

SOUTH AFRICAN RESEARCH CHAIR IN CITIES, LAW AND ENVIRONMENTAL SUSTAINABILITY

List of publications 2019-2022

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Publications: 2019 - current

SARCHi CLES Chair (Prof Anél du Plessis)

2019

Aust HP and **Du Plessis AA** (eds) *The Globalisation of Urban Governance* (Routledge New York 2019) <https://doi.org/10.4324/9781351049269>

Du Plessis AA 'The Global Aspiration of Safe, Sustainable, Resilient and Inclusive Cities: South African Local Government Shaping Up' in Chigwata TC, De Visser J and Kaywood L (eds) *Developmental Local Government Research Series: The Journey to Transform Local Government* (Juta Claremont 2019)

Stoffels M and **Du Plessis AA** "Piloting a Legal Perspective on Community Protests and the Pursuit of Safe(r) Cities in South Africa" 2019 *SA Public Law* 1-26 <https://upjournals.co.za/index.php/SAPL/article/view/6188>

2020

Kotzé L and **Du Plessis AA** "Putting Africa on The Stand: A Bird's Eye View of Climate Change Litigation on The Continent" 2020 *Environmental Law* 615-663 https://www.jstor.org/stable/27007692?seq=1#metadata_info_tab_contents

Du Plessis AA "Local Government and The Pursuit of Sustainability in South Africa" in Smit SJ and Makomeni WT (eds) *Environmental Management - A Business Management Approach* 2nd edition (Juta Cape Town 2020)

2021

Du Plessis W and **Du Plessis AA** "Doctoral Research in Environmental Law (Part 1): Rationale and Some Supervision Challenges" in Kennedy A and Du Plessis AA *et al* (eds) *Teaching and Learning in Environmental Law* (Edward Elgar 2021) 209-223

Du Plessis AA and Du Plessis W "Doctoral research in environmental law (Part 2): the student-supervisor relationship" in Kennedy A and Du Plessis AA *et al*

(eds) *Teaching and Learning in Environmental Law* (Edward Elgar 2021) 224-238

Kennedy A and **Du Plessis AA** *et al* (eds) *Teaching and Learning in Environmental Law* (Edward Elgar 2021)

Du Plessis AA *Environmental Law and Local Government in South Africa* (ed) 2nd edition (Juta Cape Town 2021) pp. 1-1376

Du Plessis AA and Nel JG “Introduction” in *Environmental Law and Local Government in South Africa* (ed) 2nd edition (Juta, 2021) 1-40

Nel JG and **Du Plessis AA** “Key Elements for Municipal Action” in Du Plessis AA (ed) *Environmental Law and Local Government in South Africa* (ed) 2nd edition (Juta Cape Town 2021) 1-52

Nel JG, Du Plessis W and **Du Plessis AA** “Instrumentation for Local Environmental Governance” in Du Plessis AA (ed) *Environmental Law and Local Government in South Africa* 2nd edition (Juta Cape Town 2021) 1-86

Du Plessis AA, Raboshakga N and Kotzé LJ “Sources of Law and Legal Authority” in Madlingozi T and Field T *et al* (eds) *Introduction to Law and Legal Skills in South Africa* 2nd edition (Oxford University Press 2021) 199-233

Du Plessis AA and Raboshakga N “Legal Problem Solving” in Madlingozi T and Field T *et al* (eds) *Introduction to Law and Legal Skills in South Africa* 2nd edition (Oxford University Press 2021) 439-461

Du Plessis AA “Some of the Changing Features of Urban Governance as Cities respond to Global Climate Change” in Nijman J and Aust HP (eds) *Research Handbook on International Law and Cities* (Edward Elgar 2021) 93-115

2022

Du Plessis AA “SDG 11 - make cities and human settlements inclusive, safe, resilient and sustainable” in Ebbesson and Hay (eds) *Handbook on International Law and the SDGs* (Cambridge University Press, 2022) pp 281 - 303.

Van der Berg A. and Du Plessis AA “Shared Mobility Towards Urban Climate Resilience in the City of Johannesburg” in Verschuuren J and Van der Berg A *Climate Change Adaptation Law and Cities* (Edward Elgar, 2022) pp 325-357.

Roos V, Du Plessis AA, and Hoffman J “Municipal Service Delivery to Older Persons: Contextualizing Opportunities for ICT” in Roos, V and Hoffman, J (eds) *ICT Innovation and Impact for All Ages: The South African Why, How, and So What* (Springer, 2022) pp 29-50.

Du Plessis, AA “When the Legal Pathways for Sound Financial Management and Spatial Justice Collide: The Case of South African Cities” *South African Law Journal* pp. 650-677.

CLES Students (LLMs and PhDs and Postdocs)

2019

Fambasayi R "The Constitutional Protection of Child Witnesses In Zimbabwe's Criminal Justice System" 2019 *South African Journal of Criminal Justice* 32-52
<https://journals.co.za/content/journal/10520/EJC-16f074d299>

Van der Berg A "The Pursuit of SDG 11 Through the Lens of Intergrated Development Planning" in Aust HP and Du Plessis AA (eds) *The Globalisation of Urban Governance* (Routledge New York 2019)

2020

Addaney M and **Moyo CG** “Experiences from African Regional Human Rights Courts and Tribunals in the Protection of Environmental Rights” in Addaney M and Jegede AO *Human Rights and the Environment under African Union Law* (Palgrave Macmillan Cham 2020) 187-208
https://link.springer.com/chapter/10.1007/978-3-030-46523-0_8

Addaney M, **Moyo CG** and Ramakhula T “Human Rights, Regional Law and the Environment in Africa: Legal and Conceptual Foundations” in Addaney M and Jegede OA *Human Rights and the Environment under African Union Law* (Palgrave Macmillan Cham 2020) 3-23
https://link.springer.com/chapter/10.1007/978-3-030-46523-0_1

Botes M and Steenkamp RM "Legal Perspectives on Ecosystem Services Protection for Water Security in South African Cities" 2020 *Southern African Public Law* 1-28 <https://doi.org/10.25159/2522-6800/7673>

Dube F "The South African Constitution As an Instrument of Doing What Is Just, Right and Fair" 2020 *In die Skriflig/In Luce* 1-6 <https://doi.org/10.4102/ids.v54i1.2601>

Dube F "Neither Adopted nor Borrowed: A Critique of the Conception of the South African Bill of Rights" 2020 *PER / PELJ* 2-26 <https://journals.assaf.org.za/index.php/per/article/download/8794/10422/>

Dube F and Agbor AA "The Universal Declaration of Human Rights at 70: African Perspectives on Progress and Prospects" 2020 *PER / PELJ* 2-5 <https://doi.org/10.17159/1727-3781/2020/v23i0a8780>

Fambasayi R and Moyo A "The best interests of the child offender in the context of detention as a measure of last resort: A comparative analysis of legal developments in South Africa, Kenya and Zimbabwe" 2020 *South African Journal on Human Rights* 25-48 <https://doi.org/10.1080/02587203.2020.1775495>

Glasser MD and **Wright J** "Municipalities in Financial Distress: What Can Be Done?" 2020 *Journal of Law Democracy and Development* 413-441 <https://law.uwc.ac.za/all-publications/ldd-items/south-african-municipalities-in-financial-distress-what-can-be-done-pgs-413-441>

Mwonzora G "Social Media and Citizen Mobilisation in the Biometric Voter Registration (BVR) process in Zimbabwe" 2020 *Journal of Contemporary African Studies* 103-120 <https://www.tandfonline.com/doi/full/10.1080/02589001.2020.1746753>

Mwonzora G and Helliker K "Learning and Performing Political Violence: ZANU-PF Youth and the 2008 Presidential Run-off Election in Zimbabwe" 2020 *Journal of African Studies* 1-20 <https://doi.org/10.1080/00020184.2020.1821351>

Mwonzora G and Hodzi O "Movement of Democratic Change and Nelson Chamisa and the Zimbabwean Opposition Politics in the Post-Mugabe Era" 2020 *Journal of Asian and African Studies* 1-16
<https://doi.org/10.1177%2F0021909620986588>

Mwonzora G and Xaba MB "From the Booth to the Dock: 2018 Elections in Zimbabwe and the Elusive Search for Electoral Integrity" 2020 *Journal of Commonwealth & Comparative Politics* 433-451
<https://doi.org/10.1080/14662043.2020.1813457>

2021

Dini J, **Steenkamp RM**, Palmer C and Naidoo D "Water Law and the Water Research Commission – Towards the Goal of Water for All for Ever" in *WRC @50 Celebrating a Half-Century of Excellence* (Water Research Commission Pretoria 2021) 126-141 <http://www.wrc.org.za/mdocs-posts/wrc50-celebrating-a-half-century-of-excellence/>

Dube F and Ncube P "Common law Rights of Residential Tenants During The COVID-19 Pandemic in South Africa" 2021 *Journal of Contemporary Roman-Dutch Law* 165-179

Dube F "Separation of Powers and The Institutional Supremacy of The Constitutional Court Over Parliament and The Executive" 2021 *South African Journal on Human Rights* 1-26 DOI: 10.1080/02587203.2021.1925954

Magaya I and **Fambasayi R** "Giant leaps or baby steps? A Preliminary Review of the Development of Children's Rights Jurisprudence in Zimbabwe" 2021 *De Jure* 16-34 <http://www.dejure.up.ac.za/index.php/volumes/2021/volume-54-2021/magaya-i-fambasayi-r>

Fambasayi R and Addaney M "Cascading Impacts of Climate Change and The Rights of Children In Africa: A Reflection on The Principle of Intergenerational Equity" 2021 *African Human Rights Law Journal* 29-51
http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1996-20962021000100004

Molaiwa A "Municipal Courts and Environmental Justice in South African Local Government" 2021 *Potchefstroom Electronic Law Journal* 1-40
<https://doi.org/10.17159/1727-3781/2021/v24i0a8990>

Steenkamp RM "Municipal Instruments in Law for Cultural Heritage Protection: A Case Study of the Cape Town Metropolitan Municipality" 2021 *Potchefstroom Electronic Law Journal* 1-34
<https://doi.org/10.17159/1727-3781/2021/v24i0a6435>

2022

Steyn NR 2022 "Legislative Responses to the Challenge of Insufficient Data on Water Service Delivery in South African Cities" *Urban Forum* pp. 1-18

Wright J, Dube F, and Du Plessis AA 2022 "Judicial enforcement of provincial interventions in support of municipalities in South Africa" *Verfassung und Recht in Übersee (VRÜ) / World Comparative Law* pp 105-125.

Fambasayi R, Chiname J and Katsidzira RS 2022 "Children's environmental rights and environmental governance in Zimbabwe" in A Moyo (2nd Edition) *Selected Aspects of the 2013 Zimbabwean Constitution and the Declaration of Rights (2022)* Raoul Wallenberg Institute, Sweden, pp 363-379.

Fambasayi, R, & Katsidzira, RS 2022 "The role of cities in ending violence against children in South Africa" *International Journal of Child, Youth and Family Studies*, pp 52-71.

Dube, F 2022 "The rule of law in a state of disaster: Evaluating standards of the Promulgation, Administration and Enforcement of Emergency Regulations in South Africa" *Hague Journal on the Rule of Law*, pp 1-17.

Dube F and Moyo CG 2022 "The Right to Electricity in South Africa" *Potchefstroom Electronic Law Journal* pp. 1-22.

Dube F 2022 "The Ethos of Tolerance of Diversity in Post-apartheid Jurisprudence" *Obiter* 43(1):124 -141.

Dube F 2022 "Testing the Right to Vote in Free, Fair and Regular Local Government Elections in South Africa: Challenges from the COVID-19 Pandemic" Southern African Public Law pp. 1-22

Steyn NR 2022 "Exploring the Adequacy of South African Water Law in Managing Non-Revenue Water: A Focus on South African Cities" Southern African Public Law 1-28.

Govindjee U 2022 "Defining the Urban Edge – A Guide to its Implementation for Sustainable Development" Potchefstroom Electronic Law Journal 1-31.

Hattingh, H 2022 "The Legal Relevance of Nature-based Solutions for Sustainable Urban Development in South African Secondary Cities" Potchefstroom Electronic Law Journal pp. 1-28.

Ngcobo NN 2022 "Waste pickers and the informal economy: Constitutional Law perspectives" Speculum Juris pp 17-39.

Samons M 2022 "The Control and Eradication of Invasive Species in Urban Areas in terms of South African Law: The City of Cape Town and Polyphagous Shot Hole Borer Beetles" Potchefstroom Electronic Law Journal pp 1-17.

CLES Fellows

Prof Helmut Aust

Aust HP 'Good Urban Citizen' in Hohmann J and Joyce D (eds) International Law's Objects (Oxford (OUP) 2018)

<https://www.oxfordscholarship.com/view/10.1093/oso/9780198798200.001.0001/oso-9780198798200-chapter-19>

Aust HP "The Democratic Challenge to Foreign Relations Law in Transatlantic Perspective" in Bomhoff, J., Dyzenhaus, D. and Poole, T. (eds) *The Double-Facing Constitution* (Cambridge University Press, United Kingdom 2020) 345-375

<https://www.cambridge.org/core/books/doublefacing-constitution/democratic-challenge-to-foreign-relations-law-in-transatlantic-perspective/2189E43282D9C42037DBE60F58418887>

Aust HP "US Drone Operations and the Fundamental Right on Life: A German Exceptionalism" 2020 *Juristen Zeitung* 303-311

Aust HP "Auslandsaufklärung durch den Bundesnachrichtendienst - Rechtsstaatliche Einhegung und grundrechtliche Bindungen im Lichte des Urteils des Bundesverfassungsgerichts zum BND-Gesetz" 2020 *Die Öffentliche Verwaltung* 715-723

Aust HP "Cities as International Legal Authorities - Remarks on Recent Developments and Possible Future Trends of Research" 2020 *Journal of Comparative Urban Law and Policy* 82-88

Aust HP "Die Anerkennung von Regierungen: völkerrechtliche Grundlagen und Grenzen im Lichte des Falls Venezuela" 2020 *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 73-99

Aust HP "S-Drohneinsätze und die grundrechtliche Schutzpflicht für das Recht auf Leben: "German exceptionalism"? Zugleich Besprechung von OVG Münster, Urteil vom 19.3.2019, 4 A 1361/15" 2020 *Juristenzeitung* 303-311

Aust HP "Cities as international legal authorities – remarks on recent developments and possible future trends of research" 2020 *Journal of Comparative Urban Law and Policy* 82-88

Aust H "Recognition returning home: An international law perspective on the interregnum after the 2020 US presidential elections" 2021 *Amerikastudien/American Studies* 185-189

Aust "Cities in International Law – From Outsiders to Insiders?" 2020 *Proceedings of the American Society of International Law* 368-370

Aust HP "Planetary boundaries *intra muros*: Cities and the Anthropocene" in French D and Kotzé L (eds) *Research handbook on Law, Governance and Planetary Boundaries* (Edward Elgar Cheltenham 2021)

Nijman J and **Aust HP** (eds) *Research Handbook on International Law and Cities* (Edward Elgar Cheltenham 2021)

Aust H "Legal consequences for serious breaches of peremptory norms in the law of state responsibility: Observations in the light of the recent work of the International Law Commission" in Tladi D (ed) *Peremptory Norms of General International Law (Jus Cogens): Disquisitions and Disputations* (Brill The Hague 2021) 227-255

Prof Willemien du Plessis

Du Plessis W and Du Plessis AA "Doctoral Research in Environmental Law (Part 1): Rationale and Some Supervision Challenges" in Kennedy, A and Du Plessis AA *et al* (eds) *Teaching and Learning in Environmental Law* (Edward Elgar, 2021) 209-223

Du Plessis AA and **Du Plessis W** "Doctoral Research in Environmental Law (Part 2): The Student-Supervisor Relationship" in Kennedy, A and Du Plessis AA *et al* (eds) *Teaching and Learning in Environmental Law* (Edward Elgar, 2021) 224-238

Pienaar J, **Du Plessis W** and Johnson E "Land Matters and Rural Development" 2020 *Southern African Public Law* 1 - 30

Du Plessis W "Energy Efficiency: The Progress of Policy, Legislation, and the Role of the Courts in South Africa" 2018 *South African Journal of Environmental Law and Policy* 175-203 (published in 2020)
<https://journals.co.za/content/journal/10520/EJC-1a70a720d8>

Du Plessis W, Pienaar J, Koraan RHC and Stoffels MC "Unrest and Violence" 2019 *Journal of Law, Society and Development* 1 - 21

Prof Oliver Fuo

Fuo ON 'Funding and Good Financial Governance as Imperatives for Cities' Pursuit of SDG 11' in Aust HP and Du Plessis A (eds) *The Globalisation of Urban Governance* (Routledge New York 2019)

Fuo ON "The Courts and Local Government in South Africa" in Fesha Y and Kossler K (eds) *Federalism and the Courts in Africa: Design and Impact in*

Comparative Perspectives (Routledge 2020) 103-123

<https://www.routledge.com/Federalism-and-the-Courts-in-Africa-Design-and-Impact-in-Comparative-Perspective/Fessha-Kossler/p/book/9780367266707>

Fuo ON "The Role of Local Governments in Providing Social Protection in the Context of the United Nations Sustainable Development Goals: The Position of South African Municipalities" *African Journal of Democracy and Governance* 113-136

Fuo ON "Nativism in South African municipal indigent policies through a human rights lens" 2020 *Law, Democracy and Development* 271-317

Raboshakga N and **Fuo ON** "Appropriate Internal Appeal Mechanisms for Approval of Building Plans: Exploring the Gaps Left By the Constitutional Court" 2020 *PELJ* 1-32

Mr Andrew Gilder

Gilder A and Rumble O "Evolving African Climate Change Law and Regulation" 2019 *Climate and Carbon Law Review* 235-236

<https://cclr.lexxion.eu/article/cclr/2019/4/3>

Gilder A and Stiles G "Comparative Approaches to Carbon Taxation in Canada and South Africa: Balancing National Aspirations with Global Realities" 2019 *Climate and Carbon Law Review* 270-279

<https://cclr.lexxion.eu/article/CCLR/2019/4/7>

Gilder A, Rumble O and Parker M *Concise Guide to Carbon Tax* (LexisNexis 2020 Cape Town)

Dr Matt Glasser

Glasser M "Financing the New Urban Agenda" in Davidson N and Tewari G (eds) *Law and the New Urban Agenda* (Routledge London 2020)

<https://www.taylorfrancis.com/chapters/edit/10.4324/9780367188764-3/financing-new-urban-agenda-matthew-glasser>

Glasser MD "Municipal Bonds in Three Countries: India, South Africa and the United States" 2020 *Journal of Comparative Urban Law and Policy* 96-132
[https://readingroom.law.gsu.edu/cgi/viewcontent.cgi?article=1054&context=jc
ulp](https://readingroom.law.gsu.edu/cgi/viewcontent.cgi?article=1054&context=jculp)

Glasser MD and Wright J "Municipalities in financial distress: What can be done?" 2020 *Journal of Law Democracy and Development* 413-441
[https://law.uwc.ac.za/all-publications/lld-items/south-african-municipalities-in-
financial-distress-what-can-be-done-pgs-413-441](https://law.uwc.ac.za/all-publications/lld-items/south-african-municipalities-in-financial-distress-what-can-be-done-pgs-413-441)

Dr Geci Karuri-Sebina

Karuri-Sebina G "Urban Africa's Futures: Perspectives and Implications for agenda 2063" 2019 *Foresight* 95-108
[https://www.emerald.com/insight/content/doi/10.1108/FS-07-2019-
0056/full/html](https://www.emerald.com/insight/content/doi/10.1108/FS-07-2019-0056/full/html)

Prof Louis Kotzé

Kotzé LJ and Du Plessis AA "The African Charter on Human and Peoples' Rights and Environmental Rights Standards" in Turner S *et al* (eds) *Environmental Standards* (Cambridge University Press 2019) 93-115

Kotzé LJ and Du Plessis AA "Putting Africa on the Stand: A Bird's Eye View of Climate Change Litigation on the Continent" 2020 (3) *Environmental Law* 615-663

Kotzé LJ "A Global Environmental Constitution for the Anthropocene?" 2019 *Transnational Environmental Law* 11-33
DOI: <https://doi.org/10.1017/S2047102518000274>

Kotzé LJ "The Anthropocene, Earth System Vulnerability and Socio-ecological Injustice in an Age of Human Rights" 2019 *Journal of Human Rights and the Environment* 62-85
[https://www.elgaronline.com/view/journals/jhre/10-
1/jhre.2019.01.04.xml](https://www.elgaronline.com/view/journals/jhre/10-1/jhre.2019.01.04.xml)

Kotzé LJ and Kim R "Earth System Law: The Juridical Dimensions of Earth System Governance" 2019 *Earth System Governance* 1-12
<https://doi.org/10.1016/j.esg.2019.100003>

Kotzé LJ and Grant E 2019 "Environmental Rights in the Global South" in Cullet P and Koonan S (eds). *Research Handbook on Law, Environment and the Global South* (Edward Elgar, Cheltenham) 86-108

Kotzé LJ "Reflections on the Rule of Law in Times of Socio-ecological Crisis" 2019 *Journal of Environmental Law* 367-382
<https://academic.oup.com/jel/article-abstract/31/2/367/5525328>

Kotzé LJ 2019 "International Environmental Law's Lack of Normative Ambition: An Opportunity for the Global Pact for the Environment?" 2019 *Journal for European Environmental and Planning Law* 213-238
<https://doi.org/10.1163/18760104-01603002>

Kotzé LJ 2019 "International Environmental Law and the Anthropocene's Energy Dilemma" 2019 *Environmental and Planning Law Journal* 437-458
<http://eprints.lincoln.ac.uk/id/eprint/39664/1/StructuralComplicity.docx>

Lubbe WD and **Kotzé LJ** "Holistic Biodiversity Conservation in The Anthropocene: a Southern African Perspective" 2019 *African Journal of International and Comparative Law* 76 – 99 DOI: [10.3366/ajicl.2019.0260](https://doi.org/10.3366/ajicl.2019.0260)

Prof Marius Pieterse

Pieterse M "Where is the Periphery Even? Capturing Urban Marginality in South African Human Rights Law" 2019 *Urban Studies* 1182-1197

Pieterse M "Urban Autonomy in South African Intergovernmental Relations Jurisprudence" 2019 *Vienna Journal on International Constitutional Law* 119-146

Pieterse M "Local Government Law, Development and Cross-Border Trade in Global Cities of SADC" 2020 *Law and Development Review* 127-137
<https://doi.org/10.1515/ldr-2019-0055>

Pieterse M "Shifting paradigms from between the lines? Legal internalizations of the right to adequate housing in South Africa" in Davidson, NM and Tewari, G (eds) *Law and the New Urban Agenda* (Routledge London 2020) 131-144

Pieterse M "Devolution, urban autonomy and local governance in the cities of the SADC" 2020 *African Journal of International and Comparative Law* 612-635
DOI: [10.3366/ajicl.2020.0342](https://doi.org/10.3366/ajicl.2020.0342)

Pieterse M "Anatomy of a Crisis: Structural Factors Contributing to the Collapse of Urban Municipal Governance in Emfuleni, South Africa" 2020 *Urban Forum* 1-15 <https://doi.org/10.1007/s12132-020-09406-4>

Pieterse M "Out of the Shadows: Towards a Line between Party and State in South African Local Government" 2020 *South African Journal on Human Rights*
DOI: <https://doi.org/10.1080/02587203.2020.1867481>

Mr Stephen Berrisford

Zinnbauer, D. and Berrisford, S. "Tackling corruption in urban development and planning: From compliance to integrity in Africa and beyond" in Bartel, R. and Carter, J. (eds) *Handbook on Space, Place and Law* (Edward Elgar 2020 Cheltenham)

