

ENVIRONMENTAL LAW ASSOCIATION OF SOUTH AFRICA

PROGRAMME

2017

ANNUAL NATIONAL CONFERENCE & AGM

10-11 NOVEMBER 2017 | UNIVERSITY OF CAPE TOWN



SA's ENVIRONMENTAL LAW SCORECARD:
20 years since the White Paper on Environmental
Management Policy for South Africa, 1997

DAY 1: 10 NOVEMBER 2017

Intaka Education Centre

08:30-09:00 REGISTRATION

09:00 WELCOME

Chair: Tendai Bonga (Cullinan & Associates; ELA Western Cape Representative)

Prof Loretta Feris (Deputy Vice Chancellor:
Transformation, University of Cape Town)

09:10 SESSION 1: KEYNOTES

Chair: Tendai Bonga (Cullinan & Associates; ELA Western Cape Representative)

09:10-09:40 Sean O'Beirne (SE Solutions)

Making Environmental Lawyers Redundant: Integrated Environmental Management in a Perfect World!

09:40-09:50 Peter Kantor (ELA Chair)

Reply to Sean O'Beirne: Chasing the Rainbow?

09:50-10:20 Lisa Chamberlain

Environmental Activism: Danger and Defence – A Need for Lawyers?

10:20-10:30 Discussion

10:30-11:00 TEA

11:00 SESSION 2: 20 YEARS SINCE THE WHITE PAPER ON ENVIRONMENTAL MANAGEMENT

Chair: Alexander Paterson (University of Cape Town)

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- 11:00-11:30 Anique Rossouw, Paul Hardcastle, Gerhard Gerber and Ayub Mohamed (Western Cape Department of Environmental Affairs and Development Planning)
- Recent trends contributing to, or detracting from integrated environmental management in South Africa - a Department of Environmental Affairs and Development Planning perspective*
- 11:30-12:00 Melanie Murcott
(University of Pretoria, ELA Gauteng Representative)
- The transformative content of the White Paper on Environmental Management, 1997, forgotten, but not gone!*
- 12:00-12:30 Paul Hardcastle, Gerhard Gerber and Ayub Mohamed (Western Cape Department of Environmental Affairs and Development Planning)
- 20 years of EIA – reflections of the Western Cape Government*
- 12:30-13:00 Discussion
- 13:00-14:00 LUNCH**
- 14:00 SESSION 3: ENVIRONMENTAL ENFORCEMENT - 20 YEARS AFTER THE WHITE PAPER**
- Chair: Oliver Fuo (North-West University)*
- 14:00-14:30 Stewart Green (ELA Gauteng Representative)
- The Environmental Management Inspectorate 20 years after the White Paper*
- 14:30-15:00 Willemien du Plessis (North-West University) and Juanita Pienaar (University of Stellenbosch)
- Illegal mining: the continued struggle for mineral resources, communities and the environment*

15:00-15:30 Discussion

15:30-16:00 TEA

16:00 SESSION 4: ADMINISTRATIVE JUSTICE 20 YEARS LATER

Chair: Nick Smith (Smith, Ndlovu and Summers)

16:00-16:30 Carin Bosman (CBSS)

Are Water Use Licences (WULs) just 'World Salads'? A Critical Evaluation of WULs against PAJA-requirements

16:30-17:00 Gary Birch, Ayub Mohamed, Gerhard Gerber and Paul Hardcastle (Western Cape Department of Environmental Affairs and Development Planning)

Defensible decision making

17:00-17:30 Michael Kidd (University of KwaZulu-Natal; ELA KZN Representative)

Relevant and irrelevant considerations through an environmental law lens

17:30-18:00 Discussion

18:00 CLOSURE - Day 1

18:30 JUTA BARBECUE

Intaka Island Lapa (Century City) <http://intaka.co.za/>

DAY 2: 11 NOVEMBER 2017

Faculty of Law, UCT

Kramer Lecture Theatre 3 (Level 2)

08:15-9:15 ELA ANNUAL GENERAL MEETING

09:15-09:30 COMFORT BREAK

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09:30

BREAKAWAY SESSIONS

SESSION 5:	5A: LOCAL GOVERNMENT AND ENVIRONMENT: PROGRESS OR REGRESSION AFTER 20 YEARS? <i>Kramer Lecture Theatre 3 (Level 2)</i>	5B: CLIMATE CHANGE AND MARINE BIOPROSPECTING— NOT EVEN CONSIDERED IN THE WHITE PAPER <i>Smit Pentow Seminar Room (Level 5)</i>
Chair	Anél du Plessis (North-West University; ELA North-West Representative)	Katherine Handley (Smith, Ndlovu and Summers; ELA Western Cape Representative)
09:30-10:00	Angela van der Berg (North-West University; ELA North-West Representative) <i>Municipal flood management in South Africa: a critical reading of recent case law</i>	Kizito Kabengele (University of Pretoria) <i>Revisiting the 1997 White Paper on Environmental Management: A Paris Agreement Perspective</i>
10:00-10:30	Oliver Fuo (North-West University) <i>Constitutionality of section 8 of the Water Services Act 108 of 1997: Advancing the minority judgement in the Merafong City Case</i>	Michelle Barnard and Krisdan Bezuidenhout (North-West University) <i>Climate considerations in South African Environmental Impact Assessments</i>
10:30-11:00	Susan Mosdell (Cape Town Municipality) <i>Providing water in times of drought – the difficulties faced by municipalities</i>	Tanya Wagenaar (Nelson Mandela University) <i>The intellectual property consequences of marine bioprospecting</i>
11:00-11:30	Discussion	Discussion

- 11:30-12:00** **TEA (and packed lunch)**
Kramer Lecture Theatre 3 (Level 2)
- 12:00** **SESSION 6: WILDLIFE, MINING AND PROTECTED AREAS:
WHERE ARE WE NOW?**
- Chair: Melanie Murcott (University of Pretoria, ELA
Gauteng Representative)*
- 12:00-12:30 Alexander Paterson (University of Cape Town)
- Protected Areas Law, Mining & the Principle of Non-
Regression*
- 12:30-13:00 Niël Lubbe (North-West University)
- Conservation failing conservation: the elephant
dilemma*
- 13:00-13:30 Ashleigh Dore (Endangered Wildlife Trust (EWT))
- If it pays it stays ... a critique of the application of the
concept of sustainable use in the wildlife context in
South Africa*
- 13:30-14:00 Discussion
- 14:00** **CLOSURE**
Peter Kantor (Chair, ELA)