



**MONTHLY SUSTAINABILITY LEGAL NEWSLETTER  
AND LEGISLATION UPDATE  
MAY 2010**



**PLEASE NOTE: The legislation update section of the IMBEWU Newsletter can be found in the attached PDF document.**

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## Conferences & Other Events

The information in this section is drawn from a number of sources including, but not limited to: [www.gov.environmental.co.za](http://www.gov.environmental.co.za) ; [www.engineeringnews.co.za](http://www.engineeringnews.co.za) ; [www.iisd.org](http://www.iisd.org) ; [www.buanews.gov.za](http://www.buanews.gov.za) ; [www.edie.net](http://www.edie.net)

## International

### General

**EU - FISHING SUBSIDIES:** EU ministers have decided to review their subsidies policy by next year in a bid to limit over-fishing and make the fishing industry more sustainable. Greenpeace has called on the EU to set aside 40% of EU waters as protected marine reserves. See: [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=31&art\\_id=nw20100505223859950C538450&newslett=1&em=174550a6a20100506ah](http://www.iol.co.za/index.php?set_id=1&click_id=31&art_id=nw20100505223859950C538450&newslett=1&em=174550a6a20100506ah)

**ANGOLA - NOISE POLLUTION:** The Kampala City Council has taken 40 bars and nightclubs to court over noise pollution. If found guilty, the Council will withdraw the licences until they have been inspected and that they conform to noise regulations. See: <http://allafrica.com/stories/201005310571.html>

**US - DRILLING PERMITS:** Under the Endangered Species Act and the Marine Mammal Protection Act, the mining agency is required to obtain permits before allowing drilling to go ahead in areas where oil exploitation could harm endangered species/marine mammals. However the Department of the Interior's Mineral Management Service (MMS) approved over 300 drilling operations without drilling permits. The Centre for Biological Diversity has filed a notice of intent to sue the agency over its non-compliance with the law. See: <http://www.dispatch.co.za/article.aspx?id=402154>

**US - BP OIL POLLUTION:** The US attorney general has confirmed that the US government has launched a criminal and civil investigation into the Gulf of Mexico oil disaster and the actions of BP are likely to come under close scrutiny. See: <http://www.guardian.co.uk/environment/2010/jun/02/bp-criminal-inquiry-gulf-of-mexico>

## Climate Change

**AUSTRALIA - ETS SUSPENDED:** The Australian government has delayed the introduction of its Emissions Trading Scheme (ETS) until 2013. See: <http://www.ipsnews.net/news.asp?idnews=51366>

**AFRICA - SUPPORT PROJECT:** The African Development Bank Group has launched an African Climate Institutions Support Project scheduled to run from 2010-2012. The project aims to support African countries in reducing

the impacts of climate change as well as accelerating low-carbon economic growth in the continent. See: <http://allafrica.com/stories/201005040834.html>

**AFRICA - PROGRESS REPORT:** The African Progress Panel members released the African Progress Report 2010 which analyses the continent's progress to address climate change. For a copy of the report see: [http://www.africaprogresspanel.org/report/APR2010\\_presskit/AFRICA\\_PROGRESS\\_REPORT\\_2010\\_ENGLISH\\_FULL\\_VERSION.pdf](http://www.africaprogresspanel.org/report/APR2010_presskit/AFRICA_PROGRESS_REPORT_2010_ENGLISH_FULL_VERSION.pdf)

**SADC - CDM POTENTIAL:** Pöyry Energy Management Consulting and the Norway Embassy in Maputo have published a scoping report which looks at the Clean Development Mechanism (CDM) potential in the SADC region. See: [http://www.econ.no/modules/module\\_123/proxy.asp?l=3866&C=9&D=2&mnusel=a185a190a](http://www.econ.no/modules/module_123/proxy.asp?l=3866&C=9&D=2&mnusel=a185a190a)

**AFRICA - RENEWABLE ENERGY:** The World Bank and the International Finance Corporation have budgeted \$12 million for the "Light Africa" programme in an effort to wean Africa off its dependence on fossil fuel-based lighting. See: <http://www.engineeringnews.co.za/article/cheap-clean-energy-in-africa-given-12m-boost-2010-05-18>

**UN - NEW IPCC REPORT:** The United Nations Intergovernmental Panel on Climate Change (IPCC) has selected 700 lead authors from the 3000 nominations received to produce the 5th UN IPCC flagship report due in 2014. See: [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=31&art\\_id=nw20100520222652748C215269&newslett=1&em=174550a1a20100521ah](http://www.iol.co.za/index.php?set_id=1&click_id=31&art_id=nw20100520222652748C215269&newslett=1&em=174550a1a20100521ah)

**UN - NEW CLIMATE CHIEF:** UN General Secretary, Ban Ki Moon, has chosen Costa Rican diplomat, Christiana Figueres as the new UN Climate Change Chief. See: <http://www.engineeringnews.co.za/article/un-to-pick-costa-rican-as-new-climate-chief-sources-2010-05-17-1>

**WORLDWIDE - CCS GUIDELINES:** Det Norske Veritas (Norwegian global risk management services foundation) has launched guidelines for the "safe and sustainable" geological storage of carbon dioxide. See: <http://www.engineeringnews.co.za/article/carbon-dioxide-storage-guidelines-published-2010-05-06>

**WORLD BANK - CARBON MARKET REPORT:** The World Bank has released its annual State and Trends of the Carbon Market. The value of the carbon market grew 6% in 2009. See: <http://climate-l.org/2010/05/28/world-bank-releases-annual-report-on-state-and-trends-of-the-carbon-market/?referrer=climate-l.org-daily-feed> and for a copy of the report, see: [http://siteresources.worldbank.org/INTCARBONFINANCE/Resources/State\\_and\\_Trends\\_of\\_the\\_Carbon\\_Market\\_2010\\_low\\_res.pdf](http://siteresources.worldbank.org/INTCARBONFINANCE/Resources/State_and_Trends_of_the_Carbon_Market_2010_low_res.pdf)

## National

**WATER POLLUTION CRIMINAL CHARGES:** The Transvaal Agricultural Union (TAU) and the National Water Forum (NWF) have laid criminal charges against the Minister of Water and Environmental Affairs, Buyelwa Sonjica, the Minister of Agriculture, Forest and Fisheries, Tina Joemat-Petterson and the Minister of Mineral Resources, Susan Shabangu, for failing to protect South Africa's rivers from pollution. See: <http://www.busrep.co.za/index.php?fSectionId=552&fArticleId=5462462>

**ENERGY EFFICIENCY:** Energy Minister, Dipuo Peters, has confirmed the details of the "Standard Offer", a R5.3 billion financial incentive aimed at promoting energy efficiency among South African electricity consumers. The National Energy Regulator of South Africa (NERSA) will hold public hearings shortly. See: <http://saaea.blogspot.com/2010/04/r53-billion-financial-incentive-aimed.html> The Department of Energy announced that the development of the Integrated Resource Plan (IRP2) is running behind schedule. The IRP2 will provide a power investment and energy-mix road map for the next 20 years. See: <http://www.engineeringnews.co.za/article/new-sa-energy-plan-running-behind-schedule-ddg-2010-05-14> The Department of Energy has invited the public to a Stakeholder Plenary Session on the IRP on 7 June 2010. See: <http://saaea.blogspot.com/2010/05/stakeholder-plenary-session-on-irp-for.html>

**RENEWABLE ENERGY:** The Eastern Cape Development Corporation (ECDC) has confirmed an investment of R20 million which will go into an East London facility to produce 300 000 flat-panel solar water heaters. See: <http://www.engineeringnews.co.za/article/first-solar-geysers-by-june-from-new-e-cape-plant-2010-05-12> The Johannesburg Roads Agency (JRA) will install solar power to 50 more intersections over the next 6 months. See: <http://>

[www.engineeringnews.co.za/article/jhb-roads-agency-to-roll-out-solar-power-to-50-more-intersections-2010-05-12](http://www.engineeringnews.co.za/article/jhb-roads-agency-to-roll-out-solar-power-to-50-more-intersections-2010-05-12) The Coega wind farm project in the Nelson Mandela Bay Municipality has erected its first turbine and has been connected to the grid. See: <http://www.engineeringnews.co.za/article/eastern-cape-wind-turbine-connected-to-grid-2010-05-21>

**LOW CARBON ECONOMY:** The acting head of The Presidency's National Planning Commission secretariat, Kuben Naidoo, announced that job creation remains South Africa's top priority and lowering the overall carbon intensity of the economy would only be undertaken to the extent that it contributes to job creation. Sustainable development head at Trade and Industrial Policy Strategies (TIPS), Peet du Plooy, believes the transition to a low carbon economy could be the key to both protecting jobs and creating new ones. See: <http://www.engineeringnews.co.za/article/jobs-to-come-first-as-sa-mulls-its-low-carbon-options---government-2010-05-06>

**NORTH WEST CLIMATE CHANGE STRATEGY:** A bi-lateral agreement between the North West Province and the Manitoba Province in Canada is being finalised and is aimed at developing a climate change strategy for the North West Province. See: <http://allafrica.com/stories/201005191124.html>

**GREEN ECONOMY DEVELOPMENT STRATEGY:** The Gauteng Department of Economic Development announced it has developed a Green-Economy Development Strategy for the province. See: <http://www.engineeringnews.co.za/article/gauteng-outlines-green-economy-plan-2010-05-28>

**NATIONAL STRATEGY FOR SUSTAINABLE DEVELOPMENT:** On 14 May 2010, the Department of Environmental Affairs (DEA) published the final draft of the NSSD and made it available for public comment. See: <http://www.polity.org.za/article/draft-national-strategy-on-sustainable-development-and-action-plan-2010-2014-invitation-for-written-representations-or-comments-gazette-no-33184-notice-393-2010-05-19>

**WATER CRISIS:** Deep Water Research has proposed a R1.8 billion project to resolve the water crisis in the Nelson Mandela Bay which would involve the use of an underground freshwater resource located under the seabed. However, local experts have raised questions about the proposal and have noted the need for a comprehensive impact assessment. See: <http://www.theherald.co.za/article.aspx?id=561077>

**MARINE CENTRE:** The Nansen-Tutu Centre for Marine Environmental Research was officially opened in Cape Town. The centre is a collaboration between Norway and South Africa to collect oceanic data (from the South Atlantic, Indian and Southern Oceans) to better understand the effects of climate change across Africa. See: <http://allafrica.com/stories/201005211095.html>

**NEW REPORT:** CAMCO and "Trade and Industrial Policy Strategy" have released a report "Climate Change: Risks and Opportunities for the South African Economy". See: <http://www.miningweekly.com/article/despite-serious-risks-some-sa-mining-sectors-may-be-climate-beneficiaries-2010-05-17> and <http://www.climateriskandopportunity.co.za/> and to download a copy of the report, see: [http://www.climateriskandopportunity.co.za/downloads/Full%20report%20&%20exec%20summary/Climate\\_Change\\_&\\_SA\\_Economy\\_201005.pdf](http://www.climateriskandopportunity.co.za/downloads/Full%20report%20&%20exec%20summary/Climate_Change_&_SA_Economy_201005.pdf)

**MINERAL RESOURCES:** The Mineral Resources Minister, Susan Shabangu, announced that the issue of mine rehabilitation needed urgent attention and R50 billion would be needed to rehabilitate derelict and ownerless mines in South Africa. See: <http://www.miningweekly.com/article/mine-rehabilitation-to-get-attention-shabangu-2010-05-21> The Mineral Resources Minister announced that South Africa's new mineral beneficiation strategy has been finalised and will be submitted to Cabinet soon. See: <http://www.miningweekly.com/article/beneficiation-strategy-ready-for-cabinet-approval-minister-2010-05-21> She also announced that her department will continue to partially or totally shut down mining operations who do not comply with safety legislation in an effort to curb the fatalities. See: <http://www.miningweekly.com/article/sa-mine-fatalities-a-concern-says-minister-2010-05-21>

**ILLEGAL WASTE DUMPING:** The Environmental Affairs Minister, Buyelwa Sonjica, announced that medical waste clean-up operations in Welkom have been temporarily stopped. See: [http://www.iol.co.za/index.php?set\\_id=1&click\\_id=14&art\\_id=vn20100521043851206C186990](http://www.iol.co.za/index.php?set_id=1&click_id=14&art_id=vn20100521043851206C186990)

**WASTE STRATEGY:** The Department of Environmental Affairs has organised an extensive consultation process on the National Waste Management Strategy (as required by sections 72 and 73 of the Waste Act). The Strategy should be finalised shortly. See: <http://saaea.blogspot.com/2010/05/consultation-process-for-national-waste.html>

## Conferences and other events

**GREEN ECONOMY SUMMIT:** took place from 18-20 May 2010 in Sandton. The Summit was organised by the Department of Environmental Affairs. President Jacob Zuma spoke at the Summit and noted that government would embark on a new path to create jobs through a green economy and climate friendly initiatives. He wants to prove that fast economic growth can be achieved along side with sustainable management of the country's resources. See: <http://www.sagreeneconomysummit.co.za/> and <http://www.buanews.gov.za> Economic Development Minister, Ebrahim Patel, noted that preliminary results from a recently commissioned study show that 300 000 jobs could be created in South Africa's renewable energy sector over the next 10 years. See: <http://www.engineeringnews.co.za/article/green-energy-sector-could-create-300-000-jobs-patel-2010-05-18> Maggie Sotyu, the chairperson of the Parliamentary Portfolio Committee on Environmental Affairs, believes parliament will play a positive role in initiating and speeding up the process of a greener economy by drafting new legislation and policy frameworks. See: <http://www.buanews.gov.za> The South African National Energy Research Institute (SANERI) noted that the South African transport sector faces a challenge because of its dependence on non-renewable oil resources. The Department of Transport's Policy Chief Director, Ngoako Makoapea, said that efforts are underway to switch to an energy efficient public transport system. See: <http://www.engineeringnews.co.za/article/sa-should-switch-to-a-sustainable-transport-system-2010-05-19> Participants, at the end of the Summit, drew up a draft statement of conclusion and committed to drafting a "Green Economic Plan" by the end of July 2010. Interested parties were allowed to comment on the draft conclusion statement before 27 May 2010. See: <http://www.engineeringnews.co.za/article/sa-starts-work-on-green-economy-strategy-2010-05-20>

**WIND POWER AFRICA 2010 CONFERENCE AND RENEWABLE ENERGY EXHIBITION:** took place from 12-14 May 2010 in Cape Town. See: <http://www.engineeringnews.co.za/article/sa-to-host-africa-wind-power-event-2010-04-22>

**2 DAY INFORMAL ENERGY SUMMIT:** took place from 4-5 May in the Pilansberg. Leaders in South Africa's energy industry met to discuss issues arising from the country's multi billion-rand energy expansion programme. See: <http://www.engineeringnews.co.za/article/energy-leaders-to-gather-in-may-for-two-day-summit-2010-04-30-1>

**IIR'S GREENER GAS EMISSIONS CONFERENCE:** took place from 25-27 May 2010 at IIRs Conference Centre in Rosebank. See: <http://www.iir.co.za/green>

**ENVIRONMENTAL LAW ASSOCIATION (ELA) CLIMATE CHANGE SEMINAR:** took place on 22 May 2010 at the Salt Rock Hotel in Durban. See: <http://www.elasa.co.za/events.htm>

**INTERNATIONALLY CERTIFIED GRI SUSTAINABILITY REPORTING TRAINING COURSE:** will take place from 10-12 August 2010 in Johannesburg. This course will enhance participants' ability to contribute to, participate in and manage their organisations sustainability reporting process. Also very useful for persons involved in assuring sustainability reports or in SD management in general. Successful participants will receive a certificate from the Global Reporting Initiative. For more information, visit: <http://www.envsustsol.co.za> or email [envsustsol@mweb.co.za](mailto:envsustsol@mweb.co.za) or phone 082 395 7582.

**BONN CLIMATE CHANGE TALKS:** The second round of negotiations under the UNFCCC in 2010 is taking place from 31 May - 11 June 2010 in Bonn, Germany. See: <http://www.iisd.ca/climate/sb32/> Several countries have expressed dissatisfaction over the new text which was published in May 2010 and Latin American countries have said that they cannot start negotiations with the new text. See: <http://www.engineeringnews.co.za/article/rich-poor-rifts-stall-progress-at-un-climate-talks-2010-05-31>

**CARBON EXPO 2010:** took place from 26 - 28 May 2010 in Cologne, Germany. See: <http://www.carbonexpo.com/>

**WORLD ENVIRONMENTAL DAY & WEEK:** World Environmental Week occurred from 31 May 2010 - 4 June 2010. World Environmental Day was celebrated on 5 June 2010 See: [http://zaimages.gmimage3.com/za\\_members/18279/ftp/WED%20for%20Browser2.jpg](http://zaimages.gmimage3.com/za_members/18279/ftp/WED%20for%20Browser2.jpg)

**INTERNATIONAL BIODIVERSITY DAY:** took place on 22 May 2010. The UN declared 2010 the International Year of Biodiversity. See: [http://zaimages.gmimage3.com/za\\_members/18279/ftp/Biodiversity%20Day%20Final.jpg](http://zaimages.gmimage3.com/za_members/18279/ftp/Biodiversity%20Day%20Final.jpg)

**5TH GLOBAL CONFERENCE ON OCEANS, COASTS AND ISLANDS:** took place from 3-7 May 2010 in France. See: <http://www.iisd.ca/yimb/oceans/goc5/>

**18TH SESSION OF THE COMMISSION ON SUSTAINABLE DEVELOPMENT:** took place from 3-14 May 2010 in New York. See: <http://www.iisd.ca/csd/csd18/>

**1ST PREPARATORY COMMISSION FOR THE 2012 UN CONFERENCE ON SUSTAINABLE DEVELOPMENT:** took place from 17-19 May 2010 in New York. See: <http://www.iisd.ca/uncsd/prepcom1/>

**CER INTERNSHIP:** The Centre for Environmental Rights (CER) is currently looking for interns. See: <http://www.cer.org.za>

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