ANNUAL STUDENT CONFERENCE
(13-14 Sept 2021)

ANNUAL CONFERENCE
(15-18 Sept 2021)

Celebrating 25 Years of the 1996 South African Environmental Right

Draft Programmes

Virtual Conference Via Zoom
Zoom Details To Be Provided On Registration
To Register, Click Here
ANNUAL STUDENT CONFERENCE,
HOSTED BY THE NORTH-WEST UNIVERSITY

DRAFT PROGRAMME

CELEBRATING 25 YEARS OF THE 1996 SOUTH AFRICAN ENVIRONMENTAL RIGHT

13-14 September 2021

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13 SEPTEMBER 2021

10:30 Conference opening
Prof Michelle Barnard (Deputy-dean Faculty of Law North-West University (NWU))
Welcome
Adv Peter Kantor (ELA Chair)
Setting the scene: Celebrating 25 Years of the 1996 South African Environmental Right
[Dr Germarié Viljoen and Dr John Rantlo (North-West University)]

11:00 Session 1: Water, sanitation, and health rights
Chairs: Prof Michael Kidd (UKZN) and Dr Germarié Viljoen (NWU)

11:00-11:15 Melandri Steenkamp (LLD candidate, South African Research Chair: Cities, Law and Environmental Sustainability (CLES) North-West University)
A legal analysis of water management approaches for achieving urban water security in South Africa

11:15-11:30 Adelaide R Chagopa (LLM candidate University of Pretoria)
Let’s talk about toilets: (re)conceptualising the right to sanitation in South Africa

11:30-11:45 Meeschka Diedericks (Masters student, CLES, NWU)
Disaster risk management law as a measure to reduce the risks of communicable and vector-borne diseases in South African cities

11:45-12:00 Nonhlanhla Ngcobo (PhD candidate, CLES, NWU)
The constitutional environmental right of street traders in the Anthropocene

12:00-12:30 Discussion

16:00 Session 2: Environmental right interpreted
Chairs: Prof James May (Distinguished Professor of Law, Widener University Delaware Law School USA) and Dr Melanie Murcott (University of Pretoria and Vice Chair: ELA)

16:00-16:15 Tafumanei Chikanya (Masters student, Luiss University, Italy)
Gadamer’s Philosophical Hermeneutics and The Politics of Environmental Governance.

16:15-16:30 Maricélle Botes (PhD candidate, CLES, NWU)
The constitutional environmental right and its application to ecological governance for urban ecosystem services protection

16:30-16:45 Rufaro Chikuruwo (LLD, NWU)
ESD under section 24(b) (iii) of the Constitution: A response to Kidd

16:45-17:00 Ruth Kruger (LLB Wits, Law Clerk Constitutional Court)
The Environment is Ours - the socio-economic promise of section 24 of the Constitution

17:00-17:30 Discussion
14 SEPTEMBER 2021

11:00  Session 3:  Traditional knowledge systems, protected areas, public participation and marine living resources
Chairs:  Ms Tanya Wagenaar (NMU) and Dr Kesolofetse Lefenya (NWU)

11:00-11:15  Isabella Potenza (BA Law student, University of the Witwatersrand)
Traditional and indigenous knowledge and environmental law

11:15-11:30  Chiedza LA Machaka (LLD, North-West University)
Legal governance of the commons in promoting social-ecological resilience: The South African side of the Kgalagadi Transfrontier Conservation Area

11:30-11:45  Ursula Pape (LLM student, University of Pretoria)
A critical analysis of the evolution of public participation in environmental decision-making in the South African mining sector

11:45-12:30  Discussion

16:00  Session 4: Climate change and nature-based solutions
Chairs: Prof Willemien du Plessis (NWU) and Dr Felix Dube (NWU)

16:00-16:15  Frances Nwadike (PhD student, Newcastle, UK)
An Appraisal of South Africa’s Carbon Tax Act 2019

16:15-16:30  Onkarabile Osiele (LLM student, CLES, NWU)
Municipal planning law for climate change mitigation in South African cities

16:30-16:45  Muhammed Lokhat (Masters student, Stellenbosch University)
Locating safe mobility for pedestrians and cyclists in section 24 of the Constitution

16:45-17:00  Heloïze Hattingh (LLB student, CLES, NWU)
The Legal Relevance of Nature-based Solutions for Sustainable Urban Development in South African Secondary Cities

17:00-17:30  Discussion

17:30-18:15  Session 5: Research Publications and Conference Closure
Dr Germarié Viljoen and Dr John Rantlo (North-West University), and other law lecturers
Early career researchers: Pressing questions and common connections

Award of prizes: Best Speaker at the Annual Student Conference, and Student Essay Competition (2020/21)
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Registered for 1.5 CPD points (SACNASP)
Validation number: 2021-0683-001872
WEDNESDAY 15 SEPTEMBER 2021

19:00 Welcome

Peter Kantor (Chair: Environmental Law Association of South Africa (ELA)), Germarié Vjoen and John Rantlo (ELA North-West representatives)

19:10 Session 1: Keynote addresses
Chairs: Peter Kantor (Chair: ELA) and Melanie Murcott (Vice Chair: ELA)

19:10 Peter Kantor and Melanie Murcott
Introduction of keynote speakers

19:20 Tembeka Ngcukaitobi SC (Advocate of the High Court, South Africa)
Contested histories: Land, mining, and the environment

19:40 Tracy-Lynn Field (Claude Leon Chair in Earth Justice and Stewardship, University of the Witwatersrand)
The right to environment and the transformative constitutionalism debate: The potential of direct democracy

20:00-20:30 Discussion

THURSDAY 16 SEPTEMBER 2021

09:30-10:30 Session 2: Local government and the environmental right
Chairs: Angela van der Berg (UWC) and Clive Vinti (UFS)

09:30-09:50 Johandri Wright, Felix Dube & Anél du Plessis (South African Research Chair in Cities, Law and Environmental Sustainability (CLES, NWU)
In search of solutions for urban sustainability: judicial enforcement of provincial interventions in local government

09:50-10:10 Anél du Plessis (CLES Research Chair, NWU)
When the legal objectives of sound financial management, environmental justice and spatial transformation collide: the case of South African cities

10:10-10:30 Discussion

12:00-13:30 Session 3: Panel Discussion of Recent Case Law – The Duty of Care when Granting Environmental Authorisation – Peter Kantor, Chair: ELA

Angela van der Berg (University of the Western Cape)

Khanyisa Community Development Organisation and Others v Director: Development Management: Region 2, Western Cape Department of Local Government, Environmental Affairs and Development and Another (10032/17) [2020] ZAWCHC 16 (5 March 2020)

John Rantlo (North-West University)
Global Environmental Trust and Others v Tendele Coal Mining (Pty) Ltd and Others (1105/2019) [2021] ZASCA 13; [2021] 2 All SA 1 (SCA) (9 February 2021)

Catherine Warburton (Warburton Attorneys Inc)

Milieudefensie v Royal Dutch Shell PLC C/09/571932 / HA ZA 19-379

Peter Kantor (Advocate and Chair ELA)

Sharma by her litigation representative Sister Marie Brigid Arthur v Minister for the Environment [2021] FCA 56

16:00 Session 4: Environmental constitutionalism
Chair: Oliver Fuo (NWU) and Lisa Chamberlain (Wits)

16:00-16:20 James R. May (Esq., Visiting Professor of Law, S.J. Quinney College of Law, University of Utah)
The Case for Environmental Human Rights: Recognition, Implementation, and Outcomes

16:20-16:40 Pasquale Viola (Charles University, Prague)
Constitutionalism(s) and the environment from different viewpoints: “the good, the bad and the ugly”

16:40-17:00 Amy P Wilson (Animal Law Reform South Africa and Brooks Institute Animal Law and Policy Fellow, UCLA School of Law)
The Right to Environment: Exploring Interactions and Opportunities for Human and Nonhuman Animals

17:00-17:20 Melanie Murcott (University of Pretoria and Vice Chair: ELA)
The importance of transformative environmental constitutionalism in climate litigation

17:20-18:10 Discussion

18:10-18:30 Optional (voluntary) networking session (chat privately/publicly in Zoom) / Virtual break

18:30-20:00 Session 5: Panel Discussion: The Challenges of the Practical Implementation of the Carbon Tax Act

Andrew Gilder (Chair), Olivia Rumble, Mansoor Parker, Geoff Styles (Editors, Comprehensive Guide to Carbon Tax (LexisNexis, October 2021)
Session 6: Comparative perspectives  
Chairs: Brews Soyapi (NWU) and Vicki King (Metamorphosis Environmental Consultants)

9:00-9:20 Md. Zakir Hossain (Senior Judicial Magistrate Chief Judicial Magistrate Court, Feni District, Bangladesh)  
Access to Environmental Justice as a Constitutional Right in Bangladesh & South Africa

9:20-9:40 Kesolofetse O Lefenya & Gaopalelwe L Mathiba (NWU)  
Enhancing Accountability for Environmental Damage in South Africa, Zimbabwe, Mozambique and Swaziland: Towards Environmental Justice

9:40-10:00 Leila Neimane (Postdoctoral researcher, University of Latvia, Faculty of Law, Institute of Legal Science, Raina)  

10:00-10:30 Discussion

Environmental Law Association Annual General Meeting for ELA members

Optional (voluntary) networking session (chat privately/publicly in Zoom)

Session 7: Environmental rights interpreted  
Chairs: Michael Kidd (UKZN) and Allyson Petersen (UNISA)

14:30-14:50 Ashleigh Dore (Endangered Wildlife Trust)  
Ecologically sustainable use versus use that is sustainable – understanding the true ethos of section 24(b)(iii)

14:50-15:10 Nsikan-Abasi Odong (University of Ottawa, Canada)  
A Critique of the Right of Access to Water in South Africa: General Comment No. 15, 2002 of the Committee on Economic, Social and Cultural Rights as Benchmark

15:10-15:30 Reuben Chifundo Nazombe (Arrupe Jesuit University)  
Agricultural Cooperatives and Section 24(b) of the South African Constitution: A Measure to Secure Ecologically Sustainable Development while Promoting Justifiable Economic and Social Development among Smallholder Farmers in South Africa

15:30-16:00 Discussion
18 SEPTEMBER 2021

09:30-10:30 Session 8: Giving effect to section 24
Chairs: Tendai Bonga (Webber Wentzel) and Anél du Plessis (CLES Chair-NWU)

09:30-09:50 Amanda van Reenen (Director: Legal Support NEMA, Department Forestry, Fisheries and Environment)
New developments in environmental law - giving effect to section 24

09:50-10:10 Willemien du Plessis (North-West University)
Environmental framework legislation the way forward – benchmarking South Africa against other African countries

10:10-10:30 Discussion

11:00-13:00 Session 9: Chemicals, agriculture, waste and water
Chairs: Patrick Forbes (Garlicke Bousfield) and Justine Sweet (SHE Legal Consultant)

11:00-11:20 Michael Kidd (University of KwaZulu Natal)
The United Phosphorus Limited chemical leak: Non-compliance with legislation or a gap in the law?

11:20-11:40 Danica Martin, Toshka Barnardo and Samuel Pillay (Sustainable Seas Trust)
How litter monitoring surveys can guide waste management strategies

11:40-12:00 Carin Bosman (Carin Bosman Sustainable Solutions), Fanie de Lange (University of the Free State), Germarié Viljoen (NWU)
Assessing South Africa’s groundwater regulatory framework: The case of the unprotected dolomitic aquifer of Delmas

12:00-12:30 Discussion

12:30-13:00 Closure: Peter Kantor (Chair: ELA), Germarié Viljoen and John Rantlo (NWU)
We thank our sponsors, Juta, for their continued support of the ELA as well as to address environmental concerns in their publications.