

INAUGURAL LECTURE

of

Prof Anél du Plessis

**Local Government, Environmental Law and a Wicked Global Problem:
Reflections on (a) Critical Science in the Making**



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Local Government, Environmental Law and a Wicked Global Problem: Reflections on (a) Critical Science in the Making

Anél du Plessis

1. Introduction

Good evening Madam Vice-Rector, Prof Nicola Smit, Dean of the Faculty of Law, honourable guests, colleagues, family and friends,

It is a great privilege to be able to address you tonight but also a pity that an occasion such as an inaugural lecture marks one of the very rare moments in an academic's career which forces him or her to become quiet, to step back and to critically consider the development and future of his or her area of academic interest and scholarly work. Savouring every minute of preparing tonight's address, I came to realise how important it is never to stop questioning why and how academics - why and how I - do what I do. If by the end of the night I have succeeded in showcasing a significant part of the focus of my scholarly work and in explaining how I see it developing in alignment with global trends over the years to come in terms of both research and teaching, I would have met my objective.

The focus of my research over the past six years has essentially been on the intersecting area of local government and environmental law. By necessary consequence it has gradually become an enquiry into local environmental governance, and it is within this context that I will tonight be focusing on three specific questions:

- 1) Why sustainability as the ideal outcome of environmental law and policy and the pursuit of sustainable development inherent thereto may be described as a "wicked global problem" and continues to be so;
- 2) How recent developments in the fields of global environmental governance and transnational environmental law are in the process of changing, conceptually and in practice, the role of local

authorities all over the world and how this may impact on the study of local environmental governance in South Africa; and

- 3) Whether or not, against the background of the above, my colleagues, students and I have over the years become occupied with a novel legal science.

2. Sustainable development: the ideal outcome of environmental law and a persistent, wicked problem

While the 1970s are often perceived and portrayed as the decade of the birth of environmental law across the world – it was the period of the post-World War II focus on the adoption of and commitment to the protection of human rights – in particular of the 1948 United Nations Universal Declaration – that originally (and probably inadvertently) sparked thinking about how best to protect peoples' living and working environments, the human environment, in general. Environmental law has since become one of the fastest growing fields of law in the world and deals with the legal principles and rules that relate to peoples' biophysical environment, including the human interface with the natural resource base. It regulates a number of interrelated areas of concern ranging from natural resource use, conservation and protection, to cultural heritage management and human development. The extensive and very inclusive legal definition of the environment provides for both 'green' (i.e. biophysical) and 'brown' (i.e. social) considerations. While the meaning of the green elements may be more immediately clear, the brown elements must be understood to denote *inter alia* the aesthetic and cultural properties of the surroundings within which people exist. They add social issues to the environmental debate and refer, for example, to patterns of production and consumption and to such issues as the challenges of poverty, the exclusion of minorities, disease and so on. It is therefore clear that the legal definition of the environment is fundamentally anthropocentric.

Environmental laws and policies across the world aim to contribute through what Roscoe Pound has described as social engineering to the critically important balance of the environmental, social and economic elements or

interests in how decisions are taken by governments and by others. This confirms that environmental law concerns far more than the proverbial bees and trees – it is aimed at sustainability and its different pathways. Given this ideal, environmental law is directed at the engineering of what is probably one of the most critical and difficult issues of our time.

The pursuit of sustainability at the meta-level of understanding and at the micro- and macro levels of real-life decision-making has kept humankind consciously busy for decades. Since the publication of the well-known Brundlandt Report, sustainable development (as one of the sustainability pathways) is understood to be ‘development that meets the *needs* of the present without compromising the ability of future generations to meet their own needs’.

Asking you, my audience tonight, what you think are the ten most salient needs in your own lives would certainly result in many interesting answers. If you think about this you will realise that people have conflicting needs. Some relate to our sense of human security and health, others to our need to make money and live good lives. These and other needs are multiplied and ramified the moment one looks at a whole community, a city, a country or the world, and can often come into conflict with one another. For example, what happens when a mine’s needs for cheap labour conflicts with the mine workers’ needs for livable wages? Or when individual families’ needs for firewood conflict with the need to prevent erosion and to conserve topsoil? Or when one country’s need for electricity, which is perceived to be a sign of socio-economic growth, results in the pollution of water resources in a neighboring country or in acid rain in a country further off, with resultant impacts on its lakes and rivers? How do we, and how do decision-makers decide whose needs must be met? The indigent or the rich? Only the needs of citizens, or the needs of immigrants as well? Of people living in cities or in the rural areas? Of people living in one country (say South Africa) or also in other countries (say Brazil, Zimbabwe or Australia)? Your needs or the needs of your neighbour? The needs of our generation or of the next? The needs of the natural environment or the needs of industry? The needs of the

agricultural sector or that of minerals and energy? And when there must be a trade-off, whose needs should go first?

As a legal ideal, the pursuit of sustainability, and hence also sustainable development continues to baffle environmental lawyers and decision-makers. Horst Rittel and Melvin Webber are known for having coined in the early 1970s the notion of wicked societal problems, and in later years for having described sustainable development as one such 'wicked problem', i.e. as forming part of a class of social system problems which are ill-formulated, where the available information is confusing, where there are many role-players and decision-makers with conflicting needs and values, and where the ramifications of the problems are clear yet at the same time thoroughly confusing. Wicked problems stand opposed to 'tame' or 'soluble' problems. Furthermore in most instances they are symptoms of other problems. It follows that environmental law and policy directed at sustainable development are in actual fact directed at a persistent wicked global problem. Rittel and Webber's theory clearly illustrates to this extent the complexity of environmental law as a subject field.

3. Local environmental governance in South Africa

This complexity certainly does not stop with environmental law academics theorising in scholarly journals and university classrooms or at academic conferences about how to disentangle the sustainability knot. Environmental law in statutes and other sources of law feeds directly into how decision-makers in government, for instance, may and must take decisions. It regulates behaviour as it provides for rules, principles, legal instrumentation, norms and standards to be followed, implemented, complied with, and sometimes enforced by natural and juristic persons – again including government. Because of these features, environmental law is a critical element of environmental governance, a term that refers in short to the sum of the organisations, policy instruments, financing mechanisms, rules, procedures and norms that regulate the interrelationship between human beings and the

environment. It follows further that a close relationship exists between the design and implementation of environmental law and the workings of government.

To the extent that my work focuses on the relationship between environmental law and *local* government, it is important to realise that municipalities are organs of state that are subject to the ideals, rules and other provisions of environmental law – just as ArcelorMittal, Sasol, Harmony Gold, AngloGold Ashanti and even this university are regulated by it. But by virtue of their public ‘governing’ power, municipalities are also co-responsible for the making and enforcement of environmental law at the community level.

While a lot could be said about local environmental governance, generally, my paper tonight builds upon the premise that how scholars and others perceive the role of municipalities in environmental governance in South Africa may have to change because of new thinking and developments in the area of *global* environmental governance and *transnational* environmental law. Before explaining this statement further I wish to provide a snapshot of our existing local environmental governance context.

There are people present here tonight that would understand far better than I do exactly how profound an intervention the coming into operation of the Constitution of the Republic of South Africa on 4 February 1997 has been as far as it relates to the structure and powers of local government and the scope of South African environmental law. Time does not permit me to discuss the details and I am therefore merely going to flag a few post-Apartheid constitutional features:

- 1) The Constitution transformed local government into approximately 270 municipalities covering the entire country from wall to wall, and from the mere service delivery arm of government that we had known, to an autonomous yet interrelated sphere with far more legislative and executive powers and developmental functions than before. We no longer have a typical hierarchical government system with a national

parliament possessing most of the state's governing power. Municipalities today, for example, can make municipal bylaws, policies and plans in most instances without needing the prior approval of provincial or national authorities;

- 2) The Constitution places a very high premium on 'developmental' local government, implicitly emphasising that municipalities are crucial in the establishment and maintenance of a true democracy and that they are not *merely* responsible for basic services;
- 3) The Constitution establishes three categories of municipalities, namely metropolitan (for example, City of Johannesburg), district (for example, Kenneth Kaunda) and local municipalities (for example Tlokwe). Metropolitan municipalities have sole governing power in their area of jurisdiction, whilst all local municipalities co-govern with a district municipality that oversees a number of locals;
- 4) Section 156(4) of the Constitution further implicitly introduced the principle of institutional subsidiarity – following original thinking in the governance structures of the Roman Catholic Church and later in the design and operation of the European Union. This principle refers to issues of scale and affords a degree of autonomous power to the lowest, most suitable levels of governance in relation to other levels;
- 5) Section 24 of the Constitution provides for the enforceable right of everyone to an environment that is not harmful to their health or well-being and the right to have the environment protected, albeit not at the expense of sustainable development. This right has a very wide scope of application and may be enforced in a court of law by a range of possible parties – including by private people – anyone of you here tonight - acting on behalf of the environment; and
- 6) The Constitution makes it clear that all three spheres of government (national, provincial and local) and all line functionaries or departments within government must respect, protect, promote and fulfill the constitutional environmental right – this duty is repeated only once in the Constitution – notably outlining the objectives of municipalities in section 152.

Furthermore, since 1996 South Africa has witnessed an explosion of framework and sector environmental and local government laws and policies. These range from the National Environmental Management Act and the Local Government: Municipal Systems Act to the National Environmental Management: Waste Act and the Local Government: Municipal Property Rates Act. In total today, municipalities are regulated in terms of the Constitution as well as more than 200 other national laws. These laws, many of which focus on the environment, have profoundly changed how municipalities may and should govern – they have had a tremendous impact on municipalities and local environmental governance – to a much greater extent than on national and provincial government, for example. The legal complexity applicable in the local sphere has created the exceptional need for skills and capacity in councils and administrations.

The nature of the post-Apartheid governing role of municipalities in the broader context of environmental governance appears to be not yet fully understood. Part of the dilemma derives from the fact that ‘the environment’ *per se* is listed in the Constitution as falling within the regulatory domain of national and provincial government. A very narrow interpretation of the Constitution would therefore support the view that local government should keep its hands off the regulation of most things environmental. My own scholarly work the past six years, together with that of close colleagues in the field, has however been arguing for a broader, contextual understanding of the role of local government. We have argued on several grounds that the environmental governing powers and functions of municipalities transcend brown issues or mere provision of water, sanitation, storm-water pipes and energy-related services. Our view that local government should be involved for example in biodiversity protection, environmentally sound planning and decision-making where mining and other industrial developments are concerned was then also implicitly confirmed by the courts in the *Maccsand*-case and in a series of similar judgments in 2011 and 2012. And finally, on 30 January this year, the Kwazulu-Natal High Court explicitly ruled in the *Le Sueur*-judgment involving the Ethekwini and Cape Town municipalities that municipalities do have general environmental powers (including law-making

powers) over and beyond their service-delivery mandate. Judge Gyanda expressed very strong views about the fact that preventing municipalities from protecting their local environments (also in the green sense) through the exercise of their planning and legislative powers would be contrary to the Constitution and the spirit of South African local government law.

I am of the view that the fact that our courts still need to rule in this way on the division of governing powers years into our democracy is one of many illustrations of the fact that our country is still in the process of establishing its new environmental governance dispensation. In the attempt to provide a national environment conducive to the health of all South Africans and to foster the practices of democracy, the governments of Presidents Nelson Mandela, Thabo Mbeki and Jacob Zuma have been trying for the past 17 years with varying levels of success to put the country on the road to sustainability. This has involved focusing on new laws, policies, decision-making, the workings of Parliament - on structures, systems, procedures, developmental decisions, the fostering of *Ubuntu*, and the development of mechanisms to strengthen equality in the workplace and in society in general. Our public authorities have attempted to make a democracy work despite the severe challenges posed by our cultural and religious diversity, HIV Aids, poverty and service delivery backlogs, for instance.

As a result, decision-makers and scholars like me have for the last fifteen years been largely fascinated by the South African governance *milieu*. Most of us have unconsciously adopted a localised approach to governance and governance studies. Those involved with local government and environmental law, for example, have devoted most of their energy to understanding how to make local environmental governance work in a new constitutional dispensation and within and among our own municipalities such as Mogale City, Ekurhuleni, Emfuleni, uMgeni, Tswane, Ngwathe, Matlosana and Moqhaka. We have become fixated on local problems such as the appalling lack of municipal service delivery, floods of cases of corruption, disruptive and damaging municipal strikes, the lack of provision of proper sanitation to desperately poor communities, damage claims as a result of the poor

maintenance of roads and water services infrastructure, deteriorating relationships between Eskom and municipalities, and dealing with thousands of community members threatening to withhold municipal rates and taxes in response to the poor performance of local government. Pressing societal problems like these provided the breeding ground for a very narrow scholarly endeavour. Environmental law scholars, for example, in most instances scrutinised and analysed environmental governance by focusing in *reactive* ways on: a) the governance role of the 'the state' or 'government' (including local government) *in South Africa*; b) the formal *government* as ultimate governor, arguably without being mindful of the potential role of other non-traditional, non-state governance actors; and c) the formal and traditional role of the law in achieving sustainability objectives.

In the meantime, while South Africa has been trying to find its feet in the new law and governance dispensation, *global* factors - the two most prominent of which are probably globalisation and an increasing awareness of what is necessary to mitigate and adapt to global climate change – almost invisibly began to permeate the thinking around and practice of the millions of local authorities of the world, as regards environmental law and governance.

4. The rise and impact of global environmental governance and transnational environmental law

One year after the Rio+20 United Nations Conference on Sustainable Development the world continues to ask, among other questions, what is needed in terms of an institutional framework and governance for sustainability, globally. Literature shows that the most frequent recent response to this rather difficult question has been 'global environmental governance'. GEG denotes a 'new' governance architecture and new forms of regulation that transcend traditional hierarchical (state) activity. It includes self-regulation by societal actors, private-public cooperation in solving problems, as well as, quite importantly, a variety of novel forms of multilevel law and policy. It suggests a shift in understanding the regulation of human life, from government to governance, where the roles not only of public

authorities but also of private and other sectors are recognised. Traditional state-driven top-down governance approaches are now complemented by shared public and private authority, cooperative partnerships, voluntary standards, codes of conduct, and business self-regulation in a system of multi-level yet non-hierarchical environmental governance structures.

It has been stated that in the theory and practice of international relations GEG is assumed to take place only at the 'global' or international level, but that this notion is incorrect. Within the inclusive GEG architecture, the 'local' (municipal) institution, in tandem with other institutions, is particularly important for addressing global environmental problems simply because what happens and exists in the local influences the global. In concurrence with the reasoning of John Stuart Mill as far back as 1861, some analysts now re-emphasises cities and other localities as the most appropriate arenas in which to pursue policies to address specific global environmental problems including climate change mitigation and adaptation. In addition, for as long as local communities remain poor, in need of enough safe water to drink, dependent on coal-based energy, exposed to disasters such as flooding and droughts, negatively affected by poor land-use and spatial planning, and faced by highly polluted work and living environments, for example, the move towards sustainability may remain a forlorn (global) ideal.

Perhaps even more novel than the concept of global environmental governance is the concept of transnational environmental law (TEL) that has also made its way in recent years into a contemporary understanding of how environmental law operates in the global sustainability continuum. Shaffer and Bodansky explain that TEL encompasses but is broader than international environmental law and refers to all of the norms of environmental law that apply to transboundary activities or that have effect in more than one jurisdiction. TEL includes national or domestic environmental regulation that has or could have horizontal affects across state jurisdictions. This follows from the view that in the face of globalisation the law no longer operates in single or confined pluralistic sites – it is of direct relevance to the ways in which and where governance takes place anywhere, as it continues to

explicitly and implicitly regulate all governance actors in an inclusive, almost borderless, global governance system, through a complex hybrid of local, domestic, regional and international public and private law systems.

It stands to reason that the conceptual development of TEL and GEG emphasises the increasingly important role of municipalities in these 'global' endeavours. This requires for example rethinking the interrelationship between the major stakeholders in local government i.e. local councils and their sub-committees, ward-councils, administrations, communities, traditional leadership and local courts and their relevance for the global sustainability agenda. Local government, for example, finds itself situated between and among the state as an institution, the private sector and civil society, and one must ask if municipalities are suitably positioned nationally and internationally and if they possess sufficient power and capacity to actively participate as fully fledged GEG actors even if they do so through national representatives.

If the answer is no, the next step would be to question and explore the type of legal and governance reform and change that may be required to ultimately situate local government more prominently in the global setting. Such an exploration requires recognition of the fact that in many countries, including South Africa, municipalities are the products of formalistic constitutional law. As organs of state, municipalities were (and in some instances continue to be) established and empowered in terms of state constitutions and legislation to govern within inflexible, formal, and top-down structures designed for hierarchical-type governance. Municipalities are furthermore unique governance actors to the extent that they are first and foremost responsible for and accountable to electorates and local constituencies, and their terms of office are relatively short. Furthermore, the legislative power of a municipality (in principle regarded to be able to contribute to TEL) often resides in a local council comprised of politically elected representatives with political agendas, whilst the executive power is shared with a municipal administration. It follows that an important factor in determining if and how local government could actively and effectively participate in GEG is the more or less generic locality-specific nature, powers and composition of municipalities.

Perhaps most important for lawyers is that as a result of globalisation and other factors, the law is no longer a logical system of enforceable international and domestic rules and principles - it has become a more elastic concept, comprising positivist rules, soft principles, statutory norms and standards, industry standards, prescriptions from different institutions, and relevant customs and practices, and to quote Boule: 'a combination which necessarily leads to inconsistency, uncertainty and indeterminacy in law's province'. This challenges existing knowledge of the nature and providence of law as a key source of the governing power of state authorities, including local government. While it is clear that a special relationship remains between the organs of state within countries as co-environmental governance actors and the law, it is not clear how changes regarding the alternative sources and novel instruments of law affect the sources of authority and power of municipalities, for example. It is also not clear to what extent the legislative power and ensuing environmental or sustainability bylaws of municipalities eventually (may) also become sources of TEL or conversely, what the effect of TEL could be on local sustainability bylaws.

Some of the most prominent issues that remain to be clarified include what the sharing of decision-making authority with other organs of state and other GEG actors beyond the jurisdiction of the state implies for municipalities' execution of their related executive powers and functions, the strength of their constitutional status, and how TEL may have to permeate and thus influence the execution of local government's own law-making powers. These and other questions cannot be avoided by environmental law scholars and certainly not by those who focus on local environmental governance. It is my view that these fundamental questions will soon have to filter down to country-specific research, training and teaching and that, despite the many challenges experienced with the most basic of services and duties of local government in South Africa, scholars, students, policy-makers, municipalities and others on home-ground, being part of a globalised world and knowledge economy, will not be able to and should ultimately not attempt to escape the international demand for knowledge generation in this field.

5. Novel approaches required in research and teaching

While further in-depth research is necessary – and I will be one such researcher - it appears possible that developments in environmental governance and its interrelationship with the law on a global scale could contribute to the improved future design and execution of local environmental governance in South Africa. The dilution of the attribution of environmental governance to the sole competence of formal hierarchical governments and the inclusion in that competence of a range of different actors including industry, the media, non-governmental organisations, and community organisations, among others, may very well serve as an indicator of direction in which solutions may be found, as we deal with some of the complex governance challenges we face in our own country. With regard to local environmental governance specifically, comprehensive and systematic legal research will be necessary to generate crucially important knowledge concerning the interrelationship and sharing of governing power between, for example, municipalities (councils and administrations), traditional authorities, mines, the energy sector, the agricultural sector, private contractors, financial institutions, local NGOs and the community, as well as between municipalities and other organs of state.

As part of this enquiry it would be necessary to revisit and analyse, *inter alia*, the constitutional law of South Africa, as well as local government, environmental, administrative and other related branches of law. In fact, the overall function of the law may have to be questioned as the conceptual extension of environmental governance actors implies the coming into being of novel, legally relevant relationships between multiple “new” governance actors. These relationships can no longer be governed only by environmental law in the traditional sense. Industry standards, codes of conduct, service and financing contracts, memoranda of understanding, decisions by alternative dispute resolution bodies, municipal bylaws, norms, standards and strategic and spatial plans may have to join in what we now perceive to be the body or matrix of “law” applicable in the environmental context.

Understanding the nature and function of the law in this new local environmental governance context is therefore likely to challenge environmental lawyers' and scholars' existing perceptions, as they will have to use and develop the law in ways hitherto unknown. The challenge deepens when one considers that the law and legal science have historically dealt with 'tame' as opposed to wicked problems.

It is again Roscoe Pound who holds that lawyers should study the means of making legal precepts effective in action and that 'the life of the law is in its everyday operation'. In South Africa the initial phase of designing and adopting environmental and local government law has come to an end. We have now entered the phase where lawyers and others should question environmental law in context and action. We need to understand what lies beyond the black letters of environmental law. We need to study the working of the order of environmental law rather than the abstract contents of its authoritative precepts.

What does this mean in a country that had to adopt a Local Government Turnaround Strategy in 2009, a country that expresses concerns about local government in its National Development Plan, which extends until 2030, and a country that faces a growing number of court cases being brought against failing municipalities, and where provincial governments increasingly have to take over the duties of municipal administrations?

Obviously it means many things in many contexts. For the scholar devoted to make a constructive normative and tangible contribution in the field of local government, environmental law and local environmental governance it means that systematic, consistent and scientifically sound research that may inform policy, decision-makers and the discourse, generally must be conducted. I am of the view that such research:

- 1) Must even if faced with wicked societal problems work within carefully planned short- and long-term research cycles to systematically,

meaningfully and progressively contribute to the local and international knowledge economy;

- 2) Must bring together teams of established and young researchers to conduct objective and scientifically sound inter-disciplinary and trans-disciplinary research that transcends the artificial boundaries between the natural, social and legal scientific fields with their different narratives, languages and methodologies and that aims to showcase lessons learned as well as progress, excellence and performance;
- 3) Must use a range of flexible legal research and other methodologies to generate new theories, approaches and paradigms fit for understanding and addressing in pro-active ways, real-life legal and governance problems, examples and scenarios in South Africa and beyond;
- 4) Must aim at exploring in critical ways the role of the art and science of environmental law and governance in the global and domestic contexts in the pursuit of sustainable development as a global wicked problem but also as an imperative of our Constitution;
- 5) Must be mindful of the risks of relying on 'common sense' and aware of but never manipulated by what Andrew Dunsire has described as the inevitable 'communications gap' between the practitioner and the theorist or academic scholar; and
- 6) Must feed through different types of dissemination strategies into the academically driven knowledge-economy *as well as* legal and governance *practice* so that we drive innovation and productively contribute towards good governance through the creation and sharing of knowledge.

As far as the teaching of the substantive content and working of local government and environmental law is concerned, I should like to argue that the earlier law students are exposed to different scientific languages, adaptive legal skills and a variety of methodologies, the better they will be able to understand and eventually constructively work with complex legally relevant questions – including the important yet limited function of the precepts of the law in environmental governance and the real-life pursuit of sustainability.

6. Conclusion: a new (legal) science in the making?

I believe that the study of local environmental governance through the lens of the law and with a focus on sustainability as a legal ideal is not a new science *per se*. True to the nature of social science, it is at least for now a science in the making. Its dynamics, its complexities, the tension between what the theory imagines and believes and the experience of disillusioned local communities (represented by many of us present tonight), practitioners and industry as well as the importance of translating and making meaning of international developments for the unique local conditions in South Africa, makes being a law scholar venturing into the field of local environmental governance challenging and taxing, but most of all, exciting. It may, for example, easily be that the post-constitutional legislative tsunami that has hit every single municipality in this country contributed at least in part to some of the existing problems. A focus on governance through the lens of the law and critically questioning the reciprocal impacts of new thinking in law and governance makes for, but also requires introspection, novel methodologies, new ways in the search for understanding law in practice, and new understanding of the interconnectedness of multi- and interdisciplinary local government phenomena in South Africa and globally. Viewed this way, it may very well be that a new focus area is unfolding within and between the legal scientific fields of constitutional, local government, environmental and international law and governance. Whether this is in fact happening, only time and future retrospective research will be able to tell. John Henry Merryman explained in 1977 in the *American Journal of Comparative Law* that:

In a new field unsure of its identity a certain amount of conceptual and semantic chaos is unavoidable. It takes time, effort and a number of false starts to develop the necessary characteristics of a scholarly field: a paradigm, a group of interested scholars, funding and institutional bases, regular lines of communication and publication, and so forth. Eventually however, since 'Truth emerges more readily from error than confusion,' the natural tendency is for the situation to clarify. A paradigm emerges. A line is taken and followed. A field is born.

Isn't this true and isn't this exciting?

Ladies and gentlemen, I have publicly argued before and will continue to claim that being a professor or any academic affiliated with a university, means that one should: a) unlock existing knowledge and generate new knowledge by means of academic research and scholarly publication, b) transfer information, knowledge and skills to students through teaching and research supervision and c) be involved with and in touch with societal realities.

Therefore, committed still to the field of local government and environmental law, being acutely aware also of the reason for our being together on this occasion, and following the inspiring mentors, senior colleagues and scholars before me, I wish to conclude this address by committing myself to scholarly excellence through consistency, continued scientifically sound enquiry and research, respect for the reasonable boundaries of academic freedom, meticulous and fair study supervision, lecturing that excites and convinces, collaboration with those in other scholarly disciplines of which an understanding is critical for making a meaningful contribution to my field as well as to continued academic endeavours aimed at crossing the bridges between environmental law and governance *theory* and *practice* - albeit never without doing justice to the need to respect and pursue both. I further pledge to never stop believing and investing in the next generation of legal scholars and professionals at this institution and elsewhere in our vibrant country. Working with and serving as an example for my students and younger colleagues as well as for the broader society will remain an honour and joy for me, as long as I have the privilege to do what I do. And may I never lose sight of the immense responsibility to do this well.

I thank you and the North-West University, for this opportunity and for the faith being put in me.