



HERBERT
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ESG TRACKER (SADC EDITION)

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Herbert Smith Freehills ESG Tracker (SADC Edition)

There are so many ESG-related publications and developments that it is hard to keep abreast of them all. For this reason, HSF publishes a monthly tracker of ESG-related publications and developments, with a primary focus on developments that may be of most interest to or impact our clients in the Southern African Development Community, be they corporates, asset managers or asset owners.

If you have any ESG-related questions, please get in touch with your usual contact at HSF who will be able to direct you as appropriate.

This issue covers the period from 1 to 30 June 2023.

BOTSWANA

16 June 2023

It has been [reported](#) that the World Bank Board of Directors approved a Development Policy Loan (DPL) to the Government of Botswana, aimed at supporting reforms to stimulate inclusive, resilient and low-carbon growth following the combined impacts of the COVID-19 pandemic and the global food, energy and climate shocks. The USD 150 million Economic Resilience and Green Recovery DPL II is the second in a programmatic series of two operations, following the disbursement of USD250 million under the first loan approved in June 2021. This second operation builds on the government's program and progress made to strengthen social protection, improve access to finance by small businesses, and prioritize energy access and a move toward a low-carbon recovery.

MALAWI

9 June 2023

It has been [reported](#) that the Global Environment Facility has approved USD4.4 million in funding for a project that aims at reducing the impacts of climate change on vulnerable rural communities in Malawi's Lake Chilwa basin. Supported by the United Nations Development Programme, the five-year project, known as 'TRANSFORM', aims to enhance the resilience of vulnerable rural communities by bolstering their natural, human, and economic adaptive capacities by catalysing a shift away from maladaptive practices that degrade natural resources and simultaneously reducing the country's greenhouse gas emissions. Around 80,000 people in Machinga, Zomba, and Phalombe districts are to directly benefit from this project.

23 June 2023

It has been [reported](#) that Malawi has created an agency to oversee its trade and marketing of carbon emission offsets. Malawi's announcement is the latest attempt by an African government to profit from the growing trade in offsets. "Using the prevailing global market prices, the potential value of Malawi's carbon credits is estimated at 19.9 million metric tonnes of carbon per annum, valued at over USD600 million," President Chakwera said at the inauguration of the Carbon Marketing Initiative.

MAURITIUS

26 June 2023

The National Biomass Framework was recently [launched](#) at the Mauritius Cane Industry Authority. The framework is in line with government's objective of phasing out the use of coal in electricity generation by 2030 and achieving a target of 60% of the country's energy needs from green/renewable sources.

The objectives of the National Biomass Framework are to increase bioelectricity production by promoting and implementing projects for more efficient use of sugarcane bagasse, more trash collection, introduction of higher fibre cane varieties, cultivation of other energy crops, and biomass import.

MOZAMBIQUE

21 June 2023

On 21 June 2023, the environmental campaigners, Friends of the Earth, [said](#) that they had failed to secure permission to challenge a UK government decision to facilitate investment of up to USD1.15 billion in a Mozambique gas field. In September 2020, Friends of the Earth issued a legal challenge to the UK Government's decision to provide around USD1.15 billion of UK taxpayer support for a huge liquified natural gas development in Mozambique. The matter was taken to the Court of Appeal in December 2022, but in January 2023 it rejected the legal challenge. To this end, in February 2023, Friends of the Earth filed an appeal to the Supreme Court. However, in June 2023 the Supreme Court ruled that the appeal was "unarguable," meaning the case cannot be taken further.

NAMIBIA

8 June 2023

It has been [reported](#) that Namibia has banned the export of unprocessed crushed lithium ore, cobalt, manganese, graphite and rare earth minerals, as it seeks to profit from growing global demand for metals used in clean energy technologies. Namibia has significant deposits of lithium, which is vital for renewable energy storage, as well as rare earth minerals such as dysprosium and terbium needed for permanent magnets in the batteries of electric cars and wind turbines.

16 June 2023

It has been [reported](#) that, following a SWAPO Central Committee resolution to [direct](#) government to 'immediately' take executive and legislative steps to define 'spouse' in the Immigration Control Act as a union between a man and a woman, the Ministry of Home Affairs, Immigration, Safety and Security has announced it will comply with the Supreme Court's ruling to recognise same-sex marriages validly concluded outside the country. On 16 May 2023, the [Supreme Court of Namibia](#) ordered government to recognise same-sex marriages validly concluded outside of Namibia. It was held that the Ministry's interpretation of 'spouse' in the Immigration Control Act 7 of 1993 to exclude same-sex couples infringes on their right to dignity and equality. The legal effect of the judgment is

that foreign spouses of Namibian citizens in same-sex marriages validly concluded in another jurisdiction will now enjoy the same privileges as those in heterosexual unions.

SOUTH AFRICA

14 June 2023

The Minister of Forestry, Fisheries and the Environment [published](#) the white paper on Conservation and Sustainable Use of South Africa's Biodiversity (the White Paper). The White Paper was developed to promote the conservation of the rich biodiversity and ecological infrastructure that supports ecosystems functioning for livelihoods and the well-being of people and nature. It is envisaged that the White Paper will set the country on a strong path of sustainable development, considering the historical, socio-economic, and environmental context of South Africa, including the aspirations and needs of people.

15 June 2023

On 15 June 2023, the Minister of Employment and Labour (after consultation with the Compensation Board), [gave](#) notice of the proposed Regulations pertaining to Rehabilitation, Reintegration and Return-to-Work of Employees Injured or Diseased as a result of the work environment or an incident at work. The proposed regulations were published for public comment. Interested members of the public are invited to submit written comments by 15 July 2023 to the Department of Employment and Labour.

21 June 2023

It has been [reported](#) that South Africa has launched a dedicated fund that aims to raise USD1 billion in funding for the construction of a substantial pipeline of green hydrogen projects in the country to help facilitate its transition away from an energy system based on fossil fuels. The fund has been dubbed SA-H2 and its purpose is to fast-track the development of large-scale green hydrogen infrastructure assets across South Africa.

23 June 2023

The Department of Forestry, Fisheries and Environment [published](#) the National Biodiversity Offset Guideline (Guideline) issued in terms of section 24J of the National Environment Management Act, 1998 (**NEMA**). Biodiversity offsetting has been identified as one way in which biodiversity loss can be slowed down. A biodiversity offset is required when a proposed listed or specified activity, or activities, is/are likely to have residual negative impacts on biodiversity of medium or high significance. These negative impacts could affect biodiversity

patterns, ecological processes, ecosystem services or a combination of all three.

The purpose of the Guideline is to indicate when biodiversity offsets are likely to be required as mitigation by any competent authority to lay down basic principles for biodiversity offsetting and to guide offset practice in the environmental authorisation application context. The Guideline does not replace NEMA's provisions regarding environmental assessment processes, or the Environmental Impact Assessment Regulations (Regulations). It guides the implementation of NEMA and the Regulations in the context of mitigation of biodiversity impacts and use of biodiversity offsets.

24 June 2023

It is [reported](#) that Eskom has been reportedly been granted an exemption to operate Kusile power station, in Mpumalanga, without the technology that is needed to reduce harmful sulphur dioxide emissions. The exemption is temporary and will apply until 31 March 2025. This despite a previous High Court ruling that the air quality in the area is so poor that it violates the constitutional right to an environment that is not harmful to health and well-being. The decision is likely to be appealed.

26 June 2023

The Department of Agriculture, Land Reform and Rural Development has [announced](#) a proposed ban on the use of two agricultural remedies, namely chlorpyrifos and cartap hydrochloride. The Department has invited public comment on the intended measure by 26 August 2023. The two compounds have been widely prohibited internationally after being linked to neurological effects in humans.

27 June 2023

The Constitutional Court has [ruled](#) that certain amendments to the country's waste management rules are invalid and unconstitutional because Parliament had not complied with its constitutional obligation to facilitate public participation in the legislative process as it had introduced significant changes to the definition of "waste" and related terms without consulting the public and affected stakeholders. The amendments had expanded the scope of "waste" to include any substance that the generator had no further use for in its processes, whether it had commercial value or not. This would have subjected a range of products that were never regulated as waste before to 'onerous' regulatory requirements and penalties. The applicants said they were not given an opportunity to make representations on the amendments when they were proposed by the Department of Forestry, Fisheries & Environment in June 2021. The Constitutional

Court agreed with the applicants and declared that impugned provisions were invalid and unconstitutional. This is because the final version of "waste" was created after Parliament stopped public participation. Parliament offered no reason why it could not have facilitated further public interaction.

30 June 2023

The Public Procurement Bill, which was [tabled](#) in Parliament on 30 June 2023, aims to introduce uniform treasury norms and standards for all procuring institutions to implement their procurement systems as envisaged in section 217(1), read with section 216(1), of the Constitution and to determine a preferential procurement framework for all procuring institutions within which to implement their procurement policies as envisaged in section 217(2) and (3) of the Constitution. The uniform treasury norms and standards must, among others, ensure value for money in the use of public funds, advance ethical conduct and combat corruption advance transformation, beneficiation and industrialisation, stimulate economic development and promote a sustainable environment.

30 June 2023

The Department of Justice and Constitutional Development [invites](#) interested parties to submit written comments on the Discussion Document On Proposed Reforms For The Whistleblower Protection Regime In South Africa. The comments on the discussion paper must be submitted on or before 15 August 2023. This document looks at whistleblower protection from the point of view of the legal regime governing protected disclosures in South Africa and other jurisdictions. The report sets out to identify gaps within South Africa's legislative framework and further proposes recommendations in closing the identified gaps.

30 June 2023

It has been [reported](#) that South Africa and Germany have signed a joint declaration of intent to establish the South African German Hydrogen Task Force. The green hydrogen economy has been billed as a new frontier for clean energy as it emits low carbon emissions with a global potential of about USD300bn in exports. South Africa holds approximately 80% of the world's platinum group metals (PGMs) and 40% of the world's platinum and palladium supplies which are key components in the production of hydrogen – making South Africa potentially a key player in the future of the market. Cooperation between the two countries aims to link South African developers in the green hydrogen market with off takers in Germany looking at additional funding for projects and cooperation in

creating projects in South Africa that are commercially viable that can meet international green hydrogen demand and supply. Green hydrogen is one of the five 'Big Frontiers' in President Cyril Ramaphosa's country investment strategy and an important endeavour in advancing the National Development Plan target of 30% of gross fixed capital formation (GFCF) to gross domestic product by 2030.

30 June 2023

President Cyril Ramaphosa published a [Proclamation](#) regarding the commencement of certain provisions of the National Environmental Management Laws Amendment Act, 2022 (**NEMLAA 2022**). The bulk of the provisions contained in the NEMLAA 2022 became effective on the same day. The NEMLAA 2022 amends the NEMA as well as several specific environmental management Acts. Apart from correcting and clarifying definitions and measures related to the making and adoption of environmental management instruments, appeal processes and financial provisioning requirements, it also sets new requirements related to NEMA section 24G rectification applications for environmental authorisation and waste management licenses.

UNITED REPUBLIC OF TANZANIA

8 June 2023

It has been [reported](#) that Tanzania signed the United Republic of Tanzania's Country Programme Framework (**CPF**) for the period of 2023-2027 on 26 April 2023, and 08 June 2023 respectively. A CPF is the frame of reference for the medium-term planning of technical cooperation between a Member State and the International Atomic Energy Agency and identifies priority areas where the transfer of nuclear technology and technical cooperation resources will be directed to support national development goals.

ZAMBIA

12 June 2023

It has been [reported](#) that the World Bank's Board of Executive Directors approved a USD 100 million credit to strengthen Zambia's nature-based economy and increase economic opportunities in emerging tourism destinations in the country such as Liuwa Plains National Park, Source of the Zambezi, and Kasaba Bay. The project is expected to increase economic opportunities and revenue from tourism and the broader nature-based economy sector by improving the enabling environment, engaging key stakeholders, financing key basic infrastructure, and providing matching grants

to communities for investments in the nature-based economy. The project will also enhance sector governance through investments in regulatory reform and building capacity of core sectoral agencies.

AFRICA

30 May 2023

It has been [reported](#) that on the side-lines of the 58th General Assembly of the African Development Bank Group, which concluded in Egypt at the end of May 2023, the West African Development Bank (**BOAD**) signed a partnership agreement with the Africa50 investment platform, the purpose of which is to mobilise funding for sustainable infrastructure in West Africa. Through this partnership, the two institutions intend to mobilise financing from institutional investors to support the development of green infrastructure. The platform is also one of the shareholders of Nachtigal Hydro Power Company, the company developing the Nachtigal hydroelectric project (420 MW) in the Centre region of Cameroon. The BOAD is increasing its investments in West Africa in water, sanitation and irrigated agriculture infrastructure, in line with the sub-region's priorities.

5 June 2023

It has been [reported](#) that Mauritania and the European Union have launched the "Affordable Access to Clean, Renewable Electricity" program which is aimed at bolstering Mauritania's energy transition. This effort is part of the Team Europe Initiative: Transition to a Green and Blue Economy, which aims to strengthen EU-Mauritania cooperation and help the nation develop affordable access to clean electricity. The program, financed with EUR13.25-million from the EU budget and additional contributions from France, will help 20 communities in the Hodh El Gharbi and Hodh Ech Chargui districts of the country's southeast gain access to affordable and sustainable power sources. Mauritania's renewable resources have piqued the interest of several Western European countries, including Germany and Spain, and both the EU and the Mauritanian government are currently discussing how to finance large-scale green hydrogen projects and ultimately export clean energy. The program is available [here](#).

11 June 2023

It has been [reported](#) that Kenya and Djibouti have signed several memorandums of understanding, including cooperation in the energy development field, especially in the geothermal sector. One of the most promising renewable energy sources in Djibouti is geothermal power. Djibouti is located in the

East Africa Rift Valley, a region with significant geothermal potential due to its tectonic activity. The Djibouti Geothermal Power Project, which is currently underway, is expected to significantly reduce the country's reliance on imported fossil fuels and lower the cost of electricity for consumers.

20 June 2023

It has been [reported](#) that the Global development financiers attending this year's Organisation of Petroleum Exporting Countries (OPEC) Fund's forum in Vienna, Austria, have pledged a strong commitment to remodel their investments to support green projects at scale. The delegates, representing multilateral development banks and intergovernmental institutions, said business and political leaders must do more to stimulate capital deployment from the private sector.

22 June 2023

Building on the Resilience and Sustainability Facility with the International Monetary Fund, the Government of Rwanda and others [announced](#) on 22 June 2023, a cooperative approach to facilitate public-private partnership, scale-up climate finance and crowd in private climate investment that will mobilise an additional EUR 300 million to build climate resilience in Rwanda.

22 June 2023

It has been [reported](#) that Kenya has been listed among countries that will receive a combined USD88.9-million from the United States Agency for International Development (USAID) to fund renewable energy projects. The billions to be released through the Power Africa initiative for East and Central Africa will fund the construction of 10 million on-grid and off-grid connections for an estimated 50 million people in sub-Saharan Africa. USAID

administrator Samantha Power announced the signing of the deal at the Africa Energy Forum but did not give a breakdown of the amount that is expected to be channelled to Kenya.

23 June 2023

It has been [reported](#) that the Energy and Petroleum Regulatory Authority in Kenya recently revealed it is working on regulations to allow electricity producers to sell power directly to all consumer groups. It says that the regulations will set the stage for producers to sell power directly to large consumers like factories. The regulations, if adopted, will operationalise provisions of the Energy Act, 2019 that allows for opening up of the electricity distribution market. The opening up of the sector is expected to hit revenues of the state-owned electricity distributor but is aimed at boosting reliability of electricity amid a growing number of large consumers shifting to alternative power sources due to cost and unreliability of the national grid.

23 June 2023

It has been [reported](#) that Senegal has entered into an agreement with France, the United Kingdom, Canada, the European Union and Germany in order to accelerate the deployment of renewable energy in Senegal. International partners and multi-lateral development banks will mobilise USD2.74 billion over an initial period of 3 to 5 years, starting in 2023. in order to develop Senegal's renewable energy sector and advance to a low-carbon economy. This agreement follows the EU-African Summit in 2022 proposing the establishment of new partnerships for a "just energy transition" in Africa.

23 June 2023

The World Bank has [approved](#) USD157 million in financing from the International

Development Association to help Mali improve the reliability and efficiency of the electricity system, increase access to electricity in selected project areas and facilitate the integration of renewable energy. The Electricity System Reinforcement and Access Expansion Project will finance key grid infrastructure and new connections through the upgrading and expansion of the transmission and distribution grids in certain areas. The project has received USD43 million in co-financing from the Green Climate Fund (USD38 million in credits and USD5 million in grants), which was mobilized under the World Bank's Sustainable Renewables Risk Mitigation Initiative (**SRMI**). The Energy Sector Management Assistance Program is also providing USD1 million in grant funding, bringing the total project financing to USD201 million.

26 June 2023

It has been [reported](#) that African leaders, investors and development partners, including the African Development Bank Group, highlighted their steadfast support for the Alliance for Green Infrastructure in Africa as it advances toward a first close of USD500 million for green infrastructure projects in Africa. The Alliance is set to mobilize USD100 million in grants for project preparation, USD400 million in blended financing through grants, concessional resources, and commercial investments for project development. This occurred on the side-lines of the Summit for a New Global Financing Pact in Paris. The roundtable offered African presidents, investors and partners the opportunity to discuss the initiative and other innovative climate finance mechanisms against a backdrop of high-level discussions to overhaul the global financial architecture to make it fairer for developing countries.



25 May 2023

It has been [reported](#) that according to a new International Energy Agency (**IEA**) [report](#), global investment in clean energy is on course to rise to USD1.7-trillion in 2023, with solar set to eclipse oil production for the first time. Investment in clean energy technologies is significantly outpacing spending on fossil fuels as affordability and security concerns triggered by the global energy crisis strengthen the momentum behind more sustainable options. Approximately USD 2.8-trillion is set to be invested globally in energy in 2023, of which more than

USD 1.7-trillion is expected to go to clean technologies - including renewables, electric vehicles, nuclear power, grids, storage, low-emissions fuels, efficiency improvements and heat.

29 May 2023

It has been [reported](#) that Dubai's Roads and Transport Authority announced the launch of its Zero-Emissions Public Transportation in Dubai 2050, aimed at transitioning its operations to net zero by 2050, and with plans to minimize its carbon footprint across key areas including public transportation, buildings

and related facilities, and waste management. The new strategy could result in 10 million tonnes of carbon dioxide emissions reductions, and financial savings of USD900 million.

1 June 2023

It has been [reported](#) that lawmakers in the European Parliament voted 366-225 on new rules requiring companies to identify and address the impact of their activities and value chains on human rights and the environment, as well as a new requirement to adopt and implement climate transition plans. The

Commission's proposed corporate sustainability due diligence [directive](#) would require companies to integrate due diligence into policies, identify actual or potential adverse human rights and environmental impacts, prevent or mitigate potential impacts and end or minimize actual impacts, and would apply to company operations, subsidiaries and value chains.

6 June 2023

It has been [reported](#) that Germany announced the launch of Carbon Contracts for Difference, a 15-year subsidy program aimed at helping companies in energy intensive industries to invest in low carbon production processes and technologies. The program aims to address the high costs and investment risks preventing companies from investing in decarbonized manufacturing and will provide climate protection agreements, designed to shield companies from the "price risk" of operating the low carbon facilities compared to competitors utilizing conventional fossil-based operations, while the company is responsible for capital investment and operational costs outside of the price gap.

8 June 2023

It has been [reported](#) that the Biden administration announced the release of the U.S. National Clean Hydrogen Strategy and Roadmap. This is aimed at significantly ramping the production, use and distribution of low carbon hydrogen for use in energy intensive industries and support U.S. decarbonization goals. Hydrogen is one of the key building blocks of the transition to a cleaner energy future, particularly for sectors with difficult to abate emissions, in which renewable energy solutions such as wind or solar are less practical. The roadmap focuses on three key strategies, including targeting strategic, high impact uses for clean hydrogen, ensuring utilization in the highest value applications for markets such as chemicals, steel, refining, heavy duty transportation and long-duration energy storage; reducing the cost of clean hydrogen, with a goal to reach USD1/kg clean hydrogen production by 2030 (compared to around USD5/kg today), as well as efforts to address material and supply chain vulnerabilities, and; focus on regional networks, including investments to scale regional clean hydrogen hubs to enable production close to high priority hydrogen users, and to drive scale in production, distribution and storage.

9 June 2023

It has been [reported](#) that the government of Australia announced that it is for the first-time mandating Australia's financial regulator, the Australian Prudential Regulation Authority

(APRA), to incorporate climate change-related risks as part of its role. The new requirement was released as part of an updated Statement of Expectations for APRA and promotes transparency in relation to financial risks and the adoption of climate reporting standards. In response to the government's new expectations, APRA released a [statement](#) of intent, including a statement that the regulator will continue to promote prudent practices and transparency in relation to climate-related risks in the Australian financial system, consistent with the Government's sustainable finance reforms.

12 June 2023

The European Commission [released](#) a series of proposed changes to the European Sustainability Reporting Standards (ESRS), the rules and requirements for companies to report on sustainability-related impacts, opportunities and risks under the EU's upcoming Corporate Sustainable Reporting Directive. The most significant amendments are proposals to ease the burden on smaller companies and first-time reporters by extending the phase-in times for some key sustainability factors such as Scope 3 value chain emissions, and rules enabling all companies to focus specifically on material sustainability factors.

15 June 2023

The International Public Sector Accounting Standards Board (IPSASB) [announced](#) that it will develop a climate-related disclosure standard for governments and other private sector entities, marking the first sustainability reporting standard for the public sector. In a project brief by the IPSASB, the board claimed that it will seek to collaborate with standard setters including the IFRS Foundation's International Sustainability Standards Board (ISSB) and the Global reporting Initiative. The scope of the project will include the development of disclosure requirements for public sector entities, encompassing their climate-related impacts on the economy, environment and people, and their exposure to climate-related risks including physical and transition risks, as well as climate-related opportunities.

19 June 2023

It has been [reported](#) that French President, Emmanuel Macron, has announced a commitment to invest EUR300 million per year until 2030 in technologies and low carbon fuels aimed at decarbonizing the aviation sector. This will be used to fund research at the Civil Aeronautics Research Council (CORAC) into technologies aimed at decarbonizing the aviation sector, including the development of low carbon emitting aircraft and engines. In

addition, France also announced plans to invest EUR200 million to support the development of an electric and hydrogen-powered aircraft, and EUR200 million to accelerate the development of capacity for sustainable aviation fuel (SAF).

19 June 2023

It has been [reported](#) that voters in Switzerland approved the country's commitment to reach net zero greenhouse gas (GHG) emissions by 2050, with 59% backing the Climate and Innovation Act in a national referendum. The new law targeted a series of objectives, including reducing greenhouse gas emissions and deploying technologies to capture and store CO₂, taking measures to adapt to the effects of climate change, and aligning financial flows to low-carbon and climate resilient development.

20 June 2023

The European Council [announced](#) that it has reached an agreement on the establishment of a broad range of nature restoration measures that would include requirements to protect and restore at least 20% of EU land and sea areas by 2030, and all areas in need of restoration by 2050. The agreement will form the basis for the Council's negotiating position on the Nature Restoration Law proposed by the European Commission in June 2022.

20 June 2023

US President Biden [announced](#) nearly USD2.9 billion in investments aimed at helping to protect coastal communities and electrical grid infrastructure from the impact of climate change. The new investments include USD2.3 billion over five years, aimed at bolstering grid resilience through the Department of Energy's (DOE) Grid Resilience State and Tribal Formula Grants program. Authorized by the Bipartisan Infrastructure Law, the program is designed to strengthen and modernize power grids in the USA against events exacerbated by climate change, such as wildfires, storms and other extreme weather events.

20 June 2023

The Biden administration [announced](#) plans by the National Oceanic and Atmospheric Administration to launch a USD575 million Climate Resilience Regional Challenge. This is aimed at supporting innovative coastal resilience and adaptation solutions for coastal and Great Lakes communities, including building natural infrastructure, protecting communities and ecosystems from sea level rise, hurricanes, storm surge and other severe climate impacts. President Biden also announced plans to release a new National

Climate Resilience Framework, aimed at advancing government action, in alignment with non-federal efforts, on climate resilience. The framework will be released at the White House Summit on Building Climate Resilient Communities, planned for later in 2023.

26 June 2023

The IFRS Foundation's International Sustainability Standards Board (ISSB) [announced](#) the official launch of its new global sustainability and climate disclosure standards. This is expected to form the basis for emerging sustainability reporting requirements by regulators around the world. The new standards also mark a major step towards the integration of sustainability reporting within the broader financial reporting process. For more information, see our blog [A common language for sustainability disclosures: arrival of the ISSB standards](#).

26 June 2023

It has been [reported](#) that the Advertising Standards Authority (ASA) in the UK announced an update to the guidance regarding environment-related advertising issues provided by advertising code providers. the Committees of Advertising Practice (CAP) and Broadcast Committee of Advertising Practice (BCAP). The focus of the update is on barring green claims by companies that do not include context into their broader environmental impact. The update was owing to a series of recent rulings by the ASA on advertisements by companies that highlighted environmental claims about specific aspects of their businesses and were found to breach the codes by not including sufficient context into the businesses' overall environmental impact.

27 June 2023

An agreement was [reached](#) between the European Parliament and Member States on the update the EU Directive on asbestos at work. The directive calls on employers to reduce exposure to asbestos fibres to the lowest possible level. The occupational exposure limit will go from 0.1 to 0.01 asbestos fibres per cm³ without a transition period.

27 June 2023

It has been [reported](#) that a proposed EU law aimed at restoring and protecting natural habitats and ecosystems was faced with a major stumbling block, with the European Parliament's Environment committee's vote on

the proposed version of the law ending in a deadlocked 44-44 vote, with no abstentions. This puts the future of the proposed Nature Restoration Law in doubt. The Nature Restoration Law was proposed by the European Commission in June 2022, aimed at enabling a sustained recovery of degraded ecosystems, as well as contributing to the EU's climate objectives, and forming a key element of the EU Biodiversity Strategy.

27 June 2023

The government of Australia is planning to [implement](#) mandatory climate-related financial disclosure requirements for companies and financial institutions, according to a new consultation paper launched by the Treasury. Reporting requirements could apply as soon as 2024 for large businesses and over the following three years for smaller entities. The climate-related disclosure requirements focus on core elements of governance, strategy, details risks and opportunities and metrics & targets. Some specific proposals include a requirement for companies to disclose transition plans, including information on offsets, target-setting and mitigation strategies, processes used to monitor and manage climate-related risks and opportunities, and the use of scenario analysis. The rules would also require companies to report Scope 1 and 2 and material Scope 3 emissions, in addition to industry-specific metrics. The proposal also gives entities an extra year to implement Scope 3 reporting, allows time for scenario analysis to transition from qualitative to quantitative, and introduces a 3-year transitional period for enforcement for areas including scenario analysis, transition planning and Scope 3 emissions.

27 June 2023

Norway [intends](#) to open parts of its continental shelf to commercial deep-sea mining exploration, a controversial move it hoped would set the standard for good practices. The announcement comes a day after the UN adopted the first international treaty to protect the high seas. The seabed on the country's continental shelf is believed to contain large deposits of minerals, including the possibility of rare earth minerals. Norway's Petroleum and Energy Minister Terje Aasland said that seabed minerals can become a source of access to important metals, and no other country has a better basis to lead the way when it comes to managing such resources in a sustainable and responsible way.

29 June 2023

The Government of Canada [announced](#) an investment of USD265 million to support the newly launched Initiative for Sustainable Aviation Technology, aimed at supporting research and development into sustainable aviation technologies, and accelerating the aerospace industry's green transformation. The projects will target four key technology areas, including hybrid and alternative propulsion, aircraft architecture and systems integration, the transition to alternative fuels, and aircraft support infrastructure and operations.

29 June 2023

The Sustainable Fashion Communication Playbook has been [launched](#) by the United Nations Environment Programme (UNEP) and the UN Fashion Charter for Climate Change (UNFCCC). Co-published by UNEP and UN Climate Change, the Playbook provides a shared vision, principles and guidance on how to align consumer-facing communication across the global fashion industry with sustainability targets. The guide is aimed at consumer-facing communicators, covering a wide range of job roles, including marketing, branding and advertising; public relations, creative direction and visual media; event production, content or social media at brands and retailers; and those involved in the wider communication ecosystem. Intended as an actionable guide, the playbook walks communicators through the process of narrative change, shifting from communications that promote a linear, take-make-waste model, towards a sustainable and circular system in line with the Paris Climate Agreement, something the UN is calling "1.5 °C lifestyle." The Playbook invites all fashion communicators to the table, emphasising for the first time in the sector the importance of the role of storytellers as enablers and drivers of systemic change.



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- OECD REVISES GUIDELINES FOR MULTINATIONAL ENTERPRISES ON RESPONSIBLE BUSINESS CONDUCT
- TRACKING ESG IN ASIA – MAY 2023

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The ESG Tracker SADC Region is compiled by lawyers based in our Johannesburg office.



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