



IMBEWU

Sustainability Legal Specialists (Pty) Ltd

MONTHLY SUSTAINABILITY LEGAL NEWSLETTER AND LEGISLATION UPDATE APRIL 2010



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

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

International

General

NIGER - RADIATION: Greenpeace has called for an independent radiation study to be conducted on two uranium mine sites and for the area to be decontaminated. They argue that the French uranium mining company has not taken the necessary steps to protect the health of its workers and inhabitants around the two mines from radiation contamination. See: <http://www.france24.com/en/20100329-greenpeace-slams-areva-over-radioactive-contamination-radiation-niger-uranium-mining>

KENYA - IVORY: After a decision was made to stop the once-off sale of ivory by Tanzania and Zambia, Kenya has to address the various options to deposit of its own ivory stockpiles (estimated value of \$9 million). See: <http://allafrica.com/stories/201004050688.html>

UGANDA - BAN ENFORCED: The National Environmental Management Agency (NEMA) has enforced the ban on polythene bags and electronic waste. The government announced the ban in June 2009 but it was only enforced on 1 April 2010 to allow for the disposal of all the bags that were already on the market or under production. See: <http://allafrica.com/stories/201004050548.html> However the Water and Environment Minister has again suspended the ban following appeals by the the Ugandan Manufacturing Association (UMA) to the government. The UMA has recommended that the Minister seek advice from the Attorney General regarding unemployment and loss of revenue impacts which could result from the ban. See: <http://allafrica.com/stories/201004090572.html>

NAMIBIA - DESALINATION PLANT: The water treatment firm, Keyplan, has recently opened its seawater desalination plant in Namibia which converts seawater from the Atlantic ocean into potable water for an uranium mine. See: <http://www.engineeringnews.co.za/article/aveng-launches-namibia-seawater-desalination-plant-2010-04-16>

AFRICA - STRATEGY: The African Development Bank will present its draft "Africa Green Growth Strategy" at regional stakeholders workshops in August and September 2010. See: <http://allafrica.com/stories/201004210341.html>

WORLDWIDE - WATER DISCLOSURE: The Carbon Disclosure Project (CDP) has issued its first Water Disclosure Questionnaire to more than 300 of the largest global companies to report on water use and other water related issues. The results will be made available to investors in the last quarter of 2010. See: <https://www.cdproject.net/en-US/WhatWeDo/CDPNewsArticlePages/CDP-issues-first-Water-Disclosure-Questionnaire.aspx>

WORLDWIDE - WORKING PAPERS: The World Resources Institute (WRI) will publish a series of working papers on the Forest Carbon Partnership Facility (FCPF) readiness process which will document detailed national Reducing Emissions from Deforestation and Forest Degredation in Developing Countries (REDD) initiatives and assess how the initiatives will deal with fundamental issues of forest governance in REDD countries. See: <http://www.wri.org/publication/getting-ready>

WORLDWIDE - OCEAN DEBRIS: The Ocean Conservancy Group has released a report detailing the amount and types of debris that volunteers gathered in one day in 2009 along the coastline of 6 continents - more than 10 million pieces of debris were picked up in that day. See: http://www.iol.co.za/index.php?set_id=1&click_id=31&art_id=nw20100413222826552C730851&newslett=1&em=174550a1a20100414ah

WORLDWIDE - WHALING: The International Whaling Commission has released a proposal which would permit Japan, Norway and Iceland to continue with commercial whaling for the next decade. However, the proposal sets lower catch limits for the countries rather than the self-imposed quantity they currently use which should save between 4000-18000 whales over the next 10 years. See: http://www.iol.co.za/index.php?set_id=1&click_id=31&art_id=nw20100425223512265C788942&newslett=1&em=174550a1a20100426ah

WORLDWIDE - COURTS: The "Access Initiative" of the World Resources Institute released the first global report on environmental courts. The report notes that the number of specialised courts has increased significantly which results from the growth and complexity of environmental laws related matters and public awareness regarding environmental problems. See: <http://www.wri.org/press/2010/04/news-release-environmental-courts-becoming-more-popular-worldwide-steps-needed-improve>

AUSTRALIA - MINE SAFETY: Mines and Petroleum Minister, Norman Moore, announced that Western Australia will introduce a new safety system which will work on a cost-recovery model. A\$8 million is expected to be raised this year from the system and the number of available mine inspectors should double. See: <http://www.miningweekly.com/article/western-australia-to-introduce-safety-levy-2010-04-15>

US OFFSHORE RIG EXPLOSION: The Deepwater Horizon was a fifth generation and ultra-deepwater mobile offshore drilling unit. The rig was owned by Transocean Ltd. and leased to BP. At the time of the explosion, the rig was in the United States sector of the Gulf of Mexico. Facing an unprecedented environmental disaster along the Gulf Coast, not to mention lawsuits, BP has indicated that it is taking full responsibility for the cleanup, however the company argues that the accident that triggered the disaster was not its fault. This accident raises considerable questions regarding safety measures and processes. It has been indicated that in February 2009, BP filed an exploration and environmental impact plan with the federal Minerals Management Service for the Deepwater Horizon

well, which stated that it was "unlikely that an accidental surface or subsurface oil spill would occur from the proposed activities", and that "due to the distance to shore (48 miles) and the response capabilities that would be implemented, no significant adverse impacts are expected". In September 2009, BP wrote to the US regulators rejecting calls for tighter offshore safety rules. It has also been mentioned that although the BP wellhead had a blowout preventer (BOP) installed, it was not fitted with additional remote-control or acoustically-activated triggers for use in case of an emergency requiring a rig to be evacuated. See: <http://www.msnbc.msn.com/id/36912754/>, http://en.wikipedia.org/wiki/Deepwater_Horizon_oil_spill and <http://theenergycollective.com/TheEnergyCollective/64960>

Climate Change

TOKYO - CARBON TRADING: Tokyo has launched Asia's first carbon trading scheme which should assist the city in reaching its emission reduction targets of 25% from 2000 levels by 2020. See: <http://www.independent.co.uk/environment/tokyo-launches-asias-first-carbon-emissions-trade-scheme-1935627.html>

UN - CLIMATE TALKS: At the first round of the United Nations Framework Convention on Climate Change (UNFCCC) talks for 2010 (Bonn, 9-11 April), it was agreed to intensify the negotiating schedule by holding two extra one-week sessions between June - December 2010 in order to enable a strong outcome in Mexico at the end of the year. See: <http://www.engineeringnews.co.za/article/un-climate-talk-delegates-agree-to-intensify-negotiations-2010-04-12> At the meeting, the UN climate chief, Yvo de Boer, announced that he does not believe that the world will agree on a final climate deal this year and the focus should be on practical actions to slow climate change rather than trying to make the deal legally binding. See: http://www.iol.co.za/index.php?set_id=1&click_id=31&art_id=nw20100411223132861C788975&newslett=1

UN - REVIEW: Economist and former President of US Princeton University, Harold Shapiro, will chair a 12-member committee which will review the work of the UN panel of climate scientists. See: http://www.iol.co.za/index.php?set_id=1&click_id=31&art_id=nw20100503223458966C181638&newslett=1

NAMIBIA - RESTRUCTURING: The Namibian Cabinet will expand the capacity in its Environmental Ministry to manage climate change. The new structure could be in place before the end of 2010. See: <http://allafrica.com/stories/201004290377.html>

UK - GREEN FUND: The UK government will create a £2 billion "Green Investment Bank" to assist investment in low-carbon infrastructures. The fund will be available to all green infrastructure projects but will focus on energy and transport projects in particular. See: <http://www.independent.co.uk/news/business/news/ecoinvestment-1632bn-fund-to-boost-green-businesses-1927038.html>

UK - REGULATIONS: The UK government's Carbon Reduction Commitment, an energy efficiency scheme, was implemented on 1 April 2010. See: <http://www.independent.co.uk/news/business/news/new-regulations-on-energy-efficiency-mired-in-confusion-1931580.html>

AFRICA - CALL FOR PROPOSALS: The CTI Private Financing Advisory Network (PFAN) African Forum for Clean Energy Financing (AFRICEF) is looking for individuals, project teams and companies to enter the Clean Energy Financing Forum and Business Plan Competition. Applications must be received before 16 April 2010. See: <http://www.solar4africa.net/news/viewnews.php?ID=502>

National

CLIMATE CHANGE: The Norwegian government has prioritised bilateral relations with South Africa regarding carbon capture and storage (CCS). See: <http://www.engineeringnews.co.za/article/sa-carbon-capture-and-storage-delegation-heads-to-norway-2010-05-03>

SA INTEGRATED RESOURCE PLAN: The Stakeholder Engagement Process for the second version of the Integrated Resource Plan (IRP2) has been approved by the Inter Ministerial Committee (IMC) on energy. The Department of Energy has called on interested parties to register on a stakeholder database for inclusion in the consultation process. The IMC hopes to have the plan completed by June 2010 and published in a Government Gazette in September 2010. See: <http://www.engineeringnews.co.za/article/sa-outlines-consultation-process-for-20-year-energy-plan-2010-04-01>

GREEN ENERGY: The City of Cape Town announced its plan to start selling green electricity produced at the Darling Wind Farm. See: <http://saaea.blogspot.com/2010/03/selling-darlings-green-electricitycape.html> Energy Minister, Dipuo Peters, has confirmed the details of a R5.3 billion financial incentive which is aimed at promoting energy efficiency among South Africa's electricity consumers. See: <http://www.engineeringnews.co.za/article/r53bn-energy-efficiency-incentive-confirmed-2010-04-20>

WATER: The Department of Water Affairs will work more closely with municipalities in order to strengthen their capacity and improve reporting on water quality systems. The Deputy Minister of Water Affairs, Rejoice Mabudafhasi, has released the Blue Drop 2010 report which notes that out of the 787 municipal water authorities assessed, only 38 received Blue Drop Certification. See: <http://www.buanews.gov.za> Business Leadership South Africa and the Centre for Development and Enterprise have released a report which states that water supply problems in South Africa are already impeding socio-economic development in some localities. See: <http://www.engineeringnews.co.za/article/looming-water-crisis-may-hinder-sa-development-2010-05-03>

SEWAGE SYSTEMS: The "Green Drop" report notes that South Africa will need about R23 billion to prevent the country's wastewater treatment works from collapsing. See: <http://www.engineeringnews.co.za/article/r23bn-needed-to-prevent-collapse-of-sas-sewage-systems-2010-04-29>

EIA REGULATIONS: The Water and Environmental Affairs Minister, Buyelwa Sonjica, announced that the new environmental impact assessment (EIA) regulations will come into effect in July 2010. See: <http://www.engineeringnews.co.za/article/new-eia-regulations-to-be-effective-from-july-2010-04-16>

CULLING: The City of Cape Town, in partnership with the Nature Conservation Corporation, has successfully eradicated the invasive alien House Crow from the Peninsula. See: <http://allafrica.com/stories/201004020750.html>

RED LIST: The South African National Biodiversity Institute (SANBI) launched the Red List of South African Plants on Earth Day. South Africa is the first of the world's mega-diverse countries to fully assess the status of its entire flora (20456 species). See: <http://www.capeaction.org.za/index.php?C=enews&A=display&id=303>

LEGISLATION REVIEW: The Department of Labour has informed the public that they have until 15 May 2010 to comment on the review of the Occupational Health and Safety Act 85 of 1993. See: <http://sheqafrica.com/blog/ohs-act-review-comment/>

MINE SAFETY: Labour union Solidarity has noted that mine deaths in South Africa have slowly been decreasing but noted that there is still room for improvement in safety technology. See: <http://www.miningweekly.com/article/south-african-mining-deaths-down-says-trade-union-2010-04-28>

Conferences and other events

EARTH DAY 2010: took place on 22 April 2010. It marks the 40th anniversary of Earth Day. About 20 million people supported the first Earth Day in 1970 and more than 1 billion people support it today. See: <http://www.earthday.net>

BASIC COUNTRIES MEETING: took place on 26 April 2010 in Cape Town to discuss developments in the international climate change arena (the BASIC countries consist of Brazil, South Africa, India and China). They urged Annex I countries (rich nations) to raise their level of ambition on greenhouse gas mitigation. See: <http://www.engineeringnews.co.za/article/basic-country-bloc-to-meet-on-climate-change-2010-04-23> and <http://www.engineeringnews.co.za/article/key-developing-country-bloc-puts-climate-ball-back-in-rich-country-court-2010-04-26> and <http://www.info.gov.za/speeches/2010/10042614351001.htm> and <http://climate-l.org/2010/04/27/third-meeting-of-basic-group-issues-joint-statement/?referrer=climate-l.org-daily-feed>

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>

BONN CLIMATE TALKS: took place from 9-11 April 2010 in Bonn, Germany. See: <http://www.iisd.ca/climate/ccwg9/>

NUCLEAR SECURITY SUMMIT: took place from 12-13 April 2010 in Washington. President Jacob Zuma led the South African delegation. See: <http://www.info.gov.za/speeches/2010/10040815151003.htm>

6TH MEETING OF THE MAJOR ECONOMIES FORUM ON ENERGY AND CLIMATE: took place from 18-19 April 2010 in Washington. See: <http://www.iisd.ca/recent/recentmeetings.asp?id=5#mtg7242>

PEOPLES WORLD CONFERENCE ON CLIMATE CHANGE AND THE RIGHTS OF MOTHER NATURE: took place from 19-22 April 2010 in Bolivia. See: <http://www.iisd.ca/recent/recentmeetings.asp?id=5#mtg7242>

IIR'S GREENER GAS EMISSIONS CONFERENCE: will be held from 25-27 May 2010 at IIRs Conference Centre in Rosebank. This ground-breaking conference is guaranteed to provide your company with solutions, internal perspectives, strategies and ways to illustrate the bottom-line benefits of becoming green. IMBEWU contacts qualify for a 20% discount. To register please call IIR on +27 11 771 7000 / <http://www.iir.co.za/green>

ENVIRONMENTAL LAW ASSOCIATION (ELA) CLIMATE CHANGE SEMINAR: will take place on 22 May 2010 at the Salt Rock Hotel in Durban. The seminar will consider the international climate change regime and the opportunities/challenges for South Africa that might flow as a result of the operation of this regime. Further details on the seminar are available at: <http://www.elasa.co.za/events.htm>

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