



CULLINAN & ASSOCIATES  
Environmental and green business attorneys

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## ECOLOGICAL SUSTAINABILITY REPORT

(March 2012- February 2013)

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### Expertise grounded in experience

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## TABLE OF CONTENTS

1.	INTRODUCTION.....	1
2.	PROGRESSIVE REALISATION OF THE ENVIRONMENTAL RIGHT THROUGH KNOWLEDGE CREATION AND TRANSFER.....	1
3.	CLIMATE CHANGE.....	2
4.	TRAVEL .....	4
5.	ENERGY EFFICIENCY.....	4
6.	ENERGY EFFICIENCY.....	6
7.	WATER.....	6
8.	FOOD .....	6
9.	BIODIVERSITY.....	7
10.	EDUCATION.....	7
11.	COMMUNITY OUTREACH.....	7
12.	INTERNATIONAL INITIATIVES.....	7
13.	GREEN PROCUREMENT.....	8

## 1. INTRODUCTION

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This report contains a summary of the steps taken by Cullinan & Associates (“Cullinans” or “the firm”) during the period 1 March 2012 to 28 February 2013 in furtherance of the sustainability commitment and objectives set out in the firm’s Ecological Sustainability Policy. The award to Cormac Cullinan of the SAB Nick Steele award for South African Environmentalist of the Year (2012), is also in part, a recognition of the firm’s achievements.

## 2. PROGRESSIVE REALISATION OF THE ENVIRONMENTAL RIGHT THROUGH KNOWLEDGE CREATION AND TRANSFER

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Section 24 of the Bill of Rights in the Constitution states that:

“Everyone has the right –

- (a) to an environment that is not harmful to their health or wellbeing; and
- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –
  - (i) prevent pollution and ecological degradation;
  - (ii) promote conservation; and
  - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”

Our firm aims to contribute to the progressive realisation of this environmental right in a variety of ways, including by using our knowledge of environmental law and professional skills to promote ecologically sustainable development and conservation and to prevent pollution and ecological degradation. This year, the work we have undertaken that we feel most contributes to the progressive realisation of the environmental right through knowledge creation and transfer includes:

- *pro Bono* representation of the Oranjezicht City Farm which is pioneering urban farming in the City bowl and helping to build more ecologically sustainable communities;
- drafting of the small-scale fisheries policy and development of the implementation plan of the policy which will promote sustainable fisheries that support artisanal fishing communities;
- submissions to assist the Office of the Public Prosecutor to formulate charges in a criminal case relating to pollution and offences under the National Water Act;

- submissions to the Department of Mineral resources on the MPRDA amendments and Fracking regulations;
- submissions on the National Environmental Management: Biodiversity Act and Integrated Coastal Management Act;
- representing the City of Cape Town in the MaccSands case which resulted in the Constitutional Court ruling that a municipalities retain the authority to refuse zoning authorisations for mining activities even if a mining permit has been granted; and
- participation in various conferences, panels and workshops informing both the public and private sector about aspects of the environmental right.

### **3. CLIMATE CHANGE**

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In 2009 we were the first law firm to have established a climate change reduction “club” under the auspices of Project 90 x 2030, an organisation which aims to encourage its members to achieve a 90% reduction in their greenhouse gas emissions by the year 2030. Our club is called “*Abahlobo Behlabathi*” (which means “friends of Earth” in isiXhosa) and we were proud to have received a “Climate Champion 2009” award from Project 90 x 2030 for an outstanding effort in reducing our carbon footprint and making lifestyle changes.

All our staff members are members of *Abahlobo Behlabathi* and with the support of the staff of Project 90 x 2030 and The Green House, we have monitored the carbon footprint of our organisation since April 2008. We set ourselves specific individual and collective targets for carbon reductions (electricity, transport, recreational flights and waste) and in the past have meet regularly with Project 90 x 2030 organisers to discuss our progress and to exchange ideas for reducing our carbon footprint with other clubs. Our members of staff have all taken measures in their homes to promote ecologically sustainable living such as installing solar water heaters, recycling household waste, growing food, composting kitchen waste, installing energy saving light bulbs and buying organic food.

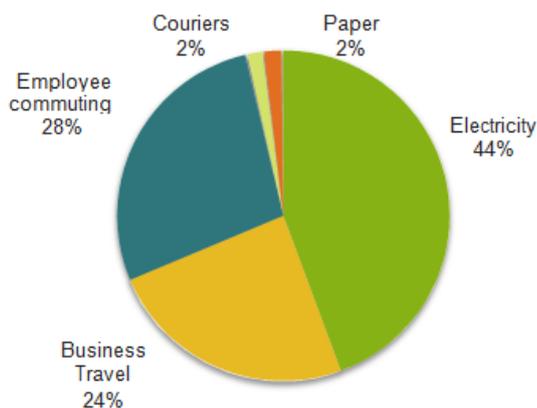
The Green House assessed the firm’s carbon footprint in line with the International Greenhouse Gas Protocol for the period 1 March 2012 to 28 February 2013. The assessed carbon footprint of the firm was a relatively low carbon footprint of 24.9 tonnes of CO<sub>2</sub>e.

**TABLE 1: CARBON FOOTPRINT RESULTS 2012/2013 FY CULLINAN AND ASSOCIATES AND ENACT INTERNATIONAL**

Scope	Source	Carbon footprint [t CO <sub>2</sub> e]
Scope 1	Not applicable	-
Scope 2	Electricity consumption	11.1
<b>Sub-total scope 1 and 2</b>		<b>11.1</b>
SCOPE 3	Business Travel	6.0
	Employee commuting	6.9
	Distribution/Freight	0.4
	Paper	0.5
<b>Total Scope 3</b>		<b>13.8</b>
<b>TOTAL EMISSIONS</b>		<b>24.9</b>

This represents a significant decrease from 37.80 tonnes of CO<sub>2</sub>e in the 2011-2012 year and 34.2 tonnes from 2010-2011.

We have supported the Hout Bay Recycling Co-operative in offsetting our footprint of 24.9 tonnes CO<sub>2</sub>e for the 2012-2013 year, through Credible Carbon Solutions. The Hout Bay Recycling Co-op is a social enterprise for residents of Imizamo Yethu township in Hout Bay which has prevented more than 1 200 tons of waste from going to landfill where it would have turned to methane and CO<sub>2</sub> and placed further stresses on Cape Town's solid waste resources, land and water.



**FIGURE 2: BREAKDOWN OF CARBON FOOTPRINT BY CATEGORY**

Some of the specific measures that we have taken and intend taking to reduce our greenhouse gas emissions by reducing the impact of travel, office energy consumption and waste are discussed below

#### **4. TRAVEL**

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Electricity usage has surpassed business travel as our primary emission factor (44% of our 2013 footprint). We have however, reduced our electricity consumption from over 16kWh in 2010 and 15kWh in 2011 to 11.1kWh in the 2013 year.

Business travel continues to be a large contributor to our collective carbon footprint (6 tonnes CO<sub>2</sub>e or 24% of total emissions per annum) and although we seek to eliminate unnecessary travel (e.g. by holding meetings with staff members in our Durban office via Skype), it is not possible to eliminate air travel. Consequently we have opted to offset the carbon emissions of flights via the Hout Bay Recycling Co-Op. In future we intend to engage in discussions with key clients regarding their willingness to voluntarily offset the carbon emissions of flights which are undertaken as part of the performance of services to them.

We have achieved significant reductions in the impacts of travel by moving our head office from central Cape Town to Kenilworth which is nearer the homes of many of our members of staff. (See pie charts on following page.) Several staff members who live near the office now cycle or walk to work where shower facilities are provided. Certain of the staff members who live further away have formed a car pool to get to work.

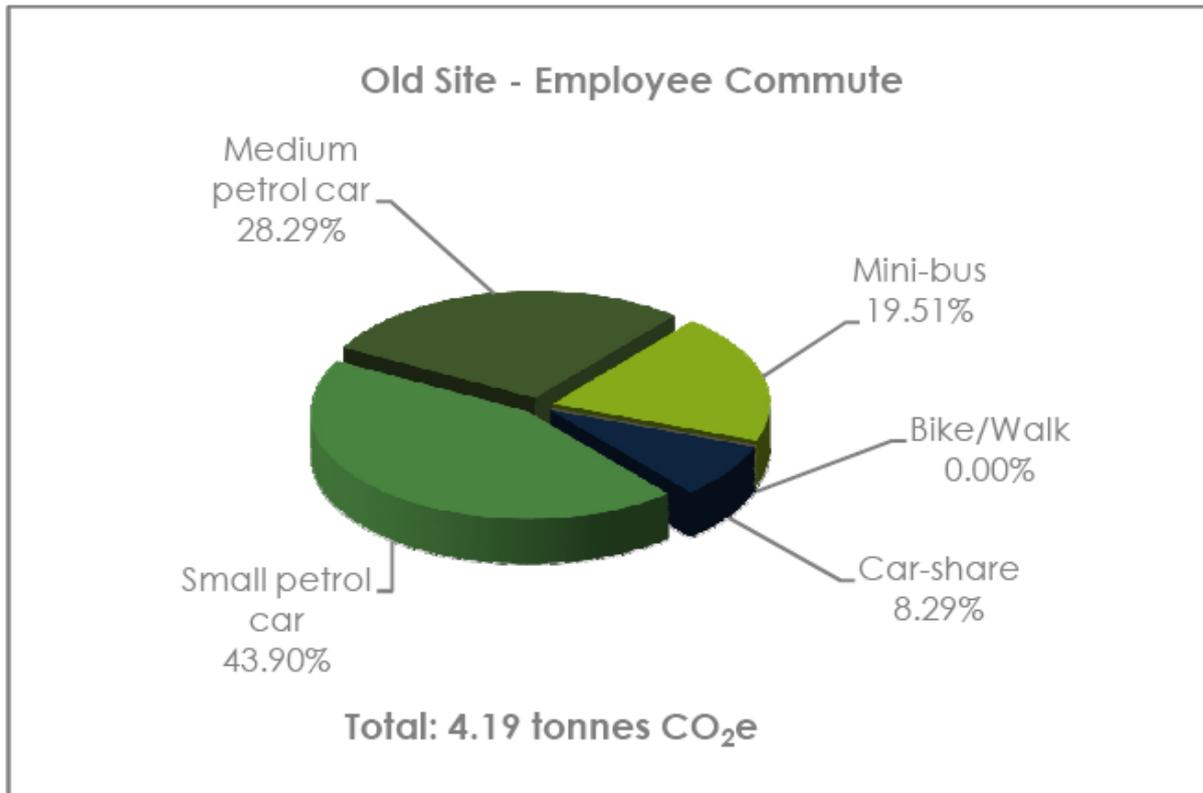
We allow certain of our professionals to work from home when there is no need for them to be in the office, which reduces the use of petrol and greenhouse gas emissions.

#### **5. ENERGY EFFICIENCY**

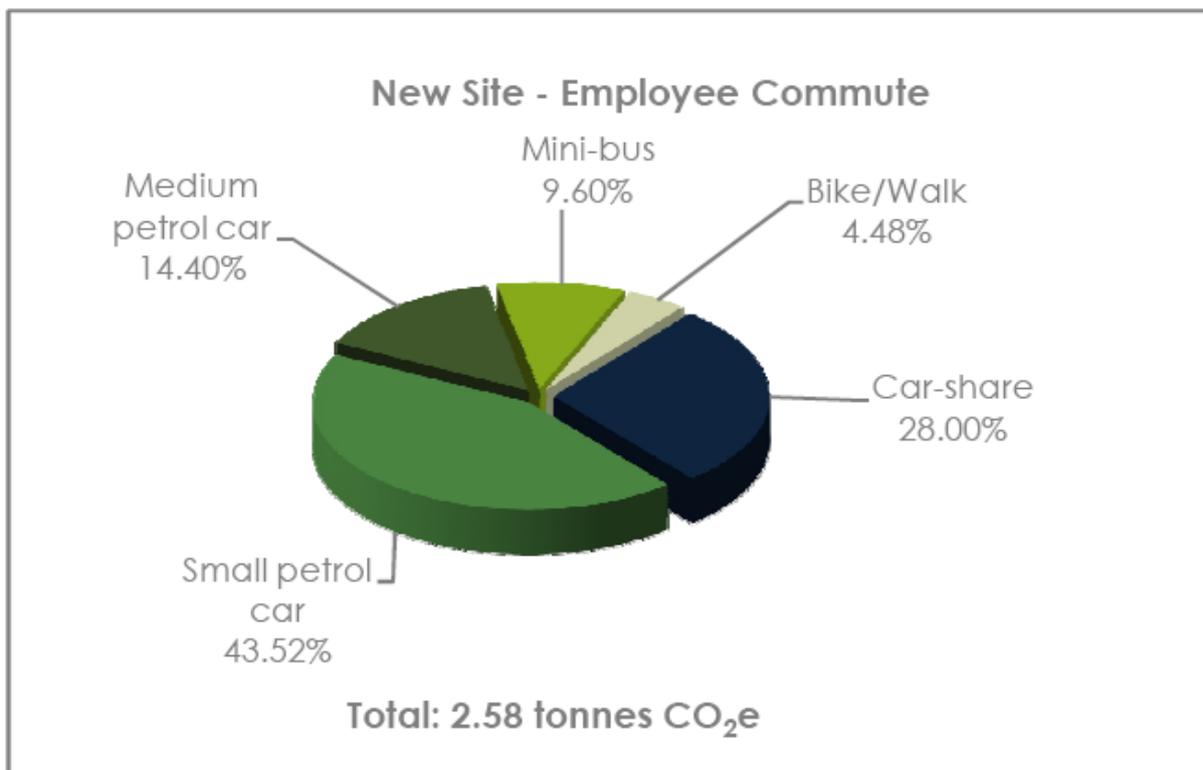
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We have implemented a number of measures to improve energy efficiency including:

- commissioning an energy audit of our new building and implementing recommendations in the report such as installing energy saving T5 florescent tubes throughout the office;
- eliminating the need for a hot water geyser and kettles in the kitchen by installing a unit which provides boiling water on tap (the unit is switched off after hours);
- switching off air conditioning heating facilities in rooms when they are unoccupied and keeping doors and windows closed when these facilities are in use; and
- switching computers and equipment (except the fax machine) off at the plug at the end of each day.



**Figure 3:** Employee Commute – Old office, Cape Town



**Figure 4:** Employee Commute – Kenilworth Office (and Durban)

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## **7. WATER**

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The firm uses very little water. Water consumption in the toilets has been reduced by the installation of double flush toilets and water use in the kitchen has been reduced by the use of a dishwasher, which is shared with the other occupants of our building

## **8. FOOD**

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In order to minimise our carbon footprint, and promote organic farming and local economic development we:

- eat communally with all the other occupants of the building;
- as far as practically possible, procure food that is organic, free range and free trade certified (e.g. organic chickens, fruit and vegetables, Fair Cape milk);
- supply tap drinking water only and discourage the use of bottled water;
- many staff members obtain weekly boxes of vegetables from Abalimi Bezekhaya, a local non-governmental organisation which enables people in the townships around Cape Town to make a living by growing organic produce;
- do not use any disposable cups, plates or cutlery in the kitchen.

We have started growing herbs in our office garden and intend to expand our garden to grow salad ingredients for staff lunches.

## **9. BIODIVERSITY**

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We have moved our offices from the inner city to premises that we feel better reflect our commitment to ecological sustainability. Our firm's landlord (a company which is part-owned by C&A directors) has established an indigenous and water-wise garden at our offices. In the coming year, we will be responsible, along with the other occupants of our building, for maintaining and developing the indigenous garden, which we hope will become a habitat for birds, small mammals and reptiles, and insects.

## **10. EDUCATION**

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In 2013, all attorneys at the Cape Town office held Masters Degrees in Environmental Law or were currently enrolled for their LLM in Environmental Law.

We consistently share information about environmental issues among staff members and intend screening several documentaries on environmental issues to staff members including: "The Coconut Revolution" and "Crude."

## **11. COMMUNITY OUTREACH**

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We provide legal advice at reduced rates or on a pro bono basis, for environmental and resident's organisations who are not in a position to pay our normal fee rates. We supported the Project 90 X 2030 campaign by helping draft their climate change pledge and signing up to it.

## **12. INTERNATIONAL INITIATIVES**

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During the 2012/13 financial year our firm and staff also made important contributions to environmental protection in other countries.

We are assisting Gabon to implement the Nagoya Protocol to the Convention on Biological Diversity to ensure that Gabon can regulate access to genetic resources in its country and that the benefits of commercialising genetic resources (e.g. from cosmetics or pharmaceuticals based on compounds found in plants) are shared equitably with indigenous and local communities.

Cormac Cullinan continued to serve as a member of the Executive Committee of the Global Alliance for the Rights of Nature and participated in the Rio +20 Earth Summit in Rio de Janeiro, Brazil and spoke at international conferences in Australia and Norway.

### **13. GREEN PROCUREMENT**

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Where possible we procure goods and services from organisations which promote ecologically sustainable development. For example, when we buy electronic equipment we make sure that they have an “energy star” label and we are use organic “fair trade” coffee in our office.