



# The legal implications of the state as custodian

A colloquium on what the concepts of public trusteeship and state custodianship mean, that explore the legal construction of the concepts and that anticipates the possible practical implication of these concepts.

**28 October 2016**

**8:00 – 16:00**

**Crowne Plaza Johannesburg**

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## PROGRAMME

28 October 2016



Friday – 28 October 2016		
<b>08:00 –08:30</b>	<b>Registration and refreshments</b>	
08:30-09:00	<b>Welcome</b>	<b>Ms Marlize van den Berg</b> (Konrad-Adenauer-Stiftung) <b>Prof Nicola Smit</b> (Dean, Faculty of Law, NWU (Potchefstroom Campus))
<b>Session 1</b>	Theory	
09:00-09:30	Why is this concept so controversial? A property law perspective	Prof Elmien du Plessis (North-West University)
09:30-10:00	The 2013 decision in Agri South Africa v Minister for Minerals and Energy	Ms Phephelaphi Dube (Director, Centre for Constitutional Rights)
10:00-10:30	Using the South African law of trusts to predict some features of the nascent South African Public Trust Doctrine	Andrew Muir (UKZN - Honorary Research Fellow)
<b>10:30– 11:00</b>	<b>Tea / Coffee break</b>	
<b>Session 2</b>	Mining	
11:00 – 11:30	Natural Resources, State Custodianship and the Public Interest in South Africa: Case Study of Mining and Agriculture	Ms Stephanie van der Walt (Senior Analyst: Legal, Marketing and Trade)
11:30 – 12:00	Custodianship in a time of failure / How the government is holding up on reform of natural resource holdings	Prof Hanri Mostert (DST/NRF SARCHI Research Chair: Mineral Law in Africa University of Cape Town) and Dr Cheri Young (University of Cape Town)
<b>12:00 - 13:00</b>	<b>Lunch</b>	
<b>Session 3</b>	Environment	
13:00-13:30	Legal implications of the concept of public trusteeship in South African water law.	Ms Germarie Viljoen North-West University (Vaal Triangle Campus)
13:30-14:00	The South African environmental public trust doctrine and the right of access to coastal public property	Prof Warren Freedman (University of KwaZulu-Natal,)

14:00–14:30	The Relationship between the NEMA and the Public Trust Doctrine	Mr Andy Blackmore (Ezemvelo KwaZulu-Natal Wildlife, South Africa)
<b>14:30-15:00</b>	<b>Tea/Coffee</b>	
15:00-15:30	International expert	To be confirm
16:00-16:30	Where are we now? Reflections on the concept in light of the discussions.	Prof Elmarie van der Schyff (North-West University)
16:30-16:45	Thank you	

**The NWU Faculty of Law and the Konrad Adenauer Foundation are bound by section 16 of the *Constitution of the Republic of South Africa, 1996* to allow freedom of expression. However, opinions, views and conclusions expressed at the Colloquium are those of the presenters and/or participants and not necessarily those of the organising institutions.**

[Where: Crowne Plaza Johannesburg - The Rosebank Crn Tyrwhitt & Sturdee Av Rosebank.](#)

