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## SUSTAINABILITY NEWSLETTER

**OCTOBER 2024**

*For a copy of the Safety, Health and Environmental (SHE) Legislation Update, please go to:*

<https://imbewu.co.za/wp-content/uploads/2024/11/Monthly-SHE-leg-update-Oct2024.pdf>

*For copies of the last three Safety, Health and Environmental (SHE) Legislation Updates, please go to:*

<https://imbewu.co.za/publications/>

**Contaminated Land Regulation:** Our affiliated law firm, [Warburton Attorneys Inc.](#) recently published some reflections on Contaminated Land Regulation in South Africa, as 2024 marks a decade of this specific regulation in South Africa; the article is accessible [here](#).

## NATIONAL

**THE GOVERNMENT OF NATIONAL UNITY (GNU) AIMS TO ACHIEVE A 3% GROWTH RATE FROM 2025** - President Cyril Ramaphosa presented at the launch of the second phase of the partnership between government and business under the GNU, at the IDC offices in Johannesburg, on 1 October 2024. The event focused on accelerating economic growth, and job creation, and addressing key challenges in South Africa. With a specific focus on the GNU's key priority areas; namely, electricity, freight logistics, and crime and corruption.

President Ramaphosa expressed the GNU's intention to build four (4) GW of additional renewable energy, one thousand (1000) km of new transmission lines, maintain the country's anti-load-shedding streak, invest R28 Billion towards private rail investments, and lastly, remove SA from the Financial Action Task Force grey list by the end of 2025. President Ramaphosa encouraged the Nation to remain optimistic about the country's renewable energy future and emphasized the significant amount of growth that SA has the potential to achieve with the establishment of the GNU. President Ramaphosa addressed the

lack of growth experienced by the country over the past couple of years and believes that the establishment of the GNU could increase SA's growth targets from 1.2% to 3% by 2025. President Ramaphosa closed off his presentation by informing the country that the GNU intends to improve SA's service delivery as well. The GNU is confident that once all the abovementioned targets are met, SA could experience a 3.3% growth increase in 2025.

**Source:** [Growth target of 3% set for 2025 as business and government relaunch partnership under GNU](#)

**CANCEL COAL CASE: NORTH GAUTENG HIGH COURT RESERVES JUDGEMENT** - On 9 and 10 October 2024 the Cancel Coal case was heard in the Pretoria High Court after three years (3) years of litigation. The Cancel Coal case sets the precedent as SA's first youth-led climate change case. The review application was launched in September 2021 by the African Climate Alliance, Vukani Environmental Justice Movement, and Groundwork (the Applicants), against the National Energy Regulator of South Africa (Nersa) and the Minister of Mineral Resources (the Respondents). The Applicants have challenged the Government's intention to develop 1 500 MW of new coal-fired electricity, as stipulated in the Electricity Regulation: Integrated Resource Plan (IRP). The key and central arguments in the Cancel Coal case related to harmful emissions. The Applicants argued that the large amounts of CO<sub>2</sub> being emitted from these coal-fired power stations heavily contributed to air pollution, which had a detrimental effect on the health and well-being of citizens, causing various respiratory problems. The Applicants further argued that these CO<sub>2</sub> emissions contributed to global warming, resulting in extreme weather conditions.

The Respondents relied on the fact that they have outlined, in the IRP, the use of high-efficiency, low-emissions technology to address the issues surrounding CO<sub>2</sub> emissions. The Applicants responded by informing the Court that the Minister failed to assess the type of technologies that would be used, as well as their respective impacts on the environment. The Minister simply carried out an insufficient desktop study. The Applicants closed off their argument by stating that "clean coal" does not exist, and that the use of high-efficiency, low-emissions technology cannot be relied on as a viable solution to combat high CO<sub>2</sub> emission rates.

Judgement was reserved.

**Source:** [Young activists take Mantashe, Nersa to court over coal plans](#)

**PETROLEUM PRODUCTS BILL OPEN FOR PUBLIC COMMENTARY** - On 21 October 2024, the Minister responsible for Mineral Resources and Energy published the draft Petroleum Products Bill, 2024 for public comment. The Bill aims to repeal and replace the Petroleum Products Act of 1977. The main aim of the Bill is to minimize the environmental impacts caused by major petroleum activities and to attract investors to boost the country's energy security. The Bill aims to introduce new licensing, and stricter compliance and enforcement procedures to ensure transparency and fairness between the relevant organs of state and interested and affected parties. The Bill also places stricter regulations on oil and gas companies when completing environmental impact assessments. The Bill requires companies involved in the exploration of oil and gas, to compile detailed environmental management plans before proceeding with their respective operations. These plans must be approved by the Department of Resources and Energy (DMRE), and the Department of Forestry, Fisheries and the Environment (DFFE).

The country has been strongly urged to comply with its international requirements to reduce its carbon footprint, particularly within SA's energy sector, and the introduction of the Bill mentions this imperative. The Bill acknowledges SA's international obligations to ensure environmental protection when exploring oil and gas within the Republic and, emphasizes the country's responsibility to reduce the risk of oil spills and pollution that may occur as a result of these activities. The Minister remains optimistic that the introduction of the Bill will contribute to SA's economic transformation and help contribute to job creation. Members of the public are strongly encouraged to submit written responses to the Minister before **20 December 2024**, either via email or through registered post at the following addresses: 70 Meintjies Street, Sunnyside, 0001/ [petroleum.policy@dmre.gov.za](mailto:petroleum.policy@dmre.gov.za).

A copy of the draft Petroleum Products Bill can be accessed using the following link: [Petroleum Products Bill: Draft](#).

Source: [Petroleum Products Bill released for public comment](#)

## INTERNATIONAL

**COP 16: PEACE WITH NATURE** - The 16<sup>th</sup> meeting of the Conference of the Parties to the United Nations Convention on Biological Diversity, commonly referred to as "CBD COP16", commenced on 21 October 2024 in the City of Cali, Columbia. This year's theme centres around "Peace with Nature." The previous COP, COP15, took place in Canada where the Kunming-Montreal Global Biodiversity Framework (GBF) was adopted. The GBF was adopted to combat biodiversity loss by 2030. The adoption of the GBF has encouraged South Africa to adopt the White Paper on Conservation and Sustainable Use of South Africa's Biological Resources. South Africa is a party to the Convention on Biological Diversity therefore, the White Paper is structured in a manner that addresses the three (3) key objectives of the convention; namely, conservation, sustainable use, access, and benefit sharing and transformation. COP16 is the first Biodiversity COP since the adoption of the GBF, and parties to the convention were required to present their country's National Biodiversity Strategies and Action Plans (NBSAPs) to ensure that their NBSAPs align with the key goals and 23 targets set out in the GBF.

Many world leaders, including South Africa, participated in COP16 by engaging in negotiations to promote global biodiversity, strengthen sustainable use initiatives, and encourage fair and equitable benefit-sharing agreements. The key issues raised by South Africa at COP16 include *inter alia* the following: resource mobilization, digital sequence information on genetic resources and biodiversity, and climate change. We hope to see improvements within the context of the implementation of the goals listed in the GBF and look forward to observing the meaningful change that these developments will bring.

Source: [South Africa participates in UNCBD COP16 to advance global biodiversity agenda | Department of Environmental Affairs](#)

**THE GREENING OF ANTARCTICA POSES A THREAT TO ONE OF EARTH'S MOST CRUCIAL SYSTEMS** - Over the past few years, Antarctica has been experiencing rapid plant growth across the icy continent. Whilst some people might assume this phenomenon to be incredibly fascinating and peculiar, scientists who have been studying the region for centuries are extremely concerned about the potential risks this could have on Earth and its systems. The Antarctic ice sheets act as the largest storage of fresh water on Earth and are home to an array of ecosystems that help balance Earth's ecological structure. The growth of vegetation across the region has been increasing at an alarming rate since 2016. The growth of these plants, mainly mosses, signifies the extreme warming of the earth, which is occurring faster than the global average, and has the potential to completely alter the entire Antarctic ecosystem. The growth of vegetation across Antarctica proves that the Anthropocene is affecting every crevice of our planet, and if CO<sub>2</sub> emissions do not subside sooner, this will have a detrimental effect on all life forms that inhabit the Earth.

Source: [Antarctica is 'greening' at dramatic rate as climate heats | Antarctica | The Guardian](#)

**IMBEWU'S ONLINE Safety, Health & Environmental (SHE) Legal Registers** serve to link environmental and health & safety legal requirements, not only to clients' specific activities, aspects, and risks but also to legislative provisions and legal commentaries. Our state-of-the-art online electronic SHE Legal Registers are cost-effective, contemporary, and streamlined for easy access with secure passwords, easy navigation, explanations of SHE legislation relevant to specific operations, access to a comprehensive searchable SHE legislation database (which is updated monthly), and site-specific documentation.

For more information contact [admin@imbewu.co.za](mailto:admin@imbewu.co.za) or visit <https://imbewu.co.za/she-electronic-legal-registers/>



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1 November 2024- World Ecology Day <https://blog.dolphindiscovery.com/november-1st-world-ecology-day/>

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