

GROUNDWORK



COVID-19 AN EXCUSE TO GAG COMMUNITY VOICES



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groundWork is a non-profit environmental justice organization working primarily in South Africa, but increasingly in Southern Africa. groundWork seeks to improve the quality of life of vulnerable people in Southern Africa through assisting civil society to have a greater impact on environmental governance. groundWork places particular emphasis on assisting vulnerable and previously disadvantaged people who are most affected by environmental injustices. groundWork's current campaign areas are: Climate Justice and Energy, Coal, Waste and Environmental Health. These campaigns are supported by the Media, Information and Publications Campaign and the

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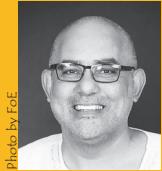
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groundWork



From the Smoke Stack

by groundWork director, **Bobby Peek**



Sabbatical a quiet time...?

Amidst COVID-19, lockdown, waste dump fires, Gwede's tricks and distasteful treats – these last few months have not been without drama. And while this has been going on, I have the fortune of a sabbatical.

Lockdown has kept us much busier than we expected. But then, as we always say in groundWork, things will get calmer – although from 21 years of history we know that is never the case. Yes, 21 years. We are now an adult organisation with 23 people, and I doubt if we will be slowing down. As I reflected in the last Smokestack, “We are a privileged NGO”, and I am fortunate that groundWork does allow staff to have time to slow down in. What I am grateful for and proud of is that groundWorkers will continue the work in each other’s absence.

This has been an intense and difficult time for us in the office. We have not been back to the office since March and, despite this being the first day of Level 2 lockdown, I do not see us returning full force in the near future.

The pandemic has brought to the fore the deep inequality in South Africa, and groundWork responded to ensure that the many people we work with are supported directly to meet their daily needs. In total, we have raised more than R285 000, primarily from individuals, and distributed it in money vouchers and food to people in the coal belt of Mpumalanga, Newcastle and Somkhele (KwaZulu-Natal), and in the south Durban area, amongst hostel dwellers who have lost their right to work during this period.

groundWork has also worked with SAWPA, the African Recyclers Organisation (ARO) and Women in Informal Employment: Globalising and Organising (WIEGO) to develop a joint response to the pandemic in support of waste pickers. This has included working with the Minister of Environment, Forestry and Fisheries and her department. During this period, SAWPA has been supported by Nedbank, the United

Nations Industrial Development Organisation, United Nations Environmental Programme, government, industry and various academics. Through the Urban Movements Incubator (UMI), we have also raised support for organisations across Africa to build their virtual infrastructure, which is the future.

In groundWork, day to day work continues, despite the pandemic. Alarmingly, the ongoing controversy around the waste dump in Pietermaritzburg continues. The Msunduzi Municipality, after receiving a directive from the Department of Environment, Forestry and Fisheries to get its act together, acted without proper process to appoint a company with no experience to respond to the challenges. The result has been a bucketload of money (we have heard the number R10-million being bandied about) paid to an inexperienced consulting company – Surge Sut – which on their website lists this as their only project.

So, we have had more fires and more violence by a state-appointed company, as waste pickers were allegedly shot by the consulting company personal. What sparked the violence was a recent fire that broke out on the 20th of July and was only extinguished in the first week of August. As reported, “on Tuesday, July 21, the Msunduzi municipality’s environmental health unit issued a warning, asking those in ill health who live close to the site to evacuate their homes. On Friday, July 24, part of the N3 highway, near New England Road, was closed due to the clouds of smoke that billowed over the motorway.” All of this during the pandemic. Forget about cigarettes and the pandemic – we have the dumpsite to contend with.

groundWork’s air sampling highlighted the toxic nature of the fire, which included benzene. This was no small fire, it was a toxic nightmare of fumes.

While on sabbatical, I have had the chance to collate a history of photos of groundWork, and it is alarming that since 2008 December, groundWork has been working with waste pickers to improve conditions on this dumpsite, but failed city administration after



administration has not managed to get this right. So the saga continues.

But let's move on to more cheerful things. In October, the Centre for Environmental Rights will celebrate 10 years of existence. groundWork was one of the founding members of the Centre, and has worked closely with the Centre since day one. We have been in the trenches together in Mpumalanga, the Vaal and in south Durban. We have fought against the "dangers of a culture of secrecy and unresponsiveness" as the supreme court of appeal has noted in the case of the Vaal Environmental Justice Alliance against ArcelorMittal South Africa, which refused to release environmental information.

There has been no further coal-fired power stations built after the delayed and controversial Eskom power stations of Medupi and Kusile. We have pushed back at the weakening of environmental governance in general and on air pollution in particular. When Melissa Fourie, founding director, came to groundWork to canvass the idea of the Centre, groundWork was already thinking and had budgeted for a legal person in our office, so the idea found fertile ground and the rest is history.

groundWork invested in the Centre in terms of politics and resources from day one. Well done to all who have been part of this incredible team, even those to whom we have had to bid farewell from time to time, the most recent being Robyn Hugo. We will miss you! The Centre brings a humility to their work and a respect for all parts of the struggle. They are lawyers who are on tap, not on top! Although sometimes we do struggle around joint strategy, we trust that they have the insight to see different campaigning positions and struggles that the legal strategies can be shaped around, rather than attempting to shape the struggle around the law.

On this note, we are once again in court, this time asking the North Gauteng High Court to order

the Minister of Mineral Resources and Energy and National Energy Regulator of South Africa (NERSA) to provide reasons for various decisions related to the Integrated Resource Plan for Electricity, 2019 (IRP). This after engaging with the Ministry and NERSA since November 2019. So, the struggle continues for an energy model that is developed via open democratic means, rather than in the boardrooms of corporates or in the corridors of political power, excluding those most affected by decisions to continue with coal and nuclear energy.

Another piece of good news is that Nerisha Baldevu has joined groundWork in supporting our work in hosting the Secretariat of Friends of the Earth Africa. Nerisha has worked with Womin, Earthlife Africa and Khanya College and we are thrilled to have her support our work in Africa. It is great to have her on board.

On a sad note, we have lost Moipone Nkwana, a student from the groundWork environmental justice school cohort of 2019. May her soul rest in peace. During this period we also lost conservationist Keith Cooper, who supported our early environmental justice work in south Durban in 1995. What I always remember is the chance he took on backing a few of us who were challenging the corporate powers in south Durban. Very few people did in those days but, unexpectedly, Keith understood the justice struggle within environment.

Finally, a big thank you to all of the groundWorkers who carry my load while I am at home resting, painting, reading, fetching children and cooking up a storm. For this I am grateful.

For now, till the next newsletter in December and hopefully a much more relaxed South Africa that is on the road to a just recovery. ☺

Bobby





All must have their say

by Avena Jacklin



As public trustees of the environment, all who live in South Africa have the right to be notified and informed early and in a proactive way regarding proposals that may affect their lives or livelihoods. Public interest and effective participation in proposed developments must be inclusive and contribute towards maintaining a healthy and vibrant democracy. Since the lockdown and the National State of Disaster, there have been a number of examples of people's right to public participation being undermined and communities excluded from processes. These range from the elimination of site notices and exclusive online and digital consultation, as well as directives issued to grant environmental authorisations without consultation.

In July, the Department of Environment, Fisheries and Forestry attempted to push through and fast track processes around the proposed Renewable Energy Development Zones (REDZs) which include gas pipeline corridors. The available time for response was shortened due to the notice being advertised six to fourteen days later than its release and the links to information on their website not being accessible. The area of impact of the proposed REDZs and corridors extends into all nine provinces; however, it was only advertised in three provinces and only in English. Communities living within these proposed zones will be excluded from this process. This is in contrast to DEFF Minister Barbara Creecy's words: "the poor and working class should not be left behind in an energy transition process".

Also in July, DEFF attempted sidestepping the Environmental Impact Assessment and public participation processes by issuing a directive in terms of Section 30A NEMA for establishing over 20MW of gas generation infrastructure within the Ports of Ngqura, Richards Bay, Saldhana Bay and Durban. DEFF has relied on the COVID pandemic as the

emergency situation to justify this project to go ahead with immediate effect. Yet no evidence was provided about how this project would "prevent, contain or mitigate" the effects of the pandemic. Section 30A was wrongly and unlawfully used to justify this directive, as establishing and fast-tracking gas infrastructure is not a "significant contribution to life-saving initiatives". It does, however, put lives at risk and increase climate change risk.

According to Section (2)(4) (o) of the Environmental Management Act, 107 of 1998 (NEMA), the environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage. This also means that participation of people must be promoted and that all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation. This includes the most vulnerable in our society, the disabled, women and the youth. All potentially impacted people must obtain clear, accurate and understandable information about the environmental impacts of proposed activities or implications of decisions. Provision has to be made for people to voice their concerns, questions and suggestions. And government needs to incorporate the needs, preferences and values into the proposed development while promoting transparency, accountability and fair administrative justice/action.

These rights form a critical part of the Just Transition that we are all embarking on to ensure the democratic control of resources that serve the needs of people through ecologically sustainable development and the rapid transition from fossil fuels to renewables. Open democracy is for everyone and provides protection against maladministration and corruption. ☀

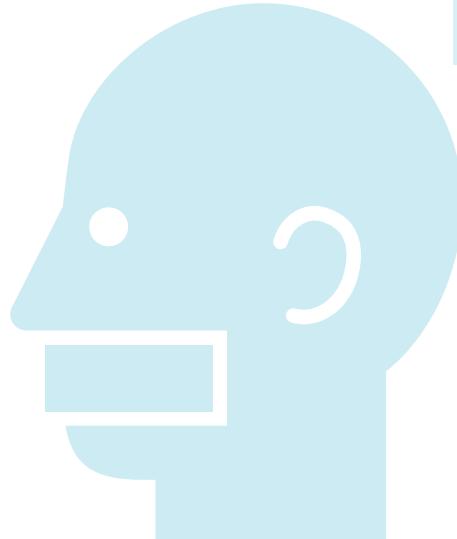


Public Right to DEMAND:

1. A national register/database of all potentially impacted role players within each province and municipality must be developed for the purposes of early notification. This must include all communities residing in these areas.
2. Adequate notice must be given prior to meetings and submissions to ensure meaningful public participation. This should be 60 to 90 days from notice of all potentially impacted role players.
3. Early communication must begin even before a “reference number” is allocated, to allow more time for public participation and opportunities to modify the proposals as stakeholders of proposed developments.
4. Languages used in meetings, print and all forms of media must enable people to comment and participate with ease. People have the right to choose the language they are most comfortable communicating in.
5. Cultural requirements of role players must also be taken into account.
6. Notification must make every effort to reach out to public within affected areas including:
 - Radio announcements on national, provincial and local radio stations

- Social media such Municipal Facebook pages
- SMS lists
- Print media must include newspapers that easily reach potentially impacted people and within jurisdictions and boundaries within the area of potential impact
- Site notices in agreed-upon spaces that are visible to all

7. Disadvantaged communities and people with special needs must be catered for to overcome participatory constraints.
8. Establishment of ‘No Go’ areas that have previously been shown/proven to have adverse impacts on people’s livelihoods, the environment, protected areas, heritage and strategic water sources.
9. People’s struggles under the State of Disaster and lockdown restrictions must be taken into account and development proposals must be postponed until all role players may be included and given fair opportunity as outlined above.
10. Government and industry should not be using any pandemic, crisis, State of Disaster or State of Emergency to fast track development while excluding and restricting people’s ability to participate. It is unlawful, unjust and unfair practice and is violating people’s right as public trustees to the environment and their role in maintaining a healthy and vibrant democracy.



A hell of a dumpsite ruled by a bullet, blood and corruption

by Musa Chamane

Pietermaritzburg's dumping site has seen its fair share of mismanagement, corruption, political squabbling, murders, violence and fires that produce toxic fumes.

In 2002, as a student at the then University of Natal in Pietermaritzburg, I learnt that the New England Landfill site had approximately seven years left in its lifespan. This means the site should have been closed, rehabilitated or repurposed around 2008 and replaced with a new site or an alternative approach to deal with waste. Fast forward to 2020 and the site is still running and its extended existence is proving to be catastrophic if not deadly for the city and the people of Pietermaritzburg.

Landfill fires are the least desirable outcome but sadly the usual result of a very poorly operated waste management system. Fires cause the formation of hazardous chemical compounds that affect people with compromised immune systems and those with sensitive respiratory systems, as well as young children and the elderly. In the short term, exposure to smoke can cause headaches, nausea, and rashes. Over time, regular landfill fire exposure can increase the risk of chronic health impacts such as certain cancers and heart disease. This is because in the landfill smoke there are many harmful chemicals such as heavy metals, volatile organic substances and dioxins and furans.

Some of these chemical pollutants can also end up in the ash after the fire and be inhaled as it gets blown on the wind. Therefore, the combination of the smoke and the ash after the fire will cause the quality of the ambient air in Pietermaritzburg to deteriorate.

Save PMB has embarked on a campaign to call for proper management of the site by qualified personnel. We are well aware that COVID-19 has impacted on people's lives and victims are battling to get oxygen into their system and the smoke makes it worse. A family has even evacuated their house due to prolonged exposure to smoke that lead to a baby

failing to breathe properly. But what about those who do not have alternative accommodation? We are in general agreement with the idea that, if the smoke is not coming into people's homes then the risk is less. However, if people's homes are flooded with smoke and they experience difficulty breathing and have an acid taste in their mouths, then they should definitely evacuate from that place.

The ills that we see at this dump are as a result of deliberate negligence of the landfill and it has been reserved by corrupt politicians to further their interest. Waste materials should be compacted and covered with soil daily to avert possible fires. Dust suppressor trucks should always be there to make sure that dusts is suppressed and can be utilised in case of fire hazard, but that is not being practised because the site is run by political appointments.

In South Africa we have over 100 landfills/dumpsites with waste pickers on site. There is no dumpsite that constantly burns like Pietermaritzburg's does. Medical waste drips and syringes masks, hospital gloves are spotted at the dumping site, even though we all are aware that this is not a medical waste site and that only domestic waste is allowed there. This is a shame and disgrace.

To even start labelling Maritzburg as KwaZulu-Natal's capital city is a disgrace because politicians are running Pietermaritzburg down. In the 90s, the city was called a garden city and won a cleanest town competition, competing with all South African cities. I wonder where the leadership of that time are, because they must feel very depressed that the city is now run by dogs. Gunshots resulting in deaths, squabbles between waste pickers and middlemen, trucks running over people, drug trading as well as stealing of resources like diesel for the equipment has been the order of the day.

Back in 2011, R21-million was given by cooperative governance to uMgungundlovu district to have a materials recovery facility (MRF) in the



city to service all five local municipalities. MRF is a waste sorting infrastructure which was going to cut waste going to the landfill by more than 60% and most materials were going to be recycled – a very good forward looking plan by the district. The money was received, plans were designed, sites identified, waste pickers were trained and organised into a cooperative and all was going smoothly.

Then politics came into play when the district and local leadership had a fall out about the proposed MRF. The MRF was never built because some politicians had not eaten at that time.

The people of the City of Choice have to unite and make sure that they challenge the municipality to clean

up their act. Failure to unite means we could see the injustice caused by the landfill lasting for more decades to come. The Sobantu residents, Hayfields Lincoln, Scottsville and schools around the landfill suffer the most as a result of the poor management of the site. Landfilling of waste is an old waste management tool. We should be talking about separation at source. We should be talking about having ward collection points for dry waste destined for the bigger MRF stationed central to all wards. It's not rocket science.

Pietermaritzburg you need to rise up! ☀



A community member protesting outside the PMB landfill site.

Credit: groundWork



Launch of the Sustainable Health in Procurement Guide

by Luqman Yesufu

As healthcare institutions around the world continue to grapple with the unprecedented crisis of the Corona Virus, it has become apparent that there is an urgent need to green the health sector supply chain. We have seen increased procurement of medical products and services, as healthcare institutions are making urgent choices that will heal the wounded and treat the sick. Unfortunately, many of these choices come with serious environmental and health consequences, as we have seen an increase in waste production and excessive use of chemicals (specifically disinfectant and sterilants) in healthcare institutions.

In South Africa, for example, the healthcare waste regulations have maintained that corona virus waste must be treated as isolated waste and double bagged. Not only is this unnecessary and expensive to dispose of, but it also creates a long-lasting problem for the environment and health.

On the 23rd of July 2020, groundWork's international partner, Health Care Without Harm launched the Sustainable Procurement Guide, featuring stories from 25 health care organisations around the globe, and offering a roadmap to develop a sustainable purchasing strategy that prioritises community and environmental health and safety while reducing costs. Sustainable procurement in health care can lead to:

- Significant cost reductions through more efficient resource usage, streamlined processes and labour management.
- Supporting uninterrupted operations during times of crisis.
- Attracting top talent and retaining employees for the long-term.

- Driving cutting-edge innovation with suppliers to maximise procurement for performance.

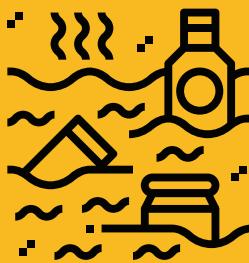
Following the launch of the Sustainable Procurement Guide, groundWork hosted its second in the series of webinars on Sustainable Practical Procurement, titled "**Drafting Tender Specifications & Stipulating Conditions of Contract for Sustainable Outcomes**". This webinar had 37 delegates in attendance, spanning from South Africa, Ghana, Zambia, Cameroon, Turkey, United States, India and Canada. The presentations were made by Ms. Santie Roy, who is the Director for Supply Chain Sourcing, Western Cape Government Health and Ms. Joyce Tsoueu, who is the Assistant Director: Performance and Risk management at the Free State Health. Both are senior public procurement officials.

Ms. Santie Roy made a presentation on drafting tender specification and her experience working on cleaning and laundry chemicals procurement.

Ms. Queen made a presentation on "Lessons Learned from Sustainable Pesticide Policy" in the Free State. Not only have they saved tremendous amounts of money through implementing this policy, but they have also reduced the harm caused to health workers, who complained of throat and skin irritation caused by the use of harsh chemical pesticides.

Finally, as health care organisations continue to make choices about the products and services they use, it's our collective responsibility to shape the market and increase the demand for sustainable products, both locally and internationally. The current pandemic has provided us a platform to redefine our supply chains so that they are environmentally friendly and promote healthy practices. ☺





No Plastic Solutions during COVID-19

by Rico Euripidou

Reusables are just as safe: The COVID-19 pandemic is accelerating single-use plastic pollution.

More than 125 health experts, including virologists, epidemiologists, emergency room doctors, and specialists in public health and food packaging safety, have signed a statement about the safety of reusables during the COVID-19 pandemic. They emphasised that reusables can be safely used by employing basic hygiene.

As the COVID-19 pandemic unfolds, so too does the excessive misuse of single-use plastics, adding more toxic pollution to our already over-polluted life support systems. This further fuels the destruction of our ecosystem and that threatens life on earth. Conservationists in Europe have already reported finding “more coronavirus masks than jellyfish”.

This novel “COVID waste”, as it’s now being dubbed – including disposable plastic gloves, masks and bottles of hand sanitiser beneath the waves of the Mediterranean – hints at a new kind of pollution, as millions around the world turn to single-use plastics to combat the coronavirus, cynically promoted by the plastics industry as the safest way to protect ourselves.

Add to this, the notion promoted by the plastics industry that disposable plastic products are inherently safer than reusables in the time of COVID-19, and we have the makings of an even worse situation caused by a combination of unfavourable circumstances. Plastic is now ubiquitous on earth – it has been found in the deepest parts of the ocean, in the tissues of micro-organisms that sustain our food webs, the fish that we eat and now even in the air that we breathe.

In a scientific paper, published this month in the journal *Science*, researchers collected samples from pristine wilderness areas in the United States where there is no formal disposal of plastic waste. They found microplastic in 98% of the 339 samples they collected, concluding that the plastic particles originated from populated areas and were transported

long distances by the weather. The human risk of inhaling plastic particles is not well known. However, the micro sizes are consistent with air pollution which the World Health Organisation says is responsible for approximately 9 million premature deaths worldwide from indoor and outdoor air pollution that definitively causes cardiovascular disease, strokes and respiratory disease.

The producers of plastic (the fossil fuel industry) know full well the catastrophic environmental and human health impacts, but they never disclose this. Instead, they divert our attention with recycling, which is what allows this sector to sustain their business-as-usual model and to keep the conversation focused on recycling. Instead of trying to find sustainable solutions and addressing bigger issues, such as catastrophic climate change, the human health impacts of air pollution and chemical contamination – scientifically proven to be driven by the fossil fuel and plastics manufacturing industry – they choose to promote the use of their toxic products to drive their volumes and satisfy their appetite for profits.

In South Africa alone, the plastics polymer manufacturer SASOL is responsible for emitting approximately 64 Million tonnes CO₂e per annum making it the single biggest greenhouse gas (GHG) emitter on the African continent. Coincidentally, this is more CO₂e than the combined GHG emissions of the next 30 biggest emitters on the Johannesburg Stock Exchange, which publicly disclose their carbon emissions. Additionally, in the Vaal and Highveld priority airsheds, the air that we breathe is more often than not out of compliance with our air quality standards. Air pollution alone is estimated to be responsible for up to 20 000 excess deaths a year in South Africa.

Granted, during the pandemic it is understandable that some single-use PPE is necessary to stop the spread of COVID-19 and the important role masks and gloves play in that. But they should be prioritised



for healthcare workers/essential workers, used as the medical experts advise and disposed of safely in the best interest of the environment and communities. The makers of plastic constantly tell us that we have a global plastic problem because of our day-to-day human behaviours and that plastic is inherently safe and not the problem and that we should use their products responsibly. However, the plastics industry and their PR machine are working around the clock to keep their dirty little secret, especially in light of COVID-19.

Facts

- The reason we have plastic waste everywhere is that, by 2017, of the 9.2 billion tonnes of plastic that have already been produced worldwide, less than 10% have ever been recycled!
- The plastics industry wants to increase their global production by another 30%, as the demand for fossil fuels globally wanes and you can just imagine the scale of the plastics crisis we'd face then.
- Disposable products are not inherently safer than reusables. Recent studies have shown the virus can remain active on plastics from two to six days, and that household disinfectants have been proven effective in disinfecting hard surfaces, such as reusables.
- The best practices urged by health experts include complying with food safety/health codes for sanitising, using additional hygienic practices during the pandemic, utilising contact-free systems, and ensuring that workers are adequately protected.

Countries in less developed regions of the world with limited capacity, struggle to deal with the glut of single-use plastics packaging promoted by manufacturers of goods that are designed to be thrown away. Countries must put in place decisive models based on a closed-loop economy geared towards avoidance, through clear and binding legal requirements on durability, reuse, reparability and recyclability for all product categories. This is the only way to reduce the ecological, health

and climate impact of the plastic flood on land, at sea and in the air to the necessary extent.

Recently, over 125 health experts from 18 countries signed on to a statement addressing the safety of reusables during the COVID-19 global pandemic. These experts, including virologists, epidemiologists, emergency room doctors and specialists in public health and food packaging safety, emphasised that reusable systems can be utilised safely by employing basic hygiene and creating contact-free options for customers' personal bags and cups.

The COVID-19 pandemic provides us with the opportunity to rethink the way we do everything; from the way our economies work, how we interact with each other and what we should prioritise post pandemic. Most people will agree our health and well-being is paramount. Before global lockdowns, we had been told that there was no alternative to the way we did everyday things (like flying around the planet). However, since the pandemic it has been shown globally that people, when called upon to do things differently, like stay at home for the common good, are willing to do so.

The changes we are required to make in order to protect the biosphere from catastrophic climate change and continued plastics pollution are far smaller than the changes and sacrifices we were required to make during lockdowns. We can easily repurpose our economies and production systems – in much the same way that governments forced factories to repurpose from producing for the market to production for the national war effort during the Second World War. It has become clear, even during these trying times of a global pandemic, that the plastic industry has little, if any, interest in where their products end up and the impacts they have on both people and the environment. Positioning single use plastics as some kind of positive intervention to a world problem is not only opportunistic but also irresponsible.

The COVID-19 pandemic should not be an excuse to move back towards a disposable lifestyle that jeopardises communities, our health and our environment. Choosing to act on bad advice from the plastic industry rather than the best available science will not keep people safe and will make our climate and plastic pollution crises even worse. 



African activists targeted

by Lorraine Chiponda

The COVID pandemic has seen the continuation of human rights violations on the African continent. In Nigeria, an environmental activist was arrested for attempting to protest against coal mining at Ukwow Owukpa. The coal mine provides energy to the Dangote Cement Factory, a large corporation that has been burning coal to supply its energy. The mine has resulted in massive water pollution and soil contamination, thereby affecting the locals' agriculture livelihoods and water sources.

Whilst in police custody, the activist was assaulted and falsely charged of various crimes. The activist was later released after spending some days in detention. Whilst COVID-19 restrictions have been introduced in nearly all the countries across the globe, some countries are using the restrictions to shrink civic space.

The measures introduced by the Government of Zimbabwe to prevent the spread of COVID-19 have come at a time when the country should be trying to come out of a history of violence and human rights

violations. The restrictions placed directly impact on the rights to freedom of movement and association and assembly. The pandemic has seen an escalation of the arrest of opposition leaders and activists, as well as the recent arrest of the journalist, Hopewell Chin'ono, who released information on alleged corruption activities surrounding resources meant to deal with the COVID-19 pandemic. The accused were said to be violating the Public Health (COVID-19 Prevention, Containment and Treatment) (National Lockdown) Order Statutory Instrument 77/2020 and also inciting violence and disorder. These arrests infringe on the freedom of expression and directly affect press freedoms as well as rights enshrined in the Constitution of Zimbabwe, such as freedom of assembly, association and movement.

Marginalised groups have been subject to violence at the hands of the police. The police enforcing COVID-19 restrictions, such as curfew and social distancing measures, have been seen to be using excessive force. There have been reports of police using immoderate force on vendors and people buying and selling in a bid to earn a living and put food on the table.

Restrictions should take into consideration the plight of the poor, whose right to earn a living and the right to food is impacted by the imposed restrictions.

The pandemic has forced everyone to abandon the usual ways of working, which includes abandoning the usual ways of practising democracy and participating in civil spaces. Some mechanisms are, however, not accessible to poor and marginalised groups and thus large groups of people remain deprived of their rights. Civil society organisations should continue to monitor the civic space and monitor for human rights violations and should monitor how COVID-19 task forces implement COVID-19 restrictions on the ground. Also, governments should desist from the arbitrary arrest of activists and respect the rights of accused persons when in custody. ☀





IPR and Khanyisa Power

by Robby Mokgalaka

In July 2020, **groundWork** decided, with the Centre for Environmental Rights (CER) acting as their legal representative, to take to court the Minister of Mineral Resources and Energy, Gwede Mantashe, together with the National Energy Regulator of South Africa (NERSA), requesting the court to grant an order compelling the two parties to provide reasons for their decision on the 2019 Integrated Resource Plan (IRP). The court action came after **groundWork** had, on several occasions in November 2019, made attempts to engage with the Minister and NERSA, requesting reasons for their decisions on the IRP. Unfortunately, these attempts, which were made formally in a written form, fell on deaf ears.

The long-overdue updated IRP, published in October 2019, provides for (among other things) 1 500 MW of new coal capacity and 3 000 MW of new fossil gas capacity in South Africa's electricity future. At a time when the country – like the rest of the world – must immediately reduce its reliance on fossil fuels to avoid the worst impacts of the climate crisis, which government itself has warned poses grave risks for South Africa, there must be full transparency and accountability for a decision to include new fossil fuels in South Africa's electricity plan.

International climate science and policy institute Climate Analytics confirms that global coal use in electricity generation must fall by 80% below 2010 levels in less than 10 years (by 2030) in order to meet the targets set by the Paris Agreement. This is echoed by the urgent appeal of the UN Secretary General António Guterres earlier this month that no new coal plants be built anywhere in the world, particularly given the need for climate-resilient, healthy COVID-19 recovery plans worldwide.

The significant proportion of fossil fuel energy generation planned for in the 2019 IRP will lock South Africa into expensive, obsolete infrastructure, which the country simply cannot afford – now, or in the future. South Africa is already ill-prepared for a

transition from fossil fuels, and faces some R2 trillion (USD 125 billion) in transition risks, as a result of locking South Africa into fossil fuel infrastructure that will not yield the expected income or value due to major shifts in climate policy and market transformations.

Based on all the global information and our own local experience in South Africa, which demonstrate how coal is destructive and affects our health and lives, **groundWork** is requesting the parties to provide the rationale relied upon for their decision to include new coal in their IRP.

Khayisa Power

groundWork, again represented by CER, has just won an appeal against the proposed Khanysia at the Water Tribunal. In July 2020, the Water Tribunal made a decision against ACWA Power, owners of the proposed Khanyisa coal plant in the already polluted Highveld area. The Tribunal agreed with **groundWork** that Khanyisa's public participation process was fatally flawed and did not constitute fair or reasonable administrative action, and that the defects could not be cured by the appeal.

The Water Tribunal also agreed that, although climate change impact assessment should be done at the Environmental Authorisation stage, the climate change considerations are relevant factors in considering water use licence application. They also held that, had they considered those climate change impacts, DWS would NOT have concluded that the water use is beneficial and in the public interest.

This means that ACWA must conduct a new public participation process by advertising the application in the newspapers and inviting comment from the public within sixty (60) days – by the 21st of September 2020 – and public comments must be considered by DWS.

It is a great relief to notice that some regulatory authorities are beginning to understand the environmental and climate change-related issues. ☺



Environmental Justice School

Environmental Justice School 2020

The Environmental Justice School (EJS) for 2020 got off with a bang. Twenty carefully chosen participants made it to Valley of a Thousand Hills on the 15th of March 2020 for the school, which was meant to last for four weeks. The 15th of March also happens to be the Ides of March and, just as Julius Caesar was warned, it might not always be a great omen!

The enthusiastic participants spent one day exploring and mapping their worlds and getting to know each other. The theme for the second day was Connecting with Nature and Understanding Ecological Balance, and was spent on a field trip in the Mpumalanga Valley. There they ventured on interpretive trails. They settled at picnic rocks to share stories of rivers and gain insights into healthy ecological systems through a guided miniSASS activity. Through the miniSASS, they discovered an underwater world of aquatic invertebrates that are the foundation for healthy river life. With new insights, they returned those creatures to their homes. Shortly after that, they too returned to their temporary home in the Valley of 1000 Hills.

After such a positive launch it was deeply disappointing for groundWork to have to make the decision to send everyone home, as COVID-19 had begun its steady creep into South Africa.

All of us were dismayed, both at the reality of COVID-19 and the termination of the school. A week later, lockdown was announced.

It is our plan to see this cohort of activists again in 2021 to once again begin the work of the EJS with them. ☀

Jeanne Prinsloo

The late Moipone Nkwana, an alumna of the Environmental Justice School
Credit: groundWork

Tribute to Moipone Nkwana

It is with a heavy heart that we pay tribute to a Moipone Nkwana, who passed on in August, after a short illness. Moipone was part of the 2019 Environmental Justice School, and her valuable contribution and participation at the school will always be remembered. She was an active member in her community in Soweto, and had a very positive outlook on life.

Moipone Salaminah Nkwana was born on the 11th of January 1982 in Mapetla, Soweto. She is a mother of five (four girls and one boy). She is the founder of Maphelo Youth Skills Development, an organisation that focused on upskilling and providing care to the community. She was a cancer survivor.

It is the secret of the world that all things subsist and do not die, but only retire a little from sight and afterwards return again. You will be missed so dearly Moipone, for the positive energy you always brought to the room, the dedication and hard work you put into every task you accomplished and finally the kindness and warmth you showed to everyone around you. You will always have a special place in our heart. Rest well my friend, till we meet again. ☀

Luqman Yesufu





Hope in a time of difficulty

by Thomas Mnguni

The Mabola Protected area is home to more than 70 households in the rural areas of Dr. Pixley Ka Seme Local Municipality and is known to be a strategic water resource. The area is also home to one of the best opportunities to view different bird species in the country. Tourists visit the area just to have the opportunity to view the bird life. But the tourist industry has failed to use the opportunity to create jobs and develop the area to the benefit of all.

The lack of jobs in the area, this presented an opportunity for mining as they went into the area with huge promises of creating jobs when they mine. Everyone was concerned about the proposed development, with locals arguing that they should be properly consulted. Several NGOs throughout the country where worried about the significance of the water resource and how mining could be allowed in a protected environment.

These concerns, albeit not consolidated by the interest groups, led to the formation of the Mabola Alternatives Committee, which strongly advocates for the exploration and implementation of sustainable, community-owned, socio-economic development opportunities as opposed to mining, which is synonymous with destruction. The Alternatives Committee, through learning from and observing mining-affected areas, believe that we need to use natural resources wisely and work together to achieve a single developmental goal and build a resilient and happy society which can take care of its well-being.

The Mabola Alternatives Committee, in partnership with Centre for Environmental Rights, MEJCON-SA, MEJN and groundWork, started a process of engagement which led to the community drafting a plan that seeks to address food supply, water and electricity and create jobs for local people. The plan took into consideration the available

skills and those that could be developed in the short to medium term.

One of the aspects that was recognised from the onset was that, in order for the plan to work, we need more people on board, because of the different expertise that is needed. After identifying several stakeholders in the process, the first meeting was held on the 31st July 2020. The meeting was fruitful, as it paved the way for more engagement and sharing of ideas and resources to make the plan work.

It should be noted that a lot of work lies ahead of us but, through commitment and hard work, the Alternatives Plan will become a reality. The next step will be to get government to be part of the process so that we begin to define development in the context of the people rather than industry. ☀

The Mabola landscape

Credit: CER





Coal life during Lockdown

by S. Macu

There was a time when coal mines were life security for the people of the Dannhauser and surrounds, yet during the hard times of the national lockdown as a result of the pandemic, many people find themselves without jobs. This pandemic did not only affect livelihoods for the employees but also the coal company itself. While the mine tried to downsize (retrench) its employees and reduce the number of subcontracted coal transportation trucks, the surrounding community members embedded themselves in a strike, which was divided into different groups. The first was members of the transport (truck) suppliers; the second was members of the community, wanting to be employed as they say the mine employed people who are not from the surrounding communities during the retrenchment. The two strikes were

successful as, on the 17th and 20th of July, members managed to bring the mine to a stop, but on the third day members of the South African police service were called in. They dismissed the strike and captured a few people.

A few days later, the mine called a community meeting in an attempt to resolve these issues.

It is at such times that we call for a just transition, where people can reshape and secure their livelihoods without being dependent on large corporations.

While coal companies have promised livelihoods and job security over the years, it is now clear that the coal era is coming to an end. Whether we like it or not, at some point we will have to learn and adjust to new forms of livelihoods security, where people are living well with one another and with the environment.

A coal mine in Dannhauser

Credit: CER

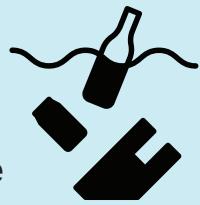


The coal days are coming closer to the end of their era not only an opportunity for other means of livelihoods security but also the new era of improving our health and our environment. It might not be an easy task for people to understand the call for a just transition, as people struggle to understand what is meant by the term, and wonder about the implications, especially with the COVID-19 pandemic at its fullest and coal companies taking advantage of the situation by exploring minerals in the community with hope to open new mines in the area. ☺



A Just Recovery

by Niven Reddy and Carissa Marnce



The COVID-19 crisis has affirmed the urgency to unify as a global community. At this moment in history, the world is realising how interconnected and reliant on one another we truly are. While this crisis has laid bare widespread systemic injustices in all facets of society, we now have the opportunity and responsibility to align around a just recovery and invest in a better future for all.

First is the prioritisation of health for people and the planet. During the entire lockdown period, waste pickers have been saving our South African cities lots of money by doing free collection, segregation and recycling, yet we have not done enough to protect their health and livelihood during this time. We cannot afford to treat people as disposable second-class citizens. We need compassion for the planet and the people. We need to focus on a recovery that keeps the poor at the centre of our solutions. Our environment and human rights cannot be compromised.

Secondly, there needs to be a shift and more investment put towards solutions, not bailouts. There should be divestment from extractive industries and their boom and bust cycles and we should not invest billions in bailing out failed state parastatals such as Eskom, which threaten the financial stability of our country. Instead, we should be investing in the future. We should plan for the transition of our workforce into sustainable economies, while prioritising investments in community resiliency and not corporate interests.

Third is the replacement of single-use with sustainable systems. Single-use must be replaced with sustainable product delivery systems. The externalised costs, from extraction to disposal must be eliminated. There isn't a country that has sustainably managed single-use plastic because it cannot be managed. They mostly cannot be recycled or composted, leaving the only option incineration, landfilling or exporting the problem to another country. The only way to solve the plastic crisis is to stop the production and use of single-use plastic and transition to refill and reuse systems. Corporations need to redesign their delivery

systems to become more sustainable. We need systems that work for the people, not against them.

All of this must be complemented with an aggressive demand for corporate and government accountability. Corporate responsibility and accountability must be consistent in all jurisdictions where companies do business. Government policies must ensure countries manage their own waste. Policy must be informed by credible, third-party science.

There is a deep need to address the double standards of global multinational companies. Materials with no way of being recycled should not be produced in the first place, but they continue to flood our environment in the developing world.

Lastly, spaces must be created for meaningful engagements with impacted communities. There is a great need to support community efforts to hold dirty industry accountable for health and environmental impacts, and to ensure that our regulators measure and monitor emissions and health impacts to take decisive action to redress these negative societal impacts.

We find ourselves at a critical crossroads in our human history: we can continue perpetuating an unequal system that has brought upon us multiple humanitarian crises, or we can take the opportunity to redress these social and environmental injustices, to take care of our most vulnerable brothers and sisters and to make decisions that address the root causes of our global problems.

The future is not disposable and neither are we!

Here are five principles for a just recovery to demonstrate our demands and expectations for the world we want to live in.

- Prioritise health for people and planet
- Invest in solutions, not bailouts
- Replace single-use with sustainable systems
- Demand corporate and government accountability
- Engage impacted communities





False Zero

by Greenfly

BP was ‘beyond petroleum’ back in 2000. And apparently did rather well on it. Even in America, consumers wanted to fill up supersized SUVs with environmental love before heading out to the back of beyond to bask in nature. BP sold more petroleum. And a few years later it got to go beyond ‘beyond petroleum’ to focus, as investors demanded, on its core business – petroleum.

No more fuzzy green stuff.

Till another decade on. Investors are now feeling the heat from the climate movement and looking for alibis. BP has obliged. In February this year, it announced that it is aiming for ‘net zero’ emissions by 2050. So did Shell. So did Total.

Anyone scrutinising the global carbon accounts may think 2050 a little late. But never mind the date. What is ‘net zero’? ‘Not zero,’ says Kevin Anderson. He’s the deputy director of the UK’s leading climate science institution, the Tyndall Centre. So perhaps those who disbelieve Greenfly will take note.

Or perhaps not. For he does not tell a comforting tale of how we can emit more now in anticipation of finding wonderful future technologies that enlarge the capacity of ‘net’. Beyond net zero, we get to net negative. A baggy net indeed. With no net, says Anderson, the Northern powers need to cut emissions by 10% a year now and 20% after 2025. That would give Southern countries a bit of a break – enough to prepare for 10% annual cuts in the 2030s.

Except, of course, they’ll none of them do it. Not if they can help it.

So how many tonnes of carbon does BP emit and how many does it expect the net to catch? From operations – blasting, drilling, piping, leaking, shipping, trucking, flaring, refining, spilling, generating etc – it emits 55 million tonnes (Mt CO₂).

Oh. Apologies. Operations does not include the spilling. Like when the Deepwater Horizon well blew from four kilometres beneath the sea bed and up

through another 1.6 kilometres of water in the Gulf of Mexico. Mixed oil and gas blasted hell out of the rig which burned for two days before sinking under a plume of black smoke. Eleven workers were lost – literally, their bodies were never found. And 5 million barrels of oil gushed into the sea. That doesn’t count.

Rosneft also doesn’t count. BP owns 20% of the Russian company – acquired just after it dropped the fuzzy green – and gets 40% of its oil and gas from there. Russia runs on oil, gas and the macho rule of Vlad. So there’ll be none of the fuzzy green, even as the arctic permafrost melts beneath their feet, gas lines buckle, oil tanks collapse and wildfires consume the Siberian forests. So cancel zero on 180 Mt there.

Also not counted is BP’s extensive oil and gas trade. Cancel zero on another 455 Mt CO₂.

Then there are ‘scope 3’ emissions. That’s from petro products sold to be burned in cars, trucks, ships, planes, furnaces, power plants ... Whatever. That’s a billion tonnes. But no zero here. Instead, BP says it will reduce the carbon intensity of its products by 50%. That sounds like half a billion tonnes in 2050. Assuming that it does not grow its market as it intends.

And how will it reduce the carbon intensity? It starts with gas power – BP emphasises that gas emits half as much carbon as coal power, of which it has none – with a bit of wind and solar on the side. Displacing coal makes for a major expansion. On the road, it promotes electric cars to add into your local gridlock and goes downhill from there with biofuels produced from monocrops in partnership with agribusiness behemoth Bunge.

And then there’s carbon capture and storage. This “requires significant upfront investment”, says BP, and hence, “government funding and supportive policy to will be crucial to making [it] economically viable”. Not a subsidy, mind.

However, there is another portion of scope 3 emissions that is in the net. That’s for the carbon in



the oil and gas that comes from BP's own wells. That comes to 360 Mt. So, together with the emissions from operations, they'll go 'net zero' on about 415 Mt CO₂. Out of 1.7 billion tonnes.

That number may be reduced along with their overall carbon intensity: how big they go on renewables and batteries – just like they didn't in the 2000s; how much carbon they capture and pump down the rabbit hole into Wonderland; etc. But it may grow as they will of course grow the business to delight the investors. So they may end up with as much or more to take in the net. How big then can the net stretch?

"Net zero," they say, means "a balance between anthropogenic emissions and removal by sinks ..." These sinks are to be found in "natural climate solutions" – they make that a thing by giving it the acronym NCS – which "can be delivered by restoring and changing the management or use of a wide range of habitats, including wetlands, forests, grasslands and agricultural or coastal areas".

Well, isn't that be a wonderful thing? The net of net zero is composed by restored nature which will take back the fossil carbon that BP sucks from beneath the earth and burns into the sky. And then there's the net zero from Shell and Total, from every mining house, from cement and steel makers, from shining corporate buildings, from Bunge and the supermarket giants, from ships and aeroplanes, from Humvees, tanks, gunships and rockets to Mars ...

Shell alone would need to forest the whole of Spain – or equivalent – says Shell. Not counting land for biofuels.

Which begs the question: how many planets would you need to forest?

In the period 1850 to 2010, emissions from 'land use change' – that is, from the all out assault on forests, wetlands, grasslands and all – has put over 660 giga tonnes (Gt) CO₂ into the air. That compares with 1,340 Gt CO₂ from burning fossil fuels. Restoring earth is

certainly necessary – but it only restores some of the carbon lost in 'land use change'. This is above ground carbon. It does not 'offset' continued emissions of fossil carbon from below.

As it is, the assault on the forests is accelerating with carbon losses of some 5 Gt each year. Big agriculture is burning the tropical forests of the Amazon and of Indonesia. Not least, to grab land for the biofuel crops that Shell and BP want. More wildfires are burning on all continents. And the permafrost melting under Rosneft's pipelines is disgorging carbon directly into the air. So restoration may be hard put to keep up with the loss of terrestrial carbon.

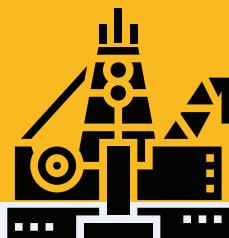
The carbon markets promoted by the oil majors, mining majors, finance majors and just about every other major, nevertheless demand the equivalence of all carbon. Everything is fungible on the capital markets. Including nature. It is founded on an original fraud which, like sin, we must remember to forget.

Next question: what do BP, Shell and Total et al mean by a forest? It seems that, as long as there are trees standing, it counts. Never mind if it is a dead land concealed beneath the serried ranks of monocrop plantations. Most of them waiting for the chop. Never mind the destination of the carbon.

And a third question is sitting up and begging: on whose land? Carbon markets have been stuttering along since the mid 2000s with zero impact on emissions. But they added impetus to the land grabs in southern countries where the rights of peasants, pastoralists and forest dwellers can always be expropriated for a sack of money on the right desk. The World Bank calls it development – even sustainable development.

When the airlines fly again, we can expect more insistent demands that we buy offsets to meet their net zero commitments. But neither we nor the airline need know the origin of the offset. That will be lost in a dozen trades. That's the beauty of markets. You need not see the fraud. Nor the blood.





A match made in hell

by Tsepang Molefe

Two years ago, a French court found French oil and gas major Total guilty of bribing a foreign public official in Iran. The crime is said to have happened between 1997 and 2004. The company was fined €500,000 – a very soft slap on the wrist considering the profits the oil giant rakes in, year in and year out.

In another similar case in the U.S., Total settled a \$245.2 million fine in 2013. The charges were related to corruption and bribery to obtain valuable oil and gas concessions.

By all historical facts and current developments, Total SA seems to be going in the opposite direction to their ambition *to become the responsible energy major*, as they put it.

Early last year, president Cyril Ramaphosa, gleaming with excitement, officially announced to the nation Total E&P South Africa (TEPSA)'s South African offshore discovery. TEPSA, the South African arm of Total, said it had made a significant gas condensate discovery after drilling its Brulpadda prospects on Block 11B/12B in the Outeniqua Basin.

On the 12th of August, minister of Minerals Gwede Mantashe acknowledged the arrival and offered a warm welcome to the Deepsea Stavanger in Cape Town, an oil and gas drill rig commissioned by Total. The 43,708 ton rig has left Mosselbay and is currently on its way to spud the Luiperd well, 110km south of Knysna.

“This is in the middle of vast breeding and feeding grounds for all kinds of marine creatures, which support our lives and livelihoods. The impacts of drilling waste, leaking wells or even a blowout will be felt by all South Africans, Mozambiquans and Namibians.” – Judy Bell, Frack-Free South Africa

Furthermore, the public participation process did not include fisher communities and people living and working in the affected coastline.

“Total must not take advantage of the State of Disaster to fast track authorisations through lack of consultation and transparency. Total has failed to reveal the true results of its Brulpadda well findings and accidents reports of earlier drilling failures. It has failed to make financial provision for abandoned wells, blowouts and disasters, which would fall onto South Africa. It has failed to consider the needs and desirability in a transition to a low carbon economy and the impacts of fossil fuels on South Africa’s extremely high Green House Gas emissions.” – Avena Jacklin, Climate and Energy Justice Campaign Manager, groundWork

President Rhamaphosa this week committed to acting swiftly to significantly reduce carbon emissions and adapt to the effects of climate change. Oil and gas companies are responsible for 71% of global carbon dioxide emissions and risk losing \$2.2trn on stranded assets by 2030.

As the corruption and unethical behaviour of South African government officials continues to be uncovered, civil society and journalists raised alarm bells to corrupt procurement of floating gas to energy last week.

All this is happening with the backdrop of the finalisation of the Upstream Petroleum Bill. Apparently, this piece of legislation will strike a much-needed balance between the need to attract investment for the oil and gas sector and also making sure that oil and gas activities are not done at the cost of the environment and water resources.

So here is what we have: oil discoveries that are set to cause destruction to the environment, a multinational corporation with a tainted track record, and a government that has failed to decisively deal with corruption – it is a match made in hell.

