

UNIVERSITY OF SWAZILAND

FINAL EXAMINATION PAPER: DECEMBER 2012

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 explain each of the following issues:

- 1.1 the terms “environment”, “international law” and “sustainable development” in the Swaziland legal context; (15)
- 1.2 the role and functions of the three central organs of state in Swaziland; (10)
- 1.3 the role of the Resource Manager/Environment Inspector in compliance and enforcement of environmental requirements in Swaziland; (15) [40]

QUESTION TWO

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

- 2.1 The role of public participation and its value in the assessment of proposed environmental projects. (15)
- 2.2 The role of state sovereignty and international co-operation in managing the global environment. (15) [30]

QUESTION THREE

Comment briefly on each of the following statements:

- 3.1 The “polluter-pays” principle originated in international law and forms part of environmental law in Swaziland. (10)
- 3.2 The Resource Manager/Environment Inspector stands in a “position of authority” when executing duties of application and enforcement of environmental laws. (15)
- 3.3 The *SERAC* case involving the Nigerian Government has no binding influence on the laws of Swaziland. (5) [30]

QUESTION FOUR

Comment briefly on each of the following points:

- 4.1 The importance of the Constitution, framework legislation and case law as sources of environmental law in Swaziland. (15)
- 4.2 Integrated Environmental Management in Swaziland requires also the assessment of existing undertakings to evaluate their impact on the environment. (15)

[30]

TOTAL: 100 MARKS