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Sustainability Legal Specialists (Pty) Ltd



JANUARY 2021 SUSTAINABILITY NEWSLETTER

For a copy of the Safety, Health and Environmental (SHE) Legislation Update, please go to:
<https://imbewu.co.za/wp-content/uploads/2021/02/Monthly-SHE-Legislation-Update-January-2021.pdf>

INTERNATIONAL

GENERAL

AFRICA'S NATURE PARKS FACE A PANDEMIC INDUCED CONSERVATION CRISIS – With income from tourism practically dried up and a history of inadequate funding to support Africa's wildlife, Kafue National Park in Zambia along with many other protected areas throughout Africa face the threat of increased poaching. In a *Nature Ecology and Evolution* paper, published in July 2020, researchers reported that 90% of African tour operators have experienced a 75% or greater decline in bookings. A survey was sent out in April 2020 by the International Union for Conservation and Nature (IUCN) and responses were received from 19 countries. Half said that the pandemic had crippled their ability to conduct anti-poaching activities. All reported at least some impact to their conservation operations, their ability to pay salaries, monitor illegal wildlife trade and reduce human-wildlife conflict in local communities. Without urgent intervention, there may be a severe impact on conservation.

Source: Quartz Africa dated 9 January 2021.

<https://qz.com/africa/1954703/africas-safari-parks-face-covid-induced-conservation-crisis/>

DISCARDED FACE MASKS– In an effort to slow the spread of COVID-19, millions of single-use face masks are being irresponsibly thrown away across the globe. Environmentalists have warned that irresponsible disposal of these face masks could have a devastating and deadly impact on wildlife, particularly in our oceans. Last year more than 1.5 billion masks ended up in the world's oceans according to OceansAsia, and scientists are worried the impact will

be felt on the entire food chain.

Source: CGN dated 14 January 2021

<https://newseu.cgtn.com/news/2021-01-14/Discarded-face-masks-pose-deadly-hazard-to-wildlife-X1opta0xHi/index.html>

EXPULSION ORDER OVERTURNED DUE TO POLLUTION – In the appeals court of Bordeaux, France an expulsion order was overturned against a 40 year old man suffering with severe asthma based on the dangers posed to his health from the high levels of air pollution in his home country of Bangladesh.

Source: The Guardian dated 12 January 2021

<https://www.theguardian.com/world/2021/jan/12/bangladeshi-man-with-asthma-wins-france-deportation-fight>

ENEL AND THE QATAR INVESTMENT AUTHORITY SIGN SUB-SAHARAN AFRICA RENEWABLE ENERGY DEAL – The Qatar Wealth fund will buy half of Enel's stake in the 800 MW of its existing renewable energy capacity in South Africa and Zambia. Enel Green Power will develop new projects in the region while funding and building will be left to the joint venture. “We will work together to accelerate the creation of an extensive green energy footprint in Sub-Saharan Africa” – Enel CEO Francesco Starace.

Source: Engineering News dated 8 January 2021

<https://www.engineeringnews.co.za/article/enel-teams-up-with-qatar-wealth-fund-on-africa-green-energy-projects-2021-01-08>

US POLICY CHANGES EXPECTED TO RENEWABLE ENERGY AND ENVIRONMENTAL LAW – The slim Democratic majority win may see President Joe Biden and the Congressional Democrats moving their energy and environmental agenda forward in the coming weeks and months. The issues with the most support include technological innovations, electric vehicles, tax incentives and efficiency, and streamlined permitting. It is unlikely that there will be sweeping stand-alone climate change legislation amendments but we can expect to see targeted approaches to incentivise and encourage renewable energy development, restrict fossil fuel production on public lands, modernize the electric grid to utilise renewable power and potentially put a price on carbon emissions.

Source: The National Law Review dated 13 January 2021

<https://www.natlawreview.com/article/anticipated-renewable-energy-and-environmental-policy-changes-new-administration>

CLIMATE CHANGE GLOBAL SURVEY - The largest survey ever conducted on climate change surveyed 1.2 million people across 50 countries and found that 64% of people believe that climate change should be addressed urgently as an emergency. Investment in renewable energy post COVID-19 could help create jobs, boost the economy and reduce carbon emissions.

Source: Aljazeera dated 27 January 2021

<https://www.aljazeera.com/economy/2021/1/27/64-of-people-surveyed-say-climate-change-calls-for-urgent-action>

PUBLICATIONS

GAS AND RENEWABLE ENERGY WILL ACCELERATE THE ENERGY TRANSITION - White paper entitled “Accelerated Growth of Renewables and Gas Power can Rapidly Change the Trajectory on Climate Change.” released by GE Power dated December 2020 emphasizes the importance of addressing climate change as a global priority and focusing on gas power as an alternative to coal as gas is affordable, efficient and produces 50% less CO₂ emissions compared to coal. Renewable energy production is not occurring fast enough to deliver the CO₂ reductions needed to fight climate change and a deployment of both renewables and gas power would be required to impact the trajectory of climate change globally.

Source ESI Africa dated 11 January 2021 and www.GE.com

<https://www.esi-africa.com/industry-sectors/future-energy/report-gas-and-renewables-will-accelerate-the-energy-transition/>

https://www.ge.com/content/dam/gepower/global/en_US/documents/future-of-energy/ge-future-of-energy-white-paper.pdf

ENERGY WHITE PAPER – Powering our Net Zero Future – Presented by the Secretary of State for Business, Energy and Industrial Strategy by Command of Her Majesty HM Government - This white paper builds on the UK Prime Minister's Ten Point Plan for a Green Industrial Revolution. It sets out the changes that will be required to meet energy-related targets.

Source: HM Government – United Kingdom – www.gov.uk.beis

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945899/201216_BEIS_EWP_Command_Paper_Accessible.pdf

EU RENEWABLES OVERTOOK FOSSIL FUELS – *The European Power Sector in 2020* released by Ember and Agora Energiewende - Renewable energy sources such as wind and solar generated 38% of Europe's energy while energy from fossil fuels dropped to 37% in 2020. This is a landmark moment in Europe's clean energy transition.

Source: Reuters dated 25 January 2021

https://static.agora-energiewende.de/fileadmin2/Projekte/2021/2020_01_EU-Annual-Review_2020/A-EW_202_Report_European-Power-Sector-2020.pdf

NATIONAL

GENERAL

BIO THERM ENERGY ANNOUNCE OFFICIAL OPERATIONS OF ITS EXCELSIOR WIND ENERGY FACILITY. – The 33 MW plant located in the Western Cape successfully achieved operations on 23 December 2020 and is Biotherm Energy's third Independent Power Producer (IPP) completed in South Africa in 2020. The three units combined, boast a capacity of roughly 165MW of renewable energy production – enough to power approximately 35 000 South African homes per year.

Source: IOL dated 7 January 2021

<https://www.iol.co.za/business-report/energy/biotherm-energys-excelsior-wind-energy-facility-is-now-operational-a220a58-d257-46b1-82cc-1359dbe60408>

ESKOM TAKES UNIT 1 AT KOEBERG NUCLEAR POWER STATION OFFLINE – On Sunday 3 January 2021, Eskom issued a statement confirming that Unit 1 at Koeberg Nuclear Power Station had been taken offline for repairs and maintenance due to a leak. Eskom stated that, “*although the leak rate was well within the safety limits, a conservative decision was made to take Koeberg Unit 1 offline for repairs.*” Repairs were originally scheduled for May 2021 but were accelerated due to an increasing leak rate.

Source: Fin24 dated 4 January 2021

<https://www.news24.com/fin24/companies/industrial/eskom-takes-unit-offline-at-koeberg-nuclear-station-after-leak-20210104>

ESKOM ON TRACK TO COMPLETE 12 RENEWABLE ENERGY PROJECTS IN 2021 – The anticipated 12 projects will increase capacity by 1082 MW. Eskom said in an e-mail that it had entered into 27 power purchase agreements with renewable energy independent power producers totalling 2305 MW in 2018. The National Energy Regulator of South Africa has given Eskom the go ahead to introduce up to 12 000 MW of power into the system through renewable sources.

Source: News24 dated 19 January 2021

<https://www.news24.com/fin24/economy/eskom/eskom-anticipates-12-renewable-projects-with-over-1000-mw-capacity-by-year-end-20210119>

SUBSTANTIAL CHANGE IN THE ENERGY SECTOR – Deregulation, the introduction of independent power producers (IPPs), requirements around carbon emissions and the rapid fall in renewable tariffs has resulted in a shift away from fossil fuels and has been accelerated by Covid-19 and the need to kick-

start the economy. The integrated resource plan (IRP) released in 2019 showed a significant increase in the procurement of renewables in the upcoming decade. Cheap and stable power is fundamental to growing our economy.

Source: Biz Community dated 6 January 2021

<https://www.bizcommunity.com/Article/196/723/211906.html#more>

APPROVAL OF TWO RENEWABLE ENERGY MERGERS IN SA - The competition tribunal has approved a transaction whereby Greenstreet, through its Stanlib Fund II SPV, will acquire shareholding in Solar Capital De Aar 3 (SCDA 3) from existing shareholders and a second whereby multinational electric utility company Engie Global Developments will acquire sole control of Xina Concentrated Solar Power (Xina CSP) and joint control of Xina CSP Operations and Maintenance (Xina O&M). The tribunal concluded that both transactions were unlikely to lead to a substantial prevention or lessening of competition in the national market or result in any negative effects on the public interest; in particular, on employment or shareholding by historically disadvantaged persons.

Source: ITWeb dated 25 January 2021

<https://www.itweb.co.za/content/KzQenvjVDE3vZd2r>

WIND FARMS VS BIRDS OF PREY – There are currently 23 fully operational wind farms in South Africa with many more to come online in the next ten years. Birds of prey such as eagles and vultures use wind to power their flight and gain height which makes them especially susceptible to collisions with wind turbine blades. Research in South Africa has found that 36% of birds killed by wind turbines are birds of prey. A paper published by The British Ecological Society used data gained from GPS tracking to establish the flight patterns of Verreaux eagles and the safest places to build wind farms. This predictive tool can assist in the planning phase of windfarm development to reduce the risk to birds of prey.

Source: The Conversation dated 6 January 2021

<https://theconversation.com/finding-space-for-both-wind-farms-and-eagles-in-south-africa-151885>

The British Ecological Society Paper: <https://besjournals.onlinelibrary.wiley.com/doi/10.1111/1365-2664.13799>

PUBLICATIONS

ONE THIRD OF AUDITED MINES FAIL TO COMPLY WITH WATER USE LICENCE CONDITIONS – 155 of the 476 mines audited by the Department of Water and Sanitation scored below 50% for compliance to conditions in their water use licences. A Centre for Environmental Rights report released in 2019 found the department had failed to monitor the compliance to the conditions of these licences of eight large coal mining operations in Mpumalanga and stated the department was “unable to fulfil its statutory mandate of water resource protection.”

Source: Mail & Guardian dated 5 January 2021

<https://mg.co.za/environment/2021-01-05-sisulu-third-of-audited-mines-violate-water-use-licence-conditions/>

Report: The Truth about Mpumalanga Coal Mines Failure to Comply with their Water Use Licences dated July 2019 -

<https://fulldisclosure.cer.org.za/2019/doc/Full-Disclosure-2019.pdf>

CONFERENCES AND OTHER EVENTS

ONLINE COURSES

IMBEWU is offering an **ONLINE ENVIRONMENTAL LAW UPDATE** training workshop. For more information visit our website: www.imbewu.co.za or email: sam@imbewu.co.za.

NATIONAL & INTERNATIONAL

GREENBIZ 2021: 9 – 11 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.

INTERNATIONAL SYMPOSIUM ON MANAGING FOR RESILIENT FORESTS IN A VARIABLE FUTURE CLIMATE: 17 – 19 March 2021

POWER GEN AFRICA: 11 – 13 May 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: Green tips for a cleaner environment - <https://www.worldwildlife.org/pages/green-tips-for-a-cleaner-environment>

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