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Sustainability Legal Specialists (Pty) Ltd



OCTOBER 2018 SUSTAINABILITY NEWSLETTER

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<http://imbewu.co.za/wp-content/uploads/2018/11/Monthly-Sustainability-Legislation-Update-October-2018.pdf>

INTERNATIONAL

GENERAL

OCEANS: The Scottish government has allocated £1 million in funding to combat marine plastic pollution. **Source: Climate Action Programme dated 4 October 2018.** http://www.climateaction.org/news/1-million-funding-boost-to-combat-marine-plastic-pollution?utm_source=ActiveCampaign&utm_medium=email&utm_content=New+global+agreement+results+in+fishing+ban+in+the+Arctic+Ocean+-+Climate+Action+News&utm_campaign=CA+Newsletter+5th+October+2018 The European Union, Canada, the People's Republic of China, Denmark, Iceland, Japan, the Republic of Korea, Norway, the Russian Federation and the United States of America have signed a landmark global agreement which bans fishing in the Arctic Ocean. **Source: Climate Action Programme dated 5 October 2018.** http://www.climateaction.org/news/new-global-agreement-results-in-fishing-ban-in-the-arctic-ocean?utm_source=ActiveCampaign&utm_medium=email&utm_content=New+global+agreement+results+in+fishing+ban+in+the+Arctic+Ocean+-+Climate+Action+News&utm_campaign=CA+Newsletter+5th+October+2018

PLASTIC: The United Kingdom (UK) Plastics Pact has launched a £1.4 million competition which is open to any UK business with innovative ideas on tackling plastic waste. **Source: The Climate Action Programme dated 12 October 2018.** http://www.climateaction.org/news/1.4-million-project-launched-to-reduce-plastic-waste?utm_source=ActiveCampaign&utm_medium=email&utm_content=UK+fossil+fuel+power+drops+to+record+low+-

[+Climate+Action+News&utm_campaign=CA+Newsletter+12th+October+2018](#) Walkers crisps have introduced a recycling scheme to reduce their plastic waste. Starting in December 2018, the UK public may drop off any brand of crisp packet at collection points across the country or post them to collection centres free of charge. **Source: Climate Action Programme dated 9 October 2018.**

http://www.climateaction.org/news/walkers-introduces-new-recycling-scheme?utm_source=ActiveCampaign&utm_medium=email&utm_content=Shocking+IPCC+report+reveals+the+reality+of+climate+change+if+a+1+5+degree+target+is+not+achieved+-+Climate+Action+News&utm_campaign=CA+Newsletter+9th+October+2018 A new study commissioned by the Federal Environment Agency and Medical University of Vienna has found that humans are ingesting microplastics. **Source: Climate Action Programme dated 23 October 2018.** http://www.climateaction.org/news/report-finds-humans-are-now-ingesting-microplastics?utm_source=ActiveCampaign&utm_medium=email&utm_content=90++of+children+breathe+toxic+air+every+day+-+Climate+Action+News&utm_campaign=CA+Newsletter+30th+October+2018

http://www.climateaction.org/news/international-companies-join-together-to-eliminate-plastic-waste?utm_source=ActiveCampaign&utm_medium=email&utm_content=90++of+children+breathe+toxic+air+every+day+-+Climate+Action+News&utm_campaign=CA+Newsletter+30th+October+2018 Over 250 organisations including some of the world's largest packaging brands have signed the New Plastics Economy Global Commitment to eliminate plastic waste at source. The Global Commitment was introduced by the Ellen MacArthur Foundation in partnership with the United Nations Environment. **Source: Climate Action Programme dated 30 October 2018.**

CLEAN ENERGY: The Australian Renewable Energy Agency (ARENA) has invested \$7.5 million into a project called "Project H2GO" which will produce renewable hydrogen from solar and wind power. **Source: Climate Action Programme dated 22 October 2018.** http://www.climateaction.org/news/australia-invests-in-hydrogen-project-for-clean-energy?utm_source=ActiveCampaign&utm_medium=email&utm_content=Study+finds+humans+are+now+ingesting+microplastics+-+Climate+Action+News&utm_campaign=CA+Newsletter+23rd+October+2018

http://www.climateaction.org/news/jamaica-to-run-on-50-renewable-energy-by-2030?utm_source=ActiveCampaign&utm_medium=email&utm_content=MPs+call+for+petrol+and+diesel+ban+to+be+brought+forward+to+2032+-+Climate+Action+News&utm_campaign=CA+Newsletter+19th+October+2018 The Prime Minister of Jamaica, Andrew Holness, announced that Jamaica is set to run on 50% renewable energy by 2030 (up from their previous target of 30%). **Source: Climate Action Programme dated 17 October 2018.** <http://www.climateaction.org/news/scottish-power-switches-to-100-wind-power>

CUTTING EMISSIONS: Four Chinese cities - Beijing, Fuzhou, Qingdao and Shanghai - have pledged to cut greenhouse gas emissions from buildings in their cities by implementing innovative measures to reduce emissions from existing buildings, ensuring that new buildings use less energy and promoting the use of buildings as a source of low carbon energy. **Source: Climate Action Programme dated 28 September 2018.** http://www.climateaction.org/news/four-chinese-cities-pledge-to-cut-emissions-from-buildings?utm_source=ActiveCampaign&utm_medium=email&utm_content=UK+commits+%C2%A3160+million+to+provide+green+energy+in+developing+countries+-+Climate+Action+News&utm_campaign=CA+Newsletter+2nd+October+2018

GREENER BUILDINGS: According to researchers at Britain's Lancaster University, when particles from carrots are mixed with concrete, the strength of the concrete is increased by 80%. If implemented, this new method will lower our global carbon dioxide output as less cement will be required. **Source: Engineering News dated 19 October 2018.** http://www.engineeringnews.co.za/article/carrots-could-be-key-to-making-greener-buildings-say-researchers-2018-10-19/rep_id:4136

FOOD WASTE: The UK supermarket group, Tesco, announced that they will be removing the “best before dates” from their fruit and vegetables in a bid to reduce food waste. **Source: Climate Action Programme dated 7 October 2018.** http://www.climateaction.org/news/tesco-get-rid-of-best-before-dates-from-fruit-and-vegetable-lines?utm_source=ActiveCampaign&utm_medium=email&utm_content=Shocking+IPCC+report+reveals+the+reality+of+climate+change+if+a+1+5+degree+target+is+not+achieved+-+Climate+Action+News&utm_campaign=CA+Newsletter+9th+October+2018

RHINO HORN & TIGER BONES: The Chinese Cabinet has reversed a 25-year ban on the use of rhinoceros horn and tiger bones in medicine as long as they are only taken from farmed or captive-bred animals. The World Wildlife Fund (WWF) noted that this decision would have “*devastating consequences globally*” by allowing poachers and smugglers to hide behind legalised trade. **Source: The Independent dated 31 October 2018.** <https://www.independent.co.uk/news/world/asia/china-rhino-horn-tiger-bone-ban-animal-medical-wildlife-conservation-wwf-a8608181.html>

CORAL REEFS: Palau will become the first country to ban the use of sunscreen in an effort to protect its coral reefs. The ban will come into effect in 2020. A group of sunscreen manufacturers have formed a “*Safe Sunscreen Council*” and have welcomed Palau’s decision by noting that there are many alternatives to sunscreen that are safe and as effective to use. **Source: BBC dated 1 November 2018.** <https://www.bbc.com/news/science-environment-46046064>

PUBLICATIONS

CLIMATE CHANGE: The Intergovernmental Panel on Climate Change (IPCC) released a report entitled “*Global Warming of 1.5°C*” which reports on the impacts of global warming at 1.5°C above pre-industrial levels. The scientists concluded that in order to limit global warming to 1.5°C then \$2.4 trillion (about 2.5% of global GDP) must be invested in clean energy every year from 2016 until 2035 and the use of coal-fired power must be phased out by 2050. **Source: Climate Change News dated 8 October 2018.** <http://www.climatechangenews.com/2018/10/08/37-things-need-know-1-5c-global-warming/>

FOSSIL FUEL POWER PLANTS: Carbon Tracker has released a report entitled “*Nowhere to hide: Using satellite imagery to estimate the utilisation of fossil fuel power plants*”. **Source: Environmental Law Association (ELA) Newsletter 41 dated 19 October 2018.** <https://www.carbontracker.org/reports/nowhere-to-hide/>

WETLANDS: The Ramsar Convention on Wetlands has released the “*Global Wetland Outlook*” which provides a current overview of global wetlands. The report finds that between 1970 and 2015, inland as well as marine/coastal wetlands both declined by approximately 35%. **Source: India Environmental Portal dated 26 September 2018.** <http://www.indiaenvironmentportal.org.in/content/458896/global-wetland-outlook-state-of-the-worlds-wetlands-and-their-services-to-people-2018/>

SUSTAINABLE FISHING: The Marine Stewardship Council commissioned a study which found that consumers of seafood are increasingly demanding independent verification of sustainability claims. More than 25 000 consumers in 22 countries participated in the survey and 72% of respondents expressed a desire for independent certification. **Source: BizCommunity dated 11 October 2018.**

<http://www.bizcommunity.com/Article/196/168/182925.html#more>

EXTINCTION DUE TO POLLUTION: According to a new study published in the journal *Science*, at least half of the world's killer whales could go extinct due to toxic pollution of the oceans emanating from PCBs. PCBs have been used globally since the 1930s in electrical components, plastics and paints but were banned in the 1970s due to their toxic nature. **Source: Climate Action Programme dated 2 October 2018.** http://www.climateaction.org/news/killer-whales-at-risk-of-extinction-due-to-pollution?utm_source=ActiveCampaign&utm_medium=email&utm_content=UK+commits+%C2%A3160+million+to+provide+green+energy+in+developing+countries+-+Climate+Action+News&utm_campaign=CA+Newsletter+2nd+October+2018

GREEN ECONOMY INDEX: Dual Citizen LLC has released the 2018 Global Economy Green Index™ which measures the green economy performance of 130 countries. **Source: ELA Newsletter 41 dated 19 October 2018.** <https://www.dualcitizeninc.com/global-green-economy-index/>

LIVING PLANET REPORT: The WWF have released their "Living Planet Report 2018" which states that wildlife has declined by 60% since 1970 due to human causes. **Source: Climate Change News dated 31 October 2018.** http://www.climateaction.org/news/60-of-wildlife-has-been-wiped-out-by-humans-since-1970-finds-wwf?utm_source=ActiveCampaign&utm_medium=email&utm_content=60++of+wildlife+has+been+wiped+out+by+humans+since+1970%2C+WWF+finds+-+Climate+Action+News&utm_campaign=CA+Newsletter+2nd+November+2018

NATIONAL

GENERAL

OCEANS: Cabinet has approved 20 new and expanded Marine Protected Areas (MPAs), increasing protection of the oceans surrounding South Africa from 0.4% to 5%. **Source: The Green Times dated 25 October 2018.** <http://thegreentimes.co.za/a-global-celebration-as-sa-announces-5-ocean-protection-expansion/>

CANCER-CAUSING TOXICANTS: ScienceDirect has published a study in the *Science of the Total Environment Journal* which found that sharptooth catfish found in the Klip River, which feeds into the Vaal River, contain banned pesticides which can cause cancer when consumed by humans. **Source: The Conversation dated 22 October 2018.** https://theconversation.com/cancer-causing-toxicants-found-in-a-tributary-of-south-africas-second-largest-river-103625?utm_medium=email&utm_campaign=Latest%20from%20The%20Conversation%20for%20October%2022%202018%20-%201142510300&utm_content=Latest%20from%20The%20Conversation%20for%20October%2022%202018%20-%201142510300+CID_92de366ae6706000eb707ef3eaf2493a&utm_source=campaign_monitor_africa&utm_term=Cancer%20causing%20toxicants%20found%20in%20a%20tributary%20of%20South%20Africas%20second%20largest%20river

MINING JUDGMENT: The Constitutional Court has overturned an eviction order by the North West High Court. The High Court had ordered the eviction of the Lesetlheng community from a farm over which Itereleng Bakgatla Mineral Resources (Pty) Ltd had obtained

a mining right. The Constitutional Court was unanimous in their judgment and found that mining companies had to follow all prescribed dispute resolution mechanisms before seeking an eviction order. **Source: Reuters dated 25 October 2018.** <https://www.reuters.com/article/us-safrica-landrights/south-africas-top-court-ruling-curtails-power-of-chiefs-to-cut-mining-deals-idUSKCN1MZY5>

WEST COAST ROCK LOBSTER DECISION: The Western Cape High Court has set aside last season's Total Allowable Catch (TAC) for West Coast rock lobster as it was found to be unsustainably high. The High Court ruled that the TAC was irrational, unlawful and inconsistent with the Constitution, the National Environmental Management Act, 1998 and the Marine Living Resources Act, 1998. The World-Wide Fund for Nature South Africa (WWF-SA), who brought the action, now expects the Department of Agriculture, Forestry and Fisheries (DAFF) to set next season's TAC at a much lower level so as to allow this resource to recover. **Source: The Green Times dated 6 October 2018.** <http://thegreentimes.co.za/west-coast-rock-lobster-court-ruling-historic/>

OCCUPATIONAL HEALTH COURT CASE: The Public Servants Association (PSA) of South Africa initiated court proceedings in the Labour Court on behalf of its members employed by the Department of Health. The PSA contended that the building their members were working in was unsafe and sought an order directing the Department of Health to provide, as far as reasonably practicable, a working environment that is safe and without risk to the health of its employees. The PSA also sought an order declaring that their members' refusal to work in the building did not constitute a strike. The court ruled that it had no jurisdiction to give effect to the applicants' relief and therefore dismissed the application. The court noted that the Occupational Health and Safety Act 85 of 1993 establishes its own remedies which were available to the applicant and its members. **Source: ELA Newsletter 41 dated 19 October 2018.** <http://www.saflii.org/za/cases/ZALCJHB/2018/345.html>

MABOLA COURT CASE: The Pretoria High Court refused the State's application to postpone the judicial review application related to the Minister of Mineral Resources' decision to grant a mining right within the Mabola Protected Environment. The review application took place from 16 to 18 October 2018. **Source: Centre for Environmental Rights (CER) dated 17 October 2018.** <https://cer.org.za/news/mabola-update-court-refuses-states-postponement-application-grants-punitive-costs-order>

WATER RIGHTS TRANSFER: Two farming operations in the Western Cape have launched court proceedings against the Department of Water and Sanitation to challenge the Department's new policy on the transfer of water rights. For many years, irrigation boards have approved the transfer of water rights from one farm to another but this stopped in January 2018 when the Department issued a circular stating that it was now unlawful for the irrigation boards to do so. **Source: Polity dated 15 October 2018.** <http://www.engineeringnews.co.za/article/govt-to-finalise-biofuels-regulatory-framework-by-march-2019-2018-10-01>

WASTE: According to Dr Kirsten Barnes, the waste economy analyst at GreenCape Sector Development Agency, informal waste pickers in South Africa have been largely responsible for our high rate of post-consumer material recycling. Dr Barnes recommends the formal integration of waste pickers into South Africa's waste management sector. **Source: Engineering News dated 17 October 2018.** http://www.engineeringnews.co.za/article/informal-waste-pickers-should-be-integrated-into-formal-waste-management-sector-suggests-analyst-2018-10-17/rep_id:4136

BUDGET STATEMENT: The Minister of Finance, Tito Mboweni, during his medium-term budget statement, announced that the implementation of South Africa's carbon tax has been delayed to June 2019. **Source: Open Source Green News dated 25 October**

2018. <https://news.opensourcegreen.net/2018/10/25/sa-carbon-tax-delayed/> He also announced that government was dealing with the water crisis in the Vaal River "decisively and urgently". **Source: BizCommunity dated 25 October 2018.** <http://www.bizcommunity.com/Article/196/604/183506.html#more>

SILICOSIS FUND: The Inter-Ministerial Committee on the Revitalisation of Distressed Mining Communities announced that a trust, which will disburse funds for mine workers who have contracted silicosis and tuberculosis, will be established in April 2019. **Source: South African Government News Agency dated 17 October 2018.** <https://www.sanews.gov.za/south-africa/silicosis-fund-be-established-april-2019>

LION BONES: The National Council of Societies for the Prevention of Cruelty to Animals (NCSPCA) has applied for an urgent interdict in the Pretoria High Court to stop the South African government from facilitating the sale of lion bones from captive bred lions by the increase of the export quota from 800 to 1500 lion skeletons. **Source: Daily Maverick dated 8 October 2018.** <https://www.dailymaverick.co.za/article/2018-10-08-nspca-heads-for-court-to-halt-trade-in-lion-skeletons/>

PLASTIC: Shoprite announced that customers who reuse their 100% recycled and recyclable plastic bags will get 50 cents off their grocery purchase. **Source: Engineering News dated 23 October 2018.** http://www.engineeringnews.co.za/article/shoprite-to-pay-south-african-customers-for-reusing-plastic-bags-2018-10-23/rep_id:4136 From 5 November 2018, Woolworths will not offer plastic bags at its Steenberg store in Cape Town, with customers having the choice of either bringing their own bags or paying R5.50 for a reusable bag. **Source: The Green Times dated 16 October 2018.** <http://thegreentimes.co.za/shopping-without-plastic-bags/>

IRP: The public hearings in Parliament on the draft Integrated Resource Plan (IRP) of 2018 took place from 16 to 25 October 2018. Energy Governance South Africa, made up of a network of organisations, has addressed a letter to the Chairperson of the Portfolio Committee which outlines the networks' joint response to the public hearings on the IRP and their expectations for the IRP itself. Non-governmental organisations (NGOs) have also requested an extension on the 60-day public commenting period. **Source: CER dated 26 October 2018 and Engineering News dated 23 October 2018.** <https://cer.org.za/news/concluding-the-draft-2018-irp-public-hearings-ngos-write-to-energy-committee> and <http://www.engineeringnews.co.za/article/ngos-call-for-more-time-to-deliberate-on-the-draft-irp-2018-10-23>

MINE SAFETY: Sibanye-Stillwater announced that the safety performance at the company has improved in the last three months ending 30 September 2018 due to ongoing safety interventions at all of its operations. **Source: Mining Weekly dated 1 November 2018.** http://m.miningweekly.com/article/ongoing-interventions-improve-sibanye-stillwater-safety-2018-11-01/rep_id:3861

PUBLICATIONS

AIR POLLUTION: Greenpeace Africa has released satellite data from June to August 2018 which shows that Mpumalanga is the world's largest nitrogen dioxide air pollution hotspot, with coal and transport as the two principal sources of this air pollution. It has further been confirmed that South Africa has the most polluting cluster of coal-fired power stations in the world. **Source: Mining Weekly dated 29 October 2018.** http://www.miningweekly.com/article/greenpeace-africa-affirms-mpumalanga-is-a-nitrogen-dioxide-air-pollution-hotspot-2018-10-29/rep_id:3650

OCEAN ECONOMY SCORECARD: WWF-SA has released an updated ocean economy scorecard on the state of the country's marine resources entitled "Oceans Facts and Future". **Source:** BizCommunity dated 18 October 2018. <http://www.bizcommunity.com/Article/196/628/183221.html>

CONFERENCES AND OTHER EVENTS

IMBEWU WORKSHOPS

ENVIRONMENTAL LAW UPDATE WORKSHOP: 27 November 2018 in Johannesburg. The workshop is SACNASP accredited (1 CPD point). Please contact Lulu Lewis on 011 214 0660 or at lulu@imbewu.co.za for more information or see: <http://imbewu.co.za/services/>.

NATIONAL

WINDAC AFRICA: 5-6 November 2018 in Cape Town.

WINDABA: 7-8 November 2018 in Cape Town.

AFRICAN MINING INDABA: 4-7 February 2019 in Cape Town.

AFRICA ENERGY INDABA: 19-20 February 2019 in Johannesburg.

INTERNATIONAL

2018 INTERNATIONAL CONFERENCE ON GREEN ENERGY AND SUSTAINABLE DEVELOPMENT: 12-14 October 2018 in South Korea.

WORLD FISHERIES DAY: 21 November 2018.

POLLUTEC 2018: 27-30 November 2018 in Lyon, France.

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC) 24TH CONFERENCE OF THE PARTIES (COP24): 3-14 December 2018 in Katowice, Poland.

IMBEWU's environmental tip: Biodegradable plastics – be careful of misconceptions: <http://thegreentimes.co.za/biodegradable-plastics-be-careful-of-misconceptions/>

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