

Energy, Mining & Engineering Law Alert

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Weekly Energy, Mining and Engineering Law Alert: 23 February 2023

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**Draft and
Parliamentary
Bills**

**A list of draft and Parliamentary
Bills gazetted/tabled during 2023
as well as Bills approved by
Cabinet.**

View [here](#).



Highlights

ESKOM

Interview

- My Guest Tonight with Annika Larsen. Interview with André de Ruyter. - [2023 February 22 Enca](#)

Media Comment

- Du Toit, Pieter. Eskom firestorm: De Ruyter leaves crumbling parastatal after stunning attack on ANC, government. – [2023 Feb 23 News24](#)

MINING

New Publication

- Badenhorst, PJ and Van den Berg, HM. Rights to Minerals and Petroleum in South African: an introduction. – Juta, 2023.

PETROLEUM

Media Comments

- Child, Katharine. Retail CEOs furious they missed out on diesel rebate. – [2023 Feb 23 Business Day](#)
- Smith, Carin. Russian planes can't get fuel at SA airports - now ACSA wants to change that. – [2023 Feb 21 News24](#)

RENEWABLE ENERGY

Media Comment

- Majola, Given. Air Liquide and Sasol have signed two Power Purchase Agreements. – [2023 Feb 21 IOL](#)

Media Statement

- Mileham MP, Kevin. DA announces the Solar Access Bill. – [2023 Feb 21 DA](#)

CARBON TAX

Media Comment

Erasmus, Denene. Treasury aims to explore carbon trading market for SA.

2023 Feb 23 Business Live

“The Treasury will launch a consultation process this year to consider stakeholder inputs on the possibility of a domestic market to trade tax credits created through the carbon tax. The consultation will focus on “the building blocks needed to ensure seamless trading” the Treasury said in the 2023 budget that was tabled in parliament on Wednesday by finance minister Enoch Godongwana...”

<https://www.businesslive.co.za/bd/national/2023-02-23-news-analysis-treasury-aims-to-explore-carbon-trading-market-for-sa/>

(Subscription Needed)

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COAL

Media Comments

Creamer, Terence. Sasol's coal problems continue to undermine output at Secunda.

2023 Feb 21 Creamer's Media Engineering News

“Coal quality and mining productivity problems continue to negatively affect production at Sasol's Secunda Operations, in Mpumalanga, where only between 6.6-million tons and 6.9-million tons will be produced this financial year.”

<https://www.engineeringnews.co.za/article/sasols-coal-problems-continue-to-undermine-output-at-secunda-2023-02-21>

Luckhoff, Paula. Transnet shortcomings, deteriorating coal quality some of Sasol's challenges.

2023 Feb 21 IOL News

“Sasol has reported mixed results for the half-year ended 31 December 2022. The deterioration of coal quality is one of the key issues the chemicals and energy company is making plans to address says CEO Fleetwood Grobler. [Sasol](#) has reported mixed half-year results for the six months ended 31 December 2022. We delivered a mixed financial result... supported by higher oil prices and benefits from our continued cost and capital discipline, with operational difficulties in our Mining and Synfuels operations.”

<https://www.702.co.za/articles/467494/transnet-shortcomings-deteriorating-coal-quality-some-of-sasol-s-challenges>



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COMPETITION

Opinion

Joffe, Hilary. Patel has amassed power over competition laws and mergers.

2023 Feb 17 Business Live

“Trade, industry & competition minister Ebrahim Patel’s active approach to merger regulation may loom large for corporate dealmakers. But it rated just a sentence in the president’s state of the nation address (Sona) last week. “Competition merger agreements have provided for more fuel to be refined locally and more food to be bought from local farmers,” said the president, before going on to talk about hemp and cannabis. Time was when one might have asked what local food or fuel production could possibly have to do with the competition authorities. But in SA nobody really asks that any more. Since Patel took over as the minister in charge of competition more than a dozen years ago he has made ever more use of the merger provisions in the legislation to drive industrial policy and broader political objectives.”

<https://www.businesslive.co.za/bd/opinion/columnists/2023-02-17-hilary-joffe-patel-has-amassed-power-over-competition-laws-and-mergers/>

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CORPORATE LAW

Case – Law Reports

Centaur Mining South Africa (Pty) Ltd v Cloete Murray NO and Others 2023 (1) SA 499 (GJ)

[Juta Law Reports Advance Notification summary](#): Company – Legal personality – Separate identity – Statutory basis for disregarding corporate personality – Powers of court – Granting of declaration that company to be deemed not to be juristic person – Making of any further order considered appropriate to give effect to declaration – Whether court empowered to grant order collapsing companies into company which in winding-up – Court entitled to do so, under wide powers granted to it to grant further consequential relief – Companies Act 71 of 2008, s 20(9)(b).

Judgment: <http://www.saflii.org/za/cases/ZAGPJHC/2022/676.pdf>. South African Law Reports available from [Juta](#).

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ELECTRICITY

Blackout Contingency Plans

Media Comment

Magubane, Khulekani. Reserve Bank says finance sector forum is working on blackout contingency plan

2023 Feb 21 Dispatch Live

“The Reserve Bank says its financial sector crisis forum (FSCF) is working to develop a response to a prolonged electricity outage which could force the finance sector and regulators to implement “an orderly closing and reopening of markets”.”

<https://www.dispatchlive.co.za/news/2023-02-21-reserve-bank-says-finance-sector-forum-is-working-on-blackout-contingency-plan/>

Debt Solution for Municipalities

Media Comment

Nkosi, Nomazima. Prepaid electricity meters seen as debt solution.

2023 Feb 23 Sowetan Live

“Prepare to pay for electricity usage upfront as the National Treasury nudges municipalities struggling to collect revenue from non-paying consumers to install prepaid meters. This proposed solution to Eskom’s debt problem forms part of measures intended to help the ailing power utility reduce the staggering R56bn debt owed it by municipalities at the end of December last year...”

<https://www.sowetanlive.co.za/news/south-africa/2023-02-23-budget-2023-prepaid-electricity-meters-seen-as-debt-solution/> (Subscription Needed)



Electricity Supply to Schools

Media Comment

Lali, Vincent. Learners march to Eskom as school has been without electricity for several months.

2023 Feb 17 GroundUp

“Learners from Bloekombos High marched through the streets of Kraaifontein, Cape Town on Thursday and again on Friday morning to demand that Eskom restores electricity supply to their school. They say the school has been without consistent supply for several months. Learner representative Njabulo Klaas said: “We went to Eskom’s offices to tell officials that we don’t have electricity.”

<https://www.groundup.org.za/article/learners-march-to-eskom-as-school-has-been-without-electricity-for-several-months/>

Karpowerships

Media Comment

Wicks, Bernadette. Outa fears state of disaster will be used to push through Karpowership deal.

2023 Feb 17 702 News

<https://www.702.co.za/articles/467089/outa-fears-state-of-disaster-will-be-used-to-push-through-karpowership-deal?ref=pid:94>

Loadshedding: Criminal Matters

Media Comment

Hyman, Aron. Load-shedding and privacy laws benefit kidnapping syndicates.

2023 Feb 21 Times Live

“Kidnapping-for-ransom syndicates are using load-shedding and exploiting privacy laws to get a head start on police investigators by orchestrating kidnappings at weekends.”

<https://www.timeslive.co.za/sunday-times-daily/news/2023-02-21-load-shedding-and-privacy-laws-benefit-kidnapping-syndicates/>

Load Shedding: Impact on Agriculture

Media Comment

Child, Katharine. Northern Cape irrigation farmers resigned to energy crisis.

2023 Feb 21 Business Live

“A large number of farmers in the province rely heavily on irrigation, pumping water from the Vaal and Orange rivers. The frequent bouts of load-shedding — sometimes as high as nine-and-a-half hours a day — severely limits how much water can be pumped...”

<https://www.businesslive.co.za/bd/national/2023-02-21-northern-cape-irrigation-farmers-resigned-to-energy-crisis/>

Load Shedding: Impact on the Economy

Media Comments

Beukes, Lauren. Dube-Ncube: Measures in place to avoid load shedding impact on KZN economy.

2023 Feb 17 East Coast Radio

“KZN Premier Nomusa Dube-Ncube has given an assurance there will be measures put in place to cushion the province's economy from the impact of the load shedding.”

<https://www.ecr.co.za/news/news/dube-ncube-measures-in-place-to-avoid-load-shedding-impact-on-kzn-economy/>

Gous, Nico. Cost of power cuts might quadruple, says Distell.

2023 Feb 23 Business Live

“Distell has warned the direct cost of load-shedding on SA’s largest alcohol producer might quadruple as there appears to be no light at the end of the tunnel of SA’s power crisis and the troubles plaguing state-owned power utility Eskom. The direct costs of the power cuts was R12.5m and is “anticipated to nearly quadruple should the current stage of load-shedding in SA continue,” the company, valued at R39.2bn on the JSE, said in its 2023 half-year results to end-December...”

<https://www.businesslive.co.za/bd/companies/retail-and-consumer/2023-02-23-cost-of-power-cuts-might-quadruple-says-distell/>

(Subscription Needed)

Zwane, Thuletho. Prolonged power crisis is a risk to SA’s rating, says Fitch.

2023 Feb 16 Business Live



<https://www.businesslive.co.za/bd/economy/2023-02-16-prolonged-power-crisis-is-a-risk-to-sas-rating-says-fitch/> (Subscription Needed)

Load Shedding: Impact on Health Facilities

Media Comments

Dentlinger, Lindsay. After SONA debate, Parly focus shifts to budget speech.

2023 Feb 20 EWN

“On Monday, the Democratic Alliance (DA) is expected to present its budget proposals and expectations. On Tuesday, Parliament is finally expected to provide an update on the reconstruction of the legislature’s fire-gutted buildings, a year since it came under arson attack. Health Minister Joe Phaahla is also expected to address the National Council of Provinces on how he plans to mitigate the impact of load shedding on health facilities.”

<https://ewn.co.za/2023/02/20/after-sona-debate-parly-focus-shifts-to-budget-speech>

Load Shedding: Legal Actions

Media Comments

Maeko, Thando. Outa joins court challenge to energy state of disaster.

2023 Feb 16 Business Live

<https://www.businesslive.co.za/bd/national/2023-02-16-outa-joins-court-challenge-to-energy-state-of-disaster/> (Subscription Needed)

Nyathi, Mandisa. Court cases ‘will not stop energy plan’.

2023 Feb 17 Mail & Guardian

“Pending court cases against Eskom and the newly enforced energy state of disaster will not affect the country’s energy plan, said Rudi Dicks, head of project management in the Presidency. “The national state of emergency over the power crisis is an opportunity and will be used aggressively, regardless of urgent court applications aimed at overturning it,” Dicks said.”

<https://mg.co.za/environment/2023-02-17-court-cases-will-not-stop-energy-plan/>

Opinion

Phaahla, Morgan. Cyril could have avoided state of disaster litigation.

2023 Feb 23 Sowetan Live

“The DA called for the national state of disaster on electricity only to cry foul all the way to the court, seeking the declaration reversed. That is an imbecile thing to do in a crisis. Since there was a significant constituency not sold of the proposal to declare a disaster, the spontaneous gazetting wasn’t worth it either. President Cyril Ramaphosa should have exploited the habitual public address platform which brought loyal audience before him.”

<https://www.sowetanlive.co.za/opinion/letters/2023-02-23-reader-letter-cyril-could-have-avoided-state-of-disaster-litigation/>

Load Shedding: State of Disaster

Internet Article

De Vos, Pierre. The DA’S flip-flopping on Eskom state of disaster is embarrassing, and their new plan is legally fraught.

2023 Feb 16 Constitutionally Speaking

<https://constitutionallyspeaking.co.za/the-das-flip-flopping-on-eskom-state-of-disaster-is-embarrassing-and-their-new-plan-is-legally-fraught/>

Law Firm Articles

Feris, Jackwell et al. South Africa’s energy crisis: Key points from SONA.

2023 Feb 16 Cliffe Dekker Hofmeyr

“During the 2023 State of the Nation Address (SONA) President Cyril Ramaphosa announced some of the new and refined interventions aimed at dealing with the electricity crisis. These included two controversial announcements.”

<https://www.cliffedekkerhofmeyr.com/en/news/publications/2023/Sectors/Energy/energy-and-power-alert-16-february-2023-south-africas-energy-crisis-key-points-from-sona.html>

Kota, Mzukisi; Kamukwamba, Lubumba and Doubell, Lize-Mari. Masking the real "disaster"? South Africans left in the dark after State of Disaster announcement.

2023 Feb 14 Webber Wentzel

“The declaration of South Africa’s energy crisis as a National State of Disaster may be open to court challenge, as there is already sufficient legislation in place to deal with it.”

<https://www.webberwentzel.com/News/Pages/masking-the-real-disaster-south-africans-left-in-the-dark-after-state-of-disaster-announcement.aspx>



Media Comments

De Vos, Pierre. The DA's flip-flopping on Eskom State of Disaster is embarrassing and legally fraught.

2023 Feb 16 Daily Maverick

<https://www.dailymaverick.co.za/article/2023-02-16-the-das-flip-flopping-on-eskom-state-of-disaster-is-embarrassing-and-legally-fraught/>

Kristin, Engel. President Ramaphosa and energy minister oppose legal challenge for inclusive energy planning.

2023 Feb 20 IOL News

"President Cyril Ramaphosa and Mineral Resources and Energy Minister Gwede Mantashe are opposing legal action by the Green Connection and the Southern African Faith Communities Environment Institute (Safcei) calling for them to bring Section 6 of the National Energy Act into operation to enact legally binding and inclusive energy planning. The civic groups made their court application in January, seeking to force Ramaphosa and Mantashe to enact Section 6 of the act which requires the minister to develop an integrated energy plan (IEP) and review it on an annual basis."

<https://www.iol.co.za/capeargus/news/president-ramaphosa-and-energy-minister-oppose-legal-challenge-for-inclusive-energy-planning-dd023846-57aa-4aa7-aea5-d23be65e5521>

Nkanjeni, Unathi. State of disaster and power minister led to improved outlook for next 12 months, says Gungubele.

2023 Feb 22 Times Live

"Minister in the presidency Mondli Gungubele says the declaration of a national state of disaster and creation of an electricity minister has led to an improvement in the outlook for the next 12 months. During his state of the nation address earlier this month, President Cyril Ramaphosa declared a national state of disaster to respond to the electricity crisis with immediate effect, and announced the appointment of a minister of electricity."

<https://www.timeslive.co.za/news/south-africa/2023-02-22-state-of-disaster-and-power-minister-led-to-improved-outlook-for-next-12-months-says-gungubele/>

Schreiber, Leon. Ramaphosa's feuding four Ministers of ANC load shedding to cost taxpayers R145 million per year.

2023 Feb 119 DA

"During his reply to the debate on his State of the Nation Address (SONA), President Cyril Ramaphosa doubled down on his ill-advised decision to appoint yet another minister to his bloated Cabinet under the guise of dealing with the electricity crisis that his Cabinet created... What Ramaphosa failed to tell the people of South Africa during this reply to SONA is that the duplication of responsibilities among the Feuding Four ministers will cost citizens over R145 million every year. In terms of the Ministerial Handbook, the legality of which the DA is challenging through a complaint to the Public Protector, each of these ministers are entitled to dozens of staff members, luxury vehicles, VIP protection, and free water and electricity."

<https://www.da.org.za/2023/02/ramaphosas-feuding-four-ministers-of-anc-load-shedding-to-cost-taxpayers-r145-million-per-year>

Van Diemen, Ethan. Six SA energy crisis solutions happening now, or (hopefully) soon.

2023 Feb 17 Daily Maverick

"Hot on the heels of President Cyril Ramaphosa's State of the Nation address, representatives of Eskom and the National Energy Crisis Committee provided a progress update to address South Africa's electricity crisis."

<https://www.dailymaverick.co.za/article/2023-02-17-six-sa-energy-crisis-solutions-happening-now-or-hopefully-soon/>

Opinion

Kornik, John. Cape Town's plans lay basis for clean energy system; Joburg's don't.

2023 Feb 17 Business Live

"Cape Town and Johannesburg have announced plans to eliminate multiple stages of load-shedding, each underpinned by different strategies... Joburg plans to recommission 74MW of old diesel-powered gas turbines, invest in a 80MW ripple relay system (to turn off geysers and pool pumps when needed), and widely deploy smart meters to limit how much power residential customers can use. Cape Town, on the other hand, has issued a tender for 200MW of renewable energy plants, while activating a "Power Heroes" campaign for residents to be rewarded for voluntarily reducing demand by 60MW when needed. The city is also breaking down regulatory barriers to residential solar, and plans to procure 500MW from large renewable energy plus batteries, and gas to power projects."

<https://www.businesslive.co.za/bd/opinion/2023-02-17-jon-kornik-cape-towns-plans-lay-basis-for-clean-energy-system-joburgs-dont/>

Speech

Gauteng Office of the Premier. Address by Gauteng Premier Panyaza Lesufi during the State of the Province Address, Gauteng Provincial Legislature Johannesburg. 20 February 2023.



“The energy crisis remains one of the biggest challenges to our accelerated economic recovery. We welcome the declaration of the National State of Disaster by President Cyril Ramaphosa during his SONA. Gauteng Province electricity deficit is focused at 4058 mega volt-ampere (MVA) in 2025 this is slightly to be highly given Eskom inability to generate more from its current fleet. As Gauteng, we have been working on finding solutions to the energy crisis. We have established an energy crisis response team that engages with the National Energy Committee and working with local government and energy experts.”

<https://www.gov.za/speeches/address-gauteng-premier-panyaza-lesufi-during-state-province-address-gauteng-provincial>

Mismanagement

Media Comments

Koko, Khaya. Financial mismanagement and land grabs a Johannesburg political game.

2023 Feb 20 Mail & Guardian

“The mismanagement of finances and the illegal occupation of land — which recently saw the killing of a 31-year-old man in a case allegedly involving Al Jama-ah, the party leading Johannesburg’s new coalition government — are some of the highlights of the instability that has rocked the city since 2016...When Geoff Makhubo, of the ANC, became mayor in December 2019, in another short-lived coalition government, he accused Mashaba’s administration of financial mismanagement, saying it had allowed Johannesburg’s energy company, City Power, to incur liabilities of R3.9 billion. “These challenges may result in the collapse of this great city. Johannesburg is one of the worst culprits in terms of finance management, according to the auditor general,” Makhubo said at the time.”

<https://mg.co.za/news/2023-02-20-financial-mismanagement-and-land-grabs-a-johannesburg-political-game-2/>

Magubane, Thami. eThekweni’s failure to read water, electricity meters for long periods of time leaves residents with huge bills.

2023 Feb 20 IOL News

<https://www.iol.co.za/mercury/news/ethekwenis-failure-to-read-water-electricity-meters-for-long-periods-of-time-leaves-residents-with-huge-bills-613c247f-476b-4550-a982-7e4a4bc9b62e>

Tariffs

Media Comments

Ferreira, Emsie. Eskom: interdicting necessary tariff hike will be catastrophic for the country.

2023 Feb 22 Mail & Guardian

“Eskom has argued in papers filed in reply to the Democratic Alliance’s court challenge on looming electricity tariff increases that the challenge is built on a flawed understanding of how increases are calculated, and it would be catastrophic for the company and even the country if the hikes were not implemented come April.”

<https://mg.co.za/news/2023-02-22-eskom-interdicting-necessary-tariff-hike-will-be-catastrophic-for-the-country/>

Mlondo, Ntuthuko. Phoenix residents plan peaceful demonstration to protest against poor service delivery.

2023 Feb 20 IOL News

“The Phoenix Civic Movement is to host a peaceful solidarity march on Saturday to raise awareness of the service delivery issues faced by the community. The march will take place at Central Park in Phoenix. Spokesperson Ashan Baboolall, said residents were up in arms about unreliable and erratic service delivery in the area...Baboolall said the movement also strongly objected to the proposed National Energy Regulator of SA increase of 18.65% on electricity tariffs, and that there was an online petition in this regard currently circulating on social media. The movement encouraged all residents to sign the petition in an act of solidarity to show that they objected to the tariff hike.”

<https://www.iol.co.za/dailynews/news/phoenix-residents-plan-peaceful-demonstration-to-protest-against-poor-service-delivery-96103266-ff2f-4bc7-9692-3cefab11d3cd>

Ngema, Thobeka. IFP launches online petition to stop Eskom’s 18.65% tariff hike.

2023 Feb 19 IOL

“This was revealed by IFP national spokesperson Mkhuleko Hlengwa, who said it had launched an online petition to protest against the recent 18.65% tariff hike granted to Eskom by the National Energy Regulator of SA.”

<https://www.iol.co.za/dailynews/news/ifp-launches-online-petition-to-stop-eskoms-1865-tariff-hike-86817d18-593d-436e-8f36-d86b1eac60ce>

Rabkin, Franny. Nersa says tariff hike decision was a difficult balance.

2023 Feb 21 Business Live

“The energy regulator attempted to “strike a difficult balance” between Eskom’s financial sustainability and the possible impact of a tariff hike on the SA economy, it said in court papers. The National Energy Regulator of SA (Nersa) was responding to a court challenge to its recent decision that Eskom is entitled to recover R318bn from its customers in 2023/2024 and R352bn the next year...”



<https://www.businesslive.co.za/bd/national/2023-02-21-nersa-says-tariff-hike-decision-was-a-difficult-balance/>

Theft

See: **INFRASTRUCTURE DAMAGES / THEFT / VANDALISM**

Unsolicited Bid for Energy Investment

Media Comment

Mbolekwa, Sisanda and Mkentane, Luyolo. DA's Cilliers Brink tipped to be the next Tshwane mayor.

2023 Feb 21 Business Live

“The DA in Gauteng has announced it is backing its national spokesperson, Cilliers Brink, for the position of mayor in Tshwane. Brink is said to have been endorsed by the multiparty coalition partners, who hope to have him elected at the first available opportunity. The metro has been without a political leadership since the dramatic exit of former mayor Randall Williams and his mayoral committee last week...The resignation comes after the DA-led multiparty coalition — which included ActionSA, the ACDP, IFP, COPE and Freedom Front Plus — issued a joint statement in August 2022 that they had agreed to an independent investigation after allegations that Williams interfered in a R26bn energy investment proposal for the metro. The unsolicited bid was for refurbishing the city-owned Rooiwal and Pretoria West power stations.”

<https://www.businesslive.co.za/bd/national/2023-02-21-das-cilliers-brink-tipped-to-be-the-next-tshwane-mayor/>

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EMPLOYMENT

Opinion

Papenfus, Gerhard. Seifsa doesn't understand or doesn't care.

2023 Feb 22 IOL News

“In a recent article the Steel and Engineering Industries Federation of Southern Africa (Seifsa) accused the National Employers' Association of SA (Neasa) of employing “Stalingrad tactics” to obtain recourse it is not entitled to (“[Neasa's top court move over metals industry pact resembles Stalingrad strategy](#)”, February 16). The article purports to suggest that Neasa is simply power hungry and selfish and does not consider what is, supposedly, good for the sector. These allegations are indicative of the fact that Seifsa either does not understand the issues at stake, or simply does not care about the needs of the industry's small, medium and micro enterprises (SMMEs). It is probably both.”

<https://www.businesslive.co.za/bd/opinion/letters/2023-02-20-letter-seifsa-doesnt-understand-or-doesnt-care/>

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ENVIRONMENTAL LAW

Climate Change

Media Comments

Clark, Aaron. Oil and gas companies are ignoring a cheap, effective climate fix.

2023 Feb 21 Business Live

“Many oil and gas companies are ignoring one of the fastest and cheapest ways to cool the planet, data released by the International Energy Agency (IEA) in its annual methane tracking report shows. Fossil fuel companies emitted more than 120-million tonnes of methane in 2022, just short of a record set in 2019. While large leaks detected by satellite fell by 10%, global oil and gas operations still emitted, on average, the equivalent of the huge Nord Stream release every day, according to the IEA's Methane Tracker. Most of that is a result of what's known as “non-emergency” releases that include flaring and is avoidable...”

<https://www.businesslive.co.za/bloomberg/news/2023-02-21-oil-and-gas-companies-are-ignoring-a-cheap-effective-climate-fix/>

(Subscription Needed)

Italy's transport minister says law to ban fossil fuel cars 'would be suicide'.

2023 Feb 16 Times Live

“Italy's transport minister on Thursday said a fast switch to electric cars across the EU would be a “suicide” and a “gift” to the Chinese industry. “We all care about water, air quality and a cleaner environment ... but that does not mean laying off millions of workers and shutting down thousands of businesses,” said minister Matteo Salvini, who leads the



rightist League party. The European Parliament on Tuesday formally approved a law to effectively ban the sale of new petrol and diesel cars in the bloc from 2035, aiming to speed up the switch to electric vehicles and combat climate change.”

<https://www.timeslive.co.za/motoring/news/2023-02-16-italys-transport-minister-says-law-to-ban-fossil-fuel-cars-would-be-suicide/>

Fossil Fuel Financing

Media Comments

Hernandez, America and Rosemain, Mathieu. Climate NGOs sue BNP Paribas for failing to protect environment.

2023 Feb 23 Business Live

“Three climate-minded organisations are set on Thursday to sue BNP Paribas, the Eurozone’s biggest bank, on grounds its loans to oil and gas majors breach a legally binding duty to ensure its activities do not harm the environment. The three advocacy groups — Oxfam, Friends of the Earth and Notre Affaire à Tous — said in a statement that the lawsuit is aimed at making the French lender stop and exit the financing of fossil fuels, in what they called a world first against a commercial bank.”

<https://www.businesslive.co.za/bd/companies/2023-02-23-climate-ngos-sue-bnp-paribas-for-failing-to-protect-environment/>

Marsh, Alistair. Wall Street clashes with green bankers fed up with oil agenda.

2023 Feb 21 Moneyweb

“Inside the world’s biggest climate-finance alliance, a number of green banks are reviewing their membership in objection to perceived concessions to Wall Street. The Net-Zero Banking Alliance, which is a sub-unit of the Glasgow Financial Alliance for Net Zero, faces a potentially embarrassing mutiny from some of the world’s most climate-conscious lenders after it decided against imposing binding restrictions on fossil-fuel financing. One lender, Germany’s GLS Bank, has already walked out in protest. Now, others say they may follow.”

<https://www.moneyweb.co.za/news/economy/wall-street-clashes-with-green-bankers-fed-up-with-oil-agenda/>

Investors

Media Comment

Ritchie, Greg. Adani green investors wake up to web full of red flags.

2023 Feb 20 Business Live

“Financing arrangements across the Adani conglomerate have sent a fresh chill through ESG (environmental, social and governance) markets as investors wake up to a new risk. Norway’s largest pension fund, KLP, recently dumped its entire holding of shares in Adani Green Energy, the renewables part of the empire, amid concerns that it might inadvertently have helped finance some of the world’s most polluting activities via the stake. A February 10 public filing has since made clear that Adani is using stock from its Green companies as collateral in a credit facility that is helping to finance the Carmichael coal mine in Australia, via Adani Enterprises...”

<https://www.businesslive.co.za/bd/companies/energy/2023-02-20-adani-green-investors-wake-up-to-web-full-of-red-flags/> (Subscription Needed)

Pollution

Media Comments

Naidoo, Dominic. Almost 14 000 Nigerians take Shell to court over impact of pollution.

2023 Feb 17 IOL News

<https://www.iol.co.za/news/environment/almost-14-000-nigerians-take-shell-to-court-over-impact-of-pollution-0524de06-671f-4701-9860-2375faa39e86>

Something stinks – Eskom’s uncontrolled pollution emissions cost thousands of lives and billions of rands.

2023 Feb 20 Health-e News

<https://health-e.org.za/2023/02/20/something-stinks-eskoms-uncontrolled-pollution-emissions-cost-thousands-of-lives-and-billions-of-rands/>

TotalEnergies East Africa Oil Pipeline

Media Comment

Paris protest against TotalEnergies East Africa oil pipeline.

2023 Feb 22 EWN

“Activists in Paris Wednesday called out two banks involved in financing a controversial fossil fuel project in East Africa, part of a coordinated protest across a dozen cities worldwide. About 30 young campaigners from the Stop Total



collective demonstrated in front of the French offices of Japan's Sumitomo Mitsui Banking Corporation (SMBC) and Britain's Standard Chartered.”

<https://ewn.co.za/0001/01/01/paris-protest-against-totalenergies-east-africa-oil-pipeline>

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ESKOM

André De Ruyter

Interview

My Guest Tonight with Annika Larsen. Inview with André de Ruyter.

2023 February 22 Enca

<https://www.enca.com/shows/my-guest-tonight-annika-larsen-22-february-2023>

Media Comments

Du Toit, Pieter. Eskom firestorm: De Ruyter leaves crumbling parastatal after stunning attack on ANC, government.

2023 Feb 23 News24

<https://www.news24.com/southafrica/news/eskom-firestorm-de-ruyter-leaves-crumbling-parastatal-after-stunning-attack-on-anc-government-20230223> (Subscription Needed)

Khoza, Amanda. Gordhan has a go at De Ruyter over explosive interview allegations.

2023 Feb 22 Business Live

“Public enterprises minister Pravin Gordhan has launched an attack on outgoing Eskom CEO André de Ruyter, rebuking him for “meddling” in politics instead of focusing on ending load-shedding. CEOs of entities such as Eskom should not be involved in “open political debates or assertions”, and if they have political views, “that is their private business and they are welcome to express those views privately”, Gordhan told parliament’s portfolio committee on public enterprises on Wednesday.”

<https://www.businesslive.co.za/bd/national/2023-02-22-gordhan-has-a-go-at-de-ruyter-over-explosive-interview-allegations/>

Blacklisting of Service Providers

Media Comment

Ndenze, Babalo. Eskom blacklists 71 service providers and suppliers due to corruption.

2023 Feb 21 EWN

“The Presidency on Tuesday said Eskom has had to blacklist most of its service providers and suppliers due to illegal activity and corruption...According to The Presidency, the SIU issued a total of 162 reports to the president on investigations into affairs and procurement at several departments and entities since 2001.”

<https://ewn.co.za/2023/02/21/eskom-blacklists-71-service-providers-and-suppliers-due-to-corruption>

Cadre Deployment

Media Comment

Nkanjeni, Unathi. Cadre deployment did not break Eskom, says Lamola.

2023 Feb 17 Times Live

“Justice and correctional services minister Ronald Lamola has denied ANC cadre deployment was the cause of Eskom’s woes. Speaking during the state of the nation address debate this week, Lamola defended cadre deployment and said it was not to blame for looting at Eskom and corruption at the South African Revenue Service (Sars).”

<https://www.timeslive.co.za/politics/2023-02-17-cadre-deployment-did-not-break-eskom-says-lamola/>

Corruption / Fraud

Media Comments

Areff, Ahmed. R400m Kusile corruption: Lotus sports car, Mpumalanga lodge hooked in court order.

2023 Feb 20 News24



“The North Gauteng High Court in Pretoria has granted a preservation order freezing a slew of properties and vehicles allegedly bought from the proceeds of a corrupt tender at Eskom's problematic Kusile power station.”

<https://www.news24.com/fin24/economy/r400m-kusile-corruption-lotus-sports-car-mpumalanga-lodge-hooked-in-court-order-20230220>

Lalbahadur, Bianca. Eskom: 48 people arrested at power utility for various crimes since SANDF deployment.

2023 Feb 21 Briefly News

<https://briefly.co.za/south-africa/153645-eskom-48-people-arrested-power-utility-crimes-sandf-deployment/>

Montsho, Molaole. Woman in court for R900K Eskom container fraud.

2023 Feb 16 IOL News

<https://www.iol.co.za/news/crime-and-courts/woman-in-court-for-r900k-eskom-container-fraud-d2ae8c0d-4472-4d11-b78a-191d6731c70a>

Ndaba, Baldwin. Individuals, companies linked to fraud, corruption at Kusile Power Station nailed.

2023 Feb 21 IOL News

“The National Prosecuting Authority’s Asset Forfeiture Unit (AFU) and the Special Investigating Unit (SIU) have obtained secured preservation orders against individuals and companies linked to fraud and corruption during the construction of Kusile Power Station.”

<https://www.iol.co.za/pretoria-news/news/individuals-companies-linked-to-fraud-corruption-at-kusile-power-station-nailed-61918d8f-a5f5-44aa-9700-c63a30f8edfb>

Debt

Media Comments

Erasmus, Denene. Eskom debt package blocks expenditure on new generation.

2023 Feb 22 Business Live

<https://www.businesslive.co.za/bd/national/2023-02-22-eskom-debt-package-blocks-expenditure-on-new-generation/> (Subscription Needed)

Headley, Nick. Lightning Eskom’s load.

2023 Feb 23 Business Live

“The National Treasury’s plan to remove a large chunk of debt from Eskom’s balance sheet comes with “strict” conditions — including one that will open the door for private companies to operate and maintain power plants that can still be rejuvenated. Finance minister Enoch Godongwana said the government will take over R254bn worth of Eskom debt obligations to strengthen the power utility’s financial position and will free funding for plant maintenance and investments in power lines...”

<https://www.businesslive.co.za/fm/special-reports/2023-02-23-lightening-eskoms-load/> (Subscription Needed)

Paton, Carol. Big Eskom move needed in the Budget - even R200bn in debt relief not enough, warns investor.

2023 Feb 21 News 24

“Specialist asset manager Futuregrowth, a large investor in government debt, has warned that the debt relief for Eskom that is expected in Wednesday's budget must be fair to all types of creditors and big enough – well above 50% – to restore the company to sustainability.”

<https://www.news24.com/fin24/economy/big-eskom-move-needed-in-the-budget-even-r200bn-in-debt-relief-not-enough-warns-investor-20230221>

Theunissen, Garth And Zwane, Thuletho. How Treasury plans to short-circuit jitters over Eskom debt.

2023 Feb 20 Business Live

“The Treasury has mandated Citi and Nedbank to arrange a “non-deal” call with international investors directly after this week’s budget speech to update them on its debt relief plan for Eskom. Analysts say it could be a move to calm market jitters ahead of Wednesday’s budget speech, in which it is widely expected that finance minister Enoch Godongwana will unveil plans to transfer a portion of Eskom’s R422bn debt load to the state’s balance sheet...”

<https://www.businesslive.co.za/bd/national/2023-02-20-how-treasury-plans-to-short-circuit-jitters-over-eskom-debt/>

Pension Freezes

Media Comment

R400m Kusile corruption: Lotus sports car, Mpumalanga lodge hooked in court order.

2023 Feb 20 Engineering News

“The North Gauteng High Court in Pretoria has granted a preservation order freezing a slew of properties and vehicles allegedly bought from the proceeds of a corrupt tender at Eskom's problematic Kusile power station...In February, the SIU's Special Tribunal dismissed, with costs, Moyo's application to have a different preservation order lifted. Moyo's pension benefits were frozen in September last year, pending the conclusion of its investigations. In November last



year a preservation order was granted to freeze a luxury property in Silver Lakes Estates, Pretoria, a Mercedes-Benz Viano and Chevrolet Utility belonging to Moyo and her husband.”

https://www.engineeringnews.co.za/article/r400m-kusile-corruption-lotus-sports-car-mpumalanga-lodge-hooked-in-court-order-2023-02-20/rep_id:4136

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HEALTH AND SAFETY

Media Comments

Fuel retailers call for stricter rules after N1 tanker explosion.

2023 Feb 21 Times Live

<https://www.timeslive.co.za/motoring/news/2023-02-21-fuel-retailers-call-for-stricter-rules-after-n1-tanker-explosion/>

Motsoere, Gloria and Ramushwana, Alpha. Watch: traffic chaos after explosion on N1 near William Nicol Drive.

2023 Feb 17 EWN

“The Johannesburg Metro Police Department (JMPD) says the explosion on the N1 highway near William Nicol Drive was caused by a fuel container, which was being transported on a trailer. It said the trailer dislodged from the vehicle, landed on the freeway and exploded. This was confirmed to Eyewitness News by emergency workers on the scene, who said a vehicle transporting an unconfirmed substance in a cylinder on a trailer collided with a light motor vehicle.”

<https://ewn.co.za/2023/02/17/watch-traffic-chaos-after-explosion-on-n1-near-william-nicol-drive>

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INFRASTRUCTURE DEVELOPMENT / THEFT / VANDALISM

Media Comments

Botha, Claire. South Africa’s health infrastructure headed down the same road as Eskom’s power plants.

2023 Feb 20 Daily Maverick

“The reported underinvestment in health facility maintenance and infrastructure development may deliver the fatal blow that will see health services in South Africa suffering the same fate as the nation’s power utility.”

<https://www.dailymaverick.co.za/article/2023-02-20-south-africas-health-infrastructure-headed-down-the-same-road-as-eskoms-power-plants/>

Mayor calls for electrical infrastructure sabotage to be investigated.

2023 Feb 23 Brakpan Herald

“City of Ekurhuleni Mayor Tania Campbell has requested investigations into electrical sabotage in the city.

“I have engaged the chief of police, Isaac Mapiyeye, requesting that the EMPD engage with the SAPS to intensify investigations into theft, vandalism and sabotage of city electrical infrastructure,” she said.”

<https://brakpanherald.co.za/279008/mayor-calls-for-electrical-infrastructure-sabotage-to-be-investigated/>

Eskom warns of ‘disaster level’ theft.

2023 Feb 16 Business Tech

“Power utility Eskom says that theft and vandalism of electricity infrastructure have risen to disastrous levels in Gauteng, threatening essential services and lives in the province. “Eskom has reported concerning levels of damage to its network, such as transformers and substations, leading to prolonged outages to customers, including essential services,” it said. On Wednesday (15 February), the electricity supply to Rand Water in the City of Ekurhuleni was affected due to the vandalism of insulators at the Mapleton line, putting essential water supply at risk for the residents of Ekurhuleni, Tshwane, Lesedi, Govan Mbeki and Thembisile Hani Local Municipalities.”

<https://businesstech.co.za/news/energy/665529/eskom-warns-of-disaster-level-theft/>

Ginindza, Banele. City Power at wits end as mini substations take heat from load shedding and theft.

2023 Feb 22 IOL News

<https://www.iol.co.za/business-report/energy/city-power-at-wits-end-as-mini-substations-take-heat-from-load-shedding-and-theft-cdc8400d-a3f7-40a1-8845-ead446238924>

Magubane, Thami. uMngeni Municipality vows to deal with electricity thieves.

2023 Feb 22 IOL News

<https://www.iol.co.za/mercury/news/umngeni-municipality-vows-to-deal-with-electricity-thieves-6e2f581d-b3f8-44da-a676-575ae4164a71>

Mahamba, Chulumaco. 13 suspects arrested over the weekend for cable theft and vandalism.



2023 Feb 20 IOL News

“Power utility City Power and law enforcement continue to crack down on cable thieves and vandals after 13 suspects were arrested over the weekend. City Power announced on Monday morning that a total of 13 suspects were arrested over the weekend following 16 incidences of cable theft and vandalism that plunged various areas into power outages.”

<https://www.iol.co.za/the-star/news/13-suspects-arrested-over-the-weekend-for-cable-theft-and-vandalism-431be723-3808-49fd-a7bb-1072451b7f59>

Patel, Faizel. ‘Intensify fight against zama zamas to protect electricity infrastructure’ – City Power.

2023 Feb 17 The Citizen

<https://www.citizen.co.za/news/zama-zamas-electricity-city-power/>

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LAND RIGHTS

Media Comment

Duda, Thiyane. Traditional and Khoi-San Leadership Act that ‘recreates the Bantustans’ heads to ConCourt.

2023 Feb 20 Daily Maverick

“Rural citizens argue that by signing the Traditional and Khoi-San Leadership Act, the President made the abusive actions of traditional leaders legal. They have no issue with the fact that, at last, the law recognises Khoi and San leaders and communities...Critically, section 24 of the TKLA allows traditional councils to enter into agreements and partnerships with anyone, including mining companies, without the consent of the landowners or those whose land rights will be directly affected. The upshot is that rural citizens are at risk of being dispossessed of their land without their consent.

<https://www.dailymaverick.co.za/article/2023-02-20-act-that-reverts-to-bantustans-heads-to-constitutional-court/>

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MINING

Corporate Social Responsibility

Media Comment

Tuso, Pamenus. Quarry blasting in Bulawayo has residents fuming.

2023 Feb 19 Times Live

“A company granted permission to quarry close to a residential area in Bulawayo, Zimbabwe, is accused of damaging homes and renegeing on an agreement to upgrade infrastructure as part of its corporate social responsibility...”

<https://www.timeslive.co.za/sunday-times-daily/news/2023-02-19-quarry-blasting-in-bulawayo-has-residents-fuming/> (Subscription Needed)

Opinion

Gumede, William. Why SA’s CSR models need to change.

2023 Feb 20 Business Live

“SA’s corporates must rethink their flawed CSR models or risk rising anti-business feeling, community protests and legal action against them by previously disadvantaged communities...Communities increasingly march against mining companies for destroying the environment and striking black economic empowerment deals with dodgy traditional leaders and politically connected cadres who would be expected to shield these companies from community pressure when they damage the environment, fail to adhere to mining licence conditions such as providing social housing, and do not provide supplier opportunities for local small business.”

<https://www.businesslive.co.za/bd/opinion/2023-02-20-william-gumede-why-sas-csr-models-need-to-change/>

Corruption

Media Comment

Trivedi, Upmanyu. Glencore faces fresh UK lawsuit in the wake of bribery scandal.

2023 Feb 17 Moneyweb

“Legal & General Group Plc have launched a fresh lawsuit against Glencore Plc, months after the commodities giant pleaded guilty to allegations of market manipulation and bribery. A group of Legal & General funds filed claims against



Glencore on January 10 at a London court, adding to the raft of lawsuits brought by investors since the the company paid about \$1.5 billion to settle US, UK and Brazilian probes that have hung over the company for years. Glencore and Legal & General spokespeople declined to comment. Glencore previously said that the company has changed since the wrongdoing and is committed to operating with openness and integrity.”

<https://www.moneyweb.co.za/mineweb/glencore-faces-fresh-uk-lawsuit-in-the-wake-of-bribery-scandal/>

Economy

Media Comment

A new era beckons for mining finance.

2023 Feb 17 Mail & Guardian

“Much of the economic rebound and boost to the South African fiscus in 2021/2022 can be attributed to a windfall from the minerals and resources sector, taking the below into consideration:

- Mining contributes approximately R220 billion to the GDP each year;
- In the 2021/22 tax year, mining contributed R127 billion out of R318 billion in tax collections; and
- 24.1% of South Africa’s export revenue is attributed to primary mineral exports.

The numbers do not lie. When the mining sector works, the broader South African economy kicks into higher gear.”

<https://mq.co.za/special-reports/2023-02-17-a-new-era-beckons-for-mining-finance/>

Green Mining

Law Firm Articles

Jara, Athi. Mining for industries of the future.

2023 Feb 15 Werksmans Attorneys

“In his opening address at the Investing in African Mining Indaba 2023, the Minister of Mineral Resources and Energy, Mr Gwede Mantashe, said that South Africa has renewed its frontier status as an exploration destination.”

<https://www.werksmans.com/legal-updates-and-opinions/mining-for-industries-of-the-future/>

Mabasa, Bulelwa. The Green Revolution – Africa’s time is now.

2023 Feb 15 Werksmans Attorneys

“The 2023 Mining Indaba occurs in a timely moment not only for South Africa, but for the African continent as a whole. Policy certainty, and focused impetus is anticipated into the how’s and when’s, nuts and bolts, set to enable and to achieve the notion of just energy transition. The availability, consistency and cost of energy generation remain key considerations in the imploding green revolution globally.”

<https://www.werksmans.com/legal-updates-and-opinions/the-green-revolution-africas-time-is-now/>

Pailman, Kelsey and Cabanac, Andrea. “The green mining value chain”: Mining for low carbon technologies towards net zero.

2023 Feb 9 Norton Rose Fulbright

“Both policy incentives and liberalisation of the electricity sector regulation are important mechanisms to increase the use of renewable energy in mining operations. In the race towards net zero, it is also important for the energy transition to indeed be just, balancing the need to reduce GHG emissions while mitigating large scale job losses in the fossil fuel sector.”

<https://www.nortonrosefulbright.com/en-za/knowledge/publications/595e4f92/the-green-mining-value-chain>

Illegal Mining

Media Comments

Dercksen, Jan-Louise. Illegal mining activities at Leeuwoort lands both father and son in hot water with the police.

2023 Feb 19 Witbank News

<https://witbanknews.co.za/206965/illegal-mining-activities-at-leeuwoort-lands-both-father-and-son-in-hot-water-with-the-police/>

Patel, Faizel. ‘Intensify fight against zama zamas to protect electricity infrastructure’ – City Power.

2023 Feb 17 The Citizen

<https://www.citizen.co.za/news/zama-zamas-electricity-city-power/>

Patel, Faizel. Hawks nabbed 16 zama zamas in Stilfontein, North West.

2023 Feb 22 The Citizen

<https://www.citizen.co.za/news/south-africa/crime/sixteen-zama-zamas-nabbed-stilfontein-north-west/>



Sibeko, Ntombikayise. Illegal mining site raided near the N12.

2023 Feb 22 Benoni City Times

“Six suspected illegal miners were arrested after they were found with explosives during an operation at a ‘mining’ site, near the N12 in Cloverdene on February 19. The operation was conducted by members of the EMPD, Equestrian Unit, Home Affairs Immigration, Crystal Park police, Task Force, Explosives Unit and other stakeholders.”

<https://benonicitytimes.co.za/459863/illegal-mining-site-raided-near-the-n12/>

Sibiya, Noxolo. Illegal mining forces some residents to sell their homes.

2023 Feb 17 Sowetan Live

“Living along a street where you see and hear gunshots every other night has been a nightmare for residents along Hamburg street in Florida Lake, where zama-zamas are mining illegally. The activities in the area have forced some residents to sell their homes...”

<https://www.sowetanlive.co.za/news/south-africa/2023-02-17-illegal-mining-forces-some-residents-to-sell-their-homes/>

(Subscription Needed)

World Court orders Azerbaijan to end blockade of Lachin corridor (Amsterdam).

2023 Feb 22 Business Live

“The land route that gives Armenia direct access to Nagorno-Karabakh has been blocked since December 12...Azerbaijan has denied any blockade, saying the activists are staging a legitimate protest against what it characterised as illegal mining activity. The court rejected a plea for provisional measures by Azerbaijan that would order Armenia to help remove landmines from areas it previously controlled, and to stop planting explosive devices which prevent Azeri nationals from returning to their former homes.”

<https://www.businesslive.co.za/bd/world/europe/2023-02-22-world-court-orders-azerbaijan-to-end-blockade-of-lachin-corridor/>

Minerals-for-Infrastructure Deal

Media Comment

Chen, Kathy and Kavanagh, Michael. Congo watchdog wants billions of dollars more from China minerals-for-infrastructure deal.

2023 Feb 19 Times Live

“The Democratic Republic of the Congo’s government watchdog called for a major overhaul of the country’s \$6.2bn (about R111.9bn) minerals-for-infrastructure deal with China after its investigations found significant breaches of the 2008 agreement...”

<https://www.timeslive.co.za/sunday-times-daily/world/2023-02-19-congo-watchdog-wants-billions-of-dollars-more-from-china-minerals-for-infrastructure-deal/> (Subscription Needed)

Optima Coal Mine

Media Comment

Faku, Dineo. Tough task for new Optimum Coal Mine curator.

2023 Feb 19 Times Live

“Optimum Coal Mine’s new curator will have their work cut out as a battle rages for control of the Gupta-linked business...”

<https://www.timeslive.co.za/sunday-times/business/business/2023-02-19-tough-task-for-new-optimum-coal-mine-curator/> (Subscription Needed)

Rights, Licences and Permits

Media Comments

Khumalo, Kabelo. Sibanye gets ready to battle for its right to invest.

2023 Feb 20 Business Live

“Sibanye-Stillwater is readying itself for battle with the department of mineral resources & energy after being denied a mining right for the promising exploration project it acquired five years ago as part of its multibillion-rand Lonmin acquisition. Sibanye, which mines gold and platinum group metals (PGMs), last year indicated that one of its key focuses was to advance the mining right application for Akanani, an advanced-stage exploration project on the northern limb of the Bushveld Complex in Limpopo...”

<https://www.businesslive.co.za/bd/companies/mining/2023-02-20-sibanye-gets-ready-to-battle-for-its-right-to-invest/> (Subscription Needed)

Sibanye gets ready to battle for its right to invest: Miner rejects the department’s interpretation of an expiry date for prospecting in a Limpopo project.

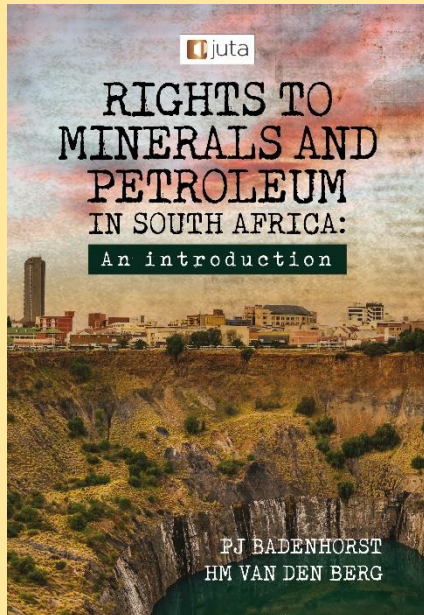


2023 Feb 20 Business Day

“Sibanye-Stillwater is readying itself for battle with the department of mineral resources & energy after being denied a mining right for the promising exploration project it acquired five years ago as part of its multibillion-rand Lonmin acquisition.”

<https://www.businesslive.co.za/bd/companies/mining/2023-02-20-sibanye-gets-ready-to-battle-for-its-right-to-invest/>

New Publication



Badenhorst, PJ and Van den Berg, HM. Rights to Minerals and Petroleum in South African: an introduction. – Juta, 2023.

ISBN: 9781485140436

“The book provides:

- a historical overview of the development of mineral law prior to the enactment of the Mineral and Petroleum Resources Development Act 28 of 2002 (‘MPRDA’) a theoretical analysis of the basis of the custodian structure that was adopted in the MPRDA
- a systematic exposition of the acquisition, nature, content, transfer and loss of rights, permissions and permits to minerals and petroleum
- an overview of conflict resolution between the exercise of rights to minerals by prospectors or miners and owners or occupiers of land
- a synopsis of the registration of rights in the Mineral and Petroleum Titles Registration Office.”

Contents: Custodianship of mineral and petroleum resources – Rights, permissions or permits to minerals – Rights or permits to petroleum – Transitional rights to minerals and petroleum – Registration or recordal of rights, permissions and permits to minerals and petroleum.

Price: R295 including VAT, excluding delivery. Order from

books@lexinfo.co.za

Theft of Information

Media Comment

The Moti Files: Red flags in police hunt for former Moti Group employee.

2023 Feb 17 Daily Maverick

“Companies controlled by controversial businessman Zunaid Moti are fighting to put a lid on leaks flowing from alleged “theft of information” by a former legal assistant. Now the Hawks are involved and the alleged “whistle-blower” is in hiding...Moti claims van Niekerk stole confidential company information and took it to his rival. Whatever the motive, the leak threatens to expose sensitive information relating to Moti’s murky business empire, which includes business interests in mining, property development, security, logistics and aviation.”

<https://www.dailymaverick.co.za/article/2023-02-17-the-moti-files-red-flags-in-police-hunt-for-former-moti-group-employee/>

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PETROLEUM

See also: [ENVIRONMENTAL LAW](#)

Airport Fuel

Media Comment

Smith, Carin. Russian planes can't get fuel at SA airports - now ACSA wants to change that.

2023 Feb 21 News24

“Last year, two Russian planes could not get fuel from the large international fuel suppliers at OR Tambo and Cape Town International Airports. These fuel suppliers had to adhere to the sanctions imposed on Russia by their countries of origin and their own company policies.”

<https://www.news24.com/fin24/economy/russian-planes-cant-get-fuel-at-sa-airports-now-acsa-wants-to-change-that-20230221>



Diesel Rebate

Media Comment

Child, Katharine. Retail CEOs furious they missed out on diesel rebate.

2023 Feb 23 Business Day

“CEOs of Pick n Pay, Spar and Shoprite criticised the decision to offer a tax rebate on diesel use only to food manufacturers.”

<https://www.businesslive.co.za/bd/companies/retail-and-consumer/2023-02-23-retail-ceos-furious-they-missed-out-on-diesel-rebate/>

Tanzania

Media Comment

Tibaweswa, Stuart. Tanzania approves controversial \$3.5 billion oil pipeline.

2023 Feb 21 eNCA

“Tanzania's government gave its approval on Tuesday for the construction of a \$3.5 billion crude oil pipeline despite human rights and environmental concerns about the mega-project. The 1,443-kilometre pipeline will transport crude from vast oilfields being developed in Lake Albert in northwestern Uganda to a Tanzanian port on the Indian Ocean for delivery to international markets.”

<https://www.enca.com/news/tanzania-approves-controversial-35-billion-oil-pipeline>

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RENEWABLE ENERGY

Media Comments

Cape Town's massive 500MW plan to stop load shedding.

2023 Feb 22 Business Tech

“The City of Cape Town is gearing up to put 500MW on its grid to cover the failing national power utility Eskom and stop load shedding. Speaking with BizNewsTV, the mayor of Cape Town, Geordin Hill-Lewis, said that there is no way for Eskom to get out of its capacity mess, and as a result, the city must resolve the problems itself. South Africans are currently facing ongoing stage 6 power outages with no sign of reprieve on the horizon.”

<https://businesstech.co.za/news/government/666919/cape-towns-massive-500mw-plan-to-stop-load-shedding/>

Gauteng to spend R1.2 billion towards energy crisis.

2023 Feb 21 SANews

“The Gauteng Provincial Government is set to release R1.2 billion towards resolving the energy crisis in the province. “In a few weeks, we will appoint six developers who will commence the construction of an 800 megawatts solar farm in Merafong. This will be followed by the installation of roof top solar panels in government buildings especially hospitals, clinics and schools,” Gauteng Premier Panyaza Lesufi said on Monday in Johannesburg.”

<https://www.sanews.gov.za/south-africa/gauteng-spend-r12-billion-towards-energy-crisis>

Luckhoff, Paula. Budget 2023: Solar incentives welcome but fall short, say industry reps.

2023 Feb 22 702 News

“The 2023 Budget contains incentives for households and businesses installing solar panels. Sars Commissioner Edward Kieswetter sketches the background in response to criticism from industry representatives. One of the highlights of Wednesday's 2023 Budget Speech was the announcement of tax measures to promote investments in renewable energy. The measures, which kick in on 1 March this year, seem to benefit business more than individuals or home owners.”

<https://www.702.co.za/articles/467639/budget-2023-solar-incentives-welcome-but-fall-short-say-industry-reps>

See also:

- **Erasmus, Denene. Solar industry takes a dim view of size of tax break for households. –**
2023 Feb 22 Business Day
“Two tax relief measures announced to encourage businesses and individuals to invest in renewable energy.”
<https://www.businesslive.co.za/bd/national/2023-02-22-solar-industry-takes-a-dim-view-of-size-of-tax-break-for-households/>
- **Mahlaka, Ray. How government tax incentives for rooftop solar energy panels could work. -** 2023 Feb 19 Daily Maverick.
<https://www.dailymaverick.co.za/article/2023-02-19-how-government-tax-incentives-for-rooftop-solar-energy-panels-could-work/>
- **Visser, Amanda. Rooftop solar: Taxpayers want clarity on the cost to generate their own power. -** 2023 Feb 22 Moneyweb.



<https://www.moneyweb.co.za/mymoney/moneyweb-tax/rooftop-solar-taxpayers-want-clarity-on-the-cost-to-generate-their-own-power/>

Majola, Given. Air Liquide and Sasol have signed two Power Purchase Agreements.

2023 Feb 21 IOL

“Global gases, technologies and services for industry and health provider Air Liquide and chemicals company Sasol announced the signing of long-term contracts to supply an additional 260 MW of renewable energy to the Secunda site. Air Liquide and Sasol have signed two Power Purchase Agreements (PPA) with TotalEnergies and its partner Mulilo for the long-term supply of a total capacity of 260 MW of renewable power to Sasol’s Secunda site, in South Africa, where Air Liquide operates the biggest oxygen production site in the world.”:

<https://www.iol.co.za/business-report/energy/air-liquide-and-sasol-have-signed-two-power-purchase-agreements-b1e8d3dd-edba-4e8f-82cb-ecd14c6db994>

Mileham MP, Kevin. DA announces the Solar Access Bill.

2023 Feb 21 DA

“The proposed aims of the Bill include the following:

- Mandating that NERSA must establish a fair compensation scheme for feed-in tariffs across the country – by establishing a minimum percentage level of compensation to be paid to a consumer in relation to the ordinary electricity tariff. This is to ensure that feed-in tariffs are not unfairly lower than the ordinary tariff rate;
- Investigate the waiving of all ‘net consumer’ policies, through a blanket requirement that credit or tariff offsets must be provided when a solar panel user feeds more electricity into the grid than they consume. This will be done in accordance with the provisions of Section 217 of the Constitution; and
- Require that municipalities must provide and/or facilitate bi-directional meters for feed in tariffs, thereby allowing more consumers to feed electricity generated from rooftop solar back into the grid.”

<https://www.da.org.za/2023/02/da-announces-the-solar-access-bill>

South Africa’s ‘hydrogen valley’ could create 14,000 jobs: CEO.

2023 Feb 21 Business Tech

<https://businesstech.co.za/news/energy/666539/south-africas-hydrogen-valley-could-create-14000-jobs-ceo/>

Opinion

Posthumus, Ahren. South Africans must not let this crisis go to waste.

2023 Feb 16 Business Live

“SA’s National Energy Crisis Committee (Neccom), a body run by the office of President Cyril Ramaphosa, expects record power outages to ease as various measures, including a new law to fast-track plant development, take effect. As it stands, emergency legislation is being finalised to allow the faster approval and development of power plants. This will include the development of more than 100 privately owned power plants, which could produce up to 9,000MW. But what of renewable energy? Business and Neccom expect 850MW-1,000MW to be added to the grid from rooftop solar this year, with the government looking to invest in longer-term plans that will include additional power from solar, wind, gas and battery-storage facilities.”

<https://www.businesslive.co.za/bd/opinion/2023-02-16-ahren-posthumus-south-africans-must-not-let-this-crisis-go-to-waste/>

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RUSSIA / UKRAINE

Media Comment

Borrel, Josep. One year of war against Ukraine — we must act together to ensure international law prevails.

2023 Feb 22 Daily Maverick

“The European Union does not ask anyone to ‘pick a side’ in the war in Ukraine. We just ask countries to stand on the side of the UN Charter and international law, as we jointly agreed at the last EU-Africa Summit...For the European Union and our partners, there is no alternative to staying the course of our “triple strategy”: supporting Ukraine; putting pressure on Russia to stop its illegal aggression; and helping the rest of the world cope with the fallout. This is what we have been doing for one year now — and successfully so. We have adopted unprecedented sanctions, cut our dependency on Russian fossil fuels, and in close collaboration with key partners reduced by 50% the energy revenues the Kremlin gets to finance its aggression. Working together, we have also mitigated the global ripple effects with food and energy prices declining, partly thanks to our Solidarity Lanes and to the Black Sea Grain Initiative.”

<https://www.dailymaverick.co.za/opinionista/2023-02-22-one-year-of-war-against-ukraine-we-must-act-together-to-ensure-international-law-prevails/>

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WATER

Internet Article

Ismail, Husna and Perovic, Olga. Water cuts in South Africa are hurting hospitals and clinics - there's an increased risk of infections.

2023 Feb 16 The Conversation

"South Africa is a water scarce country. Changing rainfall patterns and the escalating electricity crisis are making the situation worse. Treating and distributing water requires electricity. Some of the country's biggest cities have had to impose water restrictions and residents in other parts have gone months without regular water supply. Unfortunately, health facilities have not been spared. There have been numerous media reports of hospitals and clinics around the country being hit by water shortages. The Conversation Africa's Ina Skosana spoke to epidemiologist Husna Ismail about the dangers of clinics and hospitals running out of water."

<https://theconversation.com/water-cuts-in-south-africa-are-hurting-hospitals-and-clinics-theres-an-increased-risk-of-infections-199425>

Media Comment

Masweneng, Kgaugelo. It will take R33bn a year for 10 years to end SA's water woes.

2023 Feb 22 Times Live

"To solve the water woes that have been worsened by load-shedding, South Africa will need to invest R33bn a year for the next 10 years..."

<https://www.timeslive.co.za/sunday-times-daily/news/2023-02-22-it-will-take-r33bn-a-year-for-10-years-to-end-sas-water-woes/>

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Events Calendar for 2023

View [here](#).



Summaries of Constitutional Court and Supreme Court of Appeal Judgments: 2022

View [here](#).

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