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## **SUSTAINABILITY NEWSLETTER**

**JULY 2025**

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***<https://imbewu.co.za/wp-content/uploads/2025/08/Monthly-SHE-leg-update-Jul25.pdf>***

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## **NATIONAL**

**ESKOM CHALLENGES ELECTRICITY TRADING LICENCES IN COURT** – Eskom has applied to the Gauteng High Court to review and set aside the National Energy Regulator of South Africa's (Nersa) decision to grant five electricity trading licences and one import/export licence. The utility argues that trading rules should have been finalised before any licences were issued and raises concerns about the broader financial and policy impacts on the national electricity system.

The five licensed traders face legal action alongside Nersa. Eskom also indicated it may expand the challenge if more licences are granted at Nersa's upcoming meeting. Eskom contends that the licences undermine its and municipalities' exclusive rights to distribute and trade electricity within designated areas, as per existing distribution rules. The utility claims Nersa is creating a "free-for-all" system where traders can target Eskom's most reliable and high-paying customers, threatening cross-subsidisation and the financial viability of the national electricity supply.

Eskom further argues the following points:

- There is no formal regulatory framework for electricity trading as a standalone activity;

- Granting individual licences without comprehensive rules is irrational and unfair;
- Traders could destabilise the system by offering discount tariffs to large users while Eskom remains bound to regulated pricing;
- The Municipal arrear debt of R100 billion could worsen if traders operate in defaulting areas without contributing to existing obligations.

Eskom is calling for rules that clearly define eligible customers, ensure equitable cost recovery and require traders to contribute to cross-subsidies and municipal debt repayment structures. The outcome of this legal challenge could significantly influence the future structure of South Africa's electricity market.

**Source:** <https://www.moneyweb.co.za/news/industry/eskom-proceeds-with-court-challenge-to-five-trading-licences/>

**ANTI-RETROVIRAL DRUGS (ARV) DETECTED IN SA WATER SOURCES — DEPARTMENT TO INVESTIGATE HEALTH RISKS** – The Department of Water and Sanitation (DWS) is investigating the health and environmental risks associated with ARV drug residues found in South Africa's water systems. This follows the release of a study by North-West University (NWU), which detected significant levels of ARVs in both rivers and treated water supplies.

The contamination is linked to South Africa's large-scale HIV treatment programme, where high volumes of ARVs pass through human waste and into municipal wastewater systems. Most treatment plants, however, were not designed to remove pharmaceutical compounds such as ARVs.

The study, conducted by NWU's Unit for Environmental Sciences and Management and the Africa Unit for Transdisciplinary Health Research, found that ARV concentrations exceeded international norms, especially downstream of wastewater treatment works. Research has revealed concerning ecological effects: freshwater snails showed disrupted development, and bacteriophages, which are vital for wastewater treatment, experienced negative impacts. These disruptions may decrease water quality and promote bacterial overgrowth.

The study, titled Quantification, Fate and Hazard Assessment of HIV-ARVs in Water Resources, was submitted to the Water Research Commission (WRC). It warned that current wastewater systems are inadequate for removing ARVs and called for urgent technological upgrades. The DWS confirmed it will engage NWU on the findings and collaborate with the WRC and the Department responsible for Health to assess risks and develop potential mitigation strategies.

**Source:** <https://www.sanews.gov.za/south-africa/dws-probe-presence-arvs-water-after-university-study>

**GOVERNMENT TO BAN NEW CAPTIVE LION BREEDING FACILITIES** - The Department responsible for Environmental Affairs is finalising the publication of a Lion Prohibition Notice that will ban the establishment of new captive lion breeding facilities in South Africa. The move signals a clear shift away from the commodification of lions for tourism, trophy hunting and the bone trade.

This policy follows the recommendations of the Ministerial Task Team and supports the national Policy Position on the Conservation and Sustainable Use of Elephant, Lion, Leopard and Rhinoceros. The ban will be implemented through updated Threatened or Protected Species (TOPS) Regulations under the National Environmental Management: Biodiversity Act 10 of 2004. The Notice, which prohibits new commercial lion breeding facilities, aligns with international conservation standards and promotes ethical wildlife management. It was tabled before the National Council of Provinces on 10 June 2025 and has since passed the 30-day consideration period. The Department has confirmed that all necessary administrative steps for promulgation are complete and is coordinating with provincial authorities to ensure smooth implementation.

The National Council of SPCAs (NSPCA) has welcomed the move, reiterating its long-standing concerns about widespread animal welfare violations within the captive lion industry. Over the years, the NSPCA has documented severe neglect, inhumane breeding practices and conditions that compromise the well-being of lions, including emaciation, inbreeding and confinement for bone harvesting and tourist attractions.

The upcoming prohibition marks a pivotal moment in South Africa's wildlife conservation efforts, aiming to restore the country's reputation and uphold its constitutional responsibilities to protect animal welfare and biodiversity.

Source: <https://capetimes.pressreader.com/article/281599541537298>

## INTERNATIONAL

**ICJ CONFIRMS LEGAL DUTY OF STATES TO ACT ON CLIMATE CHANGE** - In a landmark Advisory Opinion delivered on 23 July 2025, the International Court of Justice (ICJ) confirmed that states are under binding legal obligations to combat climate change and protect the environment. The ruling consolidates a wide array of international legal instruments, including the UN Charter, Kyoto Protocol, Paris Agreement and customary international law, affirming that climate change is not merely a political issue but a matter of enforceable international law.

The Opinion was the result of a campaign launched by Pacific Island law students and championed by the government of Vanuatu. Referred to the ICJ by the UN General Assembly in 2023, the request sought clarity on states' legal responsibilities to current and future generations and the consequences of failure, particularly for vulnerable nations. The Court concluded that states must mitigate emissions, enhance carbon sinks and act with due diligence to meet the 1.5°C goal. It also explicitly named fossil fuels as a driver of harm and confirmed that failure to act constitutes an internationally wrongful act, opening states to lawsuits and claims for compensation or reparation.

Importantly, the Court rejected arguments that climate treaties are aspirational or subordinate to national law, affirming their justiciability. Even non-signatory states can be held liable under customary law. Although it has been praised as a transformative ruling by governments and civil society, it comes at a time of geopolitical divisions. Countries in the Global North continue to protect corporate polluters, while major emitters like China argue that climate commitments are non-binding. Nevertheless, this Opinion provides courts, activists and governments with a strong legal tool to hold both states and corporations accountable.

The ICJ has established a legal precedent: climate inaction is not only morally indefensible but also legally unsustainable.

Source: <https://www.dailymaverick.co.za/opinionista/2025-07-29-icj-ruling-a-game-changer-that-can-potentially-turbocharge-climate-action/>

**EARTH OVERSHOOT DAY 2025 MARKS EARLIEST POINT YET IN RESOURCE OVERUSE** – Earth Overshoot Day marks the point each year when humanity's demand for natural resources exceeds the Earth's capacity to regenerate those resources within that year. In 2025, this date fell on 24 July, making it the earliest since Earth Overshoot Day was first calculated in 2006. This shift highlights the growing imbalance between consumption and ecological capacity.

Launched by Andrew Simms in collaboration with the Global Footprint Network, Earth Overshoot Day has been tracked annually since 2006. However, new data indicates that global overshoot has been occurring since 31 December 1972. Since then, it has consistently moved earlier in the year, to mid-October in 1989, September in the late 1990s, August in the 2000s and since 2018, it has consistently fallen in July.

This alarming trend underscores the accelerating ecological degradation driven by unsustainable consumption. Currently, humanity uses natural resources 1.8 times faster than the Earth can regenerate them. Forests, freshwater supplies, fish stocks and the atmosphere's capacity to absorb carbon are all being depleted far more rapidly than they can recover. Even if the date remains steady in July, the cumulative ecological debt continues to grow. Humanity has already exceeded nearly seven of the nine planetary boundaries, pushing ecosystems toward irreversible tipping points.

However, reversing this trend is still possible. According to the Global Footprint Network, reducing global carbon emissions by half could delay Earth Overshoot Day by three months. Other impactful actions include cutting food waste by 50%, transitioning to 75% renewable electricity generation, and implementing large-scale sustainability initiatives, such as a global Green New Deal.

Overshoot is inherently unsustainable. The choice we face is between deliberate change and ecological collapse. Rebalancing consumption with the planet's limits is no longer optional, it is essential for long-term survival.

Source: <https://www.ecowatch.com/earth-overshoot-day-2025.html>

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



**10 August 2025- World Lion Day** <https://www.worldanimalprotection.org/our-campaigns/sentience/animal-awareness-days/world-lion-day/>

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