

UNIVERSITY OF SWAZILAND

FINAL EXAMINATION PAPER: MAY 2009

TITLE OF PAPER: ENVIRONMENTAL LAW

COURSE CODE: ERM 604

TIME ALLOWED: THREE HOURS

INSTRUCTIONS:

- 1 THE PAPER HAS FOUR QUESTIONS. ANSWER THREE (3) QUESTIONS IN TOTAL, INCLUDING QUESTION ONE (1) WHICH IS COMPULSORY**
- 2 TOTAL MARK: 100**
- 3 CREDIT WILL BE GIVEN FOR CONCISE, WELL-STRUCTURED ANSWERS AND REFERENCE TO APPLICABLE LEGAL AUTHORITY**

SPECIAL REQUIREMENTS: NONE

THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR

QUESTION ONE (COMPULSORY)

Briefly discuss the following:

- 1.1 the nature of law and environmental law; (15)
- 1.2 the involvement of the public (state) administration in the governance of environmental affairs in Swaziland; (15)
- 1.3 the nature of international environmental law and the importance of co-operation in environmental management. (10) [40]

QUESTION TWO

Write a *critical note* on each of the following statements:

- 2.1 "Environmental law in Swaziland is based on the core principle of sustainable environmental management." (12)
- 2.2 "The judiciary in Swaziland is independent and deals with environmental disputes in a final and authoritative manner." (12)
- 2.3 "The Rio Declaration on Environment and Development (1992) constitutes one of the important sources of environmental law, both internationally and nationally." (6) [30]

QUESTION THREE

Comment critically on the following issues:

- 3.1 legislation as an important source of environmental law in Swaziland; (10)
- 3.2 the importance of administrative justice in environmental affairs; (10)
- 3.3 the role of public participation in environmental governance in Swaziland. (10) [30]

QUESTION FOUR

Write an *essay* on the promotion of socio-economic rights in Africa as determined in the *SERAC* case, and the importance of this case in the Swaziland context. [30]

TOTAL: 100 MARKS