



Environmental Law Association of South Africa

2024

Student and Annual Conference Programmes

5-7 September 2024

Hosted at the

Chalsty Centre, Wits School of Law

Celebrating Cutting Edge Environmental Law and Governance Research from South African Universities..... 2

From Tides to Taps: Exploring transformation in diverse, interconnected, and contested water governance spaces..... 5

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Student Conference

Chalsty Centre, Wits School of Law and Zoom

Celebrating Cutting Edge Environmental Law and
Governance Research from South African
Universities

Thursday, 5 September 2024

08:15-09:00	Student Conference registration
09:00-09:25	Session 1: Welcome and setting the scene
09:00-09:10	<i>Welcome and housekeeping</i> , Prof. Tracy-Lynn Field (Claude Leon Chair in Earth Justice and Stewardship, Wits University)
09:10-09:25	<i>Conceptualising cutting-edge PG research in environmental law and governance</i> , Prof. Melanie Murcott (Institute of Marine and Environmental Law, University of Cape Town; Chairperson of the Environmental Law Association of South Africa)
09:30-10:15	Session 2: Solutions for marine life and coastal environments Chair: Prof. Oliver Fuo, North-West University (online)
09:30-09:45	<i>Nature-based solutions in South African coastal management law</i> , Robyn Bayer, Stellenbosch University (online)
09:45-10:00	<i>Protection of Seals in South African Law</i> , Lungisani Khumalo, Nelson Mandela University
10:00-10:15	Discussion
10:15-11:35	Session 3: Towards improved local environmental governance Chair: Dr Melandri Steenkamp, University of the Western Cape (online)
10:15-10:30	<i>Environmental justice and the right to the city: Can the one help the other?</i> , Michaela O'Donoghue, Stellenbosch University (online)
10:30-10:45	<i>Co-creating sustainable communities: Fulfilling the promise of section 24 through collaborative modes of municipal service delivery</i> , Krisdan Bezuidenhout, North-West University (CLES)
10:45-11:00	<i>Local government's role in estuarine management</i> , Viandrie Robertson, North-West University (CLES)
11:00-11:15	<i>Exploring lessons for South Africa and Kenya from foreign climate litigation involving cities</i> , Englebert Chikodza, Stellenbosch University

11:15-11:35	Discussion
11:35-11:55	Comfort break and light refreshments
11:55-13:15	Session 4: Climate change and disaster risk law and governance Chair: Dr Rumbidzai Wendy Muzangaza, North-West University
11:55-12:10	<i>Climate change insurance: the extent to which South African law regulates climate risk</i> , Wilmien van Biljon, Stellenbosch University (online)
12:10-12:25	<i>Women's role in disaster risk management for inclusive, resilient cities in South Africa</i> , Nesia Chido Manguleni, North-West University (CLES)
12:25-12:40	<i>A legal analysis of climate change mitigation measures of South African cities in the energy efficiency sector</i> , Innocentia Mahlangu, North-West University
12:40-13:00	Discussion
13:00-14:00	Lunch
14:00-15:20	Session 5: Novel applications of law in pursuit of improved environmental and climate governance Chair: Prof. James May, Washburn University School of Law (online)
14:00-14:15	<i>The role of competition law to fairer green environmental goals</i> , Luxolo Tomsana, University of Cape Town
14:15-14:30	<i>Delictual liability of South African municipalities for failure to execute their environmental obligations</i> , Thato Mphahlele, North-West University (CLES)
14:30-14:45	<i>Exploring the potential of the law of delict in South Africa to address climate harms caused by private actors</i> , Terysha Naicker, University of Cape Town
14:45-15:00	<i>Towards sustainable water infrastructure</i> , Meeschka Diedericks North-West University (CLES)
15:00-15:20	Discussion
15:20-15:30	Comfort break and light refreshments
15:30-16:10	Session 6: Balancing development and environmental protection Chair: Dr Nonhlanhla Ncgobo, North-West University
15:30-15:45	<i>Towards the right to an environment that is not harmful to health or wellbeing in the context of sustainable development</i> , Innocent Mxolisi Mpangane, University of Venda
15:45-16:00	<i>An analysis of the socio-ecological impact of mining on communal land under South African law</i> , Releabetswe Chuene, Wits School of Law
16:00-16:10	Discussion
16:15-16:45	Closing address and prizegiving Michaela Tafani, Animal Law Reform South Africa, <i>Change-making with a PG qualification in environmental law: Experiences from Animal Law Reform South Africa</i> Announcement of Environmental Law Association of South Africa Essay Competition Prize Winners

Michaela Tafani, Animal Law Reform South Africa

Best Speaker and Conference Submission Prizes sponsored by Juta
Viandri Robertson, North-West University and Adelaide Karomo, Nelson
Mandela University

**After the Student Conference, please join the free screening of
Capturing Water at 17:00 in the Chalsty Auditorium ([RSVP here](#))**



Annual Conference

Chalsty Centre, Wits School of Law and Zoom

Friday-Saturday, 6-7 September 2024

From Tides to Taps: Exploring transformation in
diverse, interconnected, and contested water
governance spaces

Day 1: Friday, 6 September 2024

08:15-09:00	Annual Conference registration
09:00-10:20	Session 1: Welcome and keynote address – Trans- and Interdisciplinary perspectives on governing freshwater Chair: Prof. Melanie Murcott (Institute of Marine and Environmental Law, University of Cape Town; Chairperson of the Environmental Law Association of South Africa)
09:00-09:15	<i>Welcome and housekeeping</i> , Prof. Tracy-Lynn Field (Claude Leon Chair in Earth Justice and Stewardship, Wits University)
09:15-09:45	<i>Keynote address: Water Stewardship in the Philippi Horticultural Area</i> , Nazeer Sondag, Farmer, entrepreneur, activist, and Chairman of the Philippi Horticultural Association Food and Farming Campaign
09:45-10:20	<i>Discussion</i> Discussants: Nicola Irving, Norton Rose Fulbright; Kyle Vanhyde, Process Energy and Environmental Technology Station, University of Johannesburg; Kirsty Carden, Future Water, University of Cape Town
10:20-11:00	Break and refreshments
11:00-13:00	Session 2: Water insecurity, pollution, and threats: Insights from South Africa and beyond Chair: Prof. Jenny Hall, University of Johannesburg
11:00-11:20	Leveraging the Western Australian Mining Rehabilitation Fund Act (2012) to address the threat of acid mine drainage (AMD) to water security in South Africa Fredua Agyemang, North-West University (CLES)
11:20-11:40	<i>Rediscovering the legal definition of ‘pollution’ - it’s about more than just water quality</i> , Carin Bosman, CBSS cc, WISA Senior Fellow

11:40-12:00	<i>The UK's Sewage Crisis: How the Regulators took on the Water Companies and won (sort of)</i> , Stewart Green, independent
12:00-12:20	<i>Leveraging Ubuntu for Integrated Water Resources Management in Water-Energy-Food (WEF) Communities</i> , Germarie Viljoen, North-West University
12:20-12:40	<i>Challenges of a Municipal Environmental Council to assist in the supply of water to a rural settlement in southern Brazil</i> , Miguel Etinger de Araujo Junior, Londrina State University, Brazil; Cléber Gustavo de Góes, MEIO AMBIENTE EQUILIBRADO (NGO), Brazil; Ariella Kely Bessing Motter, Londrina State University, Brazil; Renata Calheiros Zarelli, Londrina State University, Brazil
12:40-13:00	Discussion
13:00-14:00	Lunch
14:00-15:00	Water Law training session Prof. Tracy-Lynn Field; Dr Melissa Strydom; Nokuphila Zobolo
15:00-15:30	Break and refreshments
15:30-17:00	Session 3: Transformed water governance: A pipe dream? Chair: Prof. Ademola Jegede, University of Venda
15:30-15:45	<i>Transformation in the allocation of water use rights: Necessary reform or tweaking the optics?</i> , Michael Kidd, University of KwaZulu Natal
15:45-16:00	<i>The role of independent constitutional institutions in protecting the right to water</i> , Peacemore Mhodi, Wits University
16:00-16:15	<i>Water trading in the courts: Holding the superior courts accountable to the Endumeni approach to advance water equity and sustainability</i> , Tracy-Lynn Field Wits School of Law
16:15-16:30	<i>A Decolonial Lens to Reposition Public Participation of Traditional Communities in Environmental Law</i> , Cosmo Mapitsa, Independent
16:30-17:00	Discussion

After day 1 of the Annual Conference, please join the reception at [Corner Café, Craighall Park](#) from **18:30**

Day 2: 7 September 2024

08:15-09:00	Annual Conference registration
09:00-09:30	Session 4: Welcome and keynote address – Governing the Ocean Chair: Mikaella Bodeux, Warburton Attorneys
09:00-09:20	<i>Keynote address: The need for decisive action! Exploring the grounds for a moratorium on mineral mining activities in the Area</i> , Dr Adelaide Karomo, Nelson Mandela University, Department of Public Law
09:20-09:40	<i>Protect The West Coast’s ‘Ripl’ Effect: Addressing public participation gaps in coastal mining applications</i> , Tashreeq Dollie, Protect The West Coast NPC
09:40-10:00	Discussion
10:00-10:30	Break and refreshments
10:30-11:00	Session 5: Courts as sites of contestation over uses of the environment that impact freshwater and/or marine environments Chair: Kirstin Meiring, South African Biodiversity Institute
10:30-10:50	<i>Making Waves: Offshore Exploration and Conflict</i> , Mikaella Bodeux, Warburton Attorneys Inc
10:50-11:10	<i>Leveraging rights-based climate litigation for transformative water governance in South Africa</i> , Rumbidzai Wendy Muzangaza, North-West University (CLES)
11:10-11:30	<i>Climate litigation as a response to vulnerability caused by water insecurity and the deterioration of marine environments: Emerging trends and possibilities</i> , Melanie Murcott, University of Cape Town
11:30-11:50	Discussion
11:50-12:00	Comfort break
12:00-12:50	Session 6: Changing the tide of ocean governance Chair: Patrick Forbes, Garlicke & Bousfield Inc.
12:00-12:20	<i>A theoretical excursus on the 2024 International Tribunal for the Law of the Sea ruling to analyse South African marine and coastal legislation</i> , Zunaida Moosa Wadiwala, Wits School of Law
12:20-12:40	<i>The High-Water Mark: A functional boundary?</i> , Xavier Rebelo, Wits School of Law
12:40-12:50	Discussion
12:50-13:00	Closure and thank you, Melanie Murcott, Chairperson of the Environmental Law Association of South Africa
13:00-14:00	Lunch and Hybrid Annual General Meeting of the Environmental Law Association of South Africa

For those who purchased tickets on [Howler](#) please join a tour of the Constitutional Court of South Africa from 15:00 to 16:00 after day 2 of the Annual Conference (transport to the Constitutional Court will leave from Wits School of Law at 14:30)