



UNIVERSITY OF SWAZILAND

Faculty of Health Sciences

Department of Environmental Health Science

BACHELOR OF SCIENCE DEGREE IN ENVIRONMENTAL HEALTH SCIENCE

RE-SIT EXAMINATION PAPER MAY 2019

TITLE OF PAPER : ENVIRONMENTAL HEALTH LAW

COURSE CODE : EHS214

DURATION : 2 HOURS

MARKS : 100

INSTRUCTIONS : READ THE QUESTIONS & INSTRUCTIONS
CAREFULLY
: ANSWER **ANY FOUR** QUESTIONS
: EACH QUESTION **CARRIES 25** MARKS.
: WRITE NEATLY & CLEARLY
: NO PAPER SHOULD BE BROUGHT INTO THE
EXAMINATION ROOM.
: BEGIN EACH QUESTION ON A SEPARATE SHEET OF
PAPER.

DO NOT OPEN THIS QUESTION PAPER UNTIL PERMISSION IS GRANTED BY THE INVIGILATOR.

QUESTION ONE

- a. Discuss the strengths and weaknesses of The Public Health Act of (1969) as a tool for health and environmental protection. [15 marks].
- b. Critically discuss section 9 of the Public Health Act, 1969 with particular emphasis on how it provides for the duty of local authorities to prevent or remedy danger to health arising from unsuitable dwellings. [10 marks].

Total 25 marks

QUESTION TWO

- a) Briefly explain how the concept of environmental law emerged? [5 marks].
- b) State the Precautionary Principle and indicate what it is based on. [5 marks].
- c) Discuss the advantages of using the Precautionary Principle. [10 marks].
- d) The disadvantages of using the Precautionary Principle. [3 marks].
- e) Give an example of an international convention that is attempting to implement this principle and mention what it deals with. [2 marks].

Total 25 mark

QUESTION THREE

1. Is the right to healthy environment guaranteed in Eswatini or is it illusory? Discuss the Constitutional provisions relating to environment in Eswatini. [10 marks].
2. Explain the historical development and subsequent mainstreaming of environmental Law as a sub-discipline of law. [15 marks].

Total 25 marks

QUESTION FOUR

1. The "Formulation of International Environmental Laws is one thing; enforcement is another thing altogether." Discuss this statement giving appropriate examples. [15marks].
2. Explain the process of making an environmental law. [10 marks].

Total 25 marks

QUESTION FIVE

1. Motsephe Mines (Pty) Ltd; Maloma Colliery (Pty) Ltd and Bulembu Mine (Pty) Ltd are three companies which own mines in Eswatini. Bulembu Mine (Pty) Ltd was subsequently liquidated and its mine has now become defunct. Concerned that water from the defunct mine might lead to severe water pollution problems in the area, the Eswatini Environment Authority has issued a directive in terms of section 19

of the National Water Act, (2003) requiring Maloma Colliery (Pty) Ltd and Motsephe Mines (Pty) Ltd to share the cost of pumping water from the defunct shafts of the defunct mine and rehabilitate the area. Maloma Colliery (Pty) Ltd and Motsephe Mines (Pty) Ltd now want to challenge this directive in the court of law on the basis that, section 19 of the Water Act, (2003) does not sanction the issuing of a directive requiring one to take measures to prevent pollution on property owned by another or to bear the cost of such preventative measures being taken. Explain the legal position in this instance with reference to any applicable case law(s).

[13 marks].

2. Identify the different ways in which an environmental law can help in managing environmental problems. [12 marks].

Total 25 marks

END OF EXAMINATION