



## AUGUST NEWSLETTER 2019

Dear Readers,

We hope you have had an awesome month of August!



The August edition of our newsletter looks at updates in the air pollution, conservation, forestry and land sectors while also focussing on recent legal notices and amendments.

### NATIONAL LEGISLATION

❖ **MARINE LIVING RESOURCES ACT 18 OF 1998**

*GN 1021 in GG 42608 of 2 August 2019 - Abolishing of the Fisheries Transformation Council*

❖ **NATIONAL NUCLEAR REGULATOR ACT 47 OF 1999**

*GN 1017 in GG 42608 of 2 August 2019 - Fees for nuclear authorisations payable to the National Nuclear Regulator of South Africa for the period 1 April 2019 to 31 March*

### FOR COMMENT

❖ **NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT 24 OF 2008**

*GN 1089 in GG 42657 of 23 August 2019 - Draft general discharge authorisation in terms of s69 (2) of the Act*

❖ **NATIONAL ENERGY REGULATOR ACT 40 OF 2004**

*GN 1083 in GG 42650 of 19 August 2019* – Invitation for submission of comments on the draft NERSA Rules for Licensable Distribution Areas of Supply

❖ **NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT 10 OF 2004**

*GN 1104 in GG 42660 of 22 August 2019* - Proposed non-detriment findings for *Diceros bicornis* (black rhinoceros)

*GN 1105 in GG 42660 of 22 August 2019* - Proposed non-detriment findings for *Ceratotherium simum simum* (white rhinoceros)

*GN 1106 in GG 42660 of 22 August 2019* - Proposed non-detriment findings for *Aloe ferox* (bitter aloe)

❖ **DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

*GN 1090 in GG 42657 of 23 August 2019* - Invitation to comment on The Approach to a Spatial Management System for South Africa's Marine Planning Areas

PROVINCIAL LEGISLATION

❖ **EASTERN CAPE**

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT 57 OF 2003**

*PN 219 in PG 4280 of 31 July 2019* - Declaration to declare a protected environment: Indalo Protected Environment

❖ **KWAZULU-NATAL**

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998**

*PN 109 in PG 2105 of 1 August 2019* - Umgungundlovu District Municipality - Environmental Management Framework

❖ **GAUTENG**

**SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013**

*Gen Notice 1200 in PG 247 of 31 July 2019* - Mogale City Local Municipality Review of the Spatial Development Framework (SDF) and intention to adopt a single Land Use Scheme (LUS)

## **Area in Mpumalanga is second highest SO2 emissions hotspot in the world**

*19 August 2019 by Sarah Evans*

In the latest study to illustrate alarmingly high levels of air pollution caused by humans, the area around Kriel in Mpumalanga is now the world's second biggest sulphur dioxide (SO<sub>2</sub>) emissions hotspot in the world. This is according to new data from NASA satellites, released on Monday (19 August 2019) morning.

Greenpeace India commissioned a study using NASA satellites to track SO<sub>2</sub> hotspots around the world, the environmental organisation said in a statement.

The area's high levels of pollution are a direct result of a concentration of coal power plants there, the study found. Eskom has a fleet of 12 coal power stations, all located in the Highveld Priority Area in Mpumalanga and Gauteng.

The government declared the region a "priority area" because of the environmental risk from air pollution there.

The new data shows that the Highveld SO<sub>2</sub> emissions are beaten only by the enormous nickel smelters at Norilsk in Russia – one of the 10 most polluted places on Earth according to environmental non-profit organisation, the Blacksmith Institute.

In third place, according to the new NASA data, is an enormous petrochemicals plant at Zargoz in Iran.



According to Greenpeace, power plants and industries which burn oil and gas are responsible for two thirds of SO<sub>2</sub> emissions which can be linked to human activity, in the world. Oil refineries and metal smelters – like the one in Russia - are also major sources of SO<sub>2</sub>.

A previous Greenpeace study also showed that Mpumalanga has one of the world's highest rates of nitrogen dioxide.

The South African government is already being sued over its alleged failure to act on the toxic air in the Highveld. The lawsuit has been brought by environmental activist group groundWork and Mpumalanga community organisation Vukani Environmental Justice Movement in Action, represented by the Centre for Environmental Rights (CER).

They want the court to declare the air pollution in the area a violation of people's right to an environment that is not harmful to their health or well-being, as enshrined in Section 24 of the Constitution.

As part of that suit, the applicants submitted a new study that showed that Eskom's coal fleet as well as Sasol's coal-to-liquids plant in Secunda, and the NatRef refinery in Sasolburg, contributed to the vast majority of air pollution in the Highveld in 2016. These 14 facilities

were estimated to have caused between 305 and 650 early deaths in the area in 2016, according to the study. It was conducted by an expert in air pollution, Dr Andy Gray.

This follows another lawsuit in which groundWork, represented by the CER, sued former Minister of Environmental Affairs, Nomvula Mokonyane, for trying to double the amount of SO<sub>2</sub> that coal-fired boilers can emit without public comment.

The notice to change the emissions standards was withdrawn, but re-published for comment in May this year. If passed, it would allow the doubling of SO<sub>2</sub> emissions by big coal-burners like Eskom and Sasol from April 1, 2020. Activists say South Africa's SO<sub>2</sub> emissions standards will be 10 times weaker than India's, and 28 times weaker than China's, if these plans go ahead.

According to the CER, a recent study conducted by Lauri Myllyvirta, lead analyst at Greenpeace's Global Air Pollution Unit, shows that about 3 300 premature deaths could be caused by doubling the SO<sub>2</sub> standards over time. This would have "profound" health effects, especially on the elderly, children, pregnant women and those who already have illnesses such as asthma and lung disease.

In a statement on Monday, Myllyvirta said: "The burning of fossil fuels such as coal, oil and gas is the largest source of emissions of SO<sub>2</sub>, resulting in disastrous air pollution and premature deaths. Clean energy could save billions of dollars in health costs and thousands of lives every year. It's fundamental that governments rapidly transition away from fossil fuels and set stronger emission standards as they shift over to sustainable alternatives."

### **'Momentous': Near-total ban on trade in wild elephants for zoos**

*27 August 2019 by Aljazeera*

Countries agree to impose a near-total ban on sending African elephants captured from the wild to zoos.

The regulator of global wildlife trade has agreed to impose a near-total ban on sending African elephants captured from the wild to zoos, in a decision conservationists hailed as "momentous".

States party to the Convention on International Trade in Endangered Species (CITES) approved the measure following a heated debate in Geneva on Tuesday.

Zimbabwe opposed the move and tried in vain to block the vote. Harare along with Botswana provides most of the wild African elephants to zoos outside of the continent.

The United States also voted against.

However, with 87 in favour, 29 against and 25 abstaining, the measure secured the two-thirds majority needed to pass.

The decision only impacts African elephants. Asian elephants already enjoy more protection against international trade.

The initial CITES vote was to limit the trade in live wild African elephants to conservation in their natural habitats, basically ending the practice of capturing elephants and sending them to zoos and entertainment venues around the world.

The European Union hinted it might join the US and others in flatly opposing the text.

This prompted an outcry, with many public figures including Jane Goodall, Pamela Anderson and Brigitte Bardot sending a letter to EU Commission chief Jean-Claude Juncker asking that the EU back the ban.

In the end, the EU drafted an amended text, adding a loophole, saying the elephants should remain in their "natural and historical range in Africa, except in exceptional circumstances".



#### Transparency and oversight

This would allow for an elephant already in France to be shipped to nearby Germany without having to be sent back to Africa first, conservationists explained.

Such decisions should still only be made in consultation with the CITES Animals Committee, and the International Union for Conservation of Nature (IUCN) elephant specialist group.

Audrey Delsink, the wildlife director at Humane Society International (HSI)'s Africa division, welcomed the outcome of Tuesday's vote.

"This is a momentous CITES decision for Africa's elephants," she said, while also expressing disappointment that CITES had failed to impose an outright ban.

However, she said she was happy the new text allowed for independent oversight and scrutiny.

"It adds a layer of transparency, which is critical so that these situations can be very, very clearly evaluated by definitions produced by these bodies," she told the AFP news agency.

## INTERESTING ENVIRONMENTAL TOPICS

- ❖ **Wildfires are burning around the world. The most alarming is in the Amazon rainforest.**

<https://www.vox.com/world/2019/8/20/20813786/wildfire-amazon-rainforest-brazil-siberia>

- ❖ **Going green: Ethiopia's bid to plant four billion trees**

<https://mq.co.za/article/2019-07-31-going-green-ethiopias-bid-to-plant-four-billion-trees>

- ❖ **Land reform process must take climate crisis into account**

[https://www.dailymaverick.co.za/article/2019-08-14-land-reform-process-must-take-climate-crisis-into-account/?fbclid=IwAR063e96L4x2MNJBo2n6p7W2kzNfb\\_9Cq-ct6HLf7qUHOOQt5evuqz-yx24](https://www.dailymaverick.co.za/article/2019-08-14-land-reform-process-must-take-climate-crisis-into-account/?fbclid=IwAR063e96L4x2MNJBo2n6p7W2kzNfb_9Cq-ct6HLf7qUHOOQt5evuqz-yx24)

## ABOUT GUNN ATTORNEYS

Gunn Attorneys was established in 2014 by Adam Gunn, leveraging on many years of experience in the natural resources sector. Amongst other things Adam was legal counsel to Ridge Mining and First Uranium Corporation and a partner at Edward Nathan Sonnenbergs and Eversheds. The vision of the firm continues to be to provide exceptional service to our clients in the natural resources sector.



Sonam Mansingh and Adam Gunn outside our offices at 11 Greenway Road, Greenside.

Our contact details:

Adam Gunn

Mobile: +27 72 533 4399

Physical: 11 Greenway Road, Greenside, 2193.

E-mail : [adam@gunnattorneys.co.za](mailto:adam@gunnattorneys.co.za)

[professionals@gunnattorneys.co.za](mailto:professionals@gunnattorneys.co.za)

Website: [www.gunnattorneys.co.za](http://www.gunnattorneys.co.za)

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