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NOVEMBER 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/2020/12/Monthly-SHE-Legislation-Update-November-2020.pdf>

INTERNATIONAL

GENERAL

PLANS TO CRIMINALISE ECOSYSTEM DESTRUCTION: International lawyers, who have garnered support from a number of European and island countries, have been drafting plans to criminalise ecosystem destruction- referred to as "ecocide". The overarching goal of this plan is to fully define "ecocide" so that it can be enforceable alongside other international crimes such as genocide and crimes against humanity. One of the panel members involved in this project has stated: "*The time is right to harness the power of international criminal law to protect our global environment ... My hope is that this group will be able to ... forge a definition that is practical, effective and sustainable, and that might attract support to allow an amendment to the [International Criminal Court] statute to be made.*" **Source: The Guardian dated 30 November 2020.** https://www.theguardian.com/law/2020/nov/30/international-lawyers-draft-plan-to-criminalise-ecosystem-destruction?CMP=Share_AndroidApp_Other.

DEFORESTATION IN BRAZIL: The rate of deforestation in Brazil's Amazon forest has reached a 12-year high, with 11 088 km² being destroyed over the past 12 months. Environmentalists have attributed this to President Jair Bolsonaro's government and its policies. **Source: EWN dated 1**

December 2020. <https://ewn.co.za/2020/12/01/deforestation-in-brazilian-amazon-surges-to-12-year-high> .

BURNING OF TROPICAL FORESTS AND PEATLAND IN INDONESIA: Greenpeace has reported that approximately 4.4 million hectares of tropical forests and peatland in Indonesia were burnt between 2015 and 2019- a third of which occurred in palm oil or pulpwood concessions. Greenpeace has criticised the Indonesian government and legislature's weak environmental laws, which significantly limit the environmental liability of palm oil and pulpwood firms. It was reported that: "*[t]here has been no action against eight of the 10 palm oil companies with the largest burned areas in their concessions from 2015 to 2019, despite fires burning in multiple years within their concessions...*". **Source: Al Jazeera dated 22 October 2020.** <https://www.aljazeera.com/news/2020/10/22/area-burned-in-indonesia-fires-greater-than-the-netherlands> .

WILDLIFE CONSERVATION 20: A number of leading conservationists, known collectively as the Wildlife Conservation 20, convened during November prior to the G20 Summit to formulate recommendations "*to inform G20 leaders on the urgent actions needed to stop the exploitation of wildlife that threatens both species extinction and our collective health.*" **Source: Independent dated 19 November 2020.** <https://www.independent.co.uk/world/conservationists-summit-g20-protect-wildlife-b1743011.html> .

POSITIVE STEPS TOWARDS REACHING PARIS AGREEMENT'S GOALS: Climate Action Tracker has reported that the world temperature increase could be limited to 2.1°C by the end of the 21st century. This new estimate, which was previously as high as 3°C, is based upon the new climate commitments of countries including China, as well as US President-elect Joe Biden's carbon plans. **Source: BBC dated 1 December 2020.** <https://www.bbc.com/news/science-environment-55073169> .

HALF OF COAL INDUSTRY TO DEFY THE PARIS AGREEMENT: A new study has found that about 50% of firms involved in the coal industry do not intend on abiding by the Paris Agreement's goal to mitigate climate change. Rather, these firms are seeking to further invest in the industry. This study "*identified 935 thermal coal companies that have to be blacklisted by the finance industry if the Paris Agreement's goals are to be met.*" **Source: International Energy Agency dated 16 November 2020.** <https://www.iea-coal.org/nearly-50-percent-of-all-thermal-coal-fired-power-plants-plan-to-defy-the-paris-agreement-pledge-to-mitigate-climate-change/> .

GEOENGINEERING NOT SUFFICIENT TO PREVENT CLIMATE CHANGE: Recent research which employed computer simulations has found that geoengineering alone would not be sufficient to cool the earth and "*overcome greenhouse effects if emissions continue at the current rate.*" Thus, a decrease in GHG emissions would be essential for this technology to succeed. The particular geoengineering considered in this simulation is particulate matter which would be emitted into the stratosphere and consequently reflect heat energy from the sun. **Source: Phys.Org dated 17 November 2020.** <https://phys.org/news/2020-11-simulations-geoengineering-global-greenhouse-gasses.html> .

COVID-19 AND THE ENERGY TRANSITION: PwC has reported that it is expected that 2019 was the year in which global oil consumption peaked, and that due to COVID-19, the energy transition has gained significant momentum. In this report, it was stated: "*Covid-19 has not only caused the biggest global oil demand slump in history, at nearly 40 times worse than the global financial crisis of 2007, but has in fact accelerated the global energy transition by as much as five years as the developed world uses the renewable energy transition to anchor economic stimulus packages and new economic diversification. With global oil demand now estimated to never again exceed 2019 demand levels, the global energy markets have truly reached a tipping point*". **Source: The Daily Maverick dated 11 November 2020.**

<https://www.dailymaverick.co.za/article/2020-11-11-peak-oil-demand-behind-us-as-pandemic-accelerates-energy-transition-says-pwc/> .

INCREASED USE OF ENVIRONMENTAL, SOCIAL AND GOVERNANCE (“ESG”) CONSIDERATIONS IN INVESTMENT: A recent report has found that “[t]he amount of professional money managed using all three ESG criteria rose sharply... and now represents 33% of the \$51.4 trillion in total U.S. assets under professional management.” It further reported that sustainable investing assets in the US now total \$17.1 trillion, and the rate of investment in such assets is accelerating. **Source: MarketWatch dated 17 November 2020.** https://www.marketwatch.com/story/esg-investing-now-accounts-for-one-third-of-total-u-s-assets-under-management-11605626611?utm_source=CP+Daily&utm_campaign=b90ea35ed5-CPdaily18112020&utm_medium=email&utm_term=0_a9d8834f72-b90ea35ed5-110298941 .

PUBLICATIONS

WWF & HUMAN RIGHTS VIOLATIONS IN CONSERVATION WORK: A report titled “*Embedding Human Rights in Nature Conservation: From Intent to Action*”, which was compiled by independent experts appointed by the World Wide Fund For Nature (“WWF”), has been published. The purpose of the investigation and report was to, among other things, investigate and report on “*WWF’s role in connection with alleged human rights abuses in and around protected areas supported by WWF in Cameroon, the Central African Republic, the Democratic Republic of Congo, the Republic of Congo, Nepal and India.*” **Source: WWF dated 17 November 2020.** https://wwfint.awsassets.panda.org/downloads/independent_review_independent_panel_of_experts_final_report_24_nov_2020.pdf

THE IMPACTS OF SAND AND DUST STORMS ON THE OCEAN: The UN Environment Programme (“UNEP”) has published a report titled “*Impacts of Sand and Dust Storms on Oceans: A Scientific Environmental Assessment for Policy Makers*”. **Source: UNEP dated 6 November 2020.** <https://www.unep.org/resources/report/impacts-sand-and-dust-storms-oceans> .

INCREASED USE OF ENVIRONMENTAL, SOCIAL AND GOVERNANCE (“ESG”) CONSIDERATIONS IN INVESTMENT: The abovementioned report is titled “*Report on US Sustainable and Impact Investing Trends*” and was published by the US SIF. **Source: US SIF dated 2020.** <https://www.ussif.org/files/Trends%20Report%202020%20Executive%20Summary.pdf> .

“GREEN” HYDROGEN: The International Renewable Energy Association (“IRENA”) has recently published a report titled “*Green hydrogen: A guide to policy making*”. Hydrogen is considered a “green” fuel when it is produced using renewable energy sources. According to IRENA, this report outlines “*the main barriers that inhibiting green hydrogen uptake and the policies needed to address these. It also offers insights on how to kickstart the green hydrogen sector as a key enabler of the energy transition at the national or regional level.*”. **Source: IRENA dated November 2020.** <https://www.irena.org/publications/2020/Nov/Green-hydrogen> .

NATIONAL

GENERAL

THABAMETSI'S ENVIRONMENTAL APPROVAL SET ASIDE: The Pretoria High Court recently set aside the environmental authorisation for the proposed Thabametsi coal-fired power station, which was going to be constructed in the Limpopo province. According to the Centre for Environmental Rights "*[t]he court order was the result of the settlement of a court application brought by environmental justice groups Earthlife Africa and groundWork, Friends of the Earth, South Africa against the development company Thabametsi (Pty) Ltd and the state, asking the court to set aside the environmental approval for the plant*". The proposed coal-fired power plant was subject to much concern and critique by environmentalists, who labelled the project as a potential "*climate and environmental disaster*". **Source: Centre for Environmental Rights dated 1 December 2020.** <https://cer.org.za/news/celebrating-a-major-climate-victory-court-sets-aside-approval-for-thabametsi-coal-power-plant> .

CONFIRMATION OF RHINO POACHERS' CONVICTIONS: The convictions of the members of Ndlovu rhino poaching gang, who were involved in the poaching of a number of rhinos, were confirmed by the Makhanda High Court. Each of the gang members were sentenced to 25 years in prison. **Source: The Daily Maverick dated 25 November 2020.** <https://www.dailymaverick.co.za/article/2020-11-25-relief-as-court-confirms-conviction-of-notorious-rhino-poaching-gang/>.

ESKOM AIR POLLUTION: Eskom has been served with a summons relating to air pollution emitted by its Kendal Power Station. According to Moneyweb, the summons includes, among other things, "*a charge of supplying false and misleading information in reports prepared by management at Kendal Power Station to an Air Quality Officer, which is a criminal offence listed in Section 51(1)(g) of the Air Quality Act.*" **Source: Moneyweb dated 30 November 2020.** <https://www.moneyweb.co.za/news/south-africa/eskom-served-with-summons-for-prosecution-on-of-air-pollution/> .

INCREASED BIODIVERSITY PROTECTION: Cabinet has approved the most recent National Protected Areas Expansion Strategy and the revised National Biodiversity Framework which aim to protect the country's biodiversity. According to the Department of Environment, Forestry and Fisheries "*The National Biodiversity Framework and the National Protected Areas Expansion Strategy are important existing policy instruments for protection of species and ecosystems*". **Source: Bizcommunity dated 25 November 2020.** <https://www.bizcommunity.com/Article/196/628/210813.html> .

ACID MINE DRAINAGE TREATMENT: A coal mine located in the Mpumalanga province is on the cusp of entering into an agreement which would allow it to convert its acid mine drainage water into potable water at no cost. The key to this no-cost solution is the recovery of potassium nitrate from the acid mine drainage water. Polity states that "*[r]ecovered potassium nitrate, which retails at about R15 000/t and which is marketed at about R11 000/t to R11 500/t, pays for everything – and a return on investment of about 30% is achieved*". **Source: Polity dated 23 November 2020.** <https://www.polity.org.za/article/coal-mine-on-point-of-turning-acid-mine-drainage-into-potable-water-at-no-cost-2020-11-23> .

ABSENCE OF GREAT WHITES IN SOUTH AFRICAN WATERS: There has been a marked decrease of great white sharks in South Africa's waters over the past few years. A recent study, has attributed this "disappearance" of great whites to the presence of orcas. This study has "*found some evidence for a causative link between the appearances of a pod of orcas that had specialised on preying on white sharks*". **Source: EWN dated November 2020.** <https://ewn.co.za/2020/11/19/orcas-blamed-for-disappearance-of-sa-s-great-white-sharks> .

CAPE TOWN CLIMATE CHANGE STRATEGY: Cape Town has published its newest draft of its climate change strategy. This strategy includes a number of adaptation and mitigation goals, which focus on, among other things: *“rising temperatures, water scarcity, water excess, sea level rise and fire risk...clean energy, zero emissions, sustainable transport, inclusivity and the circular waste economy”*. **Source: The Conversation dated 10 November 2020.** <https://theconversation.com/cape-towns-climate-strategy-isnt-perfect-but-every-african-city-should-have-one-149287> .

SUPPORT FOR GREEN SMALL, MEDIUM AND MICRO-SIZED ENTERPRISES (SMMEs): Green SMMEs, which are considered to be both adaptable and resistant to after market shocks such as COVID-19, have been identified as drivers of climate change mitigation solutions and a green recovery from COVID-19. Flowing from this, a number of projects and funds supporting green SMMEs have been established to assist in the growth of green SMMEs during and post COVID-19. A list of these initiatives can be found here: <https://www.dailymaverick.co.za/article/2020-11-19-backing-green-smmes-for-a-sustainable-economic-recovery/> . **Source: The Daily Maverick dated 19 November 2020.**

PUBLICATIONS

National Environmental Compliance and Enforcement Report: The Department of Environment, Forestry and Fisheries (“DEFF”) has published its compliance and enforcement report for 2019-2020. **Source: DEFF dated 2020.** https://www.gov.za/sites/default/files/gcis_document/202011/environmental-compliance-2020-report.pdf .

AIR POLLUTION HOTSPOTS IN SOUTH AFRICA: Greenpeace Africa has recently published a report titled *“Sulfur Dioxide (SO₂) Pollution Hotspots in South Africa: 2019-2020”*. This report found, among other things, that *“South Africa's largest hotspot for SO₂ emission is Kriel in the Mpumalanga province and that this hotspot emits the most SO₂ of all hotspots in Africa. It is the largest hotspot associated with coal power worldwide.”* **Source: Greenpeace Africa dated 2020.** https://www.greenpeace.org/static/planet4-africa-stateless/2020/11/22c9bf5b-final-south-africa-report_global-so2-emission-hotspot-database_2020-2.pdf

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

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.

ENVIRONMENTAL, CULTURAL, ECONOMIC AND SOCIAL SUSTAINABILITY 17TH ANNUAL CONFERENCE: 24 – 26 February 2021.

AFRICA ENERGY INDABA (AEI) 13TH EDITION: 2 – 3 March 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: Have yourself a very merry Eco-Friendly Christmas - <https://blog.greenoffice.co.za/have-yourself-a-very-merry-eco-friendly-green-christmas>

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