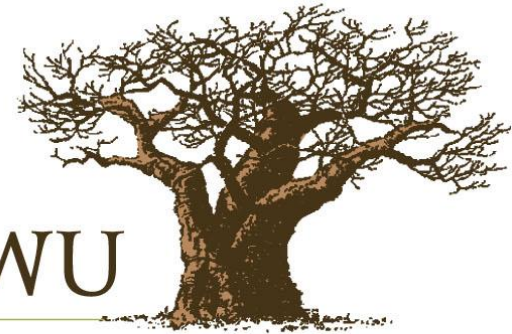




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# IMBEWU

*Sustainability Legal Specialists (Pty) Ltd*



## SEPTEMBER 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/2020/10/Monthly-SHE-Legislation-Update-September-2020.pdf>

### INTERNATIONAL

### GENERAL

**CARBON BUDGET DISTRIBUTION:** New research has found that “[t]he wealthiest 1% of the world's population were responsible for the emission of more than twice as much carbon dioxide as the poorer half of the world from 1990 to 2015.” This distribution has been attributed to the wealthy's overconsumption and use of carbon intensive transport. **Source: The Guardian dated 21 September 2020.** [https://www.theguardian.com/environment/2020/sep/21/worlds-richest-1-cause-double-co2-emissions-of-poorest-50-says-oxfam?CMP=Share\\_AndroidApp\\_Other](https://www.theguardian.com/environment/2020/sep/21/worlds-richest-1-cause-double-co2-emissions-of-poorest-50-says-oxfam?CMP=Share_AndroidApp_Other)

**CHINESE CLIMATE CHANGE COMMITMENT:** Xi Jinping, the president of China, recently pledged at the United Nations General Assembly (UNGA) that China will reduce its carbon emissions to net zero by 2060. Environmentalists and commentators have suggested that this is a very important development, particularly because China is the world's largest greenhouse gas (GHG) emitter. **Source: BBC News dated 30 September 2020.** <https://www.bbc.com/news/science-environment-54347878>

**GLOBAL EXTINCTION EFFORTS:** A new report by the United Nations Convention on Biological Diversity (UNCBD) has found that “*humanity had failed to fully achieve any of the 20 global biodiversity targets set by the UN ten years ago.*” In response to this during the first UN Biodiversity Summit, world leaders “*pledged to put the protection of nature at the heart of their recovery plans from the COVID-19 pandemic.*”. <https://www.ecowatch.com/un-biodiversity-summit-2647844454.html?rebellitem=1#rebellitem1> **Source 2: Landscape News dated 1 October 2020.** <https://news.globallandscapesforum.org/47396/green-recovery-pledges-and-notorious-absences-dominate-first-un-biodiversity-summit/> **Source 3: BBC News dated 15 September 2020.** <https://www.bbc.com/news/science-environment-54120111>

**DEFORESTATION FOR FOOD PRODUCTION:** A number of large food firms in the UK, including McDonald's, Tesco, Unilever, Nestle and Nando's have commented on a proposed law which seeks to stop firms from using produce from illegally deforested land. They have commented that this law should be extended to all deforested land. **Source: BBC News dated 5 October 2020.** <https://www.bbc.com/news/business-54408544>.

**BOTSWANAN ELEPHANT DEATHS:** Government wildlife officials in Botswana have stated that the cause of more than 300 elephant deaths in the country is toxin producing cyanobacteria in waterholes. **Source: CNN dated 21 September 2020.** <https://edition.cnn.com/2020/09/21/africa/botswana-elephant-deaths-intl/index.html>

## PUBLICATIONS

**CARBON BUDGET DISTRIBUTION:** The abovementioned research is titled “*Confronting Carbon Inequality*” and was published by Oxfam. **Source: Oxfam dated 21 September 2020.** <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621052/mb-confronting-carbon-inequality-210920-en.pdf>

**GLOBAL EXTINCTION EFFORTS:** The abovementioned report published by the UNCBD is titled “*Global Biodiversity Outlook 5*”. **Source: UN Convention on Biological Diversity dated 18 August 2020.** <https://www.cbd.int/gbo5>

## NATIONAL

### GENERAL

**WIND ENERGY INVESTMENT AND JOB CREATION:** Engineering News has reported that the Integrated Resource Plan's (IRP) wind component positions the country as “*a “top ten” wind-energy market for the coming decade, while building capacity at the yearly tempo of 1 600 MW envisaged in the plan could attract R40-billion a year in new investment and create 144 000 fulltime jobs by 2030.*” **Source: Engineering News dated 22 September 2020.** [https://www.engineeringnews.co.za/article/irps-wind-component-could-trigger-yearly-investments-of-r40bn-create-144-000-jobs-by-2030-2020-09-22/rep\\_id:4136](https://www.engineeringnews.co.za/article/irps-wind-component-could-trigger-yearly-investments-of-r40bn-create-144-000-jobs-by-2030-2020-09-22/rep_id:4136)

**NEXT RENEWABLE ENERGY BID WINDOW:** Following the National Energy Regulator of South Africa (NERSA's) concurrence with the Minister of Mineral Resources and Energy, Gwede Mantashe's, section 34 of the Electricity Regulation Act 4 of 2006 determination for the procurement

of 11 813 MW of new electricity capacity, the Independent Power Producer Office confirmed that the fifth bidding window of the "Renewable Energy Independent Power Producer Procurement Programme (REIPPPP) would be launched by the end of January 2021".

**Source: Engineering News dated 17 September 2020.** <https://www.engineeringnews.co.za/article/ipp-office-says-next-renewables-bid-window-by-end-jan-latest-but-possibly-before-year-end-2020-09-17>

**NEDBANK'S GREEN ENERGY BOND AWARDED ENERGY DEAL OF THE YEAR:** Nedbank's Green Energy Bond, which is used for the construction of renewable energy projects in Southern Africa, was recently awarded "Energy Deal of the Year" at the African Banker Awards 2020. **Source: BusinessDay dated 17 September 2020.** <https://www.businesslive.co.za/bd/companies/financial-services/2020-09-17-native-nedbank-cib-awarded-energy-deal-of-the-year-at-the-african-banker-awards-2020/>

**RHINO HORN FOUND IN VEHICLE:** A rhino horn valued at R 1.2 million was recently found in a car in Kwa-Zulu Natal. The driver was consequently arrested and charged for the possession thereof. **Source: News24 dated 5 October 2020.** <https://www.news24.com/news24/southafrica/news/rhino-horn-worth-r12m-found-in-bmw-pulled-over-in-kzn-20201005>

**Duduzile Baleni and Others v Regional Manager: Eastern Cape Department of Mineral Resources and Others (CALS intervening) case no 96628/2015 (11 September 2020):** The North-Gauteng High Court recently found that potential mining right-affected communities, in this instance the UMgungundlovu Community, have the right to access mining applications without submitting a Promotion of Access to Information Act 2 of 2000 (PAIA) application to the Department of Mineral Resources and Energy (DMRE). The Court held, among other things, that "in my view, the manner in which the applicants obtain a copy of the mining right should not be restricted to the request processes in terms of PAIA (DMR manual) because they are the persons who should deal directly with the issues that will ultimately determine the fate of the application." Furthermore, the Court stated that " , the case for the applicants is that the relevant sections (10 and 22(4 [of the Mineral and Petroleum Resources Development Act 28 of 2002])), properly interpreted, mean that they are entitled to a copy on request from the Regional Manager and they do not have to go through the PAIA process, which is very long". **Source 1: The case can be accessed from Groundup.** [https://www.groundup.org.za/media/uploads/documents/baleni\\_v\\_regional\\_manager.pdf](https://www.groundup.org.za/media/uploads/documents/baleni_v_regional_manager.pdf) **Source 2: Polity dated 18 September 2020.** <https://www.polity.org.za/article/high-court-reinforces-mining-right-applicants-duty-to-consult-2020-09-18> **Source 3: The Daily Maverick dated 14 September 2020.** <https://www.dailymaverick.co.za/article/2020-09-14-game-changing-xolobeni-judgment-orders-applications-for-mining-licences-to-be-made-public/>

## PUBLICATIONS

**WAKKERSTROOM WETLAND:** Mary and Robert Scholes recently wrote an article titled "A keen eye on facts saved this biodiverse wetland for now: threats to be aware of" which is concerned with the Wakkerstroom Natural Heritage Association v Dr Pixley ka Isaka Local Municipality (1765/19) [2019] ZAMPMHC 20 (29 October 2019) case. **Source: The Conversation dated 16 September 2020.** <https://theconversation.com/a-keen-eye-on-facts-saved-this-biodiverse-wetland-for-now-threats-to-be-aware-of-145270>

## 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/> or email: admin@imbewu.co.za.

## NATIONAL & INTERNATIONAL

**NATIONAL MARINE MONTH:** 1-31 October 2020.

**WORLD HABITAT DAY:** 5 October 2020.

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

**WINDABA VIRTUAL EVENT:** 26 – 27 October 2020.

**WORLD FISHERIES DAY:** 21 November 2020.

**CLIMATE ACTION AND THE UNITED NATIONS FOOD AND AGRICULTURE ORGANISATION (UNFAO) DIGITAL EVENTS ENTITLED “THE GREAT FOOD CHALLENGE”:** Part 2 on 16 October 2020 (World Food Day) and Part 3 on 3 December 2020.

**THE WATER INSTITUTE OF SOUTHERN AFRICA’S BIENNIAL CONFERENCE AND EXHIBITION (WISA2020) VIRTUAL EVENT:** 7 – 11 December 2020.

**UN CLIMATE CHANGE CONFERENCE OF THE PARTIES (COP26):** Due to the COVID-19 pandemic, COP26 will not be held in 2020 but has been postponed until 1-12 November 2021 (Glasgow, Scotland, in partnership with Italy).

**INVESTING IN MINING AFRICAN MINING INDABA 2021:** 1 – 4 February 2021.

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/>

**IMBEWU's environmental note:** Tips on how to save water when it rains: <https://www.installitdirect.com/learn/how-to-save-water-when-it-rains-without-a-rain-barrel/>

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