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Sustainability Legal Specialists (Pty) Ltd

APRIL 2022 SUSTAINABILITY NEWSLETTER

*For a copy of the Safety, Health and Environmental (SHE) Legislation Update, please go to:
<https://imbewu.co.za/wp-content/uploads/2022/05/Monthly-SHE-legislation-update-May2022.pdf>*

NATIONAL

GENERAL

KZN FLOODS SIGNAL NEED FOR CLIMATE ADAPTATION – Experts have urged that South Africa urgently invest in early warning systems and begin climate proofing its infrastructure. This follows the devastating effects of the recent Kwa-Zulu Natal floods which are being regarded as a clear sign of climate change in SA. Importantly, the need to bridge the gap between policy and implementation has been highlighted in the wake of the recent floods.

Source: Institute for Security Studies dated 20 April 2022

<https://issafrica.org/iss-today/kwazulu-natal-floods-sound-the-alarm-on-climate-adaptation>

SOMKHELE COMMUNITY GRANTED SMALL VICTORY OVER COAL MINE EXPANSION – The award to Tendele Coal Mine “**Tendele**” to extend the activities of its Somkhele mine has been set aside. The license permitted Tendele to mine a further 222km² in the north of the province. The Pretoria High Court has ordered that the entire licence be reconsidered by the Minister of Mineral Resources and Energy. In addition, various community organisations lodged an appeal which was previously dismissed, and it must be reopened.

Sources: Daily Maverick 5 May 2022

<https://www.dailymaverick.co.za/article/2022-05-05-judge-blocks-expansion-of-tendele-coals-somkhele-mine-in-kzn/>

Aljazeera dated 4 April

<https://www.aljazeera.com/news/2022/4/4/south-africa-kwa-zulu-natal-community-fights-coal-mine-expansion>

UPL PROPOSES RELEASING CONTAMINATED WATER INTO SOUTH AFRICAN SEA – The United Phosphorus Ltd chemical company has proposed a release of its contaminated stormwater into the ocean or municipal sewers. This is despite various concerns over the high toxicity of the contamination. In addition, after the April rainfalls in KwaZulu Natal the water levels have risen to over 200% of the designated safety level.

Source: Engineering News dated 29 April 2022

<https://www.engineeringnews.co.za/article/upl-proposes-releasing-contaminated-water-into-south-african-sea-2022-04-29>

SOUTH AFRICAN POWER REGULATOR SUED OVER KARPOWERSHIP LICENSES – South African activists have previously sued the National Energy Regulator over the granting of generation licenses which delayed Karpowership's plans to help increase supply to the national grid power. A recent court case has been instituted over the award of the contracts by the National Energy Regulator. Karpowership has still not secured environmental approval or the right to moor its vessel in the country's ports.

Source: Business Tech dated 8 April 2022

<https://businesstech.co.za/news/trending/581402/south-africa-power-regulator-sued-over-karpowership-licenses/>

ENVIRONMENT MINISTER SLAMS HIGH COURT AIR POLLUTION RULING AS 'IMPERMISSIBLE' INTERFERENCE – The Minister of the DFFE, Barbara Creecy, has challenged the High Court's recent ruling which ordered the drafting of new regulations to reduce the dangerous levels of air pollution in the Highveld region of South Africa. The Minister has mentioned appealing certain parts of the judgement which she says fetter the discretion of the DFFE to make regulations.

Source: Daily Maverick dated 11 April 2022

<https://www.dailymaverick.co.za/article/2022-04-11-environment-minister-barbara-creecy-slams-high-court-air-pollution-ruling-as-impermissible-interference/>

ENVIRONMENTAL LAW ACTION AGAINST THABA CHWEU LOCAL MUNICIPALITY – The municipal manager of Thaba Chewu Municipality appeared in the Lydenburg Court on charges of various alleged violations of NEMA, including but not limited to failure to manage and neglect of the waste water treatment system resulting in sewage spillage into freshwater reserves.

Source: Mpumalanga News dated 11 April 2022

<https://mpumalanganews.co.za/408858/environmental-law-action-against-thaba-chweu-local-municipality/>

CAPE TOWN METRO TO ABANDON BABOON MANAGEMENT PROGRAMME – The decade long programme which has estimated costs of well over millions has been abandoned after allegations from animal rights groups that the programme used cruel and questionable methods to manage baboon populations in the area.

Source: News24 dated 30 April 2022

<https://www.news24.com/news24/southafrica/news/cape-town-metro-to-abandon-baboon-management-programme-animal-rights-activists-have-won-20220430>

WESTERN CAPE LAUNCHES LEGAL ACTION TO RESTART AMAZON HQ CONSTRUCTION – The Western Cape government is set to approach the court for leave to appeal an interdict that ordered the halting of the River Club development project. The appeal is based on alleged errors by the court in its judgment and not weighing the balance of convenience.

Source: Business Tech dated 11 April 2022

<https://businesstech.co.za/news/it-services/576162/western-cape-launches-legal-action-to-restart-amazon-hq-construction/>

INTERNATIONAL

GENERAL

EXPERTS PREDICT LASTING ENVIRONMENTAL DAMAGE FROM RUSSIA'S INVASION OF UKRAINE – Environmental experts and activists warn that the ongoing war could have a ripple effect of long-lasting damage to Ukraine's industrial and agricultural industries. Some of the effects include tons of greenhouse gas emissions, acid mine flooding in several mines forced to close, and an inability to grow wheat due to the war.

Source: ABC News dated 20 April 2022

<https://abcnews.go.com/International/experts-lasting-environmental-damage-russias-invasion-ukraine/story?id=83347671>

COVID OPENS NEW BATTLEFRONTS IN AFRICA'S ILLEGAL WILDLIFE TRADE – Rebels in Congo have kidnapped a giant pangolin, a highly endangered species, with the intention to ransom off the mammal online. Since the onset of COVID, the illegal wildlife trade had slowed down, but now the internet, various social media platforms and the dark web have become trade points for these illegal transactions.

Source: dated 11 April 2022

<https://african.business/2022/04/energy-resources/covid-opens-new-battlefronts-in-africas-illegal-wildlife-trade/>

KFC FACES BACKLASH OVER 'MISLEADING' PORTRAYAL OF CHICKEN FARMING – KFC has recently come under fire for allegedly misleading the public by a portrayal of its chicken farms as a haven for the farmed animals. However, footage published by Vegan Fried Chicken Foods "VFC" in an undercover investigation shows the opposite. The chicken farm was exposed for having sub-par welfare, hygiene, and feeding systems in place.

Source: The Guardian dated 12 April 2022

<https://www.theguardian.com/environment/2022/apr/12/kfc-faces-backlash-over-misleading-portrayal-of-chicken-farming-niko-omilana>

PUBLICATIONS

TO BE OR NOT TO BE A PROTECTED AREA: A PERVERSE POLITICAL THREAT – South African protected areas are now potentially vulnerable because of the Environmental MEC's decision to amend the Mabola Protected Environment's boundaries and remove barriers which prevented coal mining in the area. The decision is especially prevalent considering that such objectives driven by profit could harm the environment and delay South Africa's transition to a coal free future.

Source: Blackmore A., South African National Biodiversity Institute dated 18 March 2022

<http://dx.doi.org/10.38201/btha.abc.v52.i1.4>

CONFERENCES AND OTHER EVENTS

- 9 May 2022 – **Mining's Sustainable Future: The ESG Revolution** – Cape Town Convention Tower (adjacent to CTICC) & Online

- 1- 2 June 2022 – **CapeNature Conservation Review** – South African Medical Research Council's Conference Venue in Cape Town & [Online](#)

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

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

"We learned that economic growth and environmental protection should go hand in hand." – **Christopher Dodd**

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