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Sustainability Legal Specialists (Pty) Ltd



JULY 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/2019/08/Monthly-Sustainability-Legislation-Update-July-2019.pdf>

INTERNATIONAL

GENERAL

MINING: Anglo American has signed a deal with the Chilean subsidiary of Enel to ensure that its mining operations based in Chile only use power from renewable energy sources from 2021. **Source: Engineering News dated 25 July 2019.** https://www.miningweekly.com/article/anglo-american-to-use-only-renewable-energy-in-chile-by-2021-2019-07-25/rep_id:3650 BHP has committed to spending \$400 million over 5 years to reduce greenhouse gas emissions at their mining operations. **Source: Mining Weekly dated 23 July 2019.** <https://www.miningweekly.com/article/bhp-to-invest-heavily-in-climate-change-research-2019-07-23> A Brazilian court has ruled that mining giant Vale SA must pay for the damage caused by the collapse of its tailings dam in January 2019 at its Córrego do Feijão iron ore mine near the Brazilian town of Brumadinho, that killed over 240 people. Judge Nogueira held that the damages to be paid “will not be limited to the dead, but also effects on the local and regional environment, in addition to economic activity in the affected regions”. **Source: Mining Weekly dated 10 July 2019.** <https://www.miningweekly.com/article/brazil-court-convicts-vale-for-damages-caused-by-deadly-dam-rupture-2019-07-10> Following a collaboration between the University of British Columbia, the University of Alberta, Trent University, Institut national de la recherche scientifique and three mining companies, two Canadian mines will pilot a research project which

traps carbon dioxide in mine tailings in an effort to reduce greenhouse gas emissions at mining operations. **Source: Mining Weekly dated 24 July 2019.** https://www.miningweekly.com/article/canadian-researchers-study-potential-to-lock-carbon-in-mine-waste-2019-07-24/rep_id:3650

TIGERS: According to survey results from India's National Tiger Conservation Authority, the country's tiger population has grown by 33% since 2014. **Source: CNN dated 29 July 2019.** <https://edition.cnn.com/travel/article/india-tigers-modi-scli-intl/index.html>

RENEWABLE ENERGY: E.ON have announced that they will provide their 3.3 million residential users in the United Kingdom (UK) with 100% renewable energy at no additional cost. **Source: Climate Action Programme dated 9 July 2019.** http://www.climateaction.org/news/e-on-to-power-3.3-million-homes-through-renewable-energy?utm_source=ActiveCampaign&utm_medium=email&utm_content=E+ON+to+accelerate+energy+transition+across+UK+-+Climate+Action+News&utm_campaign=CA+Newsletter+9th+July+2019

EARTH OVERSHOOT DAY: 'Earth Overshoot Day' marks the date when humanity's demand for ecological resources and services in a given year exceeds what Earth can regenerate in that year. This year's Earth Overshoot Day was on **29 July 2019**. This is the earliest date that has ever been recorded for Earth Overshoot Day, which has moved up the calendar by two months over the past 20 years. **Source: Earth Overshoot Day dated 29 July 2019.** <https://www.overshootday.org/newsroom/past-earth-overshoot-days/>

WATER: Harare, Zimbabwe, is currently facing a water crisis. More than 2 million residents have no access to running water due to a severe drought as well as a number of breakdowns within the water system. **Source: Climate Home News dated 15 July 2019.** <https://www.climatechangenews.com/2019/07/15/two-million-zimbabwes-capital-no-water-city-turns-off-taps/>

PLASTIC: Nestle has become the first major company to use biodegradable seals in its transport fleet in an effort to reduce plastic pollution. **Source: Climate Action Programme dated 30 July 2019.** http://www.climateaction.org/news/nestle-announces-new-partnership-to-deliver-worlds-first-biodegradable-secu?utm_source=ActiveCampaign&utm_medium=email&utm_content=Biodegradable+security+seals+will+reduce+waste+in+businesses+-+Climate+Action+News&utm_campaign=CA+Newsletter+26th+July+2019 According to statistics released by the UK Department for Environment, Food and Rural Affairs (DEFRA), the sale of plastic bags by 7 of the UK's biggest retailers has reduced by 90% since a charge on plastic bags was introduced in 2015. **Source: Climate Action Programme dated 2 August 2019.** http://www.climateaction.org/news/plastic-bag-sales-down-90-in-england?utm_source=ActiveCampaign&utm_medium=email&utm_content=UK+s+ten+hottest+years+all+since+2002+-+Climate+Action+News&utm_campaign=CA+Newsletter+2nd+August+2019

PUBLICATIONS

FOOD: The World Resources Institute has released a report entitled "*Creating a Sustainable Food Future*" which finds that the global food system must undergo an urgent change to ensure that there is adequate food for the world's population without destroying the planet. **Source: Climate Action Programme dated 19 July 2019.** <http://www.climateaction.org/news/changing-our-diet-by-2050-is-essential-to->

[achieving-a-sustainable-future-ne?utm_source=ActiveCampaign&utm_medium=email&utm_content=Changing+our+diet+by+2050+is+essential+to+achieving+a+sustainable+future%2C+new+report+reveals&utm_campaign=CA+Newsletter+19th+July+2019](https://www.environment.gov.za/achieving-a-sustainable-future-ne?utm_source=ActiveCampaign&utm_medium=email&utm_content=Changing+our+diet+by+2050+is+essential+to+achieving+a+sustainable+future%2C+new+report+reveals&utm_campaign=CA+Newsletter+19th+July+2019)

CLIMATE LAW: Climate Law, a journal on climate change and the law, has released a special issue entitled "*Implementing the Paris Agreement: Lessons from the Global Human Rights Regime*". **Source: Environmental Law Association (ELA) Newsletter 25 dated 5 July 2019.** <https://brill.com/view/journals/clla/9/3/clla.9.issue-3.xml>

NATIONAL

GENERAL

ENVIRONMENTAL AFFAIRS, FORESTRY AND FISHERIES BUDGET POLICY STATEMENT:

In her budget policy statement on 11 July 2019, the Minister of Environmental Affairs, Forestry and Fisheries, Barbara Creecy, announced that the second draft of the Climate Change Bill was currently being discussed at the National Economic Development and Labour Council (NEDLAC) (the first draft of the Bill was released for public comment in July 2018). She also advised that her department will review the air quality management plans for the priority areas of the Highveld, Vaal Triangle and Waterberg and the way forward in terms of curbing plastic pollution and promoting waste recycling. Minister Creecy further spoke of the need for water security through continued control of invasive plants in catchments and wetlands which comes "*at a fraction of the cost of projects such as desalination*" and the development of a joint Wetlands Framework to improve wetland protection, management and conservation in an integrated manner. She noted that their Environmental Programmes will create 67 953 working opportunities this year and also announced that they will review their efforts aimed at illegal poaching and the illicit wildlife trade. She also discussed the job and investment opportunities related to their Oceans Phakisa project and the efforts made to contribute towards sustaining our fisheries and the growth of marine ecotourism. **Source: Department of Environmental Affairs, Forestry and Fisheries dated 11 July 2019.** <https://www.environment.gov.za/speech/barbara-creecy-tables-DEA-budgetpolicystatement>

MINISTER OF MINERAL RESOURCES AND ENERGY BUDGET POLICY STATEMENT:

The Minister of Mineral Resources and Energy, Gwede Mantashe, announced that although the Departments of Mineral Resources and Energy had merged into one department, he would still present two separate budget speeches. On 10 July 2019, he presented the Department of Mineral Resources' budget. He discussed the global demand for cleaner sources of energy and advised that this presents new opportunities for lithium, vanadium, cobalt, nickel, manganese, carbon, copper and Rare Earth Elements (REE), which "*contain elements for clean energy technologies*". He also noted that his department has set aside R20 million in the current financial year to improve and develop an "*integrated licensing system*" over the next two years. He further discussed the paramount importance of health and safety for mine employees and the need to decisively deal with the source of illicit mining and trafficking of minerals. **Source: South African Government Speeches dated 10 July 2019.** <https://www.gov.za/speeches/speech-minister-mineral-resources-and-energy-honourable-samson-gwede-mantashe-10-jul-2019> The Deputy Minister, Bavelile Hlongwa, stated that there may be a review of the Broad-Based Socio-Economic Empowerment Charter for the Mining and Minerals Industry 2018 (Mining Charter III) specifically relating to the lack of provision for

youth ownership. **Source: Mining Weekly dated 10 July 2019.** <https://www.miningweekly.com/article/deputy-minister-hints-at-possible-review-of-mining-charter-iii-2019-07-10> On 11 July 2019, Minister Mantashe presented the Budget Vote 26 for Energy. He discussed various draft legislation relating to energy (a Petroleum Resources Development Bill, the Gas Amendment Bill, the National Energy Regulator Amendment Bill and amendments to the Electricity Regulations Act). He noted that the amended Integrated Resource Plan (IRP) would be tabled before Cabinet for approval in September 2019 and that the “*IRP considers a diversified energy mix that includes all forms of energy technologies such as cleaner coal, nuclear, gas, hydro, renewables and battery storage.*” Minister Mantashe further promoted nuclear energy – “*Given the long-term planning horizon for nuclear power plants, it is imperative that the planning work for the new nuclear power plants should commence now to ensure the security of energy security for the country*”. He further noted that his department is exploring greater use of natural gas and “*more economical options to bring natural gas into the South African market, including accelerating our own natural gas exploration activities such as the Karoo Shale Gas and the deep-sea discoveries*”. **Source: Department of Mineral Resources’ website dated 11 July 2019.** <https://www.dmr.gov.za/news-room/post/1807> The South African Independent Power Producer Association believes that due to the ongoing consultations on the IRP, the IRP will be out of date when it is finalised by Cabinet. **Source: Engineering News dated 24 July 2019.** <https://www.engineeringnews.co.za/article/irp-to-be-out-of-date-by-time-of-cabinet-approval-as-a-result-of-protracted-talks-2019-07-24>

WATER, SANITATION AND HUMAN SETTLEMENTS BUDGET POLICY STATEMENT:

The Minister of Water, Sanitation and Human Settlements, Lindiwe Sisulu, delivered her budget speech on 16 July 2019. She acknowledged the magnitude of issues facing her department which required immediate attention, including budget shortfalls which are affecting key projects. **Source: South African Government Speeches dated 16 July 2019.** <https://www.gov.za/speeches/address-l-n-sisulu-16-jul-2019-0000>

For other departments’ budget speeches, please go to: <https://www.gov.za/speeches>

ENERGY: Advocate Sandra Coetzee has been appointed as the new acting head of the IPP Office. She replaces Karen Breytenbach, who oversaw the Renewable Energy Independent Power Producer Procurement Programme (REIPPP) from its inception. **Source: Engineering News dated 24 and 25 July 2019.** https://www.engineeringnews.co.za/article/sawea-says-ipp-office-able-to-withstand-leadership-transition-2019-07-24/rep_id:4136 and https://www.engineeringnews.co.za/article/advocate-sandra-coetzee-appointed-as-acting-ipp-office-head-2019-07-25/rep_id:4136

RELOCATION OF ELEPHANTS: The second translocation of elephants from De Beers’ Venetia Limpopo Nature Reserve to Zinave National Park in Mozambique has been successfully completed. The total number of elephants relocated in this initiative is 53. **Source: Mining Weekly dated 12 July 2019.** https://www.miningweekly.com/article/de-beers-reports-successful-second-translocation-of-elephants-2019-07-12/rep_id:3650

PLASTIC: Japan has agreed to finance a joint research programme, which will run for three years, between the United Nations Industrial Development Organisation and the Council for Scientific and Industrial Research (CSIR) focussed on reducing plastic waste and on alternative materials in South Africa. **Source: Engineering News dated 27 July 2019.** <https://www.engineeringnews.co.za/article/japan-funding-plastic-waste-research-project-in-south-africa-2019-07-26> Pick n Pay have launched a “nude” fruit and vegetable aisle in 13 of their stores which is a dedicated plastic and packaging free zone. This is a trial to measure the public’s willingness to switch from pre-packed

foods to unpackaged, loose products. **Source: The Green Times dated 2 July 2019.** <http://thegreentimes.co.za/pick-n-pay-launches-nude-fruit-and-vegetable-wall/>

FRACKING: The Supreme Court of Appeal (SCA) has set aside the Regulations for Petroleum Exploration and Production – the regulations promulgated under the Mineral and Petroleum Resources Development Act in 2015 on fracking shale gas in Minister of Mineral Resources v Stern and Others; Treasure the Karoo Action Group and Another v Department of Mineral Resources and Others (1369/2017; 790/2018) [2019] ZASCA 99 (4 July 2019). For a copy of the judgment, go to: http://www.saflii.org/za/cases/ZASCA/2019/99.html#_ftn1. **Source: The Green Times dated 6 July 2019.** <http://thegreentimes.co.za/ruling-on-karoo-fracking-a-victory-for-the-environment/>

SILICOSIS SETTLEMENT: The Chairperson of the Portfolio Committee on Mineral Resources, Sahlulele Luzipo, has welcomed the Pretoria High Court's approval of a R5 billion settlement for former gold mine workers who were exposed to silica dust and fell ill from silicosis or tuberculosis. **Source: South African Government News agency dated 26 July 2019.** <https://www.sanews.gov.za/south-africa/silicosis-settlement-welcomed>

MINING IN A PROTECTED AREA: The President of the SCA has dismissed Atha Africa Ventures (Pty) Ltd's latest petition to the SCA in its bid to appeal a 2018 Pretoria High Court judgment, which set aside the permission granted by the then Ministers of Environmental Affairs and Mineral Resources for Atha Africa to mine inside the Mabola Protected Environment. **Source: Centre for Environmental Rights dated 16 July 2019.** <https://cer.org.za/news/supreme-court-of-appeal-closes-another-door-on-coal-mine-in-mpumalanga-protected-area>

PUBLICATIONS

ENVIRONMENTAL TAXES: The Organisation Undoing Tax Abuse (OUTA) has found that over R100 billion in revenue is generated from environmental taxes. In this respect, OUTA's executive director, Dr Heinrich Volmink, stated that "*It would be disastrous if an issue as critical as climate change was used to simply raise more revenue by government without a clear link to behavioral change or an acceleration in climate change mitigation.*" **Source: The Green Times dated 9 July 2019.** <http://thegreentimes.co.za/5-green-taxes-that-are-hitting-south-africans-in-the-pocket/>

SOUTH AFRICA'S SARDINE RUN: A paper published in the South African Journal of Science entitled "*Progressive delays in the timing of sardine migration in the southwest Indian Ocean*" looks at changes in the annual sardine run to help fisheries plan for delays or failed migrations, which are occurring more frequently. **Source: ELA Newsletter 29 dated 2 August 2019.** https://theconversation.com/we-tracked-south-africas-sardine-run-over-66-years-heres-what-we-found-120369?utm_medium=email&utm_campaign=Latest%20from%20The%20Conversation%20for%20July%2030%202019%20-%201373212909&utm_content=Latest%20from%20The%20Conversation%20for%20July%2030%202019%20-%201373212909+CID_4adfe4c79d46151adb799ca97dd5844a&utm_source=campaign_monitor_africa&utm_term=We%20tracked%20South%20Africas%20sardine%20run%20over%2066%20years%20heres%20what%20we%20found

LEVELS OF URANIUM: A study conducted by the International Agency for Research of Cancer entitled "*Human Exposure to Uranium in South African Gold Mining Areas Using Barber-Based Hair Sampling*" shows that residents living in and near gold mining areas are exposed to

elevated levels of uranium. **Source: The Green Times dated 7 July 2019.** <http://thegreentimes.co.za/levels-of-uranium-found-in-gauteng-hair-samples/>

CONFERENCES AND OTHER EVENTS

IMBEWU WORKSHOPS

ENVIRONMENTAL LAW UPDATE WORKSHOP: 22 October 2019 in Johannesburg. R2750 per delegate, excluding VAT. Please contact Lulu Lewis on 011 214 0660 or at lulu@imbewu.co.za.

NATIONAL

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

ZERO WASTE WEEK: 2-6 September 2019.

NOSCHON: 12 September 2019 in Sandton.

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

ELA STUDENT AND ANNUAL CONFERENCE: 26-28 September 2019 in KwaZulu-Natal.

12TH GREEN BUILDING CONVENTION: 2-4 October 2019 in Cape Town.

NATIONAL ASSOCIATION FOR CLEAN AIR CONFERENCE: 3-4 October 2019 in Stellenbosch.

WINDABA: 8-9 October 2019 in Cape Town.

INTERNATIONAL

WORLD LION DAY: 10 August 2019.

WORLD ELEPHANT DAY: 12 August 2019.

CITES COP18: 16-28 August 2019 in Geneva, Switzerland.

6TH WORLD CONFERENCE ON CLIMATE CHANGE: 2-3 September 2019 in Berlin, Germany.

7TH INTERNATIONAL CONFERENCE ON SUSTAINABLE DEVELOPMENT: 4-5 September 2019 in Rome, Italy.

INTERNATIONAL COASTAL CLEAN UP DAY: 15 September 2019.

WORLD OZONE DAY: 16 September 2019.

WORLD RHINO DAY: 22 September 2019.

AFRICAN MINING SUMMIT: 24-25 September 2019 in Gaborone, Botswana.

6TH WORLD CONFERENCE ON GREEN CHEMISTRY AND RECYCLING: 14-15 October 2019 in Seoul, South Korea.

6TH GLOBAL SUMMIT ON CLIMATE CHANGE: 20-21 October 2019 in Amsterdam, Netherlands.

10TH WORLD CONVENTION ON RECYCLING AND WASTE MANAGEMENT: 21-22 October 2019 in Sydney, Australia.

3RD INTERNATIONAL CONFERENCE ON SUSTAINABLE DEVELOPMENT AND GREEN TECHNOLOGY: 1-3 November 2019 in Koahsiung, Taiwan.

8TH INTERNATIONAL CONFERENCE ON BIODIVERSITY CONSERVATION AND ECOSYSTEM MANAGEMENT: 11-12 November 2019 in Tokyo, Japan.

WORLD SUMMIT ON RENEWABLE ENERGY AND RESOURCES: 18-19 November 2019 in Rome, Italy.

UNFCCC COP 25: 2-13 December 2019 in Santiago, Chile.

IMBEWU's environmental note: 8 products that will make your lifestyle more sustainable:

http://www.climateaction.org/news/8-products-that-will-make-your-lifestyle-sustainable?utm_source=ActiveCampaign&utm_medium=email&utm_content=World+s+largest+solar+farm+to+be+built+in+Australia&utm_campaign=CA+Newsletter+15th+July+2019

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