

The Application of International Law in Terms of Earthlife Africa Johannesburg and Another v Minister of Energy and Others 65662/16 (2017) Case

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Abstract : This study involves a legal analysis of the case Earthlife Africa Johannesburg v Minister of Environmental Affairs and Others. The case considered the impact of the Thabametsi Power Project if it operated to the expected year 2060 on the global climate and ever-changing climate, in South Africa. This judgment highlights the significance, place and principles of climate change and where climate change impacts the South African environmental law which has its founding principles in the Constitution of the Republic of South Africa, 1996. This paper seeks to examine the advances for climate change regulation and application in terms of international law, in South Africa, through a qualitative study involving comparative national and international case law. A literature review study was conducted to compare and contrast the various aspects of law in order to support the argument undertaken. The paper presents a detailed discussion of the current legislation and the position as it currently stands with reference to international law and interpretation. The relevant protections as outlined in the National Environmental Management Act will be discussed. It then proceeds to outline the potential liability of the Minister in the interpretation and application of international law.

Keywords : climate change; environment, environmental review, international law; and principles

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