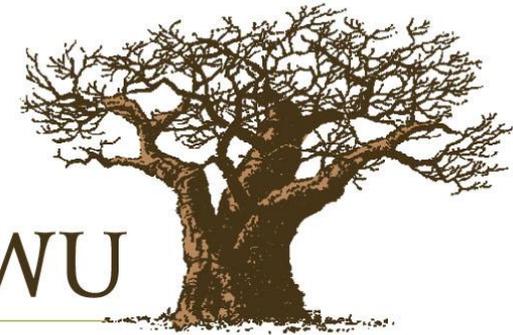




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Sustainability Legal Specialists (Pty) Ltd



DECEMBER 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/2022/01/Monthly-SHE-legislation-update-December-2021.pdf>

NATIONAL

GENERAL

SHELL SEISMIC SURVEY OFF THE WILD COAST SUSPENDED - Shell has terminated its contract with Amazon Warrior survey vessel after a court interdict was issued ordering Shell to pause its seismic survey. The interdict was granted in the Grahamstown High Court on the 28th of December 2021 based on a flawed consultation process. A spokesperson from Shell said, "We are looking ahead to a resolution of the outstanding legal case and are considering the best way forward for the license in the longer term."

Source: SP Global dated 5 January 2022

<https://www.spglobal.com/platts/en/market-insights/latest-news/energy-transition/010522-shell-cancels-seismic-work-offshore-south-africa-after-legal-challenge>

24 Rhino carcasses found over a period of 14 days in SA – The Department of Forestry, Fisheries and the Environment (DEFF) has confirmed that between 1 and 14 December 2021 24 rhino carcasses were found across 4 different areas of South Africa. The exact details of how the rhinos were killed are yet to be confirmed. If all these rhino deaths were due to poaching, this would represent an average of 1.75 rhinos poached per day which is significantly higher than the 2020 average.

Source: Save the Rhino dated 15 December 2021

<https://www.savetherhino.org/africa/south-africa/24-rhinos-found-dead-in-south-africa-in-two-weeks/>

ESKOM'S REQUEST TO BE EXEMPT FROM POLLUTION STANDARDS DENIED – Eskom said in a statement that it could not afford the 300 billion rand it would cost to adhere to pollution standards and, should their exemption not be granted, they would be forced to shut down about a third of their power generating capacity with immediate effect.

Source: Reuters dated 14 December 2021

<https://www.reuters.com/business/environment/safrica-rejects-eskom-pollution-exemptions-utility-says-16000-mw-risk-2021-12-14/>

VAALE RIVER SEWAGE PROBLEM REMAINS UNRESOLVED – Despite the Human Rights Commission finding that the Vaal river was “polluted beyond acceptable levels” in February 2021, little has been done to resolve the issue. Lack of funding and mismanagement have led to waste water plants not being maintained correctly, resulting in raw sewage flowing into the Vaal river causing high E.coli levels and making the water unsuitable for drinking or use in agriculture.

Source: Sunday Times dated 4 January 2022

<https://www.timeslive.co.za/news/south-africa/2022-01-04-no-end-in-sight-to-vaal-river-sewage-problem-environmental-group-says/>

INTERNATIONAL

GENERAL

FRANCE BANS PLASTIC WRAPPING OF 30 FRUITS AND VEGETABLES – In what has been referred to as “a real revolution”, France will be enforcing a law effective 1 January 2022 banning the use of single use plastic wrap on certain fruit and vegetable items sold in supermarkets. Environmental activists have urged other countries to do the same.

<https://www.theguardian.com/world/2021/dec/31/thats-a-wrap-french-plastic-packaging-ban-for-fruit-and-veg-begins>

\$443 MILLION AWARDED TO 44 ENVIRONMENTAL ORGANISATIONS BY THE BEZOS EARTH FUND – Jeff Bezos, the founder of Amazon.com Inc. has pledged \$10 billion of his own wealth to fight climate change and environmental hazards. As part of this initiative, the Bezos Earth Fund issued a press release confirming 44 grants focusing on two of President Biden's environmental pillars: Justice40 and the “30 by 30” initiative.

Source: E&E News dated 6 December 2021

<https://www.sowetanlive.co.za/news/south-africa/2021-02-28-sasols-secunda-plant-cleared-as-source-of-stench-over-gauteng-and-mpumalanga-two-weeks-ago/>

CLIMATE CHANGE AND EXTREME WEATHER EVENTS – Scientists believe that climate change has contributed to the unprecedented number of extreme weather events witnessed in 2021. These events range from freezing cold spells to sand storms, droughts, insect plagues, heat waves and more. As the earth's atmospheric temperatures rise, the situation is expected to get worse in the years and decades to come.

Source: Reuters dated 13 December 2021

<https://www.reuters.com/markets/commodities/killer-heatwaves-floods-climate-change-worsened-weather-extremes-2021-2021-12-13/>

PUBLICATIONS

THE WATER RESEARCH COMMISSION CELEBRATING 50 YEARS- Water Law and the Water Research Commission – Towards the goal of water for all, forever.

Source: Engineering news dated 15 December 2021

https://www.researchgate.net/publication/356458560_Water_law_and_the_Water_Research_Commission_-_Towards_the_goal_of_water_for_all_forever/link/619c8a9a3068c54fa512d809/download

CONFERENCES AND OTHER EVENTS

WEBINARS AND TRAINING COURSES

IMBEWU intends conducting a 2½ hour webinar focusing on certain key aspects associated with proposed wind energy projects in South Africa such as:

- An update on, and lessons learnt from recent NEMA appeals and judicial review applications against the issuing of environmental authorisations;
- The effect of NEMA appeals and judicial reviews on the REIPPPP bidding process;
- An in-depth analysis and discussion of applicable appeal decisions made by the Environment Minister during 2020 and 2021; and
- The legal effect of the non-approval, by the Competent Authority, of draft EMPRs and layout plans at the same time as the granting of an environmental authorisation.

Kindly indicate via return email if you would be interested in participating in the webinar, the cost of which is currently estimated to be R1 250.00 which includes copies of all the Environment Minister's wind energy related appeal decisions referred to during the webinar. Once we are satisfied that there is sufficient interest in the webinar, we will proceed to finalise the programme, set a date and open the registration process.

IMBEWU'S NEW ONLINE Safety, Health & Environmental (SHE) Legal Register Platform. This new more cost effective SHE Legal Register offering is contemporary and streamlined for easy access with secure passwords, regular updates, easy navigation, explanations of SHE legislation relevant to your operation, access to a comprehensive searchable SHE legislation database (which is updated monthly) and user-specific functions such as bookmarks.

For more information contact sam@imbewu.co.za or visit <https://imbewu.co.za/she-electronic-legal-registers/>

“The destruction of the earth's environment is the human rights challenge of our time.” – **Archbishop Desmond Tutu**

DISCLAIMER: The information contained in IMBEWU's Sustainability Newsletter and Legislation Update has been obtained from sources believed to be reliable. IMBEWU does not warrant the accuracy, completeness or adequacy of such information.

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