

CURRICULUM VITAE: MELISSA FOURIE



Full name	Melissa Fourie
Date of birth	26 April 1972
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Nationality	South African
Academic qualifications	BA LLB (University of Stellenbosch) (1996) Higher Diploma (Tax Law) (University of Cape Town) (1997) MSc Environment & Development (London School of Economics) (2003) Certificate in Environmental Law (University of the Witwatersrand) (2004)
Professional qualifications and memberships	Admitted attorney of the High Court of South Africa (1998) Environmental Management Inspector (Grade 1) (June 2005-April 2008) Member of Environmental Law Association of South Africa (2008)
Current position	Executive Director, Centre for Environmental Rights
Past work experience	6 years in private legal practice, specialising in commercial litigation: Sonnenberg Hoffmann & Galombik (Cape Town) (1996-2001) and Blake Dawson (Sydney, Australia) (2001-2002) 1 year at IUCN (World Conservation Union) South Africa Country Office (Pretoria), responsible for policy and research (2004-5) 3 years in government as Director: Enforcement, Department of Environmental Affairs & Tourism (2005-8) (DEAT). In this capacity: <ul style="list-style-type: none">• I managed 13 staff members and an annual budget in excess of R5 million;• I led the enforcement of national pollution and waste legislation through both an administrative/civil enforcement programme and a criminal enforcement programme. The administrative/civil enforcement programme included the issue of directives, civil court applications and liaising with the State Attorneys and counsel. I managed a number of administrative enforcement actions against large corporates, including Chevron (Cape Town), Foskor (Richards Bay), Anglo, Harmony Gold, DRD Gold and two other gold mining companies (Klerksdorp region), Ixopo (Pietermaritzburg), ArcelorMittal (Vereeniging), Assmang (Cato Ridge) and Highveld Steel and Vanadium (Witbank). The criminal enforcement programme included criminal prosecutions against

**Past work experience
(continued)**

- violators of environmental legislation (particularly pollution, waste and EIA legislation) on behalf of DEAT – drafting directives, drafting court papers, liaising with counsel, State Attorneys, SAPS and prosecutors. I managed three successful prosecutions of offenders, including the Mandara toxic dumping case in East London.
- I led two national strategic compliance and enforcement programmes in the iron & steel and refineries sectors. For media coverage of this work, see *inter alia*:
 - “Environment department hones in on metals-sector polluters”, *Engineering News*, 8 June 2007 (available at www.engineeringnews.co.za/article.php?a_id=109999)
 - ‘Green Scorpions found “Non-compliances” at ArcelorMittal's Vereeniging Plant’ *Engineering News* 19 July 2007 (available at http://www.engineeringnews.co.za/article.php?a_id=113049)
 - “Green police pounce on Mittal Steel”, *Business Report*, 20 July 2007 (available at www.busrep.co.za/index.php?fSectionId=566&fArticleId=3942463)
 - “Highveld Steel Guilty of “Serious” Environmental Non-compliance – DEAT” *Engineering News* 4 October 2007 (available at www.engineeringnews.co.za/article.php?a_id=118315)
 - “Oil Refineries under Green Scorpion review”, *Engineering News*, 7 Sept 2007 (www.engineeringnews.co.za/article.php?a_id=115122)
 - I led the roll-out of the Environmental Management Inspectorate (the so-called Green Scorpions) – this work training development, designation, partnerships with key government institutions (including provinces, municipalities, SAPS and the National Prosecuting Authority), branding development and media liaison. See www.engineeringnews.co.za/article.php?a_id=105838. The EMI Basic Training project This project was one of three finalists for the IAIAA Premium Awards in 2006 (www.iaiasa.co.za).
 - I facilitated the commencement of National Environmental Management Amendment Act, 2003 (bringing NEMA’s new Chapter 7 into effect) and the designation of first Environmental Management Inspectors (EMIs). I also initiated the development of two legislative amendments: one to increase the application of EMI powers to include pollution and waste legislation, and the other to (a) create a new criminal offence for fault-based pollution or degradation of the environment, and (b) dramatically increase penalties for offences under national pollution and waste legislation (under development). Within the Department I provided advice on the compliance and enforcement provisions in various drafts of various draft bills, including the National Environmental Management: Waste Bill.

**Past work experience
(continued)**

21 months self-employed, specialising in environmental law, policy, strategy, project design and implementation, and training (November 2008 to July 2010).

Projects completed during this period include:

- contributions to a report and workshops for SANParks with Phil Snijman on applicable legislation and management challenges in marine protected areas, lakes, lagoons and tidal rivers (2008)
- independent legal opinions on environmental legal requirements applicable to the recycling and reuse of various industrial waste products (2009)
- independent legal opinion on prospects of success in review application of prospecting right (2009)
- development of a Guide on the environmental licensing requirements for power generation projects (2009)
- the development of compliance monitoring, enforcement and licensing policies for the Department of Water Affairs & Forestry (2008-9)
- legal and strategic advice to a coalition of NGOs, CBOs and individuals opposing a mining application near Piketberg (2009-10)
- developing and presenting study units on compliance and enforcement of National Environmental Management: Air Quality Act and National Environmental Management: Waste Act for Cape Peninsula University of Technology as part of the training for Environmental Management Inspectors (2009)
- coordinating the consultation for, establishment and operationalisation of the Centre for Environmental Rights, including consultation workshops with stakeholders, drafting framework document and implementation and business plan, branding, company registration, securing premises and basic office infrastructure, setting up and maintaining Centre website at www.cer.org.za, liaison with stakeholders and partner organisations, doing public relations and media work, convening board meetings, fundraising (2009-10)

Key publications

- Fourie, M “How civil and administrative penalties can change the face of environmental compliance in South Africa”, accepted in 2009 for publication in the *South African Journal of Environmental Law and Policy*
- Craigie, F, Fourie, M and Snijman, P.J. “Dissecting Environmental Compliance and Enforcement” and “Environmental Compliance and Enforcement Institutions in South Africa”, Chapters 3 and 4 in Kotze L and Paterson A (eds) *Environmental Compliance and Enforcement in South Africa: Legal Perspectives* (forthcoming) Juta, Cape Town.
- Craigie, F. and Fourie, M. “Operation Ferro: Taking On The Giants”. Conference Paper for International Network on Environmental Compliance and Enforcement’s 8th International Conference, Cape Town, April 2008.

- Fourie, M. 2007. “The State of the Environmental Management Inspectorate”. Paper presented at the Environmental Compliance and Enforcement Lekgotla, August 2007.
- Fourie, M. 2006. “The Role of Environmental Management Inspectors in Enforcing Air Quality Legislation”. Paper presented at the National Air Quality Governance Lekgotla, October 2006.
- Fourie, M. and Fakir, S. 2005. *Development Effectiveness Toolkit for Transboundary Conservation Areas in Southern Africa*. IUCN-ROSA.
- Fourie, M. 2005. “A Rising Acid Tide”. Article on the impacts of acid mine drainage in and near the Cradle of Humankind. *Earthyear*, April 2005. Available online at www.mg.co.za/article/2005-04-12-a-rising-acid-tide.
- Fourie, M. 2004. “Can a rights-based approach improve the practice of transboundary conservation?” Italian publication *Gazzetta Ambiente*. 2004. Vol. 3.
- Fourie, M. 2003. “Innovation through co-management: the role of government bureaucracies in environmental policy and successful natural resource co-management in Southern Africa”. Thesis for MSc Environment & Development, London School of Economics.

Peer review

Peer reviewer for the South African Journal of Environmental Law and Policy (2009) and the South African Journal of Human Rights (2010)

Key references

Professional

- **Peter Lukey**
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- **Leonard Katz** (written reference available)
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Academic

- **Prof Eric Neumayer**
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- **Prof Gerhard Lubbe** (written reference available)
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