



**IMBEWU**

Sustainability Legal Specialists (Pty) Ltd

**MONTHLY SUSTAINABILITY LEGAL  
NEWSLETTER  
AND LEGISLATION UPDATE  
NOVEMBER 2011**



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

**"NEWS & DEVELOPMENTS"**

**INDEX**

**International**

**General**

**ICUN - EXTINCTION:** The International Union for Conservation of Nature (IUCN) has declared that the West African population of Black Rhinoceros is officially extinct. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) has called for a more assertive, multilateral approach to prosecute organised crime groups behind the illegal trade in rhino horns. See: <http://africasd.iisd.org/news/iucn-declares->

[west-african-black-rhino-extinct/?utm\\_source=lists.iisd.ca&utm\\_medium=email&utm\\_campaign=African+Regional+Update+-+15+November+2011+-+African+Regional+Coverage](http://lists.iisd.ca/subscribe/afrcan-regional-update-15-november-2011)

**CBS - DRAFT GUIDELINES:** The Secretariat of the Convention on Biological Diversity (CBD) has circulated for peer review the draft voluntary guidelines for the consideration of biodiversity in environmental impact assessments (EIAs) and strategic environmental assessments (SEAs) in marine and coastal areas. See: [http://biodiversity-l.iisd.org/news/cbd-seeks-peer-review-of-guidelines-on-marine-coastal-biodiversity-in-eias-and-seas/?utm\\_source=lists.iisd.ca&utm\\_medium=email&utm\\_campaign=Biodiversity+Update+-+11+November+2011+-+Biodiversity+Policy+%26+Practice](http://biodiversity-l.iisd.org/news/cbd-seeks-peer-review-of-guidelines-on-marine-coastal-biodiversity-in-eias-and-seas/?utm_source=lists.iisd.ca&utm_medium=email&utm_campaign=Biodiversity+Update+-+11+November+2011+-+Biodiversity+Policy+%26+Practice)

## Climate Change

**MDB - PARTNERSHIP:** Five multilateral development banks (MDBs) have agreed to form a new partnership to develop a common approach for cities to assess climate risks, standardise greenhouse-gas emissions inventories, and encourage a consistent suite of climate finance options. See: <http://www.engineeringnews.co.za/article/development-banks-move-to-help-cities-fight-climate-change-2011-12-06>

**AUSTRALIA - CARBON TAX:** The Australian Senate has passed the Clean Energy Bill which should reduce carbon emissions by at least 160 million tons of carbon dioxide equivalent per year in 2020 and will impose a \$23/t price on carbon from 1 July 2012. See: <http://www.miningweekly.com/article/australia-passes-landmark-carbon-tax-on-big-polluters-2011-11-08>

**EU - FUNDING:** EU Ministers have agreed to provide more than €4 billion in short-term climate funding during 2010 and 2011 to assist developing countries adapt to climate change and reduce emissions as part of the overall commitment to provide €7.2 billion from 2010 to 2012. See: [http://www.euractiv.com/climate-environment/eu-honours-durban-climate-pledge-news-508842?utm\\_source=EurActiv+Newsletter&utm\\_campaign=3ff16d53b1-my-google-analytics\\_key&utm\\_medium=email](http://www.euractiv.com/climate-environment/eu-honours-durban-climate-pledge-news-508842?utm_source=EurActiv+Newsletter&utm_campaign=3ff16d53b1-my-google-analytics_key&utm_medium=email) and [http://www.energy-enviro.com/index.php?PAGE=13&NODE\\_ID=13&LANG=1&ID=3883](http://www.energy-enviro.com/index.php?PAGE=13&NODE_ID=13&LANG=1&ID=3883):

**AFRICA - CDM PROJECT:** Standard Bank announced that it will work with the fertilizer manufacturer Sable Chemicals to complete, what is expected to be, the first Clean Development Mechanism (CDM) project in Zimbabwe. See: <http://www.engineeringnews.co.za/article/standard-bank-sable-to-complete-first-zimbabwe-cdm-project-2011-11-02>

**UN - CDM:** The UNFCCC Secretariat, Christiana Figueres, has launched a high-level policy dialogue on the Clean Development Mechanism (CDM). See: [http://climate-l.iisd.org/news/unfccc-launches-cdm-policy-dialogue/?utm\\_source=lists.iisd.ca&utm\\_medium=email&utm\\_campaign=Climate+Change+Daily+Feed+-+6+December+2011+-+Climate+Change+Policy+%26+Practice](http://climate-l.iisd.org/news/unfccc-launches-cdm-policy-dialogue/?utm_source=lists.iisd.ca&utm_medium=email&utm_campaign=Climate+Change+Daily+Feed+-+6+December+2011+-+Climate+Change+Policy+%26+Practice) The UNFCCC Secretariat has published the draft modalities and procedures for including carbon dioxide capture and storage (CCS) in geological formations as CDM project activities. See: [http://climate-l.iisd.org/news/unfccc-publishes-draft-ccs-modalities-and-procedures/?utm\\_source=lists.iisd.ca&utm\\_medium=email&utm\\_campaign=Climate+Change+Daily+Feed+-+11+November+2011+-+Climate+Change+Policy+%26+Practice](http://climate-l.iisd.org/news/unfccc-publishes-draft-ccs-modalities-and-procedures/?utm_source=lists.iisd.ca&utm_medium=email&utm_campaign=Climate+Change+Daily+Feed+-+11+November+2011+-+Climate+Change+Policy+%26+Practice) The UNFCCC Secretariat has upgraded the CDM methodologies webpage. See: [http://climate-l.iisd.org/news/unfccc-upgrades-cdm-methodologies-page/?utm\\_source=lists.iisd.ca&utm\\_medium=email&utm\\_campaign=Climate+Change+Daily+Feed+-+23+November+2011+-+Climate+Change+Policy+%26+Practice](http://climate-l.iisd.org/news/unfccc-upgrades-cdm-methodologies-page/?utm_source=lists.iisd.ca&utm_medium=email&utm_campaign=Climate+Change+Daily+Feed+-+23+November+2011+-+Climate+Change+Policy+%26+Practice) The CDM Rulebook has been updated to reflect the most recent decisions and guidance of the Executive Board at its 64th meeting (EB64). See: <http://cdmrulebook.org/>

**UN - ANNUAL REPORT:** The UNFCCC Secretariat has published the annual report of the Kyoto Protocol Compliance Committee to the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP), covering activities undertaken from 19 September 2010 until 31 October 2011. See: [http://climate-l.iisd.org/news/unfccc-releases-annual-report-of-compliance-committee-to-copmop/?utm\\_source=lists.iisd.ca&utm\\_medium=email&utm\\_campaign=Climate+Change+Daily+Feed+-+7+November+2011+-+Climate+Change+Policy+%26+Practice](http://climate-l.iisd.org/news/unfccc-releases-annual-report-of-compliance-committee-to-copmop/?utm_source=lists.iisd.ca&utm_medium=email&utm_campaign=Climate+Change+Daily+Feed+-+7+November+2011+-+Climate+Change+Policy+%26+Practice)

## Publications

**FAO - NEW REPORT:** The Food and Agriculture Organisation (FAO) has released the "World Aquaculture 2010" report, which identifies various external pressures on the sector, including climate change, the global economic crisis, and pandemic diseases. See: [http://climate-l.iisd.org/news/fao-assesses-impacts-of-climate-change-on-aquaculture/?utm\\_source=lists.iisd.ca&utm\\_medium=email&utm\\_campaign=Climate+Change+Daily+Feed+-+11+November+2011+-+Climate+Change+Policy+%26+Practice](http://climate-l.iisd.org/news/fao-assesses-impacts-of-climate-change-on-aquaculture/?utm_source=lists.iisd.ca&utm_medium=email&utm_campaign=Climate+Change+Daily+Feed+-+11+November+2011+-+Climate+Change+Policy+%26+Practice)

**WFC & CISDL - NEW REPORT:** The World Future Council (WFC) and the Centre for International Sustainable Development Law (CISDL) have published a new report entitled: "Crafting Future Just Biodiversity Laws and Policies". See: [http://worldfuturecouncil.org/fileadmin/user\\_upload/PDF/WFC\\_CISDL\\_Biodiversity\\_Laws\\_and\\_Policies\\_Report.pdf](http://worldfuturecouncil.org/fileadmin/user_upload/PDF/WFC_CISDL_Biodiversity_Laws_and_Policies_Report.pdf)

## National

**DURBAN CHARTER:** The "Durban Adaptation Charter for Local Governments" was signed by more than 100 cities from around the world. The Charter stresses the need for mainstream climate change adaptation as a key informant of all local government development planning. See: <http://www.engineeringnews.co.za/article/cities-sign-climate-change-adaptation-charter-2011-12-08>

**GREEN INVESTMENT FUND:** Anglo Zimele, the enterprise development arm of Anglo American, has launched a R100 million green investment fund which will target investment opportunities that mitigate carbon, reduce energy and water consumption as well as improve waste and emissions management. See: <http://www.engineeringnews.co.za/article/anglo-launches-r100m-green-development-fund-2011-11-14-1>

**RENEWABLE ENERGY FUNDS:** Investec and the European Investment Bank have established an €100 million renewable energy fund to promote clean energy generation and energy efficiency initiatives in South Africa. See: <http://www.engineeringnews.co.za/article/eib-investec-unveil-100m-green-energy-fund-2011-12-01> National Treasury has issued a tender to assist them in establishing a "Renewable Energy Fund" which will channel international donor and commercial funding to support South Africa's roll-out of renewable energy technologies. See: <http://www.engineeringnews.co.za/article/sa-moves-to-establish-renewable-energy-fund-2011-11-14> South Africa and the World Bank have signed a \$250 million loan agreement for two of Eskom's renewable energy projects. See: <http://www.engineeringnews.co.za/article/world-banks-african-renewables-funding-rises-to-36bn-2011-11-14>

**LAUNCH OF SARI:** The Minister of Energy, Dipou Peters, during COP17, signed the Declaration of Intent on the South African Renewables Initiative (SARI), which aims to mobilise domestic and international funding, and sector expertise, to support South Africa to implement its ambitious plans for the scale-up of renewable energy. See: <http://www.nyeletinetwork.com/index.php/green-corner/969-the-launch-of-the-sari-in-durban-during-the-unfccc-cop-17-climate-change-conference>

**TENDERS:** The Minister of Energy, Dipou Peters, has officially disclosed the names of the first 28 renewable energy independent power producers (IPP) preferred bidders. See: <http://www.engineeringnews.co.za/article/sa-unveils-the-names-of-first-28-preferred-renewables-bidders-2011-12-07>  
The Industrial Development Corporation (IDC) announced that they would finance 12 of the 28 preferred bidders projects. See: <http://www.buanews.gov.za>

**REPORT:** According to the National Environmental Compliance and Enforcement Report (NECER), the four illegal medical waste dumping sites in and around Welkom have been cleared and rehabilitated. See: <http://www.buanews.gov.za> At the release of the Report, it was announced that the National Environmental Management Act 107 of 1998 (NEMA) would be amended to ensure that the private sector and parastatals had an equal footing under the law. See: <http://www.engineeringnews.co.za/article/public-and-private-entities-will-be-equal-before-the-law-after-nema-changes-2011-11-03>

**SINGLE WINDOW:** The Mineral Resources Minister, Susan Shabangu, announced that her Department is considering creating an integrated authorisation process for processing mineral rights as well as associated environmental authorisations and water licences. See: <http://www.buanews.gov.za>

**LEGISLATION:** The second GLOBE Climate Legislation Study has been released. The report praises the South African climate change related legislation. See: <http://www.buanews.gov.za>

**WASTE:** The July-September 2011 Waste Information Today (WIT) Quarterly Newsletter has been published. See: <http://www.sawic.org.za/documents/966.pdf>

**AMD:** The Department of Water and Environmental Affairs has approved both the emergency and short-term remedies to deal with the treatment of acid mine drainage (AMD) on the Witwatersrand Basin. See: <http://www.miningweekly.com/article/govt-outlines-emergency-and-short-term-mine-water-remedies-2011-11-09-1>

**GREEN JOBS:** Government, business, labour and organised community groups have signed a new "Green Economy Accord" whereby the renewable-energy industry has committed to a minimum local content level of 35% for the initial roll-out of renewables projects and expects green industries to create 300 000 jobs by 2020. See: <http://www.engineeringnews.co.za/article/renewables-sector-makes-local-content-pledge-as-sa-unveils-new-green-deal-2011-11-17>

**NEW APPOINTMENT:** South Africa has been appointed as the chair of an International Standard Organisation (ISO) Working Group to assist in developing a global measurement and verification standard (Measurement and Verification of Organisational Energy Performance - General Principles and Guidelines standard). See: <http://www.engineeringnews.co.za/article/sa-chairs-working-group-establishing-global-energy-management-standard-2011-11-16>

**AMENDMENT BILL:** The South African Weather Services (SAWS) Amendment Bill, which was gazetted in September 2011, will extend the aim and function of SAWS to deal with ambient air quality information services. See: <http://www.engineeringnews.co.za/article/weather-services-moving-towards-real-time-monitoring-of-air-pollution-2011-12-02>

## Conferences and other events

**SEVENTEENTH CONFERENCE OF THE PARTIES (COP17):** Took place from 28 November 2011 to 10 December 2011 in Durban, South Africa. See: <http://www.cop17-cmp7durban.com/> An estimated 15 000 tons of carbon dioxide is expected to have been produced during the Conference but Durban plans to offset the carbon footprint through an initiative entitled: "Community Ecosystem Based Adaptation" (CEBA). See: <http://www.buanews.gov.za> The 18th Conference of the Parties (COP18) in 2012 will be held in Qatar. See: <http://www.engineeringnews.co.za/article/qatar-to-host-2012-un-climate-talks-2011-11-29> The package of decisions made at COP17 known as the "Durban Platform" are centred around adaptation, the Green Climate Fund, technologies and strategies to support developing countries. A second commitment period for the Kyoto Protocol was agreed on. Governments also agreed on the full implementation of the package to support developing nations, agreed last year in Cancun. The Conference went into 24 hours of overtime and governments decided to adopt a universal legal agreement on climate change no later than 2015 See: <http://www.buanews.gov.za>

**9TH BASIC MINISTERIAL MEETING ON CLIMATE CHANGE:** took place on 1 November 2011 in Beijing, China. See: [http://climate-l.iisd.org/news/basic-ministers-outline-expectations-ahead-of-durban/?utm\\_source=lists.iisd.ca&utm\\_medium=email&utm\\_campaign=Climate+Change+Daily+Feed+-+4+November+2011+-+Climate+Change+Policy+%26+Practice](http://climate-l.iisd.org/news/basic-ministers-outline-expectations-ahead-of-durban/?utm_source=lists.iisd.ca&utm_medium=email&utm_campaign=Climate+Change+Daily+Feed+-+4+November+2011+-+Climate+Change+Policy+%26+Practice)

**7TH MEETING OF THE WORKING GROUP ON ARTICLE 8(J) OF THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD):** was held from 31 October - 4 November 2011 in Montreal, Canada. See: <http://www.iisd.ca/biodiv/wg8j-7/>

**34TH SESSION OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE:** was held from 18-19 November 2011 in Kampala, Uganda. See: <http://www.iisd.ca/climate/ipcc34/>

**G20 SUMMIT:** was held from 3-4 November 2011 in Cannes, France. Leaders agreed to finance the fight against climate change through the Green Climate Fund, protect the marine environment from oil spills and promote low-carbon development strategies. See: [http://www.energy-enviro.fi/index.php?PAGE=2&NODE\\_ID=4&ID=3879](http://www.energy-enviro.fi/index.php?PAGE=2&NODE_ID=4&ID=3879) and [http://climate-l.iisd.org/news/g20-summit-preparations-focus-on-green-growth/?utm\\_source=lists.iisd.ca&utm\\_medium=email&utm\\_campaign=Climate+Change+Daily+Feed+-+10+October+2011+-+Climate+Change+Policy+%26+Practice](http://climate-l.iisd.org/news/g20-summit-preparations-focus-on-green-growth/?utm_source=lists.iisd.ca&utm_medium=email&utm_campaign=Climate+Change+Daily+Feed+-+10+October+2011+-+Climate+Change+Policy+%26+Practice)

**CONFERENCE ON CLIMATE LAW & GOVERNANCE IN THE GLOBAL SOUTH:** took place on 3 & 4 December 2011 in Durban, South Africa. The Centre for International Sustainable Development Law (CISDL) together with the International Development Law Organisation (IDLO) and **Warburton Attorneys** launched the first edition of an annual conference specifically focused on the legal and governance aspects of climate change mitigation, adaptation and finance in the global south. The Conference brought together country representatives, development practitioners, law & governance experts, researchers, academics and other key stakeholders to discuss the most pressing issues facing developing country governments and citizens. See: <http://cisdl.org/ICCLGGS/>

### **IMBEWU'S Environmental Tip**

**NOVEMBER 2011: The A-Z of tips for a green Christmas.** See: <http://www.guardian.co.uk/environment/ethicalivingblog/2007/dec/12/toptipsforagreenchristmas>

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