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Sustainability Legal Specialists (Pty) Ltd



## JANUARY 2019 SUSTAINABILITY NEWSLETTER

For a copy of the Safety, Health and Environmental (SHE) Legislation Update, please go to:

<http://imbewu.co.za/wp-content/uploads/2019/02/Monthly-Sustainability-Legislation-Update-January-2019.pdf>

### INTERNATIONAL

### GENERAL

**PLASTIC:** During 2018 Adidas produced 5 million shoes made from recycled plastic. In order to continue to curb plastic pollution, they have committed to make 11 million shoes from recycled plastic in 2019. **Source: Climate Action Programme dated 25 January 2019.** [http://www.climateaction.org/news/adidas-to-produce-11-million-shoes-made-from-recycled-plastic-in-2019?utm\\_source=ActiveCampaign&utm\\_medium=email&utm\\_content=10+year+challenge++sparks+environmental+concern+-+Climate+Action+News&utm\\_campaign=CA+Newsletter+22nd+January+2019](http://www.climateaction.org/news/adidas-to-produce-11-million-shoes-made-from-recycled-plastic-in-2019?utm_source=ActiveCampaign&utm_medium=email&utm_content=10+year+challenge++sparks+environmental+concern+-+Climate+Action+News&utm_campaign=CA+Newsletter+22nd+January+2019) The United States Department of Agriculture (USDA) has been testing casein-based food packaging made from milk proteins. The packaging is edible and is more efficient than other types of edible packaging as it keeps oxygen away from the food for an extended period which keeps the food fresher for longer. The new technology, aimed at reducing plastic pollution, should be available in early 2019. **Source: BizCommunity dated 16 January 2019.** <https://www.bizcommunity.com/Article/196/457/186279.html> Following on from the country's ban of a number of single-use plastics in December 2018, the Bali government has drafted a by-law on tourist contributions for the environment and cultural preservation. The Governor of Bali, Wayan Koster, noted that the "tourist tax" will consist of a \$10 fee for every overseas visitor to the island. **Source: Climate Action Programme dated 28 January 2019.** [http://www.climateaction.org/news/bali-to-impose-tourist-tax-for-plastic-pollution?utm\\_source=ActiveCampaign&utm\\_medium=email&utm\\_content=Germany+to+phase+out+coal+by+2038+-+Climate+Action+News&utm\\_campaign=CA+Newsletter+29th+January+2019](http://www.climateaction.org/news/bali-to-impose-tourist-tax-for-plastic-pollution?utm_source=ActiveCampaign&utm_medium=email&utm_content=Germany+to+phase+out+coal+by+2038+-+Climate+Action+News&utm_campaign=CA+Newsletter+29th+January+2019) Thirty companies have established the Alliance to End

Plastic Waste with an aim to advance solutions to reduce plastic waste worldwide. **Source: Engineering News dated 16 January 2019.** [http://www.engineeringnews.co.za/article/thirty-companies-form-alliance-to-help-curb-plastic-waste-2019-01-16/rep\\_id:4136](http://www.engineeringnews.co.za/article/thirty-companies-form-alliance-to-help-curb-plastic-waste-2019-01-16/rep_id:4136)

**AIR POLLUTION:** The Air Quality Index in Dehli, India, has shown that air pollution levels in the city are twelve times higher than the USA government's recommended levels. The Indian government has implemented a number of measures, including a temporary ban on construction activities, in an attempt to reduce air pollution. **Source: Climate Action Programme dated 3 January 2019.** [http://www.climateaction.org/news/delhi-air-pollution-reaches-emergency-levels?utm\\_source=ActiveCampaign&utm\\_medium=email&utm\\_content=UK+electricity+generation+at+its+lowest+since+1994+-+Climate+Action+News&utm\\_campaign=CA+Newsletter+4th+January+2018](http://www.climateaction.org/news/delhi-air-pollution-reaches-emergency-levels?utm_source=ActiveCampaign&utm_medium=email&utm_content=UK+electricity+generation+at+its+lowest+since+1994+-+Climate+Action+News&utm_campaign=CA+Newsletter+4th+January+2018) The United Kingdom (UK) government has released its new Clean Air Strategy 2019 aimed at tackling the country's existing air pollution problems. **Source: Climate Action Programme dated 14 January 2019.** [http://www.climateaction.org/news/uk-government-announces-new-clean-air-strategy?utm\\_source=ActiveCampaign&utm\\_medium=email&utm\\_content=Antarctica+is+losing+six+times+more+ice+mass+annually+now+than+40+years+ago+-+Climate+Action+News&utm\\_campaign=CA+Newsletter+15th+January+2019](http://www.climateaction.org/news/uk-government-announces-new-clean-air-strategy?utm_source=ActiveCampaign&utm_medium=email&utm_content=Antarctica+is+losing+six+times+more+ice+mass+annually+now+than+40+years+ago+-+Climate+Action+News&utm_campaign=CA+Newsletter+15th+January+2019)

**HEAT WAVE:** During the week of 14 January 2019, almost every day a new heat record was broken in Australia. Temperatures reached 48.9°C Port Augusta, South Australia and it was 45°C or higher for four consecutive days in Broken Hill. The community of Noona (population of 14) recorded the highest ever minimum temperature overnight in Australia (35.9°C was the coolest temperature recorded on that day). **Source: The Guardian dated 19 January 2019.** <https://www.theguardian.com/australia-news/2019/jan/19/australia-swelters-as-relentless-hot-weather-smashes-records>

**LITIGATION:** In 2017 the London Court of Appeal ruled that 1826 Zambian nations living in the Copperbelt region in Zambia were entitled to sue the Indian mining company Vendanta in a British court. The mining company is disputing the judgement by saying the court case should be tried under Zambian law. The company delisted from the London stock exchange in 2018 but retains a legal base in London. The villages claim that their land was polluted by a Vendanta mine in their region. **Source: ELA Newsletter 3 dated 18 January 2019.** <http://legalbrief.co.za/diary/legalbrief-environmental/story/hearing-to-determine-trial-venue-for-zambian-pollution-case-3/>

**SUSTAINABLE FOOD:** The Worldwide Fund for Nature (WWF), in partnership with BCG Digital Ventures, have launched a new blockchain platform called "OpenSC" to help people track how sustainable their food is. **Source: Climate Action Programme 3 dated 18 January 2019.** [http://www.climateaction.org/news/wwf-announces-new-blockchain-platform-to-track-sustainability-of-food?utm\\_source=ActiveCampaign&utm\\_medium=email&utm\\_content=10+year+challenge++sparks+environmental+concern+-+Climate+Action+News&utm\\_campaign=CA+Newsletter+22nd+January+2019](http://www.climateaction.org/news/wwf-announces-new-blockchain-platform-to-track-sustainability-of-food?utm_source=ActiveCampaign&utm_medium=email&utm_content=10+year+challenge++sparks+environmental+concern+-+Climate+Action+News&utm_campaign=CA+Newsletter+22nd+January+2019)

## PUBLICATIONS

**EMISSIONS:** According to a study conducted by the economic firm Rhodan Group, in 2007 carbon emissions in the United States of America (USA) peaked. Between 2008 and 2015 carbon emissions decreased by 12.6%. Since 2016, the pace of US emissions decline has slowed, from 2.7% in 2015 to 1.7% in 2016 and 0.8% in 2017. They estimate that carbon emissions increased by 3.4% in 2018. **Source: Climate Action Programme dated 8 January 2019.** <http://www.climateaction.org/news/carbon-emissions-rise-in-the-us-after-three-year->

[decline?utm\\_source=ActiveCampaign&utm\\_medium=email&utm\\_content=Alstom+unveils+new+hydrogen+train+in+the+UK+-+Climate+Action+News&utm\\_campaign=CA+Newsletter+8th+January+2019](http://www.climateaction.org/news/greenhouse-gas-emissions-from-scottish-industry-at-10-year-low?utm_source=ActiveCampaign&utm_medium=email&utm_content=Warming+oceans+to+raise+sea+levels+30cm+by+2100%2C+study+finds+-+Climate+Action+News&utm_campaign=CA+Newsletter+11th+January+2019) The Scottish Environmental Protection Agency has released data showing that greenhouse gas levels dropped by 57% since 2007. **Source: Climate Action Programme dated 10 January 2019.**

[http://www.climateaction.org/news/greenhouse-gas-emissions-from-scottish-industry-at-10-year-low?utm\\_source=ActiveCampaign&utm\\_medium=email&utm\\_content=Warming+oceans+to+raise+sea+levels+30cm+by+2100%2C+study+finds+-+Climate+Action+News&utm\\_campaign=CA+Newsletter+11th+January+2019](http://www.climateaction.org/news/london-underground-pollution-30-times-higher-than-by-bus-roads-report-warns?utm_source=ActiveCampaign&utm_medium=email&utm_content=Warming+oceans+to+raise+sea+levels+30cm+by+2100%2C+study+finds+-+Climate+Action+News&utm_campaign=CA+Newsletter+11th+January+2019) The Committee on the Medical Effects of Air Pollutants have released a report showing that spending one hour in the London Underground is more toxic than spending the entire day above ground in London. **Source: Climate Action Programme dated 10 January 2019.**  
[http://www.climateaction.org/news/london-underground-pollution-30-times-higher-than-by-bus-roads-report-warns?utm\\_source=ActiveCampaign&utm\\_medium=email&utm\\_content=Warming+oceans+to+raise+sea+levels+30cm+by+2100%2C+study+finds+-+Climate+Action+News&utm\\_campaign=CA+Newsletter+11th+January+2019](http://www.climateaction.org/news/london-underground-pollution-30-times-higher-than-by-bus-roads-report-warns?utm_source=ActiveCampaign&utm_medium=email&utm_content=Warming+oceans+to+raise+sea+levels+30cm+by+2100%2C+study+finds+-+Climate+Action+News&utm_campaign=CA+Newsletter+11th+January+2019)

**WATER:** Western Resource Advocates and Pace University's Land Use Law Centre have developed a comprehensive guidebook entitled "*Integrating water efficiency into land use planning*". **Source: Environmental Law Association (ELA) Newsletter 4 dated 25 January 2019.** <https://westernresourceadvocates.org/land-use-planning-for-water-efficiency/> Authors from United Nations (UN) University's Canadian-based Institute for Water, Environment and Health, the Netherlands Wageningen University and the Gwangju Institute of Science and Technology in Korea have released a new paper entitled "*The state of desalination and brine production: a global outlook*" (a paper backed by the UN), which shows that for every litre of fresh water produced by a desalination plant, on average, 1.5 litres of brine are also produced. The authors have therefore called for improved brine management strategies to be implemented to meet the fast-growing number of desalination plants worldwide. **Source: Engineering News dated 14 January 2019.** [http://www.engineeringnews.co.za/article/un-warns-of-rising-levels-of-toxic-brine-as-more-desalination-plants-are-built-2019-01-14/rep\\_id:4136](http://www.engineeringnews.co.za/article/un-warns-of-rising-levels-of-toxic-brine-as-more-desalination-plants-are-built-2019-01-14/rep_id:4136)

**ENVIRONMENTAL RULE OF LAW:** The United Nations Environmental Programme (UNEP) have published a first global report entitled "*Environmental Rule of Law*". The report identifies effective implementation and enforcement as the greatest challenge worldwide. **Source: (ELA) Newsletter 4 dated 25 January 2019.** [https://wedocs.unep.org/bitstream/handle/20.500.11822/27279/Environmental\\_rule\\_of\\_law.pdf?sequence=1&isAllowed=y](https://wedocs.unep.org/bitstream/handle/20.500.11822/27279/Environmental_rule_of_law.pdf?sequence=1&isAllowed=y)

## NATIONAL

## GENERAL

**ENERGY:** The African National Congress' (ANC) 2019 Election Manifesto, under President Cyril Ramaphosa, has a focus on renewable energy unlike the focus on nuclear energy under ex-President Jacob Zuma's administration. Previous ANC election Manifesto's did not cover energy production in detail - this is also the first time that the Manifesto promises to promote renewable energy. **Source: BusinessTech dated 14 January 2019.** <https://businesstech.co.za/news/energy/293324/anc-drops-zumas-nuclear-plans-and-embraces-renewable-energy-instead/> The Department of Energy (DoE) announced the that final version of the reviewed Integrated Resource Plan (IRP) will be released in February 2019. **Source: Engineering News dated 16 January 2019.**

<http://www.engineeringnews.co.za/article/south-africa-aims-to-finalise-long-term-energy-plan-next-month-radebe-2019-01-16>

**MABOLA PROTECTED ENVIRONMENT:** The Mpumalanga MEC, Vusumuzi Shongwe, has withdrawn his notice of intention to exclude the proposed coal mining area from the Mabola Protected Environment. The Pretoria High Court also refused the coal mining company, Atha Africa, leave to appeal the decision handed down in November 2018 whereby the court set aside the decisions of the previous Minister of Mineral Resources, Mosobenzi Zwane, and the late Minister of Environmental Affairs, Edna Molewa, to allow the proposed coal mine to be established in the protected environment. The civil society coalition which has been opposing the proposed coal mine has welcomed both decisions. **Source: Mining Weekly News dated 29 January 2019.** [http://www.miningweekly.com/article/coalition-welcomes-mpumalanga-mecs-decision-to-not-exclude-properties-from-the-mabola-protected-area-2019-01-29/rep\\_id:3650](http://www.miningweekly.com/article/coalition-welcomes-mpumalanga-mecs-decision-to-not-exclude-properties-from-the-mabola-protected-area-2019-01-29/rep_id:3650)

**WATER:** The Organisation Undoing Tax Abuse (OUTA) and Water Shortage South Africa (WSSA) have announced their plans to develop an independent water regulator which includes creating a steering committee to engage with all stakeholders over the next two years. **Source: Dispatch Live dated 21 January 2019.** <https://www.dispatchlive.co.za/news/business/2019-01-21-private-sector-drops-in-to-fix-water-crisis/> The Department of Water and Sanitation (DWS) announced that it is preparing to launch its own series of mini-Phakisa's in an attempt to resolve the most challenging issues facing the South Africa's water infrastructure sector. **Source: Engineering News dated 25 January 2019.** <http://www.engineeringnews.co.za/article/operation-phakisa-for-water-expected-by-march-2019-01-25>

**LEGISLATION:** The Minister of Agriculture, Forestry and Fisheries, Senzeni Zokwana, announced that the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 is currently in a review process which will see the Act split into three separate pieces of legislation. **Source: ELA Newsletter 3 dated 18 January 2019.** <http://legalbrief.co.za/policy-watch/general-icc-a-proxy-for-powerful-non-member->

**FISHING MOU:** The South African Minister of Agriculture, Forestry and Fisheries and his Namibian counterpart have signed a Memorandum of Understanding (MoU) on fishing which outlines how the two countries will work together on various matters within the fisheries sector. **Source: Engineering News dated 24 January 2019.** [http://www.engineeringnews.co.za/article/namibia-south-africa-sign-fisheries-mou-2019-01-24/rep\\_id:4136](http://www.engineeringnews.co.za/article/namibia-south-africa-sign-fisheries-mou-2019-01-24/rep_id:4136)

**BEACH POLLUTION:** The results of the International Coastal Clean-up, which took place on 15 September 2018, have been released and show that broken down plastic pieces, foam pieces, cigarette butts, bottle caps, food wrappers, glass pieces, beverage bottles, straws and lolly sticks continue to be the biggest pollutants on our country's beaches. **Source: The Greentimes dated 25 January 2019.** <http://thegreentimes.co.za/international-cleanup-reveals-sas-biggest-beach-pollutants/>

## PUBLICATIONS

**REPORTING GUIDELINE:** The South African Mineral Reporting Codes (SAMCODES) have published the "South African Guideline for the reporting of environmental, social and governance (ESG) parameters" (SAMESG). **Source: ELA Newsletter 3 dated 18 January 2019.** <https://www.samcode.co.za/samcode-ssc/samesg>

**AVIATION BIOFUEL:** The Worldwide Fund for Nature South Africa (WWF-SA) have published a report entitled "Taking off: Understanding the sustainable aviation biofuel potential for sub-Saharan Africa". **Source: WWF-SA dated January 2019.** [http://dtnac4dfluyw8.cloudfront.net/downloads/wwf\\_2019\\_taking\\_off\\_understanding\\_the\\_sust\\_aviation\\_biofuel\\_potential\\_in\\_ssa.pdf?26941/taking-off-understanding-the-sustainable-aviation-biofuel-potential-in-sub-saharan-africa](http://dtnac4dfluyw8.cloudfront.net/downloads/wwf_2019_taking_off_understanding_the_sust_aviation_biofuel_potential_in_ssa.pdf?26941/taking-off-understanding-the-sustainable-aviation-biofuel-potential-in-sub-saharan-africa)

**COMPLIANCE AND ENFORCEMENT:** The Department of Environmental Affairs (DEA) has released the "2017/2018 National Environmental Compliance and Enforcement Report (NECER)". **Source: ELA Newsletter 5 dated 1 February 2019.** <https://www.environment.gov.za/mediarelease/deareleases2017-18necereport>

## CONFERENCES AND OTHER EVENTS

### IMBEWU WORKSHOPS

**MINE CLOSURE AND RECENT CASE LAW WORKSHOP:** 9 April 2019 in Johannesburg. R2750 per delegate, excluding VAT. Please contact Lulu Lewis on 011 214 0660 or at [lulu@imbewu.co.za](mailto:lulu@imbewu.co.za) for more information or go to: <http://imbewu.co.za/services/>.

### NATIONAL

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

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

**THE SOLAR SHOW AFRICA 2019:** 26-27 March 2019 in Sandton.

**ENVIRONMENTAL WASTE AND LANDFILL MANAGEMENT CONFERENCE:** 27-28 March 2019 in Johannesburg.

### INTERNATIONAL

**WORLD WILDLIFE DAY:** 3 March 2019.

**GLOBAL RECYCLING DAY:** 18 March 2019.

**SUSTAINABLE INVESTMENT FORUM EUROPE:** 12 March 2019 in Paris, France.

**WORLD WATER DAY:** 22 March 2019.

**EARTH DAY:** 22 April 2019.

**IAIA19:** 29 April – 2 May 2019 in Brisbane, Australia.

**CITES CoP18:** 23 May – 3 June 2019 in Colombo, Sri Lanka. In preparation for this conference the DEA invites interested parties to attend a meeting in Pretoria on 18 February 2019. The purpose of the meeting is to discuss the proposals to amend Appendices of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES). All enquiries related to CITES CoP18 must be directed to Mr Mpho Tjiane at Email: [mtjiane@environment.gov.za](mailto:mtjiane@environment.gov.za) or Tel: (012) 399 9596 / 9779 / 8864 / 8656.

**IMBEWU's environmental tip: How to save our wetlands:** <https://www.wikihow.com/Save-the-Wetlands>

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