UNIVERSITY OF SWAZILAND

EXAMINATION PAPER: DECEMBER 2013

TITLE OF PAPER:		ENVIRONMENTAL LAW
COURSE CODE:		ERM 604
TIME ALLOWED:		THREE HOURS
INSTRUCTIONS:	1	THE PAPER HAS <u>FOUR</u> 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 the following:

1.1   the meaning of "law" and "environmental law" in Swaziland; (10)

1.2   the nature and role of the Swaziland Environment Authority (SEA) in the administration of environmental affairs in Swaziland; (15)

1.3   "Administrative justice ensures that decisions taken by environmental administrators are justified in terms of the law." (15)   [40]

QUESTION TWO

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

2.1   "Although 'sustainable development' is a term capable of numerous definitions, it is defined as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'." (20)

2.2   "State responsibility and international co-operation are important principles of international environmental law." (10)

[30]

QUESTION THREE

Comment briefly on the following:

3.1   The judiciary (judicature) must be independent in enforcing environmental law disputes in Swaziland; (15)

3.3   The core legal principles dealt with in the *SERAC* case (Nigeria) are important for the development of environmental law in Africa. (15) [30]

QUESTION FOUR

Comment briefly on the following:

4.1   The Constitution of the Kingdom of Swaziland and legislation are
        important sources of environmental law in Swaziland; (15)

4.2   The nature and role of Environmental Impact Assessments (EIAs) in
        ensuring that new developments are sustainable. (15)   [30]

TOTAL: 100 MARKS