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ADVERTISEMENT FOR APPLICATIONS TO SERVE ON THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS' PANEL OF ENVIRONMENTAL ARBITRATORS FOR THE IMPLEMENTATION OF CHAPTER 4 OF NEMA

Expressions of interest are invited from interested and qualified persons within the conflict and dispute arbitration discipline to serve on a panel of Environmental Arbitrators to be appointed by the Minister of Environmental Affairs (DEA), in compliance with the requirements of Section 21 (2) of Chapter 4 of the National Environmental Management Act 1998 (Act No. 107 of 1998), (NEMA) ("The Minister may create a panel or panels of persons from which appointment of facilitators and arbitrators in terms of this Act may be made, or contracts entered into in terms of this Act."). This chapter provides for a "Fair Decision-Making and Conflict Management" process as an alternative dispute resolution mechanism. To this effect Section 21 of NEMA authorizes the Minister to establish a Panel of persons to render facilitation, conciliation and Arbitration services.

Section 19 (1) of NEMA provides for a referral of a dispute to arbitration in terms of the provisions of the Arbitration Act, 42 of 1965 ("the Arbitration Act"). According to Section 19 (2) of NEMA, where a dispute or disagreement is referred to arbitration the parties thereto may appoint as arbitrator a person from the panel of arbitrators established in terms of Section 21.

The objectives of the Panel of Environmental Arbitrators appointed in terms of the NEMA are to assist the Minister by:

1. Providing information on an environmental dispute and facilitating an arbitration agreement between the parties (where such assistance is required) within the provisions of NEMA;
2. Advising parties on the content of the arbitration agreement and facilitating the drawing up of the actual arbitration agreement on the advice of the parties' lawyers; and
3. Arbitrate the dispute between the parties and submit an arbitration outcome report to the Minister.

Requirements:

In order to qualify for consideration, applicants must meet the following requirements:

- Hold a relevant or equivalent tertiary qualification in environmental management sciences, environmental law, law and any other related field, or a minimum of 3 years progressive related experience;
- Must hold a relevant tertiary qualification as a qualified arbitrator;
- Specialist skills, knowledge and experience to arbitrate environmental disputes will be an added advantage;
- Experience of arbitrating a minimum of 7 cases;
- Arbitration of environmental disputes will be an added advantage;
- Have knowledge and understanding of all environmental legislation, including, but not limited to, the NEMA and the specific environmental acts mentioned therein
- Must have sufficient knowledge of the legal and legislative framework, and the institutional setting of an environmental dispute (legislation, administrative and judicial procedures, and the organizational context in which disputes are contested), either through appropriate academic background, demonstrable experience in the field, or additional relevant training;
- Candidates with insufficient experience should agree to participate in programmes of mentoring/supervising apprentice arbitrators when required;
- Additional training or demonstrable experience in the following will be an added advantage: arbitrating public policy disputes; and arbitrating in culturally diverse circumstances;
- Must not have a criminal record involving dishonesty and must not be declared insolvent;
- Comply with a professional arbitrator's code of conduct; and
- Must also have proven negotiation, communication, Inter-personal, leadership and good reporting skills

The Minister of Environmental Affairs will appoint members of the panel from applications received after a thorough process of verification on qualifications, background and experience in the environmental arbitration industry.

Members of the Panel of Environmental Arbitrators will be remunerated by the Minister of Environmental Affairs based on fee structures to be approved by the Minister in accordance with the Act for such a service rendered i.e. on a per case basis.

Applications must include: Details of the applicant including name, address and contact details, curriculum vitae, certified qualifications and training in the related field, a detailed fee structure stipulating hourly rates and disbursements, a valid tax clearance certificate and a letter of motivation detailing:

- i. The contribution which the applicant would make to the Panel i.e. any qualifications or experience in environmental arbitration specifically;
- ii. Give details of any environmental dispute cases that he/ she has been involved in the past including his/ her role during the arbitration of the dispute/s;
- iii. The number of South African official languages that he/ she is proficient in; and
- iv. That he/ she is prepared to serve on the panel for a period of 3 years.

No applications received after the closing date will be considered.

Applications, with curriculum vitae and supporting documents, must be forwarded to: Ms Mbalenhle Mkhize, Deputy Director: Environment Sector Conflict and Dispute Resolution, Department of Environmental Affairs, Private Bag X447, Pretoria, 0001 or email: MMkhize@environment.gov.za. Any query can be directed to Mr Eddy Moeketsi, tel (012) 310 3640 and Ms Mbalenhle Mkhize, tel – (012) 395 1663.

The closing date for submission of applications is 30 September 2013.

For more information, please visit our website www.environment.gov.za

Call Centre: 086 111 2468



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

