



# ALEXANDER PATERSON

PROFESSOR OF ENVIRONMENTAL LAW

## PROFILE

I am a passionate and creative lawyer, educator and researcher who aims in a small way to contribute to resolving the global environmental crisis by inspiring and capacitating students, lawyers, judges, companies, government employees and NGOs to understand, question and refine the role of environmental law in forging a more sustainable future for current and future generations.

## CONTACT

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## LANGUAGES

- English
- Afrikaans
- Xhosa

## SKILLS

- Creative thinker
- Innovative and experienced educator
- Meticulous researcher
- Accomplished writer and editor
- Energetic & reliable administrator (general and project)
- Inclusive and equitable facilitator /trainer
- Strong advocate for equality and justice generally, and environmental justice in particular

## EDUCATION

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### University of Cape Town

2009-2011

PhD (Bridging the Gap Between Conservation and Land Reform - Communitally-Conserved Areas as a Tool for Managing South Africa's Natural Commons)

### University of Cape Town

2002-2003

LLM (Environmental & Marine Law)

### University of Cape Town

1998

School for Legal Practice

### University of Cape Town

1994-1996

Bachelor of Laws

Deans Merit List

### University of Cape Town

1991-1993

Bachelor of Social Science

Deans Merit List

### South African College School

1978-1990

National Senior Certificate Matriculation

## WORK EXPERIENCE

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### University of Cape Town – Professor of Law

2004 to date

Professor of Environmental Law, Faculty of Law, University of Cape Town. Current Director of Institute of Marine & Environmental Law. Chair of Law Faculty's Higher Degrees Committee (2019-2021). Head of Public Law Department (August 2018-February 2019). Law Faculty's Director of Internationalisation (2013-2017). Current Convener of Postgraduate Marine and Environmental Law Programs. Lecture international and domestic environmental law courses to undergraduate and postgraduate students and undertake research on environmental law with specific focus on: biodiversity; protected areas; integrated land-use planning; community-based natural resource

## PROJECT HIGHLIGHTS AT UCT

A few project highlights at UCT:

- Judicial Institute for Africa (2019-current) – Developing materials and running courses for members of the African judiciary on environmental law, climate change law, human rights and the environment; and wildlife law.
- Groot Marico Biosphere Reserve (2018) – Invitation by landowners to assist them with advice on legal options linked to establishing a biosphere reserve to protect the area and preclude harmful mining taking place.
- Asian Development Bank (2016-2018) – Strengthening Capacity for Environmental Law in the Asia-Pacific - Train-the-Trainers Program - Selection as International Trainer for several Training Programs run in Philippines, China, Nepal and Cambodia.
- International Union for the Conservation of Nature Environmental Law Centre (2010-2016) - Participation in development of international guidelines and concept papers on Protected Areas Law and Connectivity Conservation Law. Project lead on Capacity Building for Protected Areas Law and Governance developing online curriculum and resources for lawyers and protected areas managers.
- University of South Pacific (2010) – Invitation to collaborate, develop and run course on Environmental Law in Developing Countries offered to international students from across the world, held in Vanuatu, South Pacific.
- Resource Africa (2010) – Appointed to provide specialist support to the Development of the People and Parks Programme Toolkit – which aimed to build capacity of communal landowners and conservation authorities.
- Association of Environmental Law in African Universities (2006-2018) – Organised various Colloquia on Environmental Law for African Scholars in Kenya, Uganda and Cameroon.

governance; and environmental fiscal reform. Supervise LLM and PhD students. Undertaken national and international environmental law, policy and capacity development related work for institutions such as: UN Environment; IUCN WCPA & WCEL; IUCN Environmental Law Centre; Asian Development Bank; WWF; SIDA; Department of Environmental Affairs; South African Law Commission; Department of Environmental Affairs and Development Planning; South African National Parks; Botanical Society of South Africa; Cape Nature; IAIA; Wildlife and Environmental Society of South Africa.

### **Earthworks – Legal Consultant**

*October – December 2003*

Earthworks was an affiliation of environmental lawyers. I undertook various short-term contracts for the City of Cape Town, South African National Parks and the Botanical Society of South Africa. Legal consultant to Cape Peninsula National Park regarding the establishment of marine protected areas around the Cape Peninsula.

### **EnAct International – Legal Consultant**

*April 2002 – September 2003*

EnAct International is an environmental law consultancy. I undertook various projects including: drafting by-laws for the City of Johannesburg; assisting in drafting South Africa's new National Environmental Management: Coastal Management Bill; contributing to European Union funded SADC Monitoring Control and Surveillance Project; advising provincial environmental authorities on environmental management and impact assessment; presenting capacity building workshops to local government officials to improve their environmental decision-making processes; and undertaking an FFI/Botanical Society funded project aimed at formulating amendments to South Africa's current and draft biodiversity, protected areas and tax legislation to promote the use of conservation incentives.

### **Winstanley Smith and Cullinan Inc – Attorney**

*April 2002 – September 2003*

Undertaking professional work in South Africa's then only specialist environmental law firm. I provided a range of clients with a variety of legal opinions on many aspects of environmental and planning law. Prepared comprehensive legal compliance reports for companies in the fishing, mining, energy, paper and waste disposal sectors. Clients included multinational companies, local government authorities, environmental consultants and NGOs.

### **The Contact Trust - Project Manager (Public Participation Project)**

*August 2001 – March 2002*

The aim of the project was to keep civil society (CS) informed on developments in national environmental policy and legislation; and promoting a culture of public participation in South Africa's policy and legislative processes. I trained parliamentary monitors; monitored the development of environmental policy and legislation within the relevant government departments and parliamentary committees; ran training workshops for CS on opportunities for public participation and lobbying decision-makers; and ran workshops between CS and various parliamentary committees.

### **Irish Ashman Attorneys - Attorney**

*July 1999 – July 2001*

I worked exclusively in the fields of labour law and commercial law. I gained extensive experience in all aspects of individual and collective employment law which included advising clients of their obligations under the Labour Relations Act, Basic Conditions of Employment Act, Employment Equity Act and Skills Development Act; representing

employers and employees at the CCMA and the Labour Court; advising clients in restructuring exercises; and negotiating collective agreements with trade union officials. I also gained valuable experience in drafting a wide range of commercial agreements.

## PROFESSIONAL AFFILIATIONS

- Attorney of the High Court of South Africa from 1998
- IUCN Academy of Environmental Law – Current Member and Governing Board Member (Africa) from 2016-2019
- Association of Environmental Law Lecturers from African Universities – Current Member and Executive Board Member (Southern Africa) from 2006-2018
- World Commission on Environmental Law (WCEL) – Current Member
- World Commission on Protected Areas (WCPA) – Current Member
- South African Journal of Environmental Law – Member of Editorial Board and Assistant Editor
- Chinese Journal of Environmental Law – Member of Editorial Board
- Environmental Law Association of South Africa – Current Member

## SOME AWARDS

- UNEP Mainstreaming Environment and Sustainability in African Universities Partnership Award (2008) for designing and introducing a new comprehensive LLM Programme on Marine & Environmental Law at UCT
- Ephraim Kluk Law Prize for achieving the highest marks in the Attorney's Admission examinations (1998)
- The Law Society of the Cape of Good Hope Award and the Practical Legal Training School Award for best student (1998)

## HOBBIES

- Travelling & exploring new places
- Hiking
- Surfing
- Gardening
- Photography
- Reading a good book in the sun
- Drinking a cold beer on a hot day after a long run.

## MAIN ACADEMIC PUBLICATIONS

### BOOKS

- Paterson AR, Kameri-Mbote P, Ruppel O, Orubebe B & Kam Yongo E (eds) *Law-Environment-Africa* (2019) Nomos Publishers
- Couzens E, Paterson AR, Riley S & Fristikawati Y (eds) *Protecting Forest and Marine Biodiversity* (2017) Edward Elgar
- Paterson AR & Kotze LJ (eds) *Environmental Compliance and Enforcement in South Africa: Critical Legal Perspectives* (2009) Juta
- Kotze LJ & Paterson AR (eds) *The Role of the Judiciary in Environmental Governance: Comparative Perspectives* (2009) Kluwer Law International

### BOOK CHAPTERS

- Paterson AR 'Protected Areas – Chapter 2' in Cabrera J & Perron-Welch F (eds) *Legal Aspects of Implementing the Convention on Biological Diversity* (2021) Cambridge University Press - Series on Treaty Implementation for Sustainable Development, 1-20 (accepted and in press)
- Paterson AR 'Biodiversity, Genetic Modification and the Law – Chapter 13' in Glazewski J & du Toit L (eds) *Environmental Law in South Africa Loose-Leaf Edition* (Issue 9) (2021) LexisNexis 13(1)-13(65)
- Paterson AR 'Protected Areas – Chapter 12' in Glazewski J & du Toit L (eds) *Environmental Law in South Africa Loose-Leaf Edition* (Issue 9) (2021) LexisNexis 12(1)-12(50)
- Paterson AR 'Biodiversity and Local Governance' in Du Plessis A *South African Environmental Law: The Governing Function of Local Governance* (2021) 2<sup>nd</sup> edition, Juta & Co 19(1)-19(49)
- Paterson AR 'Chapter 1: Law, Environment, Africa: Introducing the imperatives, parameters and trends' in Paterson AR, Kameri-Mbote P, Ruppel O, Orubebe B & Kam Yongo E *Law-Environment-Africa* (2019) Nomos Publishers 21-31
- Dorse C, Scott D, Wood J & Paterson AR 'The Dassenberg Coastal Catchment Partnership: A governance approach to promoting ecosystem-based adaptation and climate resilient protected areas expansion in Cape Town' in Davies H, New M & Scott D (eds) *Mainstreaming Climate Change in Urban Development: Lessons from Cape Town* (2019) Juta & Co 260-282
- Paterson AR & Benidickson J 'Biodiversity, Protected Areas and the Law' McManis C & Ong B (eds) *Handbook of Biodiversity and the Law* (2018) Routledge 42-59
- Paterson AR, Couzens E & Riley S 'Legal Aspects of Marine and Forest Biodiversity: Understanding the Context' in Couzens E, Paterson AR, Riley S and Fristikawati Y (eds) *Protecting Forest and Marine Biodiversity* (2017) Edward Elgar 3-24
- Paterson AR 'Biodiversity, Protected Areas and Climate Change: An Assessment of the Potential of Connectivity Conservation Law in South Africa' in Humby T, Kotzé L, Humby T, Rumble O & Gilder A (eds) *Climate Change: Law and Governance in South Africa* (2016) Juta & Co 16:1-16:36
- Paterson AR 'Biodiversity' in Strydom H & King N (eds) *Environmental Management* (2016) 3rd Edition, Juta & Co 96-126
- Paterson AR 'The Endless Struggle of Indigenous Peoples in Protected Areas: Considering the Bushman's Struggle for Water Rights in the Central Kalahari Game Reserve' in Iza A, Kidd M, Feris L & Murombo T (eds) *Water and the Law: Towards Sustainability* (2014) Edward Elgar Publishers 349-377

- Paterson AR 'Protected Areas Governance in a Southern African Transfrontier Context' in Kotze L & Marauhn T (2014) *Transboundary Governance of Biodiversity* Brill Martinus Nijhoff 163-203
- Paterson AR 'Connectivity Conservation Law through the Eyes of the Greater Cederberg Biodiversity Corridor' in Diegues Leuzinger M, Farrier D, Gromilova M, Harvey M, Paterson A, Teles da Silva S, Trouwborst A & Verschuuren J (2013) *The Legal Aspects of Connectivity Conservation - Case Studies*, IUCN, Gland, Switzerland
- Paterson AR 'Contractual Tools for Implementing the CBD in South Africa' in Benidickson J, Benjamin A, Boer B & Morrow K *Environmental Law and Sustainability After Rio* (2011) Edward Elgar Publishers 341-366
- Paterson AR & Kotze LJ 'Chapter 1: Introduction' in Paterson AR & Kotze LJ (eds) *Environmental Compliance and Enforcement in South Africa: Critical Legal Perspectives* (2009) Juta & Co 1-8
- Paterson AR 'Chapter 12: Incentive-Based Measures' in Paterson AR & Kotze LJ (eds) *Environmental Compliance and Enforcement in South Africa: Critical Legal Perspectives* (2009) Juta & Co 296-335
- Paterson AR & Kotze LJ 'Chapter 14: Towards a More Effective Environmental Compliance and Enforcement Regime for South Africa' in Paterson AR & Kotze LJ (eds) *Environmental Compliance and Enforcement in South Africa: Critical Legal Perspectives* (2009) Juta & Co 370-379
- Kotze LJ & Paterson AR 'Chapter 18: The Role of the South African Judiciary' in Kotze LJ & Paterson AR (eds) *The Role of the Judiciary in Environmental Governance: Comparative Perspectives* (2009) Kluwer Law International 557-601
- Paterson AR 'On the Road to a Sustainable Transport Sector in South Africa: The Role of Market-Based Instruments' (2007) in Cottrell J, Milne JE, Ashiabor H, Kreiser L & Deketelaere K (eds) *Critical Issues in Environmental Taxation: International and Comparative Perspectives* (Volume VI) Oxford University Press (2009) 831-862

#### **JOURNAL ARTICLES**

- Paterson AR 'Protected Areas, Community Rights and Affirmative Action: The Plight of Uganda's Batwa People' (2021) *African Human Rights Law Journal* 1-24 (submitted)
- Paterson AR 'The Interface between Customary Rights and Environmental Legislation: Lessons from Gongqose & Others vs Minister of Agriculture, Forestry and Fisheries & Others (SCA) 2018' (2020) 26 *South African Journal of Environmental Law and Policy*, 134-160
- Paterson AR 'Mining in Nature Reserves – Providing Partial Legal Certainty Where Ambiguity Prevailed' (2018) 2 *Stellenbosch Law Review* 199-219
- Paterson AR 'A Critical Review of South Africa's Forestry Legislation in Promoting Participatory Forest Management' (2018) 135 (1) *South African Law Journal* 121-158
- Paterson AR 'Maintaining the Ecological Flows of Estuaries: A Critical Reflection on the Implementation and Interpretation of the Relevant Legal Framework through the Lens of the Klein River Estuary' (2018) *Potchefstroom Electronic Law Journal* 1-39
- Paterson AR 'Protected Areas Law, Mining and the Principle of Non-Regression' (2017) 3 *South African Journal of Environmental Law and Policy* 140-192
- Paterson AR et al 'Earth System Governance in Africa: Knowledge and Capacity Needs' (2015) 14 *Current Opinion in Environmental Sustainability* 198-205
- Paterson AR & Mkhulisi M 'Traversing South Africa's Conservation and Land Reform Objectives: Lessons from the Dwesa-Cwebe Nature Reserve' (2014) 2 *South African Law Journal* 365-407

- Paterson AR 'An Attempt to Delimit the Boundary Between Regional and Municipal Planning in Lagoon Bay Lifestyle Estate (Pty) Ltd vs Minister of Local Government, Environmental Affairs & Development Planning (Western Cape)' (2011) 18(1) *South African Journal of Environmental Law and Policy* 65-75
- Paterson AR 'The Judiciary's Gritty Efforts to Erode Mining Authority's Continued Aversion to Cooperative Environmental Governance in the Cape Dunes' (2011) 26(2) *South African Public Law* 565-575
- Paterson AR 'Co-Managing South Africa's Land Reform and Conservation Agendas: Evaluating Recent Initiatives to Resolve the Unruly Interface Thrust Upon South Africa's Protected Areas' (2010) 17(2) *South African Journal of Environmental Law and Policy* 97-125
- Paterson AR 'Seeking to Undermine Cooperative Governance and Land Use Planning' (2010) 25(2) *South African Public Law* 692-697
- Paterson AR 'Clearing or Clouding the Discourse: A South African Perspective on the Utility of the IUCN Protected Areas Governance Typology' (2010) 10(3) *South African Law Journal* 490-514
- Paterson AR 'Considering Recent Developments in Environmental Fiscal Reform in South Africa' (2009) 16(1) *South African Journal of Environmental Law and Policy* 23-48
- Paterson AR 'Current Survey: Review of 2007 (South Africa)' (2008) (1) *Environmental Liability* 13-22
- Paterson AR 'Wandering About South Africa's New Protected Areas Regime' (2007) (1) *SA Public Law* 1-33
- Paterson AR 'Current Survey: Developments in South African Environmental Law (2006)' (2006) (6) *Environmental Liability* 78-87
- Paterson AR 'Pruning the Money Tree to Ensure Sustainable Growth' (2006) (2) *Potchefstroom Electronic Law Journal* 1-21
- Paterson AR 'Fueling the Sustainable Development Debate in South Africa' (2006) (1) *South African Law Journal* 52-61
- Paterson AR 'Clearing a Path Towards Effective Alien Invasive Control - the Legal Conundrum' (2006) (1) *Potchefstroom Electronic Law Journal* 1-56
- Paterson AR 'Property Tax: A Friend or Foe to Landscape Protection in South Africa' (2005) 12(2) *South African Journal of Environmental Law and Policy* 97-121
- Paterson AR 'Tax Incentives – Valuable Tools for Biodiversity Conservation in South Africa' (2005) (1) *South African Law Journal* 182-216
- Paterson AR 'Current Survey: Developments in South African Environmental Law' (2005) (4) *Environmental Liability* 58-65
- Paterson AR 'Alien Invasive Vegetation and Genetic Modification – Oh What a Nuisance!' (2005) (1) *South African Journal of Environmental Law and Policy* 83-88

#### **OTHER PUBLICATIONS**

- Paterson AR, Lausche B, Benidickson J & Moore P *Building Capacity on Protected Areas Law and Governance - Training Modules* (2015) 1st Edition. IUCN, Gland, Switzerland
- Paterson AR 'Protected Areas: South Africa' in Lausche B *Guidelines for Protected Areas Legislation* (2011) IUCN Environmental Policy and Law Paper No.81, IUCN Environmental Law Centre Bonn