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# ENVIRONMENTAL

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## DIRECTOR SENTENCED TO IMPRISONMENT FOR ENVIRONMENTAL CRIME

For the first time in South African history, a court has imposed a prison sentence on a director of a company for causing environmental degradation. Matome Maponya, the managing director of a clay mining company, Blue Platinum Ventures, was sentenced to five years imprisonment, suspended for three months, for widespread environmental damage associated with clay mining operations, on condition that the damage (estimated to cost R6.8 million to remediate) be rehabilitated within three months. He was not given the option of a fine.

Since 1998 South African environmental legislation has provided for personal liability of directors for environmental harm. Although some directors have been charged and several have been found guilty and paid fines in their personal capacities, to date the power to imprison a director has never been exercised.

This sentence will require Mr Maponya to ensure the remediation is effected within three months (or at least started where it cannot be completed in that time), failing which he will face the prospect of going to prison. It highlights the growing emphasis on personal liability attaching to people who have the power to prevent pollution or environmental degradation, but don't do so. It also emphasises the need for a company to take reasonable measures to prevent pollution from occurring, and to be able to demonstrate that those reasonable measures were taken.

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