

UNIVERSITY OF SWAZILAND

FINAL EXAMINATION PAPER: DECEMBER, 2014

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 REQUIRMENTS: NONE

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

QUESTION ONE (COMPULSORY)

Briefly explain the following:

- 1.1 The terms “environment, law and sustainable development” in the law of Swaziland; (15 marks)
 - 1.2 The role of the Swaziland Environment Authority (SEA) in the administration of environmental affairs in Swaziland; (15 marks)
 - 1.3 Legislation and case law as sources of environmental law in Swaziland. (10 marks)
- [Total Marks = 40]

QUESTION TWO

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

- 2.1 “Administrative justice” ensures fair and just treatment during enforcement of administrative decisions. (15 marks)
 - 2.2 “State responsibility and international co-operation are key principles of international environmental law”. (15 marks)
- [Total Marks = 30]

QUESTION THREE

Comment briefly on the following issues:

- 3.1 The importance of SERAC case in international (African) environmental law; (15 marks)
 - 3.2 The Judiciary administers justice, is independent and subject only to the Constitution of the Kingdom of Swaziland. (15 marks)
- [Total Marks = 30]

QUESTION FOUR

Write an essay in which you discuss the importance of Environmental Impact Assessments (EIAs) in environmental law in Swaziland. Pay particular attention to the following:

- the application and procedure for a proposed development;
 - the role of public participation in the procedure for such a proposed development.
- (30 marks)