



# IMBEWU

Sustainability Legal Specialists (Pty) Ltd

## MONTHLY SUSTAINABILITY LEGAL NEWSLETTER AND LEGISLATION UPDATE JANUARY 2010



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

Please find the IMBEWU Training Schedule from March 2010 - May 2010, which has also been attached to this Newsletter.

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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

**UK - IVORY:** Environmental Secretary, Hilary Benn, announced that Britain will vote against the proposed sale of stockpiled ivory at the next meeting of the Convention on International Trade in Endangered Species (CITES) in Qatar in March 2010 as he believes it will lead to further killing of African elephants. See: <http://www.independent.co.uk/environment/nature/britain-to-oppose-sale-of-stockpiled-ivory-1878800.html>

**FRANCE - GMOS:** The Universities of Caen and Rouen have conducted a study on the consumption of "Monsanto's Genetically Modified Maize" (three varieties of genetically modified corn) in which they have linked organ damage to the consumption of genetically modified maize. The December 2009 study appeared in the International Journal of Bio Sciences (IJBS). See: <http://www.africafiles.org/article.asp?ID=22642>

### Climate Change

**US - NEW LEGISLATION:** President Barack Obama and his Administration are expected to pass a comprehensive energy bill this year, which will address, to some extent, climate change considerations. President Obama also announced new tax credits to encourage investment in clean energy development. See: [http://communities.thomsonreuters.com/Carbon/488158?utm\\_source=20100111&utm\\_medium=email](http://communities.thomsonreuters.com/Carbon/488158?utm_source=20100111&utm_medium=email)

**GREECE - RENEWABLE ENERGY:** A new law to simplify the regulations governing renewable energy resources (RES) was presented to the Council of Ministers in December 2009. The proposal received a positive response and should act as a conduit for a simple and more streamlined RES regulatory framework. See: <http://www.internationallawoffice.com/Newsletters/Detail.aspx?q=f04206cb-221a-4a29-a4ec-1bed15e485d0>

**FRANCE - "G28":** French President, Nicolas Sarkozy, has proposed to set up a "balanced representative" group of 28 countries (referred to as the G28) to guide global negotiations on climate change in the context of the United Nations Framework Convention on Climate Change (UNFCCC) to prepare for COP16 in Mexico in November/December 2010. COP17 is scheduled to take place in South Africa in

December 2011. See: <http://communities.thomsonreuters.com/Carbon/491710>

**WORLDWIDE - CARBON MARKET:** Point Carbon noted that the market for carbon credits reached \$136 billion last year and 8.2 billion tonnes of carbon dioxide were traded last year, a 70% increase from 2008. See: [http://communities.thomsonreuters.com/Carbon/487582?utm\\_source=20100111&utm\\_medium=email](http://communities.thomsonreuters.com/Carbon/487582?utm_source=20100111&utm_medium=email)

**KENYA- CARBON CROSSROAD:** A report released by the Stockholm Environmental Institute (SEI) notes that Kenya's carbon dioxide emissions will more than double due to the country's development plans unless efforts are taken to pursue low carbon development. See: <http://www.africafiles.org/article.asp?ID=22781> Kenya also plans to launch an open-ended green energy fund to assist firms and other institutions to generate clean energy and to manufacture clean energy appliances. See: <http://www.engineeringnews.co.za/article/kenya-plans-open-ended-green-energy-fund---government-2010-01-14>

## National

**CRISIS** King Committee on Corporate Governance Chairperson, Professor Mervyn King, believes the world is currently facing a financial, climate change, ecosystem and biodiversity crisis. While the world will emerge from the financial crisis in the not too distant future, the environmental crisis will linger on for many years because there is no "bail out option" remedy for "mother nature". See: <http://www.engineeringnews.co.za/article/banks-can-be-bailed-out-but-not-the-planet-warns-king-2010-01-25>

**INTEGRATED RESOURCE PLAN:** The Minister of Energy, Dipou Peters, has published the Integrated Resource Plan for energy. However, WWF-SA believes the plan has failed to take into account the most recent developments at Eskom (i.e. Eskom's proposed increase tariff application and Eskom's announcement that construction at Kusile has been postponed). See: [http://www.fin24.com/articles/default/display\\_article.aspx?Channel=News\\_Home&ArticleId=1518-25\\_2567948&IsColumnistStory=False](http://www.fin24.com/articles/default/display_article.aspx?Channel=News_Home&ArticleId=1518-25_2567948&IsColumnistStory=False)

**CARBON FOOTPRINT:** It is estimated that the 2010 FIFA World Cup will produce approximately 2 753 250 tonnes of carbon dioxide. Econ Pöyry, a Norwegian consultancy and engineering firm, has produced a feasibility study for a carbon-neutral World Cup. The report notes that while proposed greening measures and environmental standards can reduce the footprint, they will only affect the smaller components of it (i.e. intercity transport, intracity transport, stadium construction and materials, energy use in stadiums and in accommodation facilities). See: <http://www.engineeringnews.co.za/print-version/the-world-cups-27-million-ton-carbon-footprint-2010-01-22>

**EMISSION TAX:** National Treasury will introduce a new tax, adjusting the existing *ad valorem* excise duty on motor vehicles, which will come into effect in March 2010. The tax is part of government's efforts to limit greenhouse gas emissions as well as increase tax revenues which declined sharply during the recession. The National Association of Automobile Manufacturers (NAAMSA) has accepted the new tax in principle but noted that its early timing could hinder recovery prospects for struggling automakers. See: [http://communities.thomsonreuters.com/Carbon/489065?utm\\_source=20100118&utm\\_medium=email](http://communities.thomsonreuters.com/Carbon/489065?utm_source=20100118&utm_medium=email)

**CDM PROJECT:** The second component of eThekweni's landfill gas to electricity Clean Development Mechanism (CDM) project was launched by the Energy Minister, Dipuo Peters on 28 January 2010. The second component involves the extraction of landfill gas at the Bisasar Road landfill site through extraction wells and interlinking pipe work. See: <http://www.engineeringnews.co.za/article/peters-to-launch-ethekwini-landfill-gas-cdm-project-2010-01-27>

**CLIMATE CHANGE POLICY:** The Department of Environmental Affairs announced that it will aim to complete the country's national climate change white paper by the end of 2010, with a green paper to

be completed by the middle of 2010. See: <http://www.engineeringnews.co.za/article/sa-aims-to-complete-climate-change-policy-by-year-end-2010-01-21>

**IRENA:** President Jacob Zuma has given Energy Minister, Dipuo Peters, authorisation for South Africa to join the International Renewable Energy National Agency (IRENA) and to participate as a full member. See: <http://www.engineeringnews.co.za/article/sa-joins-global-renewable-energy-body-2010-01-18>

**E-WASTE:** Spokesperson for the Department of Environmental Affairs, Albi Modise, believes the importing of used and second hand electronic goods into South Africa has become a major challenge and therefore e-waste legislation should be amended/developed accordingly. See: [http://www.itweb.co.za/index.php?option=com\\_content&view=article&id=29328:tougher-ewaste-policies-coming&catid=129:green-it](http://www.itweb.co.za/index.php?option=com_content&view=article&id=29328:tougher-ewaste-policies-coming&catid=129:green-it)

**RULING:** The Western Cape High Court has ruled in favour of two neighbours who complained about an environmental health hazard created by an abattoir business operating in George. The owner of the business tried to interdict the neighbours from complaining about the hazard by stating that the complaint constituted harassment and defamation. See: [http://www.iolproperty.co.za/roller/news/entry/judge\\_rules\\_for\\_neighbours\\_right](http://www.iolproperty.co.za/roller/news/entry/judge_rules_for_neighbours_right)

## Conferences and other events

**OUTCOMES OF COP15, COPENHAGEN, DENMARK, DECEMBER 2009:** The following is a brief selection of information sources reporting on and analysing the Copenhagen Accord. See: <http://www.climatebiz.com/blog/2010/01/06/new-era-climate-change-consciousness> / <http://www.pewclimate.org/international/copenhagen-climate-summit-summary> / <http://www.jiqweb.org/images/stories/JIQmagazine/2009Dec.pdf> / <http://www.number10.gov.uk/Page22323> / <http://www.ceps.be/book/copenhagen-accord-first-stab-deciphering-implications-eu> / <http://www.ceps.be/book/reinvigorating-eu%E2%80%99s-role-post-copenhagen-landscape> / <http://www.africafiles.org/article.asp?ID=22588> / <http://www.engineeringnews.co.za/article/issue-of-environmental-border-trade-measures-raised-at-copenhagen-2010-01-05> / <http://allafrica.com/stories/201001041233.html> / <http://www.iddri.org/Publications/Collections/Idees-pour-le-debat/The-Copenhagen-Accord-What-happened-Is-it-a-good-deal-Who-wins-and-who-loses-What-is-next> / <http://www.environment.gov.za/> / <http://www.carbonpositive.net/viewarticle.aspx?articleID=1789> / <http://www.carbonpositive.net/viewarticle.aspx?articleID=1787> / [http://communities.thomsonreuters.com/Carbon/491821?utm\\_source=20100125&utm\\_medium=email](http://communities.thomsonreuters.com/Carbon/491821?utm_source=20100125&utm_medium=email) / <http://climateethics.org/?p=343> / <http://communities.thomsonreuters.com/Carbon/pages/print/posts/?bid=80865a62-8785-4b7f-8612-c37c96866535&mode=Full> Water and Environmental Minister, Buyelwa Sonjica, met with ministers from Brazil, India and China to discuss pledges for action against climate change. the "BASIC" (Brazil, South Africa, India and China) countries played a crucial role during climate change talks in Copenhagen last year . See: <http://www.miningweekly.com/article/clashing-views-on-how-treated-mine-water-should-be-used-2009-10-09>

**WORLD WETLANDS DAY:** took place on 2 February 2010. The theme for this year was "Wetlands, Biodiversity and Climate Change". See: <http://www.wrc.org.za/Lists/Events/DispForm.aspx?ID=44>

**5TH ANNUAL INTER-SECRETARIAT MEETING ON GENERAL COOPERATION BETWEEN THE AFRICAN UNION (AU) AND THE LEAGUE OF ARAB STATES:** took place on 16 January 2010. The two parties endorsed proposals to expand cooperation in the fields of environment and climate change. See: <http://climate-l.org/2010/01/25/african-union-and-league-of-arab-states-commit-to-strengthen-cooperation-on-climate-change/>

**3RD PREPARATORY COMMISSION OF THE INTERNATIONAL RENEWABLE ENERGY AGENCY (IRENA):** took place on 17 January 2010 in Abu Dhabi. Parties met to discuss IRENAs work programme and budget for 2010. See: <http://climate-l.org/2010/01/29/irena-finalizes-its-work-programme-and-2010-budget/>

**TRANSFORMING TRANSPORTATION:** took place from 14-15 January in Washington, DC. The second day of the event was entitled "Next steps after Copenhagen". See: <http://climate-l.org/>

[org/2010/01/25/world-bank-idb-and-ADB-sponsor-meeting-on-transforming-transportation-to-address-climate-change/](http://www.imbewu.co.za/2010/01/25/world-bank-idb-and-ADB-sponsor-meeting-on-transforming-transportation-to-address-climate-change/)

**ENERGY INDABA 2010: A TIME OF CHANGE:** will be held from 24-26 February 2010 at the Sandton Convention Centre. It is an annual event on the African business calendar with a specific focus on exploring solutions for a new energy future for Africa. For more information on the event please see: [www.energyafricaexpo.com](http://www.energyafricaexpo.com) or send an email to [info@siyenza.za.com](mailto:info@siyenza.za.com)

**EARTH HOUR 2010:** The World Wide Fund for Nature (WWF) has called on South African's to switch off their lights on 27 March 2010 from 20:30 - 21:30. Earth Hour will be officially launched on 15 February 2010. See: [www.wwf.org.za](http://www.wwf.org.za)

**GLOBAL CLIMATE NETWORK (GCN) SOUTH AFRICA LAUNCH:** took place on 27 January 2010 at IMBEWU's offices. Please see: [http://www.itweb.co.za/index.php?option=com\\_content&view=article&id=29872:sa-joins-global-climate-network&catid=129:green-it](http://www.itweb.co.za/index.php?option=com_content&view=article&id=29872:sa-joins-global-climate-network&catid=129:green-it) / <http://www.engineeringnews.co.za/article/south-africas-low-carbon-job-opportunities-2010-01-28/> / <http://www.businessday.co.za/articles/Content.aspx?id=92372> and <http://www.globalclimatenetwork.info/events/>

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