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Sustainability Legal Specialists (Pty) Ltd



JULY 2020 SUSTAINABILITY NEWSLETTER

For a copy of the Safety, Health and Environmental (SHE) Legislation Update, please go to:
<https://imbewu.co.za/wp-content/uploads/2020/08/Monthly-SHE-Legislation-Update-July-2020.pdf>

INTERNATIONAL

GENERAL

CO₂ LEVELS IN THE ATMOSPHERE: A new study has found that carbon dioxide (CO₂) levels in the atmosphere are approaching a concentration that was last present fifteen million years ago. One of the authors of this study has stated that this concentration shows “*that we are already at levels that in the past were associated with temperature and sea-level significantly higher than today.*” **Source: The Guardian dated 9 July 2020.** https://www.theguardian.com/environment/2020/jul/09/co2-in-earths-atmosphere-nearing-levels-of-15m-years-ago?utm_term=LIwMDcxNQ%3D%3D&utm_campaign=GreenLight&utm_source=esp&utm_medium=Email&CMP=greenlight_email

CORONAVIRUS AND AIR POLLUTION EXPOSURE: A new study has shown that “*air pollution could significantly increase COVID-19 infections, hospital admissions and deaths*”. **Source: The World Economic Forum dated 17 July 2020.** <https://www.weforum.org/agenda/2020/07/top-science-stories-of-the-week-initial-moderna-vaccine-results-short-lived-immunity/>

METHANE LEAK IN ANTARCTICA: For the first time, scientists have found an active sea-bed methane leak in Antarctica. The methane is stored

in the Antarctic's sea-bed, having been produced through the decay of algae. Although scientists have yet to find the reason for the leak, they are concerned about this phenomenon as methane is a potent greenhouse gas (GHG) and a large leak may lead to warming beyond what humans can survive. **Source: Phys.org dated 22 July 2020.** <https://phys.org/news/2020-07-leak-sea-bed-methane-antarctica.html>

IRISH CLIMATE CHANGE LITIGATION: The Supreme Court of Ireland, in the *Friends of the Irish Environment v. Ireland*, quashed the government's "2017 National Mitigation Plan" which is concerned with the country's GHG emission targets. The court found that "the Plan falls short of the sort of specificity that the Act requires because a reasonable reader of the Plan would not understand how Ireland will achieve its 2050 goals." **Source 1: BBC News dated 1 August 2020.** <https://www.bbc.com/news/world-europe-53619848> **Source 2: Climate Case Chart last accessed 6 August 2020.** <http://climatecasechart.com/non-us-case/friends-of-the-irish-environment-v-ireland/#:~:text=An%20advocacy%20group%2C%20Friends%20of,and%20obligations%20under%20the%20European>

MASS DEATHS OF ELEPHANTS IN BOTSWANA: Since March 2020, approximately 350 elephants have mysteriously died in the Okavango Delta. It has been suggested by the Botswanan wildlife department that these deaths were caused by natural toxins and that anthrax and poaching have been ruled out. **Source: Science Alert dated 3 August 2020.** <https://www.sciencealert.com/mysterious-cause-of-hundreds-of-elephant-deaths-in-botswana-finally-comes-into-focus>

PUBLICATIONS

CO₂ LEVELS IN THE ATMOSPHERE: The abovementioned study is titled "Atmospheric CO₂ during the Mid-Piacenzian Warm Period and the M2 glaciation". **Source: Nature: Scientific Reports dated 9 July 2020.** <https://www.nature.com/articles/s41598-020-67154-8>

CORONAVIRUS AND AIR POLLUTION EXPOSURE: The abovementioned study was published by the IZA Institution of Labor Economics and is titled "Air Pollution Exposure and COVID-19". **Source: IZA Institution of Labor Economics dated June 2020.** <http://ftp.iza.org/dp13367.pdf>

METHANE LEAK IN ANTARCTICA: The research mentioned above was published in the Proceedings of the Royal Society B, and is titled "Riddles in the cold: Antarctic endemism and microbial succession impact methane cycling in the Southern Ocean". **Source: Proceedings of the Royal Society B dated 22 July 2020.** <https://royalsocietypublishing.org/doi/10.1098/rspb.2020.1134>

THE OCEAN TRANSITION: The High Level Panel for a Sustainable Ocean Economy has published a paper titled "The Ocean Transition: What to Learn from System Transitions". Among other things, the paper stated that "business as usual is going to result in the collapse of key biophysical ocean functions with major implications for the global economy and societies" and that "[t]he transformation to a sustainable ocean economy will require the creation of new governance structures that allow for holistic ocean management." **Source: The High Level Panel for a Sustainable Ocean Economy dated 2020.** <https://oceanpanel.org/sites/default/files/2020-06/The%20Ocean%20Transition%20Full%20Paper.pdf>

NET ZERO TARGETS: A new paper titled "Designing and Communicating Net-Zero Targets" has been published by the World Resources Institute. This paper is a tool "for countries that are designing and communicating net-zero targets". **Source: World Resources Institute dated**

July 2020. <https://www.wri.org/publication/designing-and-communicating-net-zero-targets>

NATIONAL

GENERAL

PREPARATION FOR A JUST TRANSITION IN EMALAHLENI AND KLERKSDORP: According to Engineering News, Barbara Creecy, the Minister of Environment, Forestry and Fisheries, has “*made a direct link between government’s proposed designation of Renewable Energy Development Zones (REDZs) in the coal and gold mining towns of Emalahleni and Klerksdorp respectively, and South Africa’s just transition to a low-carbon, nature-positive economy.*” Renewable energy projects that are constructed within these REDZs will benefit from a faster environmental authorisation process. **Source: Engineering News dated 23 July 2020.** <https://www.engineeringnews.co.za/article/renewables-zones-in-emalahleni-and-klerksdorp-part-of-just-transition-vision-creecy-2020-07-23>

LANDMARK WATER TRIBUNAL DECISION: In the matter between the Trustees of the Groundwork Trust (the appellant) and the Acting Director-General: Department of Water and Sanitation (first respondent) and another, the Water Tribunal had to consider an appeal against the first respondent’s decision to grant a water use licence (WUL) to ACWA Power Khanyisa Thermal Station. The appellant’s argued, *inter alia*, that the thermal station would have a negative climate change impact on the catchment area, something which the first respondent did not consider. The Water Tribunal held that climate change must be considered by the licencing authority when deciding on whether to grant a water use licence. **Source: Centre for Environmental Rights dated 5 August 2020.** <https://cer.org.za/news/water-tribunal-says-all-new-water-licences-must-take-climate-change-into-consideration>

GOLD MINING SILICOSIS SETTLEMENT: The first payments of the R5 billion settlement to claimants suffering from silicosis as a result of working in gold mines are expected to be made within the coming weeks. The settlement was the result of a class-action brought against the gold industry. **Source: The Daily Maverick dated 1 July 2020.** <https://www.dailymaverick.co.za/article/2020-07-01-first-payments-to-claimants-in-gold-sector-silicosis-settlement-expected-in-weeks/#gsc.tab=0>

MINING AND COVID-19: In the wake of the economic slowdown in the mining and energy industries caused by COVID-19, the government has released a Mining and Energy Recovery Plan. The intention of this plan is to “*restore and restructure the industry within the context of a renewed, sustainable minerals and energy complex, pivotal in the reindustrialisation of the country, while transforming the mining and energy industry*”. **Source: Bizcommunity dated 22 July 2020.** <https://www.bizcommunity.com/Article/196/608/206493.html>

PUBLICATIONS

INCREASED INFRASTRUCTURE INVESTMENT REQUIRED IN SA: A recent survey by the Organisation for Economic Cooperation and Development (OECD) titled “*OECD Economic Surveys: South Africa*”, found, *inter alia*, that South Africa’s economic recovery and growth will require increasing public infrastructure investment. **Source: OECD dated July 2020.**

https://cisp.cachefly.net/assets/articles/attachments/82834_oecd_economic_survey_sa_2020.pdf

WATER AND SANITATION CHALLENGES: Research organisation, Trade and Industrial Strategies (TIPS), have published a working paper titled: "A Case for Water and Sanitation in South Africa's Post-Lockdown Economic Recovery Stimulus Package". **Source: Engineering News dated 17 July 2020.** <https://www.engineeringnews.co.za/article/tips-paper-a-case-for-water-and-sanitation-in-south-africas-post-lockdown-economic-recovery-stimulus-package-2020-07-17>

MINE HEALTH & SAFETY: The Minerals Council has published its "Health and Safety in Mining" position paper. According to the paper, the South African mining industry has experienced an overall 92% decline in the number of yearly mining-related fatalities between 1993 – 2019. **Source: Mining Weekly dated 21 July 2020.** https://www.miningweekly.com/article/minerals-council-publishes-health-and-safety-position-paper-2020-07-21/rep_id:3650

CONFERENCES AND OTHER EVENTS

ONLINE COURSES

IMBEWU is offering an online training workshop on the environmental legal processes applicable to renewable energy projects (accredited with 0.6 SACNASP CPD points). For more information, please see: <https://imbewu.co.za/services/>

NATIONAL & INTERNATIONAL

WORLD LION DAY: 10 August 2020.

WORLD ELEPHANT DAY: 12 August 2020.

4TH ANNUAL WASTE TO ENERGY TECHNOLOGIES VIRTUAL CONFERENCE: 27 August 2020.

ENVIRONMENTAL LAW ASSOCIATION (ELA) ANNUAL E-CONFERENCE: 31 August 2020 – 5 September 2020.

NATIONAL ARBOUR DAY: 1 September 2020.

WORLD OZONE DAY: 16 September 2020.

WORLD RHINO DAY: 22 September 2020.

INTERNATIONAL RENEWABLE ENERGY AGENCY (IRENA) INNOVATION WEEK: 5 – 8 October 2020.

IMBEWU has developed a new electronic audit program which improves the efficiency, output and cost effectiveness of our environmental legal compliance audits. For a list of key features of this program to be utilised by our sustainability legal consultants conducting an audit at your operation, please see: <https://imbewu.co.za/she-legal-compliance-evaluations/> or contact Lulu Lewis for more information.

IMBEWU's environmental note: 20 ways to stop buying new clothes forever- https://www.theguardian.com/fashion/2020/jul/14/fast-fashion-20-ways-stop-buying-new-clothes-fair-wage-wardrobes?utm_term=LTIwMDcxNQ%3D%3D&utm_campaign=GreenLight&utm_source=esp&utm_medium=Email&CMP=greenlight_email

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