

Other Volumes

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Editorial:

This issue deals with a selection of topics of environmental law. As it should be clear from the short tribute written by Margaret Beukes, the issue is devoted to Professor Elmene Bray, for many years a force in the emergence of South African environmental law.

Jonathan Verschuuren of Tilburg University expertly comments on the Dutch Crisis and Recovery Act, showing clearly why it is such a controversial piece of legislation: balancing economic recovery with sustainable development, sound principles of law, justice and crisis management is shown to be a very hard result to achieve by means of legislation.

With reference to recent case law, Michael Kidd of the University of KwaZulu-Natal explores the difficulties involved in public interest environmental litigation of the South African legal system under a supreme Constitution, modern environmental legislation and remnants of the pre-constitutional law relating to locus standi.

Johan Nel and Jan-Albert Wessels, both of the Centre for Environmental Management, North-West University present a typology of alternative environmental enforcement tool categories and make suggestions regarding the achievement of consistent legal compliance by means of the combination of available enforcement tools.

In their contribution Jeremy Ridl, an environmental law practitioner and Ed Couzens of the University of KwaZulu-Natal make a prognosis of the likelihood that a new set of regulations governing environmental impact assessment in South Africa will be more successful than a previous set of often criticized, but frequently misunderstood regulations.

Elmarie van der Schyff of the Potchefstroom Campus of the North-West University explicates the theoretical foundations of the public trust doctrine, developed in the law of the United States of America, leading to the incorporation of the notion of "public trusteeship" into South African legislation.

Against the background of recent jurisprudence of the High Court of the Western Cape Richard Summers Partner at Smith, Ndlovu & Summers Attorneys analyses the difficult legal position of an applicant seeking redress against unlawful building and construction where such works have reached an advanced stage: he considers the situation to be one of a collision of certainty with legality.

Francois Venter

Edition Editor: Prof Louis Kotze

