

Author: M Beukes

Tribute to Elmene Bray

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More than a quarter of a century ago (34 years to be exact) André Rabie introduced his book entitled *South African environmental legislation* with the following observation, “[t]he bare assertion that environmental pollution and the depletion of natural resources are issues of urgent concern in South Africa, is now hardly open to contention” (1976: 1). It is rather paradoxical that a publication on environmental protection was published in the year South Africa was literally burning, through, amongst others, the Soweto uprising. He then added that it was unfortunately also true that one of the tools at the disposal of mankind (humankind?) to combat the “environmental crisis” – the law – was lagging behind technological and industrial development. The sad reality was that the systematic study of environmental concerns from a legal perspective was not readily in the offing.

Nonetheless, a few years later (in 1982 to be exact), through the committed efforts of a few members in the Department of Constitutional Law at the University of South Africa (Unisa), an independent subject – entitled “Environmental Law” – was launched. Once again it is ironic that the launch took place during a dark time in South Africa’s history, that of the start of a succession of declarations of states of emergency. I stand to be corrected, but to my knowledge Unisa was the first tertiary institution to introduce environmental law as an LLB module, albeit as an elective course only. Shortly afterwards a postgraduate module, part of course-work master’s programme was introduced as well.

Elmene Bray was one of the lecturers who agitated for the introduction of the course. It is, however, rather disingenuous to mention “agitation” and Elmene in the same breath. “Agitation” too readily conjures up the image of a stereotypical militant “bunny-hugger” ready to pelt fat cats with flour bombs or even more dangerous weapons. Nothing can be further from this image than the real Elmene. She is the true lady personified – always elegantly dressed, well-groomed and more importantly, an elegant thinker and academic. It was (and still is) the ongoing joke between colleagues in the Department of Public, Constitutional and International Law of Unisa that Elmene is the only true lady amongst the contingent of women lecturers. More admirable though than her elegance is Elmene’s self-discipline,

single-mindedness and work ethic. The quintessential teacher and academic she worked (and is still working even after attaining emeritus status a year or so ago) hard at her craft proving the point once again that whatever the individual's level of intelligence and talent, true success is only reached through sheer hard work. And she expected the same self-discipline, perseverance and single-mindedness from her students. Of that reality her doctoral and masters' students can vouch.

Elmene's commitment to the legal discipline of Environmental law and its objective to promote and contribute – in conjunction with other specialist disciplines from both the humanities and the pure sciences – to the protection of the environment is beyond doubt. Proof of this is to be found in her considerable output of contributions to academic journals and publications dealing with two topics particularly near to her heart, that of the importance of the concept of “sustainable development” in the development of environmental law and the implementation/enforcement of environmental law. More evidence of the high regard in which she is being held in the sphere of environmental law is her membership to the editorial board of the *South African Journal of Environmental Law and Policy (SAJELP)* – the flagship journal of the environmental law fraternity. A position she still holds despite her retirement and resettling on the west coast in the wonderfully quaint Yzerfontein, an hour's drive from Cape Town.

Just as was said with regard to another distinguished academic upon his retirement, that it was “inconceivable that such a leading jurist should be lost to the academic milieu at a relatively young age”, it is unthinkable that Elmene's academic talent should go to waste. Fortunately Elmene is not lost to academe and she is at present amongst a host of matters academic, involved in a combined Unisa and the Department of Environmental Affairs (DEA) project training environmental management inspectors, colloquially known as the “Green scorpions”, in the intricacies of environmental legislation enforcement. It is thus not time yet to wish Elmene a leisurely retirement, sitting on her front porch savouring the ever changing moods of the Atlantic Ocean in Yzerfontein.

Margaret Beukes (Prof)
Department of Public, Constitutional and International Law
Unisa
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