



### MARCH NEWSLETTER 2019

Dear Readers,

We hope you have had an amazing month of March!



The March edition of our newsletter looks at updates in the wildlife conservation and climate change sectors while also focussing on recent legal notices and amendments.

#### NATIONAL LEGISLATION

- ❖ **CONSERVATION OF AGRICULTURAL RESOURCES ACT 43 OF 1983**  
Declaration of *Seriphium plumosum* (Bankrupt bush) as an indicator of bush encroachment in all provinces of South Africa
- ❖ **MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2002**  
GN 449 in GG 42346 of 20 March 2019 - Draft Reviewed Housing and Living Conditions Standard for the Minerals Industry
- ❖ **NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998**  
GN 435 in GG 42323 of 22 March 2019 - Generic Environmental Management Programme (EMPr) for the development and expansion of substation infrastructure for the transmission and distribution of electricity

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

GN 382 in GG 42304 of 15 March 2019 - Coastal Waters Discharge Permit Regulations, 2019

PROVINCIAL LEGISLATION

❖ **GAUTENG**

**NATURE CONSERVATION ORDINANCE 12 OF 1983**

Gen Notice 455 in PG 86 of 18 March 2019 - Open Season - Ordinary Game

FOR COMMENT

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

GN 404 in GG 42310 of 15 March 2019 - Draft South African Water Quality 2 Guidelines for Coastal Marine Waters - Natural Environment and Mariculture Use

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

PN 29 in PG 2981 of 15 March 2019 - Intention to declare respective land parcels as nature reserves - Matabane Nature Reserve (Limpopo)

Gen Notice 456 in PG 87 of 19 March 2019 - Intention to declare nature reserves and a protected environment - Crocodile River Reserve Doornrandje and Crocodile River Reserve Central Nature Reserve Cluster, and Crocodile River Reserve Protected Environment (Gauteng)

POLICY

- ❖ Economic Development Department - National Social Economy Draft Green Paper - 25 February 2019 – for comment [Legalbrief 13 March 2019]

**ON #WORLDWILDLIFEDAY2019, A CHANGING CLIMATE THREATENS OUR ALREADY THREATENED WILDLIFE**

*4 March 2019 by Centre for Environmental Rights*

South Africa has spent the better part of the last decade developing a policy on wildlife centered on what has become known as the “sustainable use” approach to wildlife conservation. This is a policy under which a significant wildlife breeding, hunting and trading industry has developed with few benefits for conservation, few benefits for local people, but

heaps of benefits for a small group of operators – and at the cost of far more rational and effective conservation initiatives, particularly in view of a changing climate.

South Africa's wildlife heritage – our majestic wild animals, small and large, over which we are the public custodians – has become just another commodity.

This situation has been facilitated by a lack of appropriate laws to look after the welfare and possession of wild animals. Such legislation as we have is poorly monitored and enforced by provincial environment departments and conservation agencies with very limited resources. Often, it is non-profit organisations like the National Society for the Prevention of Cruelty to Animals, a body with statutory powers but no state funding, or non-government conservation organisations like the Endangered Wildlife Trust, that have to step in to stop the unacceptable



treatment of wild animals in captivity. For a more detailed analysis of this pressing situation, see the *CER/EWT May 2018 report Fair Game: Improving the Regulation of the Well-being of South African Wildlife*.

Only towards the end of 2018, under the leadership of Environmental Affairs Portfolio Committee Chairperson Philly Mapulane, did sense start to prevail in

relation to some of the worst practices. The public outcry over canned lion hunting and the associated export of lion bones has now resulted in tourism authorities reconsidering their promotion of these activities (and linked activities such as interactions with lion cubs), and the Minister of Environmental Affairs has just announced the establishment of a panel to review policies related to management of elephant, lion, leopard, etc. In the past few months, public concerns about the welfare of wild animals kept in South Africa's zoos have also started to gain traction, and will hopefully result in greater oversight and better treatment.

These concerns about treatment of animals in captivity, and how the practice of breeding, hunting and trading in wild animals affects species conservation, are however put in stark relief by the threat that climate change poses to our wildlife. In October 2018, the United Nations Intergovernmental Panel on Climate Change (IPCC) released a landmark scientific report warning that there are only 12 years left for action if global warming is to be kept to a maximum of 1.5°C above pre-industrial levels. Beyond 1.5°C, even half a degree will significantly worsen the risks of drought, floods, extreme heat, and poverty for hundreds of millions of people. Even an increase of 1.5°C, which now looks increasingly ambitious, will have dramatic detrimental impacts for South Africa and its people and wildlife, putting at risk water and food security, biodiversity, human health and economic development.

A March 2018 report by WWF entitled *Wildlife in a Warming World* warns that even a 2°C rise in average global temperature will lead to widespread biodiversity losses.

Consider for a moment one already endangered species in South Africa particularly vulnerable to the impacts of climate change: the African wild dog. WWF notes that "*African wild dogs are heat-sensitive typically hunting in the cooler periods of the day. Climate change will mean hotter days, potentially mean shorter hunting periods and less food, which has the knock-on effect of reduced pup survival. A 2°C increase would contract its range, while current*

*climate pledges could see it disappear from the region almost entirely. Wild dogs live in highly social packs and are susceptible to various diseases – climate change may increase the spread of some wildlife diseases. ... As conflict for natural resources, including water and land, increases due to climate change, species like African wild dogs are likely to face even more pressures in their struggle to survive.”*

Only approximately 250 African wild dogs remain in the wild in South Africa.

The Southern African Wildlife College, where many conservation professionals in southern Africa obtain their training and qualifications, has also expressed grave concern about the impacts of climate change on wildlife.

WWF concludes that conservation efforts are crucial. *“Climate change adds to the existing pressures – such as habitat loss, poaching and unsustainable harvesting – that are already putting species populations under huge strain. Redoubled local conservation efforts will be needed to strengthen species’ resilience to climate change, to protect and restore biological corridors that support dispersal, and to secure those areas that will remain as suitable habitat – known as ‘refugia’ – even as temperatures rise.”*

## **BOOM AND BUST IN THE WATERBERG: NEW GROUNDWORK REPORT ON COAL MEGAPROJECTS**

*12 March 2019 by Life After Coal*

Building Medupi has not only broken Eskom and threatened the national economy, it has also had a devastating impact on local communities and environments and even on the local economy of Lephalale. The construction boom brought in a flood of money, a fast-rising tide that sank more boats than it lifted. The tide is now going out and leaving the town stranded in the debris of broken promises and false hopes.

***Boom and Bust in the Waterberg*** is the title of a new report from the environmental justice organisation **groundWork** which launched in Lephalale on **Wednesday 13 March**. It documents the history of coal mega projects that have reshaped this remote corner of the country.

The report stretches and spreads along 5 decades of unsustainable economic climaxes that lead to socio-economic explosions and meltdowns, which manifest to bigger problems and little solutions, if any. So much that when one connects the dots, the output is a cycle of poverty creation, squandered resources, environmental carnage, and questionable decisions from the power-tower.

The first boom was in the 1980s when the original Grootegeluk mine and the very large Matimba power station were built. At the peak of construction, they brought in 10,000 or 12,000 workers and, at the end, left a typically divided apartheid town with Marapong, the black township, literally at the foot of Matimba.

The second boom kicked off in 2007 with a major expansion of Exxaro's Grootegeluk, to create one of the largest open cast mines in the world, and the construction of Medupi, advertised by Eskom as the fourth biggest power station in the world. Lephalale's population more than doubled but the urban infrastructure crumbled. The boom benefited the rich at the cost of the poor and entrenched brutally unequal gender relations.

At the peak, between 22,000 and 26,000 workers, mostly men, were employed on the two projects. Nevertheless, unemployment rose from 18% in 2001 to 22% in 2011 as thousands more flocked to the area. The workers are now being 'demobbed'. At the end of 2018, there were supposed to be 7,000 left. Unemployment is again rising sharply, shops are closing and the boom time property market has crashed.



Meanwhile, the Mokolo River has been irreversibly damaged and the air is heavily polluted by burning coal discard heaps at the mine, dust from coal stockpiles and ash dumps, and the enormous emissions from Matimba and Medupi. A third boom is now promised as the Waterberg is punted as South Africa's next coal frontier. The coal bosses dream of ripping out hundreds of

square kilometres of the delicate bushveld. National government aims to "*unlock the mineral wealth of the Waterberg*" by delivering Gauteng's sewer water to this arid area and massively expanding the coal line from Lephalale to the Highveld and on to Richards Bay for export. Local government hopes for a third boom to absorb the ill effects of the Medupi bust and as a new source of patronage.

For this, they must ignore air and water pollution; pretend that climate change is small change; and maintain ignorance of the impacts on people.

This report argues that coal's next frontier looks more like coal's last ditch. It is facing stiff resistance on a battlefield for our energy future and its own positions are crumbling. The projects that make up Boom 3 are floundering but the prospect still 'sterilises' the land for other uses and some may survive long enough to ruin more land before going bust.

As the impacts of climate change are increasingly devastating, and the Waterberg is particularly vulnerable, we conclude that developing more coal mines and power stations constitute climate crimes. More coal would also leave mountains of smoldering discard dumps and large ash heaps producing pollution at ground level.

We are particularly concerned that, having always avoided doing anything about SO<sub>2</sub> pollution, Eskom is now avoiding compliance with minimum emission standards. It captures scientific research to justify not acting on pollution and has tried to keep its research under wraps. This puts people's lives at risk.

Another energy future is necessary as a matter of survival and requires a rapid phase out of coal and a just transition to people's power and a more equal society.

The full report may be accessed at;

[https://www.groundwork.org.za/reports/qW\\_Report\\_2018 -  
Boom or Bust in the Waterberg - A history of coal mega-projects.pdf](https://www.groundwork.org.za/reports/qW_Report_2018_-_Boom_or_Bust_in_the_Waterberg_-_A_history_of_coal_mega-projects.pdf)

### **INTERESTING ENVIRONMENTAL TOPICS**

- ❖ **“South African’s must take climate change seriously” – Ramaphosa**  
<https://www.news24.com/SouthAfrica/News/for-am-south-africans-must-take-climate-change-seriously-ramaphosa-20190214>
  
- ❖ **Opinion: Great, South Africa found gas. Now what?**  
<https://www.iol.co.za/business-report/opinion/opinion-great-south-africa-found-gas-now-what-19965104>
  
- ❖ **Tropical Cyclone Idai: The storm that knew no boundaries**  
<https://mq.co.za/article/2019-03-21-tropical-cyclone-idai-the-storm-that-knew-no-boundaries>

### **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.



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