

An environmental justice action newsletter from

Work

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GROUNDWORK



Greening Hospitals

In this issue

groundWork is a non-profit environmental justice service and developmental 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. groundWork is constituted as a trust. The Chairperson of the Board of Trustees is Joy Kistnasamy, lecturer in environmental health at the Durban University of Technology. The other trustees are: Farid Esack, Patrick Kulati, Richard Lyster, Sandile Ndawonde and Jon White.

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Health Care Without Harm

International POPs Elimination Network

Basel Action Network

Oilwatch International

Global Anti-Incineration Alliance

groundWork is the South African member of Friends of the Earth International

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The Global Green and Healthy Hospitals (GGHH) initiative is about promoting sustainable and best practices in hospitals and healthcare system.

Credit: Barry Downard



From the Smoke Stack



by groundWork Director, Bobby Peek

On the 1st of June this year we at groundWork marked our 17th birthday. We are well into our teenage years, a time when youth start maturing into adults, and Gill and I – and I am sure I can speak for our Board of Trustees – can feel a sense of achievement the same way a parent feels watching a child mature into an adult.

When we started groundWork we said we would take it one year at a time. It is now nearly two decades later. At the outset I want to thank the Trustees for showing their faith in all at groundWork, the very many community people and organizations with which we have worked, and with which we continue to work, the funders who have recognised the critical importance of environmental justice, and the many partner organizations and supporting individuals who work with us daily.

It has been an exciting seventeen years. Critically, we have made great strides in keeping the flames of environmental justice alive and burning strongly. But despite this we feel that the need for our work is even more critical now as there is an onslaught by the alignment of government and corporate power that seeks to undermine democracy for the furtherance of the elite wealth project. It is precisely for this reason that we host our 3rd Environmental Justice School in our birthday month. Our aim is to build a cadre of environmental justice activists that will seek to mobilise, resist and transform society.

The undermining of democracy is not some far-fetched idea. It is not some rhetoric from yet another “northern-funded” NGO, as government representatives, including senior ministers, would say. Among them are the controversial Mosebenzi Zwane, Minister responsible for the important Mineral Resources portfolio. Journalist Marianne Merten, in a report in the Daily Maverick on April the 19th, reflected on Zwane's statement after the death of Sikhosiphi “Bazooka” Radebe, an anti-mining activist who was assassinated on the Wild

Coast in the Eastern Cape. “Zwane said mining was ‘in the interest of all’ and must be allowed to go ahead once the majority agreed. And if the majority did not want mining, government would have to persuade them to see their point of view ...”

So it is clear what government's position on mining is and this is further confirmed by a recent detailed analysis by groundWork's legal partner, the Centre of Environmental Rights, and the Centre of Applied Legal Studies. In their reports they highlight that government is not enforcing legislation, in relation to mining, that seeks to protect the environment and enhances social development through social labour plans. It is clear that government is turning a blind eye to the transgressions of mining companies because big money is at stake for the elite. I will not go into the very many reports that link political figures to corporate interest in various ways. The evidence of this abounds in the media.

In the above context groundWork has often taken a very clear stand that mining will not bring about sustainable societies. On the contrary, it destroys societies and people's livelihoods. This narrative has been brought together under the banner of “Yes to Life – No to Mining”, a movement of people's organizations that believe those “who wish to say No to mining should be able to. This movement is of and for them, in recognition that when we say no to mining, we stand in solidarity with the planet, with precious ecosystems and with the future generations of all species.” This stance has been recently taken up in interesting places. In response to Ibutho Coal's proposal to mine alongside the Imfolozi Game Reserve, Ezemvelo and KwaZulu-Natal Wildlife have clearly said no to coal mining. Within their own domain this is an important stance. It is critical that they hold this stance in all their governance structures. In Sweden recently, while groundWork's Coal Campaigner Robby Mokgalaka was visiting, there was a parliamentary protest to



end coal mining and mining in general. This was in solidarity not only with local Swedish communities resisting mining in the north of Sweden but also with German communities living next to Vattenfall's lignite mine in Lusatia, which Vattenfall wants to sell rather than close. It is clear that there is a tide to push back against mining. The critical reality is that northern countries have attained their wealth and comfort by the exploitation of minerals both in the North and South and this must be understood in relation to ecological debt. So while the momentum is building against mining, rich countries need to ensure that ecological debt accrued because of their mining exploits is settled, or else the emerging Southern elite will see no problem in hiding behind the narrative of poverty and will continue pushing mining in their quest for extreme wealth.

It is critical to understand that South Africa's mining model was built upon and was dependent on cheap labour that first served a colonial elite. As the mining sector is shrinking and jobs are being shed daily, the unions and civil society organizations need to think creatively about how to move society forward. How do we practically make a transition happen? It is going to be tough but if we do not start making some tough choices as society now, the transition will never happen.

Mining work, upon which apartheid thrived, has always been demeaning. In Southern Africa there is a saying: "You are not a man until you have worked underground in a mine." But this macho expression belies the sad legacy of mining, like the rampant spread of HIV and other illnesses such as silicosis for which workers seeking compensation have to turn to the legal system rather than the democratic government they voted in. In reflecting on democracy and the systems that should underpin this in South Africa, Mail and Guardian columnist Serjeant at the Bar, writing in the May the 27th to June the 2nd issue, warns that "it simply cannot be in the long-term interests of democracy in this country that only one arm of the state, the judiciary, has to take up the task of ensuring adherence to constitutional commitments because the legislature fails to hold the executive accountable – on the basis of fundamental misconceptions". It seems that it has become the norm in South Africa that government will only listen to the courts, rather

than the people. It is a fundamental failing of our democracy.

The failing of democracy has served to further legitimise mining in the South African political and corporate psyche as evidenced by Minister Zwane's comments on the recent deaths in mining operations. Romanticising the deaths of the miners, Zwane referred to them as having died in the line of duty. Duty to whom, I ask? Duty to the bosses and big capital certainly. But certainly not in the line of duty to provide for families, as mining cannot bring ordinary miners who risk their lives daily, and their families, out of the poverty they are mired in.

There is clear evidence of the power wielded by mining companies. Recently, the Petroleum Association of South Africa (PASA) gave the go-ahead for Environmental Impact Assessment (EIA) to be done for the testing for gas in KwaZulu-Natal. One of the local anti-fracking activists, Nicky Macleod, pulled out this phrase from the scoping report: "As the EAP, SLR has never before encountered such a united and passionate opposition to a project from such a broad range of I&APs. It is vital that this public opinion is taken into consideration through the EIA process, by the applicant and by the decision makers." Despite this statement on page 5 of a 113-page document, the decision-maker, PASA, ignored it. But then maybe they did not read the document as their minds were made up already in 2015 when they unwittingly indicated to a groundWork staff member that the EIA would go ahead.

Reflecting on our future, it is evident that groundWork still has a key role to play and we can be comforted by the fact that there are many NGOs and people's organizations today that are taking the very same stance we have held for seventeen years – that mining kills.

To end off on a more buoyant note, yes, we can do without mining. I hear that the organization FairPhone is already making phones with more recyclable materials. It is only hoped that those that push such new technologies do not get trapped by all the green rhetoric such as offsets and sustainable mining, but move us to a new social production process that serves workers, communities and the environment. ✕



KZN hospitals on board GGHH

by Luqman Yesufu

GGHH is making inroads in South Africa.

Imagine you were playing football out on the field and by mistake you stepped on a syringe that was improperly disposed of by a hospital just down the road from where you live. Would you blame it on your carelessness or would you blame the hospital for improperly disposing of their needles? As it stands, many people might blame themselves for not wearing proper football boots, while others will actually blame the hospital for this environmental hazard. The reality is that a hospital is part of the environment or community and should be as environmentally responsible as any other industry in the environment. If this is the case, then what really makes this situation sad is that the needle stick injury was caused by an institution whose mandate is to “first do no harm”.

As recently as May this year, the eThekweni municipality in the KwaZulu-Natal Province reported that medical waste, which included expired pills and condoms, was discovered along Durban's north beaches. This resulted in the complete closure of four beaches for two weeks, because the municipality was not sure of the extent of medical waste pollution. Many people have blamed the waste company responsible for medical waste disposal, but if we apply the “proximity principle” in the Waste Act, which recommends that “treatment and disposal of hazardous waste takes place at the closest possible location to its source to minimize the risks involved in its transport”, then both the hospital and the waste company should share the blame.

groundWork, through the Global Green and Healthy Hospital (GGHH) initiative, has been working with health care leaders and hospitals for the past six years on the issues of sustainable waste management strategies that will promote environmental health in both the hospital and the environment. In this regard, by properly sorting and

reducing waste, hospitals can achieve two things: they can avoid the disposal cost and reduce the environmental hazards of the waste, thereby being more environmentally responsible.

The decision by the Department of Health in KwaZulu-Natal to join the GGHH initiative is a timely boost and a step in the right direction. Six hospitals in the province – Edendale, Ngwelezana, Inkosi Albert Luthuli, Port Shepstone, King Edward and Grey – have all pledged to promote public health by continuously reducing their environmental impact and ultimately eliminating their contribution to the burden of disease. These hospitals have each taken up that leadership role of transforming their own institutions to become advocates for policies and practices that promote environmental health, while also saving scarce resources. We should consider this a major positive step, especially as the World Health Organization (WHO) reported recently that one quarter of all deaths and of the total disease burden can be attributed to the environment.

To further support these hospitals groundWork, together with our global partner Health Care Without Harm (HCWH), organized a GGHH



Workshop hosting the sustainability coordinators from six KZN hospitals.

Credit: groundWork



workshop for the sustainability coordinators from these six hospitals. These coordinators have been delegated by the CEOs of each hospital to be the focal person for initiation and implementation of the green goals in the hospital. The workshop was aimed at assisting these coordinators with the development of a sustainability strategy for implementing their GGHH goals, to share the various resources available for them on the GGHH internet platform and also to outline their responsibilities in terms of case studies, webinar attendance and baseline assessments.

What stood out for me in this workshop was the realization that there was a dire need for leadership at all levels to ensure sustainability and environmental health in a hospital. The CEO of Inkosi Albert Luthuli Hospital, Dr Thandeka Khanyile, was very grateful for the opportunity for

her hospital to be part of this initiative, highlighting the fact that “communication is key” in her quest to ensure that the hospital is a beacon of hope for sustainability practices. She stressed the need to use all information technology infrastructure in the hospital – such as screen savers, videos on water and electricity efficiency saving tips on signage – to create awareness of the hospital's efforts towards achieving sustainability. On the energy goal, Dr. Khanyile vowed to control energy usage especially in the hospital management building; they are installing an automated shutting down system, which will ensure that electricity supply to the management building is shut down at the close of the business day.

Furthermore, all the representatives of the hospitals present at this workshop recognized the need for staff and patient buy-in for the GGHH Initiative.

What was constant in all their strategies was the formation of a task team or green committee that will involve members from all departments and will help promote and strengthen GGHH efforts in their respective hospitals. It was also worth noting that Edendale hospital was already engaged in promoting environmental health in its communities through the planting of food gardens. Narisha Gobind, who is the social service manager and sustainability coordinator for GGHH at Edendale Hospital, has completely transformed the idea of primary health care. By connecting local needs with environmental action she has been able to foster community environmental health while at the same time ensuring that her patients are able to feed and sustain themselves.

Overall, it was a successful workshop and we hope that, with these hospitals leading the way for sustainable environmental health practices in the province, communities can also learn and emulate these practices, thereby ensuring a healthy community. It is important that these hospitals continue to lay the foundation for improved public health and environmental sustainability so that this can be replicated by other hospitals and health systems in the country. ✕

Community
food gardens
at Edendale
Hospital
Credit:
groundWork



Highveld: a priority area...or is it?

by Niven Reddy

Ever since the Highveld was declared a priority area, the term priority has become an oxymoron, a figure of speech that is contradictory to what it should mean. The term priority area gives an indication that an area that seems to never meet ambient air quality standards will be put first in attempts to improve the air quality, but are we improving the situation or making it worse?

The Highveld is generally accepted throughout South Africa as being an area associated with elevated concentrations of criteria pollutants (exceeding our ambient Air Quality standards) occurring due to the concentration of industrial and non-industrial sources¹. The Minister of Environmental Affairs, Ms Edna Molewa, identifies that air quality in line with international standards is an important mandate and that our National Ambient Air Quality Standards have been established to protect public health. The problem is that the focus of industry in South Africa is prolonged economic growth that ignores the impacts endured by local communities.

At the most recent Multi-Stakeholder Reference Group gathering for the Highveld Priority Area, a statement was made regarding how long the Highveld has been and will continue to be a priority area. The Highveld will continue to remain a priority area until air quality improves. In other words, under the current scenario, the Highveld will remain a priority area for a very long time indeed, so we may require patience on this matter. Since the Minister declared that this is a Priority Area, the aim from here should be to improve systems in place so that the quality of people's lives can be enhanced. Instead, more applications are made for construction of new mines, dirty industry and expansion of existing mines. The Highveld Priority Area Air Quality Management Plan has a set of objectives that are aimed at aiding the situation and one of those goals is to reduce industrial emissions to achieve compliance with ambient air quality standards and dust fallout limit values by 2020². This goal can be considered as highly ambitious

if industries simply apply for postponement of meeting the minimum emission standards and having them approved.

As per the *State of the Air Report*, the results of the ambient air being monitoring are quite awful. The level of data recovery is identified as being average, certainly an area for improvement considering this is a Priority Area! The air quality monitoring stations have had faulty equipment for a while with no effort being made to repair them. Once the data is verified and validated, not all parameters were measured and therefore the level of data recovery is average. Exceedances are allowed because of the data recovery but even with those allowances the data shows that there is a serious problem. Secunda exceeded the Ozone Ambient Air Quality standards 186 times, in spite of being given an allowance of 11. That is shockingly high. It is also very easy for an exceedance to be diluted into a daily or monthly average.

The data needs to be accessible to anyone who wants to observe and act on the ambient levels of PM₁₀ or SO₂ at any given time of the day. The peaks need to be identified, acted on and rectified. Then faulty equipment can be identified immediately; the current turnaround time is twelve months to merely identify that some equipment is not functioning – really?

The current air quality monitoring system has many more flaws. Data is not as easily accessible through the South African Air Quality Information System (SAAQIS) system as it is made to seem. Not all parameters are being effectively measured, air quality data from industries aren't being reported on time and monthly air quality reports are no longer being published.

The best solution is online live air quality monitoring. We need to see the data for ourselves rather than being presented with fancy reports with inaccurate content. We need to identify the peaks for ourselves and hold industries accountable to those peaks. We need a system in place where the data speaks to the reality that local communities are faced with. ✖

1 (Held et al, 1996; DEAT, 2006)

2 <http://www.airqualitylekgotla.co.za/assets/hpa-aqmp-executive-summary---with-coverpage.pdf>



Sharing experiences in Sweden

by Robby Mokgalaka

One of our new community partners was thrilled to participate in an international exchange visit.

In May, Lucky Shabalala from Newcastle and I travelled to Sweden to share information regarding our socio-environmental struggles and also to learn about other, similar struggles abroad. This was done with the intention of building solidarity with our partners and creating an ongoing communication in our struggles. Lucky has expressed his gratitude on behalf of his organization for the opportunity to travel and tell his story about coal in Newcastle beyond South Africa.

In Sweden, our discussion started off with groundWork's short documentary, *The Bliss of Ignorance*, stealing the show. It was only during the dialogue sessions that we learned that Sweden, just like any other country, has its own skeletons in the cupboard. The indigenous Sami community gave an emotional presentation on how their culture is being eroded by the mining development within the country.

The Sami community people depend on reindeer herding for their survival and the mining development poses a threat to their very means of subsistence. As commonly happens, mining development took priority as it represented national interests and everything else came second. The Sami people have been appealing to the government to protect their valuable culture, but their plea has continuously fallen on deaf ears and their frustrations are growing daily.

Also, contrary to the popular belief and practice by the locals about protecting the environment, during

our visit we learned that a Swedish company, Vattenfall, owns a coal mine in Germany which is one of the biggest polluters in Europe. The Swedish community has taken a stand to force the company to close its operations, rather than selling it, as it pollutes the environment.

The company, however, is insisting on putting the mine up for sale instead of closing it down. On the 24th of May, the Swedish parliament had a sitting to make a decision on whether to close or to sell the operation. The Swedish pension fund has investments in the coal mine, so the community were taking a stand in deciding against investing in activities that impact negatively on the environment.

We also had an opportunity to visit one of their abandoned copper mines in the Northern part of the country. Just like in South Africa, the mine was left un-rehabilitated and still deposits heavy metals into the nearby streams – and yet there are still companies planning to open more copper mines around the area.

The visit was not just another tour abroad because our interactions with the locals have bred and developed some collaboration between organizations to focus on divestment from coal.

It was encouraging to learn that the fight for environmental justice is a global struggle. ✕



Enough is enough!

by Robby Mokgalaka

Desperate people know no limit when they are 'gatvol'.

The Fuleni community left government officials shaking with fear when they blockaded the road with burning tyres, preventing the officials from going to view the area targeted to be mined for coal by the Ibutho Coal company.

On the 21st of April, the Regional Mining Development and Economic Committee (RMDEC) decided to visit Fuleni to view the area planned for the coal mine, prior to hosting a public meeting the following day. To their surprise, they met a group of angry community people blocking them from entering the area, burning tyres on the road while singing South African revolutionary songs. The committee members were frightened by the presence of the angry mob fighting against anything linked with the proposed Ibutho Coal mine.

The arrival of the police brought some sense of relief to the RMDEC members. But even so, their visit was unsuccessful as they were reluctantly forced to leave the area without any intended objective having been achieved.

The community was angry and frustrated because, after several vain attempts, they were still not being listened to by any government or mine officials. After being threatened with relocation as a consequence of the proposed coal mine, being ill-treated by the traditional council for opposing the coal mine and not receiving attention from the government departments, the community felt that the RMDEC members could not have come at a better time.

However, what compounded their frustration was the failure by the RMDEC office to allow the community to attend the meeting set for 22nd of April to present their objections to the mine.

The following day, the committee continued to hold their public meeting in a private game reserve, Nseleni, far away from the objecting community. After what had transpired the previous day, the police were called upon to monitor any suspicious activity at the gate.

Youens Attorneys, representing the interested and affected parties, including groundWork, in the Ibutho Coal mining application processes felt prejudiced in the meeting because they had not received the mining applications submitted to the Department by Ibutho Coal, even after numerous requests had been made. The legal representative expressed disappointment that they had been placed in an unfair position and were unable to comment accurately on the documents.

Youens Attorneys made some damning submissions regarding the failure to follow due process by Ibutho Coal and I hope the RMDEC understand now at least part of the cause of the frustration of the community. Although the mining officials tried to respond to the allegations, their assertions were left wanting in the eyes of an ordinary person.

However, given the overall behaviour of the Committee before and during the meeting, this seemed to be one of those rubber stamping processes so the I&APs are not expecting any objective report or recommendations to be made by the same Committee.

We just have to wait and see. Perhaps sanity may prevail even in unlikely circumstances. ✕



Waste picker integration

by Musa Chamane

*"Waste pickers are an integral part of the waste management system, and they help to divert recyclables away from landfills" –
Minister Edna Molewa*

From the 31st to the 2nd of June 2016, the fifth Waste Khoro was convened in Durban to strategise dealing with waste management issues in South Africa. High-ranking officials of the municipality were part of the conference, as was the Minister of the Department of Environmental Affairs. Usually, this is a meeting for government officials and has been convening for the past four years. This was the first time it was open to the public and as a result more than 750 people attended and all nine provinces of South Africa were represented.

Zero Waste embraced

Provinces presented what progress has been made since the last waste conference. Most of them made it clear that they are struggling in terms of waste management, even the management of dumping sites. There was a strong desire by the group that we have to move to a Zero Waste approach rather than continuing only with disposal. Approval of the new landfill sites has become a mountain to climb for municipalities as a result of them failing to realise that the Waste Act promotes reduction, reuse and recycling of waste rather than disposal. Regionalisation of landfills is also encouraged, making sure not all municipalities have their own little dumpsite. The department is encouraging the conversion of old landfills to buy back centres or materials recovery facilities (MRFs).

Waste pickers are experts

The waste sector alone is worth more than R25 billion and we have to create jobs and promote recycling in all the cities. The South African government has already agreed with us that waste management through recycling would not be possible without waste pickers. However, better working conditions should be created for waste pickers, making sure that they do recycling, but not at the dumping sites. Minister Molewa explained that "these are the people who have expert knowledge of the

recyclables and would add a lot of value if they are to be considered whenever new recycling facilities are being developed".

The meeting agreed that buy back centres and MRFs have to be built to create conducive conditions for waste diversion from landfills. Waste pickers have to be assisted with protective clothing and with any support that they might require. The Department of Trade and Industry was also part of the conference and they wanted to consider applications from waste picker cooperatives. The main problems with waste pickers' work is not only the creation of a conducive environment, but also the support and acceptance that they are failing to receive from municipalities.

Waste pickers are formally recognised

It is good that government recognizes that waste pickers are also vulnerable workers who have undertaken an often thankless task under very harsh conditions to provide food for their families. The department is working at bringing the country's more than 62 000 registered waste pickers into the formal waste economy in consultation with all the stakeholders, including waste pickers themselves. The highly populated and urban provinces have the highest number of waste pickers. In other words, Gauteng, Western Cape and KwaZulu-Natal have the most waste pickers because of their urbanization and population.

Having listened carefully to the speech made by the Minister, it is clear that waste pickers are now recognized in South Africa. However, it is not enough because this is pronounced only at a national department level: all the policies, regulations and recommendations have to be filtered down to local municipalities. The Minister's speech poses a challenge to the Minister of Local Government and Traditional Affairs, mayors and



officials of municipalities to recognise and integrate waste pickers more meaningfully.

Since waste pickers have been recognized, the Minister has donated trolleys to the organized waste pickers during this conference. The handover ceremony will take place within the next two months. Tools that are expected by waste pickers other than trolleys are tuk tuks, motorized tricycles and manual tricycles. Some of these tools were displayed during the conference.

Industry claiming high recovery rates

The industry is speaking volumes about how much they recycle. Collect-a-Can recover 70% of the cans. The industry fails also in asking themselves how much money they filter down to waste pickers. The recycling rates are up due to exploitation suffered by waste pickers. This is like the blood diamonds scenario, where consumers never ask themselves where the diamonds they so love come from and how they are produced. People die for the diamonds that society enjoys. Similarly, industry needs to understand the lifecycle of their products and make sure that they understand every phase that these materials go through.

Hazardous Waste: Mercury

The focus was not only on general waste but also hazardous waste, especially mercury. Mercury has been a challenging chemical, specifically in Kwazulu-Natal. The notorious mercury storage site in Cato Ridge has not been cleaned up ever since more than forty workers were either affected or killed by mercury poisoning. Thor Chemicals is still storing 2 700 tonnes of mercury waste. Civil society has been pushing for the cleanup. Thor Chemicals has been sold to Guernica Chemicals which is almost bankrupt and therefore cannot fund the cleanup of

the mercury. Government also has not got funding for the cleanup. Mercury has to be phased out and a roadmap for phase out is being developed by government after the signing of Minimata Convention.

The plant at Cato Ridge has contaminated the ground as well as the nearby water bodies. Studies have been done in the past and it was proven that contamination by mercury has really happened in this small town. Due to dangers posed by mercury and work previously done by groundWork on this issue, mercury thermometers have been phased out in most hospitals in the country because once these thermometers break it exposes people to mercury.

A brighter future?

A brighter future for waste pickers is looming if the national government implements what they plan. Funding opportunities for waste pickers from various departments will improve their working conditions. The Department of Environmental Affairs' Green Grant, as well as Department of Trade and Industry cooperative incentive schemes and municipal infrastructure grant, have the potential of funding recycling projects. This means that there is enough funding for waste picker cooperative projects. The entrepreneurs were also encouraged to have a look at the opportunities brought by waste. They were also promised funding by government. ✎



Simon Mbata, spokesperson for the South African Waste Pickers' Association (SAWPA) tries out the new vehicle donated by the DEA.

Credit: groundWork



People's Health Movement

by Rico Euripidou

Community informed healthcare and the National Health Insurance.

That our health care system is fundamentally flawed and provides unequal access of health care services and resources, disproportionately away from the poor, is widely accepted as a truism in South Africa – up to 80% of our national health care resources serve only 20% of our population!

In response, the Minister of Health has framed and published The National Health Insurance (NHI) White Paper, published by the Department of Health in December 2015. Access to health care and good health is a universal human right and this is the premise of the White Paper. However, powerful vested interests have reared their self-serving agendas in response and unless the political will to make universal health care a reality in South Africa is steadfast this ideal will fade away as another jaded dream of our already battered democracy.

Enter the People's Health Movement (PHM). What is the PHM? The PHM is a global network bringing together grassroots health activists, civil society organizations and academic institutions from around the world, particularly from low and middle income countries. Guided by the People's Charter for Health¹, the PHM works on various programmes and activities and is committed to Comprehensive Primary Health Care and addressing the Social, Environmental and Economic Determinants of Health. The PHM understands that the world is facing a global health crisis characterized by growing inequities within and among nations and millions of preventable deaths, especially among the poor. These are in large degree due to unfair economic structures which lock people into poverty and poor health.

In South Africa, the PHM is broadly articulated by a civil society response to understanding what the

key challenges facing civil society activists seeking a health system based on universal access to quality health care, human rights and the Primary Health Care approach are. PHM in South Africa identifies four areas where interventions by civil society are needed to hold government accountable and move the agenda for change forward. These are (1) community participation; (2) the crisis in leadership and management in the health system; (3) the role of Community Health Workers within the health workforce; and (4) the crises facing key health programmes in the country – particularly HIV and TB.

On the 25th of April, in Durban, Wentworth, the South Durban Community Environmental Alliance (SDCEA), groundWork and the PHM co-hosted a KwaZulu-Natal Provincial Health Assembly. The purpose of this assembly was to bring together different spheres of health to engage with and discuss critical health issues that will be taken up in the South African National Health Assembly (NHA) – planned for June 2016. Different organizations and communities came together to learn how to improve their health care facilities, keep the environment safe, improve public participation in health care provision, gain knowledge to fight against unsustainable developments and, most importantly, to work together as a province for a better universal health service for all.

This is part of a national process leading towards a NHA that will bring civil society together in mid-2016 to examine the national health crisis in South Africa. Through provincial assemblies and the NHA, we aim to contribute towards a broad civil society movement around health and map a way forward through a campaign coalition for an equitable health system with a focus on community participation and accountable leadership. ✕

¹ <http://www.phmovement.org/en/resources/charters/peopleshealth?destination=home>



groundWork continues to grow

by Samuel Chademana

Mercury gets its own dedicated manager.

As the newest member of the groundWork family it is my pleasure, in this edition of the newsletter, to introduce myself to our esteemed readers and partners alike; my name is Samuel Ndumba Chademana. As groundWork celebrates seventeen years of existence this June, it goes without saying that the organization has come of age and is today positioned as one of the most respected environmental justice NGOs in the country. My arrival at groundWork nearly three months ago actually signals a growth in the organization's work, both in terms of scope and geographical reach.

I have joined the Environmental Health Campaign specifically as the Mercury Project Manager; my primary role will be to oversee the implementation of the UNEP-funded Eastern African project on the phase down of use of dental amalgam. The overall objective of the project will be to reduce the demand and use of dental amalgam while improving the national capacity of the countries involved to manage dental amalgam waste. The three-year project will be implemented in five countries in East and central Africa, namely Ethiopia, Kenya, Tanzania, Uganda and Zambia. Besides the UNEP project, I will be involved, in a supportive role, in all work to do with the Minamata Convention and its subsequent implementation, as well as the establishment of an internal project management framework.

I bring to my current role ten years of experience in project cycle management; in other words, the design, implementation and evaluation of donor, private and government-funded community projects, essentially in the socio-economic development and climate change adaptation spaces.

Originally Zambian, I have worked in South Africa for the whole of my career. Highlights of my work



experience include four years as an Associate Program Officer with the UNDP's Energy and Environment Group; working on Climate Change Adaptation and International Waters projects at a regional level in Eastern and Southern Africa; three years with the City of Cape Town as a Professional Officer for Local Economic Development; and two years as an Assistant Policy and Strategic Planning Officer with a South African government Development Agency known as the Independent Development Trust.

I'm a holder of a BSc in Forestry from the School of Natural Resources of the Copperbelt University; a Postgraduate Diploma (Honours level) in Community Development from the University of KwaZulu-Natal; and BPhil (Hons) in Sustainable Development from the University of Stellenbosch. I recently completed a Diploma in Community-Based Climate Change Adaptation with the Centre for Sustainable Development based in California.

In my leisure time I play basketball and lawn tennis. I'm also an ardent hiker and I enjoy cooking. ✂



The Social and Labour Plans Series

In this Trends Analysis Report of Phase 1 of the series, The Centre for Applied Legal Studies looks at System Design of SLPs.

The legacy of mining in South Africa is one of stark disparity between mine workers and communities on the one hand, and mining management, financiers and shareholders on the other. Social and Labour Plans (SLPs) are one of the corrective measures chosen by the South African legislature to address this legacy.

Under this system, mining right applicants are required to draw up a set of undertakings to benefit mine workers and communities. These undertakings become binding on the approval of the mining right. However, there is mounting evidence of a stark disjuncture between the rhetoric in SLPs and the lived realities of mine-affected communities, who do not see the promised benefits of mining development materialising.

SLPs do not appear to cater for actual community needs, a sentiment that is echoed by mining communities throughout South Africa. At the macro-level are critiques of the very manner in which the SLP system is conceived and the core assumptions underpinning it. These critiques maintain that the SLP system neither promotes long-term planning nor incorporates sustainability considerations, preventing SLPs from serving their intended purpose. SLPs seem to be an unrefined tool for dealing with a complex and nuanced area involving a range of social, economic and environmental variables.

The Centre for Applied Legal Studies (CALS) has, for this reason, undertaken research into the effectiveness of the SLP system in meeting its objectives. This research is aimed at uncovering any failures of design and implementation, with the ultimate goal of suggesting measures to address these failures.

This particular report is the first of a series of publications. Its purpose is to present and analyse the findings of the first major stage of the research, which has been to study a sample of fifty SLPs to

uncover trends at micro (individual SLP design) and macro (design of system) levels, in order to enhance understanding of these issues and suggest possible avenues towards addressing these challenges.

The structure of this report is informed by the findings of our assessment of the fifty SLPs. The main findings of the report are as follows:

First, the information on the background and context of the mining operation and its impact on affected communities tended to be vague and incomplete. A second and directly related theme was that SLPs on the whole did not clearly explain the nature and extent of the operation's impact.

Third, there was a near-universal absence of acknowledgment of, and engagement with, the disparate impacts of mining on the lines of race, gender and socio-economic status. Fourth, a significant number of SLPs lacked evidence of finality and completion. Fifth, we found a significant proportion of SLPs difficult to navigate on account of inconsistencies in form and structure coupled with a frequent failure to draft fully legible documents. Sixth, as social beneficiation instruments, one would expect SLPs to be rooted in the needs and aspirations of communities and workers. However, we found that a vast majority of SLPs made no mention of the processes of consultation with communities in particular.

Finally, the majority of SLPs provided no evidence of clear mechanisms by which communities can hold companies accountable to their obligations. The overall thrust of our assessment of the regulatory system is that it is not capable of producing SLPs that can effectively contribute towards the transformative objectives as set out in the Constitution and mineral legislation. ✕

To download a copy of the report, visit www.wits.ac.za/cals/our-programmes/environmental-justice/social-and-labour-plans/



Zero Hour

CER's latest report looks at poor governance of mining and the violation of environmental rights in Mpumalanga.

Mining is a destructive activity that poses significant threats to the environment, health and livelihoods. Managing these threats to avoid the violation of Constitutional rights requires strong, well-resourced and principled regulation. For the past fourteen years, Mpumalanga has experienced a proliferation of prospecting and mining right applications, particularly for coal. Regulation by the two departments with primary responsibility for mining – the Department of Mineral Resources (DMR) and the Department of Water and Sanitation (DWS) – has been poor. Communities and the natural environment are paying an indefensibly high price as a consequence of such poor governance and failure by these departments to ensure that mining companies comply with the law.

Alarm bells are ringing in Mpumalanga. Civil society organizations, communities, researchers, farmers and other government agencies have expressed concern about the detrimental impacts of mining on water security, soil and food security, and the health, well-being and development prospects of communities in Mpumalanga. Many have implored the DMR and DWS to stem the tide by refusing to authorise mining and water use that will cause unacceptable pollution and degradation.

South Africa is a water-scarce country that is experiencing its worst drought in thirty years. Yet, while Mpumalanga contains areas of immense hydrological importance – areas that are strategic for the country's water supply – the DMR and DWS continue to grant mining and water use rights in these areas, risking water security.

This report was compiled using an in-depth review of evidence spanning more than five years, including academic studies, reports, litigation and pre-litigation cases, access to information requests, portfolio committee submissions, and parliamentary questions and answers. It entailed field work in the province, community meetings and consultations, meetings with local government officials, and

meetings with mining companies. Repeated attempts to engage the DMR's Mpumalanga Regional Office were unsuccessful.

Our conclusion is that Mpumalanga faces environmental threats that will have dire consequences for South Africa's future prosperity. These are some of the reasons:

- By 2014, 61.3% of the surface area of Mpumalanga fell under prospecting and mining right applications. Mining involves the removal of huge quantities of topsoil, essential for cultivation. A mere 1.5% of SA's soils are considered high potential, and 46.6% of these are found in Mpumalanga. If mining continues at its current rate, around 12% of SA's total high potential arable land will be ruined.
- On the Mpumalanga Highveld, air quality is among the worst in the world. Air pollution from mining can be caused by particle emissions from activities such as processing, blasting, wind erosion of overburden and dust entrainment from haul trucks.
- Mpumalanga occupies 6% of the country's land surface, but it holds 21% of its plant species. Nearly a quarter of its vegetation types are nationally gazetted as threatened. Nevertheless, 76% of Mpumalanga's grasslands have been targeted by mining and prospecting applications.
- In 2015, there were 239 operating mines and 788 derelict and ownerless mines in Mpumalanga, yet only five officials in the DMR were designated to monitor compliance with and enforcement of environmental laws at these mines. In 2015 the DWS employed two officials in Mpumalanga to perform both compliance monitoring and enforcement functions.
- As at the first quarter of the 2014/2015 financial year, mining contributed only 4.8% to the province's employment. ✕

To download a copy of the report, visit www.cer.org.za/news/zero-hour.



Light at the end of the tunnel

by Thomas Mnguni

Collective action holds the key to community power.

During the months of April and May, I visited several communities around the Nkangala region, and what I discovered was very interesting. The people are basically disillusioned by the powers that be and they have realized that, in order to get things done, they have to act.

In April, I visited the community of Wonderfontein where I met several families who were tired of complaining about the dust and blasting from the mine as they were not getting any positive feedback from the mine or government about the situation. They then resorted to closing the road leading to the mine, thereby preventing the mining vehicles and trucks from entering the mine premises. It was only then that the mine began to engage with them and also started to suppress the dust coming from its operations.

In May, the community of Arbor woke up to a huge blast that shook their houses. They realized that there were rocks and debris from the blasting in their yards. Worse still, the mine vehicles that were supposed to warn them of the blasting were damaged and not operational. They were also tired of complaining and therefore decided it was time the mine closed until most of the issues raised with the mine were addressed. They then went to the mine and demanded that all the employees of the

mine vacate the area and a community meeting be held where all issues should be addressed.

People wanted to be relocated to an area that will fully belong to them – with title deeds – and have adequate basic services. In the meantime, they also wanted the mine to limit their blasting and control their dust. And, in terms of trucks at the siding, they propose that different roads be used for trucks and private vehicles. Previous complaints to the Department of Mineral Resources (DMR) were not adequately attended to but after this the DMR was on site to conduct their own investigation. Some of the mines around the area were also beginning to offer the community solutions to problems raised with them in the past.

The two incidents show that in order for us to get things right, we need to act. We have been engaged in diplomatic discussions with both industry and government but to date there are no suitable solutions to our problems. The two communities have shown that, if they act collectively and send a clear message, then people will begin to listen. Therefore, it is important for us to learn that if we want accountability, transparency and good governance, we need to act as a collective. ✕



Greenfly gets trading

by Greenfly

...with Really Good Friends.

Veteran readers will remember Enron. That was the top US energy company that went down the plug hole in the naughty noughties. Producing energy didn't make the profits required by investors, so it started conjuring profits from trading energy. It even engineered blackouts in California to boost energy prices and trading profits. But it was never enough. Cooking the books – with a little help from the honest folk on Wall Street – gave much better returns. Enron appeared invincible till the day the bubble of illusion popped.

Before landing in jail, Enron executives took the lead on formulating the US agenda on trade in 'energy services'. A decade or so later, the Enron agenda was back in play when the Really Good Friends (really!) group of countries started secret negotiations on a Trade in Services Agreement (TiSA). Really Good Friends, of course, start with the US, Europe and Japan and include several offshore money havens – like Panama and Switzerland.

Once they've made a really good agreement, the Friends want it taken up through the World Trade Organization so all countries can get to be really good too.

As the Japanese delegate said at the Paris climate negotiations, you can't negotiate seriously in public. The TiSA negotiations are really serious so the Friends did not want 'the public' even to know about them, let alone the content. Hence, they were somewhat miffed when WikiLeaks released copies of the text. Nevertheless, the distraction in Paris left the real negotiations to continue in the discrete shadows of Geneva.

So what was the agenda that Enron handed down? First, trade in energy services must be 'technology neutral'. That is, corporates decide technology and will use coal, oil, cracked gas or even wind as they please. Stuff the climate. And the neighbours.

Second, they require 'transparency'. That seems a bit rich in a secret agreement but do not pause for

the irony. The transnational corporates are at the table, if not writing the text, and transparency is for them, not for you. Should a government wish to change energy policies or regulations, corporates must know about it and be able to participate in writing that text too. Stuff democratic participation.

Third, and just to rub it in, corporate confidentiality must be protected. That was particularly close to Enron's heart: you can't lie and cheat if people can see you doing it. So stuff democracy again.

Fourth, if the corporates don't get their way, they can take the offending party to the cleaners – or rather, they can get their home governments to do it on their behalf. La Looter Continua, as they say in transnational circles.

Renewables are not of course left out. Money is being made. A few years back, India launched a 'solar mission' and, to stimulate local production, specified local content in the manufacture of panels. The leading Really Good Friend really doesn't like a good precedent. US corporates make panels too and weren't coping that well with Chinese competition. They wanted India as a market, not another competitor.

So the US took India to the WTO tribunal which found in its favour. India is now appealing the ruling on the grounds that it would prevent it meeting its international climate obligations.

In passing, Greenfly notes that those obligations are based on India's 'nationally determined contribution' which avoids anything too strenuous.

India is also contemplating taking the US to the WTO because it too has local content requirements and provides lush subsidies for manufacturers. That's another thing the leading Really Good Friend doesn't like. It has warned against 'tit-for-tat WTO filings'. As always, it wants tit without tat. ✕



Reaching a tipping point

by Josh Karliner

Climate a key issue at World Health Assembly.

Almost six months after she helped broker a unanimous agreement among 195 governments in Paris, Christiana Figueres, head of the United Nations Framework Convention on Climate Change, came to the World Health Assembly (WHA) to urge ministers of health to prioritize climate change. Figueres eloquently argued that “working on climate change is [our] best prevention strategy” and that ministers need to use “the health microphone...[to] translate what climate change actually means for real people.”

Listening to Figueres' speak, it struck me how far we've come. Just a few years ago, Health Care Without Harm was one of a small number of voices in the wilderness advocating on climate and health. As one WHO colleague put it, “you could fit the number of people working on the issue into a phone booth.” Today, dozens of governments large and small, along with several major institutions ranging from the World Bank, to the WHO, UNDP, to a growing number of national health professional alliances, are all setting their sights on climate and health. Health has become increasingly central to our understanding of climate change. And the health sector is ever more prominent in marshalling the forces to adapt to and reverse its deadly trends.

Why suddenly are there so many big fish in what once was a small climate and health pond? What has changed?

For one thing, the health sector has been organizing from below. Figueres recognized the coming together of the health sector around Paris, including the millions of health professionals who called for action and the 8 000 hospitals and health centres represented in HCWH's 2020 Health Care Climate Challenge. She spoke to the ministers on the need for the health community to build on this momentum and adopt an ambitious climate agenda, by mobilizing “awareness of the link between the

health of the planet and the health of those human beings who live on the planet, because they are one and the same.”

Figueres ended her Plenary Address with a stark warning: “If, over the next five years, we do not fundamentally change” and significantly reduce greenhouse gas emissions across all sectors, the world is “in danger of reaching a tipping point in the atmosphere that will have a direct negative and profound impact on health around the planet for many, many decades—an impact that many scientists believe could not be recovered...We have five years to make an extraordinary difference.”

This very real sense of urgency is perhaps what is most responsible for catalyzing the growing climate and health movement.

After her talk, I met Figueres and WHO Director General Dr. Margaret Chan, when we sat together on a panel whose organization and composition spoke orders of magnitude to the fact that the climate and health issue is indeed coming of age. The panel was organized by the governments of the United States, the largest per capita and historical emitter of greenhouse gasses; Brazil, a fast growing developing country; and the Philippines Chair of the Climate Vulnerable Forum which represents forty-three nations most vulnerable to climate's impacts. The fact that this diverse grouping of governments came together to organize such an event demonstrates that the climate and health issue is now garnering serious attention from all comers.

Low carbon health care

Before the panel began, and as the room filled to a standing room only crowd of more than 250 government officials, WHO staff and health advocates, I introduced Figueres to our Global Green and Healthy Hospitals Network, explaining



the 2020 Health Care Climate Challenge. We discussed the importance of hospitals and health systems transitioning their own operations to help forge a low carbon future, while exerting leadership to protect public health from climate change.

Then, speaking on the panel, I presented the growing worldwide movement for green, low carbon, resilient health care. I shared how shifting to climate smart systems helps hospitals and health systems in developed and middle income countries reduce their emissions and become more climate resilient. And how, in low-income countries, low carbon strategies can supply energy where there often is none, powering and providing access to health care—fostering climate resilience and sustainable development.

Transitioning health care to a low carbon development path is a win-win-win proposition. It aligns health care with the Paris treaty and the Sustainable Development Goals; it helps hospitals prepare for the impacts of climate change; and it strengthens health systems by increasing access to care and saving money.

Big bucks

Next up on the panel was Dr. Patrick Lumumba Osewe from the World Bank. Dr. Osewe and I had just come from Helsinki where the World Bank, together with the Nordic Development Fund and WHO, had organized a small workshop to discuss how to shift billions of dollars in health development finance to become more climate smart.

In Geneva, Dr. Osewe discussed the outcomes of the Helsinki meeting in his presentation—including the fact that the World Bank is now committed to focus 20% of the \$12 billion they spend every year for health, on climate smart investment in the sector. Several other multilateral and bilateral lending and aid institutions, along with a group of foundations are moving in the same direction.

This is more than a small bit of good news.

An air pollution road map

Another big win at the intersection of health and climate at WHA came later in the week when

Ministers approved the WHO's new Air Pollution Road Map.

Following on last year's WHA resolution, WHO staff put together a comprehensive approach to tackle air pollution that all governments are now committed to. Fossil fuel combustion, which is the prime driver of climate change is also the greatest contributor to air pollution. So by tackling air pollution we can not only get a killer that is taking seven million lives a year, but we can also simultaneously tackle climate change.

Or, conversely, as Christiana Figueres argued, by reducing emissions we will not only protect public health from the most serious impacts of climate change in the future, we will simultaneously improve health conditions in the here and now.

A tipping point

What all this activity in Helsinki and Geneva means is that we are indeed at a tipping point. The moment is both terrifying and exciting. As Figueres warns us, we have maybe five years to turn the ship around with regard to climate change. If not, climate's health impacts will surely accelerate and perhaps spin out of control.

And now, after so many years of there being just a handful of health groups working on climate, we are seeing a movement emerge and grow. Just as the health sector marshalled forces to take on tobacco, or HIV-AIDS, we now need to build an even larger effort to take on the existential threat posed by climate change. And we need to do it fast. ✕

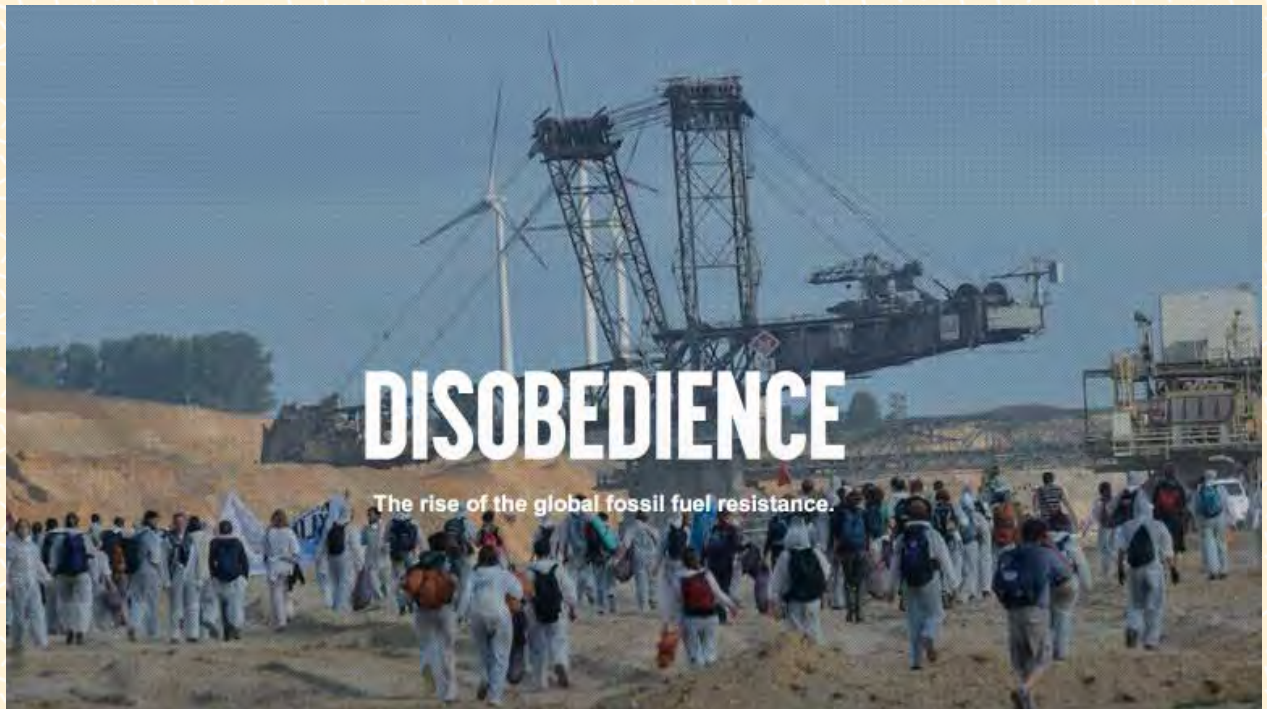
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Disobedience

by Megan Lewis



Coming out of 350.org and Avaaz is *Disobedience*, a short documentary that runs in a very similar style and narrative to previous films from this crew of climate activists. It pushes the idea of keeping the coal – and all other fossil fuels – in the hole through people's power. It even goes so far as to speak out against the annual United Nations climate negotiations. The film was directed by Kelly Nyks and produced by Tad Fettig and premiered in the United States at the end of April.

Featuring Naomi Klein of the recent film *This Changes Everything* and Ferriell Adams of 350.org Africa, it takes us to the various dirty fossil fuel hotspots across the globe. From the Philippines to Canada, *Disobedience* tells the story of the new wave of climate activism in the face of political inaction to the climate crisis. According to Bill McKibben, who also features heavily, civil

disobedience has become a powerful tool used by the climate movement to confront the fossil fuel industry head-on. From Gandhi's salt march in India to the anti-apartheid struggle in South Africa, it displays the importance of peoples' local and national struggles. This in comparison to larger international processes like the meetings of the United Nations Conference on Climate Change.

It speaks to the urgency facing human existence on earth; time is running out for mitigation against climate change. *Disobedience* is a significant film from which up-and-coming activists can learn about how to strategically and tactically go about carrying out acts of resistance to support their campaigns. ✂

To watch and/or download *Disobedience*, visit <http://watchdisobedience.com/>

