

**FINDING NEMA: THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT,
THE DE HOOP DAM, CONFLICT RESOLUTION AND ALTERNATIVE
DISPUTE RESOLUTION IN ENVIRONMENTAL DISPUTES**

E Couzens* and M Dent**

Summary

At a time when it is recognised that large dams have potentially serious environmental consequences; it appears that a dam, the De Hoop dam, is to be constructed in Mpumalanga Province. The dam may seriously disrupt ecosystems in the Kruger National Park. Authorisation for the dam was granted by the Minister: Department of Environmental Affairs and Tourism, based on a badly flawed environmental impact assessment (EIA) process; the Record of Decision (ROD) from the Minister was equally inadequate. Following objections and appeals, the Minister released a revised RoD in which important changes were made. The flawed EIA and approval processes, however, may come back to haunt the decision-maker; yet value lies in the lessons to be drawn from the initial failure to consider the views of interested and affected parties. In the end, an abridged form of Alternative Dispute Resolution (ADR) is to be followed; but much harm could have been avoided had this been done from the beginning. The 'de hoop' must be that these errors will be avoided in future in such disputes and a culture of ADR fostered.

* BA Hons LLB (Wits) LLM Environmental Law (Natal and Nottingham); Attorney of the High Court, RSA; Senior Lecturer, Faculty of Law, University of KwaZulu-Natal, Durban.

** MSc Eng (Natal) PhD Eng (Natal) MBL (UNISA); PrEng, Programme Director, Centre for Environment Agriculture and Development, Faculty of Science, University of KwaZulu-Natal, Pietermaritzburg.