



ENVIRONMENTAL LAW ASSOCIATION

# **Celebrating Desmond Tutu in an era of transition: living and developing sustainably**

**DRAFT PROGRAMMES**

**ANNUAL CONFERENCE**  
(29-30 Sept 2022)

**ANNUAL STUDENT CONFERENCE**  
(30- Sept – 1 Oct 2022)

**Global Environmental Law Centre, Faculty of Law,  
University of the Western Cape  
Hybrid Conference**

Registered for 1.3 CPD points (SACNASP)  
Validation number: 2022-0683-002353

**“We're part of nature. Yet we alone can act. Our destiny must be as guardians of the earth, not users and abusers of the only home we have. We all have a responsibility to learn how to live and develop sustainably. In a world of finite resources, we must make peace with this planet.”**  
(Desmond Tutu Copenhagen 2009)



UNIVERSITY of the  
WESTERN CAPE



GLOBAL  
ENVIRONMENTAL  
LAW CENTRE



FACULTY  
of LAW  
UNIVERSITY of the  
WESTERN CAPE

# ANNUAL ELA CONFERENCE

THURSDAY 29 SEPTEMBER 2022

Venue: Chemical Sciences Building – Room 3.08.2 Chemical Sciences Building - 3rd Floor

**07:30-08:30 Annual conference registration**

**08:30 08:45 Session 1: Welcome**

Prof Jacques de Ville (Dean Faculty of Law, UWC)

Peter Kantor (Chair: Environmental Law Association of South Africa (ELA)), Tendai Bonga (Webber Wentzel) and Angela van der Berg (GELC)

**08:45 09:45 Session 1: Keynote address**

**Chairs: Peter Kantor (Chair: ELA) and Kate Handley (Biodiversity Law Centre)**

[Cormac Cullinan](#) (Cullinan & Associates)

*Confronting the reality that environmental law is not going to stop ecological destruction*

**09:45-10:45 Session 2: Transformative environmental constitutionalism and public participation**

**Chair: Tendai Bonga (Webber Wentzel)**

09:45-10:05 Caiphaz Brewster Soyapi (NWU)

*Introducing ecological proportionality: a primer for transformative environmental constitutionalism?*

10:05-10:25 Jenny Hall (UJ)

*Public Participation and Environmental Democracy: Are we still walking the talk?*

10:25-10:45 Discussion

**10:45-11:15 Tea**

**11:15-12:15 Session 2: Protected areas and the political economy of water**

**Chair: Kate Handley (Biodiversity Law Centre)**

11:15-11:35 Alexander Paterson (IMEL, UCT)

*Preparing for the Post-2020 Global Biodiversity Framework - Possible Tweaks to South Africa's Law and Policy Framework Governing Protected Areas*

11:35-11:55 Prof Mbangiseni Nephumbada (Rand Water and University of Johannesburg); Advocate Ntika (Chair of the Water Tribunal) and Alexandra Carroll (Rand Water and PhD student University of Johannesburg)

*The political economy of water*

11:55-12:15 Discussion

**12:15-13:30 Lunch**

[Type here]

- 13:30-14:30 Session 3: Climate change and the urban sector**  
**Chair: Alexander Paterson (IMEL, UCT)**
- 13:30-13:50 Oliver Fuo (NWU)  
*A Legal Analysis of Urban Climate Change Mitigation and Adaptation in the Building Sector in South Africa: A Case Study of Cape Town*
- 13:50-14:10 Johandri Wright (CLES, NWU)  
*Funding climate change initiatives: Utilising the law for enhancing financial controls in South African cities*
- 14:10-14:30 Discussion
- 14:30-14:45 Comfort break**
- 14:45-16:45 Session 6: Panel Discussion DFFE and DEA&DP: NEM Laws Amendment Act 2022**  
Amanda van Reenen (DFFE), Mark Jardine (DFFE); Michael Kidd (UKZN) (**Online**), Paul Hardcastle (DEADP, Western Cape) and Anique Rossouw (DEADP, Western Cape)
- 16:45-17:00 Comfort break**
- 17:00-18:00 Environmental Law Association Annual General Meeting for ELA members**



**LAUNCH OF UNIVERSITY OF THE WESTERN CAPE'S FACULTY OF LAW  
GLOBAL ENVIRONMENTAL LAW CENTRE**

**Venue: Life Sciences Building - Seminar Rooms 1A + 1B and Foyer Area**

- 18:30 GELC Launch Event**  
**Welcome:** Prof Jacques de Ville (Dean, Faculty of Law, UWC)  
**Opening address:** Justice Colleen Collins  
**Book launch:** *Urban Climate Resilience: The Role of Law* (van der Berg, A and Verschuuren, J,M eds) Edward Elgar Publishing (<https://www.elgar.com/shop/gbp/urban-climate-resilience-9781803922492.html>)



## FRIDAY 30 SEPTEMBER 2022

Venue: Chemical Sciences Building – Room 3.08.2 Chemical Sciences Building - 3rd Floor

### 08:30—10:15 Energy, social justice, mining and climate change cont

Chair: Amanda Mkhonza (UCT)

08:30-08:50 Willemien du Plessis (NWU)

*Water-energy-food: not achieving social justice: A case study from Taung*

08:50-09:10 Refilwe Tsatsimpe and Rorisang Matlala (NWU)

*Competing rights in the mining sector; what happens when deep pockets clash with rights?*

09:10-09:30 Chantelle Moyo (CLES, NWU)

*The legal conundrum and opportunities in the generation and procurement of electricity in South African cities*

09:30-09:50 Nicolene Steyn (Wits) (**Online**)

*A Regulatory Minefield: Investigating the Potential Regulation of Cryptocurrency Mining towards Climate Mitigation*

09:50-10:15 Discussion

### 10:15-11:00 Tea break

### 11:00-13:00 Session 6: Panel: The Deadly Air Case – where do we go from here? A panel discussion on the *Groundwork Trust* case

Peter Kantor (Chair: ELA); Michael Kidd (UKZN) (**Video**); John Rantlo and Anél du Plessis (NWU), Melanie Murcott (UP)

### 13:00-14:00 Lunch

13:00-14:00 Student Conference Registration



# ANNUAL ELA STUDENT CONFERENCE

30 September – 1 October 2022

Global Environmental Law Centre, University of the Western Cape / Hybrid

Venue: Chemical Sciences Building – Room 3.08.2 Chemical Sciences Building - 3rd Floor

## FRIDAY 30 SEPTEMBER 2022

### 14:00-14:15 Opening and Welcome

Dr Angela van der Berg (Director, GELC)

### 14:15-15:20 Session 1: Desmond Tutu and Ubuntu

Chair: Dr Brews Soyapi (NWU)

14:15-14:30 David Robert Lewis (BA (Political Studies UCT)

*Desmond Tutu – Climate Change Theologian, Environmental Activist or Simply an Ally of the Movement?*

14:30-14:45 Agber Thaddeus Igbalumun, S.J (medical laboratory technician and a Jesuit scholastic; Third Year B.A in Philosophy Student at Arrupe Jesuit University, Harare, Zimbabwe) (**Online**)

*The Smoke that Permeates all Barriers: Creating a Healthy Environment through the Values of Ubuntu*

14:45-15:00 Nonhlanhla Ngcobo (PhD, CLES NWU)

*The fit of politics in the environment: an appraisal of political party manifestos towards realising the constitutional environmental right*

15:00-15:20 Discussion

### 15:20-15:30 Comfort break

### 15:30-17:00: Session 2: Keynote Panel: Honouring Desmond Tutu: Expanding the circle of ubuntu to include animals (**Online and in Person**)

- Amy P. Wilson & Melanie Murcott - Introduction to Animal Law
- Aadila Agjee - Legal Framework for Animal Law in South Africa
- David Bilchitz - Business & Animal Protection
- Ashleigh Dore and colleagues - Wild Animals & the Constitution
- Sheena Swemmer - Companion Animals & Violence
- Jan-Harm De Villiers - Constitutional and Ethical perspectives on Animal Law
- Joseph Mayson - New Animal Welfare Bill

### 17:00-17:15 Comfort Break



UNIVERSITY of the  
WESTERN CAPE



GLOBAL  
ENVIRONMENTAL  
LAW CENTRE



FACULTY  
of LAW  
UNIVERSITY of the  
WESTERN CAPE

- 17:15-18:35 Session 5 Climate change and energy**  
**Chair: Dr Jenny Hall (UJ)**
- 17:15-17:30 Krisdan Bezuidenhout (PhD, CLES NWU)  
*Climate change mitigation at city level through the lens of South Africa's regulatory framework for bio-energy*
- 17:30-17:45 Maphuma Malisa (MSc, Venda) (**Online**)  
*Mapping The Effects of Climate Change on the Quantity of Water within the Middle-Letaba Dam, Limpopo Province*
- 17:45-18:00 Christian Zenim (PhD, GELC, UWC) (**Online**)  
*Assessing South Africa's energy policy toward a sustainable legal and regulatory regime: lessons from India*
- 18:00-18:15 Ashlyn Davids (LLM, GLEC, UWC)  
*A Critical Examination of the Legal Protection of Climate Refugees: Lessons from Recent Case Law*
- 18:15-18:35 Discussion

## SATURDAY 1 OCTOBER 2022

**Venue: Chemical Sciences Building – Room 3.08.2 Chemical Sciences Building - 3rd Floor**

- 08:30-10:00 Session 3: Mining and land tenure**  
**Chair: Dr John Rantlo (NWU)**
- 08:30-08:45 Michaela Tafani (LLM, UP)  
*Seismic Surveys and Whales: An Animal Rights Response to Extractivism off the South African Coast*
- 08:45-09:00 Joel Boshof (LLB, UP) (**Online**)  
*Private land ownership and its positive contribution to a national conservation strategy*
- 09:00-09:15 Cassius Latlhang (LLM, CLES NWU) (**Online**)  
*The Adequacy of the Botswana Land Tenure System in Controlling Rapid Urbanisation*
- 09:15-09:30 Peter Cloete (LLM, GELC UWC) (**Online**)  
*A Legal Perspective on Biodiversity Offset Compliance within the Mining Sector in South Africa*
- 09:30-10:00 Discussion**
- 10:00-11:00 Session 3: Vector borne diseases, farming and animal welfare**  
**Chair: Prof Melanie Murcott (UP)**
- 10:00-10:15 Meeschka Diedericks (LLM, CLES NWU) (**Online**)  
*Lessons learnt for the future of environmental law: legislative responses to the risk of communicable and vector-borne disease outbreaks*
- 10:15-10:30 Celine Doak (LLM, GELC UWC)  
*Commercial Ostrich Farming: A Critical Analysis of South Africa's Flightless Animal Welfare Legislation*
- 10:30-10:45 Nicola Irving (LLM UP)  
*Towards a model of transformative climate adjudication: A critical analysis of the transformative potential of climate change litigation and adjudication in South Africa*
- 10:45-11:00 Discussion
- 11:00-11:30 Tea**

**11:30 13:00 Session 4: Pollution, waste and urban drought**

**Chair: Prof Oliver Fuo (NWU)**

11:30-11:45 Lilian Onyinyechi Uche (PhD, UWC) (**Online**)

*Plastic pollution in Nigeria: An Appraisal of the Interpretation of the Right to Environment by Nigerian Courts*

11:45-12:00 Henrike Saunders (LLM, CLES NWU) (**Online**)

*The impact of climate change law on urban drought risk management*

12:00-12:15 Ledile Sekwakwa (LLM, CLES NWU) (**Online**)

*The impact of food waste on the environment: a legal response*

12:15-12:30 Samantha Cohen (LLM, Animal Law Reform SA) (**Online**)

*How food loss and waste contribute to the exacerbation of change and how the law can minimise those effects*

12:30-12:50 Discussion

**12:50 Closure**

Dr A van der Berg (Director GELC)

