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Sustainability Legal Specialists (Pty) Ltd



APRIL 2019 SUSTAINABILITY NEWSLETTER

For a copy of the Safety, Health and Environmental (SHE) Legislation Update, please go to:
<https://imbewu.co.za/wp-content/uploads/2019/05/Monthly-Sustainability-Legislation-Update-April-2019.pdf>

INTERNATIONAL

GENERAL

GREEN CLIMATE FUND: According to recently released government budget papers, Australia will stop making financial contributions to the United Nations (UN) Green Climate Fund. Oxfam Australia said in a statement that the decision was a "catastrophic failure of leadership in the face of the climate crisis". **Source: Climate Change News dated 2 April 2019.** <https://www.climatechangenews.com/2019/04/02/australia-stops-payments-green-climate-fund/>

CLIMATE CHANGE LEGISLATION: The governments of Washington State and New York City have released a "Clean Power Bill" and "Green New Deal" respectively. Washington aims to be carbon neutral by 2030 and New York City will spend \$14 billion on reducing its carbon footprint. **Source: Climate Change News dated 23 April 2019.** <https://www.climatechangenews.com/2019/04/23/new-york-city-bans-glass-skyscrapers-wa-state-end-coal/>

BREEDING FAILURE: Emperor penguins at the Halley Bay colony in Antarctica have failed to raise their chicks in the last 3 years due to changes in the local sea-ice conditions as the penguins need stable sea-ice from April – December on which to breed. **Source: Climate**

Action Programme dated 25 April 2019. http://www.climateaction.org/news/breeding-failure-for-thousands-of-emperor-penguin-chicks-over-last-three-ye?utm_source=ActiveCampaign&utm_medium=email&utm_content=Global+deforestation+wipes+out+an+area+size+of+Belgium+-+Climate+Action+News&utm_campaign=CA+Newsletter+26th+April+2019

SAVE THE BEES: The southern German state of Bavaria announced that it will promulgate a law based on its "Save the Bees" petition which proposes a target for 20% of agricultural land to meet organic farming standards ('bee-friendly') by 2025 and 30% by 2030. **Source: Climate Action Programme dated 5 April 2019.** http://www.climateaction.org/news/german-state-to-transform-save-the-bees-petition-into-law?utm_source=ActiveCampaign&utm_medium=email&utm_content=Canada+warming+twice+as+fast+as+rest+of+the+world+-+Climate+Action+News&utm_campaign=CA+Newsletter+5th+April+2019

SHARKS: In a landmark court ruling, an Australian government shark culling scheme has been overturned and the court ruled that sharks can no longer be culled on the Great Barrier Reef. The judgement stated "*It is plain from the evidence given in these proceedings that Queensland's lethal shark control programme is out of step with national and international developments.*" **Source: The Independent dated 2 April 2019.** <https://www.independent.co.uk/environment/shark-killing-great-barrier-reef-australia-queensland-court-cull-a8850891.html>

POLLUTING INDUSTRIES: The Chinese Environment Ministry has reprimanded provincial officials in Shangdon, China's largest aluminium producing province, for failing to comply with policies aimed at curbing coal pollution. **Source: Mining Weekly dated 23 April 2019.** <https://www.miningweekly.com/article/china-slams-province-for-failing-to-curb-polluting-industries-2019-04-23>

PLASTIC: Peel Environmental in partnership with Waste2Tricity have revealed their plans to build a £7 million plant in the United Kingdom (UK) that will convert plastic waste into hydrogen. **Source: Climate Action Programme dated 12 April 2019.** http://www.climateaction.org/news/plans-revealed-for-uks-first-plant-to-turn-plastic-waste-into-hydrogen?utm_source=ActiveCampaign&utm_medium=email&utm_content=Climate+Strikes%3A+%22Whose+future%3F+Our+future%21%22+-+Climate+Action+News&utm_campaign=CA+Newsletter+12th+April+2019 The government of Tanzania have announced plans to ban the production, importation, sale and use of all single-use plastic bags by July 2019. **Source: Engineering News dated 8 April 2019.** http://www.engineeringnews.co.za/article/tanzania-to-ban-single-use-plastics-by-july---environment-minister-2019-04-08/rep_id:4136

DEEP SEA MINING: The International Seabed Authority (ISA) announced that China has injected momentum into a UN process to agree to a law on international deep-sea mining which could be adopted by the end of 2020. **Source: Mining Weekly dated 25 April 2019.** https://www.miningweekly.com/article/deep-sea-mining-boss-says-new-law-could-be-adopted-next-year-2019-04-25/rep_id:3650

OIL DRILLING: A court in Puyo, Ecuador has decided to provide protection to the Waorani indigenous tribe in the Pastaza province to stop an oil bidding process after the government planned to open up 180 000 hectares of land in the Ecuadorian side of the Amazon rainforest for oil exploration. **Source: Phys.org dated 27 April 2019.** <https://phys.org/news/2019-04-ecuador-amazon-tribe-victory-oil.html>

TAILINGS DAMS: The International Council on Mining and Minerals (ICMM) are currently working on a global standard for tailings dams. The Church of England Pensions Board and the Swedish Council on Ethics have submitted a request to 683 listed resource companies asking

them to answer 20 questions on their tailings dams which cover issues such as the height of dams, their volume, engineering records and safety checks. **Source: Mining Weekly dated 5 April 2019.** <http://www.miningweekly.com/article/ethical-investors-ask-miners-to-publish-tailings-dam-details-2019-04-05>

SMART MINING: Anglo American has become the founding donor to the World Bank's Climate Smart Mining Facility which is dedicated to make mining for minerals and metals a more sustainable practice. **Source: Mining Weekly dated 2 May 2019.** https://www.miningweekly.com/article/anglo-american-a-founding-sponsor-of-the-world-banks-climate-smart-mining-fund-2019-05-02/rep_id:3650

SLOVAKIA'S NEW PRESIDENT ELECT: Slovakia's newly elected first female president, lawyer Zuzana Čaputová, is a green campaigner who aims to promote green jobs, turning the tide against the country's traditional backing of heavy industry. **Source: Climate Change News dated 1 April 2019.** <https://www.climatechangenews.com/2019/04/01/slovakian-president-elect-green-campaigner-will-fight-coal-subsidies/>

PUBLICATIONS

CHANGING CLIMATE: Environment and Climate Change Canada have released the "Canada's Changing Climate Report", the first report to be released as part of "Canada in a Changing Climate: Advancing our Knowledge for Action". The report has found that Canada is warming twice as fast when compared to the rest of the world. **Source: Climate Action Programme dated 3 April 2019.** http://www.climateaction.org/news/canada-warming-twice-as-fast-as-rest-of-the-world?utm_source=ActiveCampaign&utm_medium=email&utm_content=Canada+warming+twice+as+fast+as+rest+of+the+world+-+Climate+Action+News&utm_campaign=CA+Newsletter+5th+April+2019

GLOBAL DEFORESTATION: The World Resources Institute's Global Forest Watch has released the data from their 2018 Report which shows that 3.6 million hectares of primary tropical forest was cut down in 2018. **Source: Engineering News dated 25 April 2019.** https://www.engineeringnews.co.za/article/global-deforestation-cut-enough-trees-last-year-to-cover-belgium-2019-04-25/rep_id:4136

GREAT BARRIER REEF: According to a report published in the journal Nature entitled "Global warming impairs stock-recruitment dynamics of corals", coral reproduction in the Great Barrier Reef has declined by 89% due to four major bleaching events that have occurred resulting from climate change and global warming. **Source: Climate Action Programme dated 5 April 2019.** http://www.climateaction.org/news/great-barrier-reef-suffers-89-decline-in-coral-reproduction-rate-after-blea?utm_source=ActiveCampaign&utm_medium=email&utm_content=World+s+first++Ultra+Low+Emission+Zone+comes+into+force+in+London+-+Climate+Action+News&utm_campaign=CA+Newsletter+9th+April+2019

POLLUTED RIVERS: A new study published in the journal Science of the Total Environment entitled "Screening of pesticides and veterinary drugs in small streams in the European Union by liquid chromatography high resolution mass spectrometry" tested samples from 24 waterways in 10 countries in Europe and found over 100 pesticides in the water, including 24 that were not licenced in the European Union (EU). **Source: Climate Action Programme dated 9 April 2019.** <http://www.climateaction.org/news/pesticides-and-antibiotics-polluting-europes->

[rivers?utm_source=ActiveCampaign&utm_medium=email&utm_content=World+s+first++Ultra+Low+Emission+Zone+comes+into+force+in+London+-+Climate+Action+News&utm_campaign=CA+Newsletter+9th+April+2019](https://www.earthlifeafrica.org/press-releases/2019/04/25/22-former-underground-miners-are-taking-sasol-coal-to-court-for-r80-million-in-damages)

NATIONAL

GENERAL

COAL-RELATED DISEASES: 22 former underground miners are taking Sasol Coal to court for R80 million in damages. The miners allege that the company was negligent in failing to take adequate care to maintain healthy working conditions underground. In its reply, Sasol has denied liability and noted that the matter has prescribed as the summons was served more than 3 years after the miners had left the employment of Sasol Coal. **Source: GroundUp dated 25 April 2019.** <https://www.groundup.org.za/article/former-sasol-coal-miners-claim-more-r80-million-coal-related-illnesses/>

FISHING RIGHTS: The Department of Agriculture, Forestry and Fisheries (DAFF) has launched the 2020 Fishing Rights Allocation Process (FRAP2020). The DAFF Minister, Senzeni Zokwana, has urged all players in the fishing industry to ensure that the sector's transformation agenda is realised during this process. **Source: BizCommunity dated 25 April 2019.** <https://www.bizcommunity.com/Article/196/520/190105.html#more>

WATER PROJECT CHALLENGED: Environmental groups Earthlife Africa and groundWork have submitted an appeal to the Department of Environmental Affairs (DEA) objecting to their decision to authorise a part of the Mokolo Crocodile (West) Water Augmentation Project. The Project is aimed at pumping water into the coal-rich Waterberg region. Makoma Lekalakala, director of Earthlife Africa, said in a statement that "*a water transfer scheme that is intended purely to enable a number of unnecessary, not to mention harmful, coal developments, is a reckless use of our limited water*". **Source: Mining Weekly dated 30 April 2019.** <https://www.miningweekly.com/article/activists-slam-south-africas-decision-to-pump-water-to-coal-mines-2019-04-30>

RHINO POACHING: The Makhanda High Court in the Eastern Cape Province has handed down sentence of 25 years imprisonment to 3 members of the "Ndlovu Gang" for rhino poaching. The sentences were ordered to run concurrently meaning that each of the men would serve an effective 25 years in prison. **Source: BizCommunity dated 5 April 2019.** <https://www.bizcommunity.com/Article/196/628/189444.html>

PROPOSED CARBON TAX: The Minerals Council has called on government to delay the implementation of the proposed carbon tax by five years to allow sufficient time for government to address the design challenges and the finalisation of the appropriate regulations. **Source: Mining Weekly dated 12 April 2019.** http://www.miningweekly.com/article/minerals-council-calls-for-delay-of-at-least-five-years-in-carbon-tax-implementation-2019-04-12/rep_id:3650

RENEWABLE ENERGY: The Council for Scientific and Industrial Research (CSIR) has found that renewable energy helped relieve pressure on the South African electricity grid in the first quarter of 2019 and played a major role in avoiding further load shedding during that period.

Source: Southern African Alternative Energy Association (SAAEA) dated 19 April 2019. <https://www.saaea.org/renewable-energy-news/renewable-energy-stopped-stage-6-load-shedding-in-south-africa>

MARINE PROTECTED AREA: The DEA announced that it will soon declare the area around Robbin Island a Marine Protected Area. **Source: BizCommunity dated 23 April 2019.** <https://www.bizcommunity.com/Article/196/628/189997.html#more>

SOLAR POWER: The Western Cape Department of Education and the Western Cape Department of Economic Opportunities are in support of the Sun Exchange initiative aimed at providing solar power to number of schools in the Western Cape. **Source: BizCommunity dated 11 April 2019.** <https://www.bizcommunity.com/Article/196/701/189669.html#more>

WIND FARM APPEAL: The acting Minister of Environmental Affairs, Lindiwe Zulu, has upheld 5 appeals against the environmental authorisation issued for the controversial Watson family's Inyanda-Roodeplaat wind farm near Uitenhage in the Eastern Cape. She sent the decision back to her Department for further evaluation and consultation with the assistance from independent review specialists. According to recent testimony at the Zondo Commission of Inquiry into State Capture, the Minister of Environmental Affairs, Nomvulo Mokonyane (who is on compassionate leave) was involved in a corrupt relationship with the Bosasa group of companies head by Gavin Watson **Source: BizCommunity dated 16 April 2019.** <https://www.bizcommunity.com/Article/196/628/189834.html>

PUBLICATIONS

SPLUMA BY-LAWS: Jaap de Visser and Xavia Siyabonga Poswa have published an article in the Potchefstroom Electronic Law Journal (PER) entitled "*Municipal Law Making under SPLUMA: A Survey of Fifteen "First Generation" Municipal Planning By-laws*". **Source: Environmental Law Association (ELA) Newsletter 17 dated 15 April 2019.** <https://journals.assaf.org.za/index.php/per/article/view/4658>

OCEAN SCORECARD: The World Wide Fund for Nature South Africa (WWF-SA) and the Southern African Sustainable Seafood Initiative (SASSI) have released their "*Ocean facts and figures: 2018 Ocean Scorecard*". **Source: WWF SASSI dated 18 April 2019.** <http://wwfsassi.co.za/oceans-facts-and-futures-wwfs-2018-ocean-scorecard/>

CONFERENCES AND OTHER EVENTS

IMBEWU WORKSHOPS

WORLD ENVIRONMENT DAY EVENT – PRESENTATION AND DISCUSSION BY DR SAM FERREIRA OF SANPARKS ON THE RHINO CRISIS AND SUGGESTED INTERVENTIONS: 5 June 2019 in Johannesburg. Please contact Lulu Lewis on 011 214 0660 or at lulu@imbewu.co.za for more information.

CARBON TAX HALF DAY WORKSHOP: 11 June 2019 in Johannesburg. R1500 per delegate, excluding VAT. Please contact Lulu Lewis on 011 214 0660 or at lulu@imbewu.co.za for more information or go to: <http://imbewu.co.za/services/>.

MINE CLOSURE AND CASE LAW DEVELOPMENT WORKSHOP: 20 June 2019 in Johannesburg. R2750 per delegate, excluding VAT. Please contact Lulu Lewis on 011 214 0660 or at lulu@imbewu.co.za for more information or go to: <http://imbewu.co.za/services/>.

NATIONAL

SOUTH AFRICAN INSTITUTE FOR OCCUPATIONAL HEALTH AND SAFETY (SAIOSH) HEALTH AND SAFETY CONFERENCE: 14-15 May 2019 in Johannesburg.

SUSTAINABILITY WEEK: 24-26 June 2019 in Pretoria.

IFAT 2019 (AFRICA'S LEADING TRADE FARE FOR WATER, SEWAGE, REFUSE AND RECYCLING): 9-11 July 2019 in Johannesburg.

IAIASa ANNUAL CONFERENCE: 21-23 August 2019 in Bela Bela, Limpopo.

8TH WORLD CONFERENCE ON ECOLOGICAL RESTORATION: 22 – 27 September 2019 in Cape Town.

INTERNATIONAL

WORLD MIGRATORY BIRD DAY: 14 May 2019.

INTERNATIONAL BIODIVERSITY DAY: 22 May 2019.

5TH ANNUAL ENVIRONMENTAL COMPLIANCE NAMIBIA CONFERENCE: 28 – 29 May 2019 in Windhoek, Namibia.

CITES CoP18: **NOTE:** This COP initially scheduled for 23 May – 3 June 2019 in Colombo, Sri Lanka has been postponed indefinitely.

WORLD ENVIRONMENT DAY: 5 June 2019.

WORLD OCEANS DAY: 8 June 2019.

2019 ANNUAL CONFERENCE: WORLD ASSOCIATION OF MINING LAWYERS: 9-11 June 2019 in Marrakech, Morocco.

THE GLOBAL FOREST WATCH SUMMIT: 18-19 June 2019 in Washington DC, USA.

2019 AFRICA BLUE ECONOMY FORUM: 25-26 June 2019 in Tunis, Tunisia.

LONDON CLIMATE ACTION WEEK: 1-8 July 2019.

WILDLIFE DISEASE ASSOCIATION 68TH ANNUAL INTERNATIONAL CONFERENCE: 4-9 August 2019 in California, USA.

IMBEWU's environmental note: "10 ways you can stay load shedding-ready":

<https://www.bizcommunity.com/Article/196/568/189436.html#more>

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