identifies opportunities for corruption in mining approval processes” *Sunday Times* 10 October 2017
<https://www.timeslive.co.za/sunday-times/business/2017-10-10-report-identifies-opportunities-for-corruption-in-mining-approval-processes/>

Gosling Melanie “Urgent court action to stop mine using West Coast groundwater” *GroundUp* 13 October 2017 <https://www.groundup.org.za/article/urgent-interdict-sought-stop-mine-using-west-coast-groundwater/>

Policy: More time to comment on mine water proposals

“Mining industry stakeholders now have until **5 November** to comment on a draft policy position on mine water management, gazetted in July for ‘external consultation and discussion’. Once finalised, the proposed new policy will inform the introduction of measures aimed at protecting water resources from ‘prospective, operational and historical mine activities ... (with) negative quality impacts’. These include acid mine water drainage.”

Read full report in *Legalbrief Policy Watch - Legalbrief Today* 12 October 2017

Mining: Reforms spark increase in injured miners’ payouts

“The Compensation Commission for Occupational Diseases has tripled the number of payouts it made to injured miners in the 2016-17 fiscal year from the year before, suggesting reforms are starting to yield fruit. A Business Day report says just under 5 300 miners and former mine workers received a collective R203.6m in the 2016/2017 fiscal year, compared to the R79.3m paid out to 1 766 claimants the year before. Briefing Parliament’s Committee on Health yesterday, Commissioner Barry Kistnasamy conceded the commission was still getting its books in order and expected to table its 2016-17 annual report in 2018. But he was at pains to demonstrate that the formerly dysfunctional organisation was making progress in tackling the backlog of miners’ claims. The deadline for tabling annual reports in Parliament for state departments and the entities that report to them was the end of September.”

Full Business Day report (subscription needed) *Legalbrief Today* 11 October 2017

Carnie Tony “Roar returns to Zululand as pride of lions is released” *TimesLive* 5 October 2017 [Source: *Legalbrief Environmental* 10 October 2017] <https://www.timeslive.co.za/news/south-africa/2017-10-05-roar-returns-to-zululand-as-pride-of-lions-is-released/>

Omarjee Lameez “Eskom gets nod to develop new nuclear power station” *fin24* 13 October 2017 <http://www.fin24.com/Economy/Eskom/eskom-gets-nod-to-develop-new-nuclear-power-station-20171013> see also <https://www.iol.co.za/news/south-africa/western-cape/eskom-gets-environmental-nod-for-cape-nuclear-power-site-11567180>

“High Court Application brought against Tendele Coal Mine” 11 October 2017 <https://saveourwilderness.org/2017/10/11/media-release-high-court-application-brought-against-tendele-coal-mine/>

Carrell Severin “Scottish government bans fracking after public opposition” 3 October 2017 [Source: *Legalbrief Environmental* 10 October 2017] <https://www.theguardian.com/uk-news/2017/oct/03/scottish-government-bans-fracking-scotland-paul-wheelhouse>

Kentish Ben “Onshore fracking to begin in UK ‘within weeks’” *Independent* 5 October 2017 [Source: *Legalbrief Environmental* 10 October 2017] <http://www.independent.co.uk/news/uk/home-news/fracking-begin-in-weeks-shale-gas-uk-third-energy-north-yorkshire-a7985711.html>

VACANCIES, BURSARIES, FUNDING, OPPORTUNITIES, ETC

Department of Environmental Affairs: Bursaries 2018

LLB/LLM and several other degrees with focus on environmental studies

Closing date for applications: 27 October 2017

https://www.environment.gov.za/sites/default/files/docs/fulltimebursaryadvert2017_applicationformattache_dhere.pdf

Call for Applications for the GreenMatter Fellowship for full-time study starting in 2018

Call very specific with regard to regions, subject matters and universities

<http://www.greenmatterza.com/greenmatter-fellowship-call-for-applications.html>

Dean: Faculty of Law University of the Free State

Contract Appointment: 5 years

Inherent requirements:

- A doctorate in law.
- Academic work experience at higher education level.
- Proven research record.
- Appointable as professor at the University of the Free State.

Apply before: 18 October 2017

<https://www.ufs.ac.za/templates/vacancies?Vacancy=5833>

Vacancies: North-West University

- Junior Lecturer (Mahikeng) MC10455
- Junior lecturer / Lecturer / Senior Lecturer (Mahikeng) MC02575
- Senior Lecturer / Associate Professor (Mahikeng) MC00694
- Junior Lecturer / Senior Lecturer (Potchefstroom) PC08540
- Junior Lecturer / Lecturer / Senior Lecturer (Vaal Triangle) VC09177
- Senior Legal Advisor (Potchefstroom) IM08608
- Manager: Student Judicial Services (Potchefstroom) PC10757
- Lecturer in Education Law (Faculty of Education Potchefstroom) PC09148

Closing date: 20 October 2017

More information and apply at: www.nwu.ac.za/vacancies

New Zealand: Waikato PhD in Law - applications and scholarships

Applications for our next admissions round will close on **1 November**.

There is direct entry into the PhD program for LLB/JD graduates with Honours (B+ GPA minimum entry). There is a generous fee exemption whereby international students pay fees at NZ domestic student rates (\$6,022 per year). There are also generous scholarships on offer to cover tuition fees and living expenses (\$22,000 per year for 3 years) for outstanding students (A GPA).

Internationally respected Waikato PhD programme

Te Piringa – Faculty of Law offers the internationally respected Waikato doctoral programme, focused on the Faculty's founding principles of professionalism, biculturalism and the study of law in context.

Generally, students specialise in one of the Faculty's core areas of research excellence:

- Cyber law, information technology and intellectual property.
- Environmental, resources and energy law.
- International law, human rights and humanitarian law.
- Maori and indigenous governance.
- Public law and policy.

Decisions to admit students to postgraduate study programmes are made by the Faculty's Graduate Studies Committee acting in conjunction with the School of Graduate Research and the University's Scholarships Executive. While prospective students are free to contact our academic staff, any correspondence with them cannot be taken to constitute an offer of place. Exclusively the School of Graduate Studies makes offers of place and scholarships on behalf of all faculties.

There is no need for prospective students to contact the Faculty before submitting an application.

Applications our postgraduate programmes should be made **online** via the University home page and by selecting the Postgraduate Study option on that page. This will direct you automatically to the online application process. A comprehensive FAQ section together with contact details for staff in the School of Graduate Research who can guide you through the application process are also available by selecting the Postgraduate Study option on the University's home page.

The closing dates for our aligned doctoral and scholarships application rounds are 1 March, 1 July and 1 November each year.

The minimum academic standard for entry into our postgraduate study programmes is a B+ grade point average.

Tuition costs for International Students are NZD \$6,022 per year.

Students need to be in New Zealand on a valid visa. Most international students apply for an International Student Visa, and information about the application process is available from the Immigration New Zealand website.

Call for Student Papers to Become the IEL Hartrick Scholar for 2018

IEL Hartrick Scholar Writing Competition: The Institute for Energy Law of The Center for American and International Law announces its 2018 Hartrick Scholar writing competition. All eligible students are invited to participate.

Eligible Students and Topics: Students enrolled in law school anywhere in the world as of December 2017, and seeking a first degree in law, such as a *juris doctor*, LL.B. or an equivalent, are eligible to submit an article for consideration in the IEL Hartrick Scholar competition. The general subject for this year's competition is any topic related to energy development. This includes, for example, topics concerning oil and gas law, alternative energy resources, energy regulation, and environmental regulation of the energy industries.

The article can be any work prepared by the student while enrolled in law school and can include prior works prepared for a law journal or a law school course, so long as the submitted version complies with the submission guidelines. The Hartrick Scholar Judging Committee will select one or more outstanding submissions that they deem worthy of recognition.

Submission Guidelines: The article must be submitted electronically to the Hartrick Scholar Judging Committee, at the address listed below, on or before December 8, 2017. The article should not exceed 8,000 words including footnotes (this approximates 40 double-spaced pages of text and footnotes or 25 printed pages). The article must be submitted in English. Footnotes should be in Blue Book format and placed at the bottom of the page where the footnoted text appears. The article should be submitted in .pdf format accompanied by a cover email message that contains the following information: (1) your name; (2) the title of your article; (3) the law school where you are currently enrolled; (4) your year at law school (in 2017-18); (5) your mailing address; (6) your telephone number, preferably cell phone; and (7) your email address. The article should NOT contain your name, law school, or any other identifying information. The winning paper will be published in the *69th Annual Proceedings of the Institute on Oil & Gas Law*; therefore if the article has been published elsewhere, the submission must include permission to publish the article from the original publisher.

Selection of the 2018 Hartrick Scholar: The Hartrick Scholar selected by the Judging Committee will be notified on February 1, 2018. The Scholar will receive a \$2,500 cash award at the Institute for Energy Law's 69th Annual Oil & Gas Law Conference to be held February 15-16, 2018, in Houston, Texas. The Hartrick Scholar will also be recognized for his or her work at the IEL's Annual Law School Symposium, held April 13-14 at the University of Houston Law Center. Selection as the Hartrick Scholar includes, in addition to the \$2,500 cash award, reimbursement of the cost of travel to attend the Conference in Houston and the Law School Symposium.

Submit Articles and Questions to:

Hartrick Scholar Judging Committee

ATTN: Vickie Adams, Institute for Energy Law, Using this email address:

vadams@cailaw.org

Join us on
Facebook

<https://www.facebook.com/pages/Environmental-Law-Association-of-South-Africa/406255049402727?fref=ts>
The ELA is registered as a Public Benefit Organisation
www.elasa.co.za

**Remember that members of the Environmental Law Association may
subscribe to
Legalbrief Environmental
and the
South African Journal of Environmental Law and Policy.
Discount available.**