

5 JUNE 2020

ENVIRONMENTAL ALERT



IN THIS ISSUE

World Environment Day 2020 - "It's time for nature"

This World Environment Day, the globe has been invited to join in a united call for the preservation of biodiversity, and to be part of the solution to its increasing degradation in the spirit of this year's theme – "*it's time for nature*".

World Environment Day 2020 - "it's time for nature"

Aligning with this year's World Environment Day theme, the Minister of the Department of Environment, Forestry and Fisheries (DEFF) published several notices in terms of NEMBA on 3 June 2020, relating to the regulation of the trade of rhinoceros horn, the prohibition of certain restricted activities involving rhinoceros horn, and the update of the Lists of Critically Endangered, Endangered, Vulnerable and Protected Species published in terms of NEMBA.

This World Environment Day, the globe has been invited to join in a united call for the preservation of biodiversity, and to be part of the solution to its increasing degradation in the spirit of this year's theme – "it's time for nature".

The theme aligns with the acknowledgment that environmental impacts and associated risks on economic development are becoming increasingly relevant. The World Economic Forum noted in its 2020 Global Risk Report on risks to economic stability that "for the first time in the history of the *Global Risks Perception Survey*, environmental concerns dominate the top long-term risks...", with "biodiversity loss" being rated as the second most impactful and third most likely risk for the next decade, after climate change.

South Africa has to date been an active participant in the international project to preserve biological integrity, building a robust regulatory framework that is underpinned by the National Environmental Management Act 07 of 1998 (NEMA) generally, and the National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA) in particular.

Aligning with this year's World Environment Day theme, the Minister of the Department of Environment, Forestry and Fisheries (DEFF) published several notices in terms of NEMBA on 3 June 2020, relating to the regulation of the trade of rhinoceros horn, the prohibition of certain restricted activities involving rhinoceros horn, and the update of the Lists of Critically Endangered, Endangered, Vulnerable and Protected Species published in terms of NEMBA.

These regulatory developments form part of the overarching Integrated Strategic Management of Rhino approach adopted by Cabinet back in 2014, bolstering South Africa's existing legal framework that aims to ensure the continued preservation of various protected or threatened rhino species, which includes the Rhinoceros Norms and Standards promulgated in terms of NEMBA.

In addition to legislative support, Rhino Dialogues is a DEFF biodiversity and conservation project that aims to solicit the views of stakeholders in the sustainable conservation of South Africa's rhino population to determine how to secure their protection, safety and sustainable conservation. As part of this ongoing dialogue, in February this year DEFF reported on a decline in rhino poaching for the fifth consecutive year, which dropped even more significantly during the COVID-19 lockdown.

South Africa's regulatory framework continuously seeks to protect rhinos, along with the rest of South Africa's diverse flora and fauna, and is informed by the right to a protected environment enshrined in section 24 of the Constitution of the Republic of South Africa, 1996 (Constitution). As NEMA's definition of "environment" includes plant and animal life, the protection of South Africa's biodiversity is therefore cemented in the Constitution, and must be preserved through various measures that prevent ecological degradation, promote conservation, but also ensures sustainable economic development.

**Laura Wilson, Margo-Ann Werner
and Alecia Pienaar**

OUR TEAM

For more information about our Environmental practice and services, please contact:



Allan Reid
Mining & Minerals Sector Head
Director
Corporate & Commercial
T +27 (0)11 562 1222
E allan.reid@cdhlegal.com



Margo-Ann Werner
Senior Associate
T +27 (0)11 562 1560
E margo-ann.werner@cdhlegal.com



Alecia Pienaar
Associate
T +27 (0)11 562 1017
E alecia.pienaar@cdhlegal.com

BBBEE STATUS: LEVEL TWO CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa. Dx 154 Randburg and Dx 42 Johannesburg.
T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

CAPE TOWN

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.
T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

STELLENBOSCH

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600.
T +27 (0)21 481 6400 E cdhstellenbosch@cdhlegal.com

©2020 9033/JUNE

