

GROUNDWORK



Coal mining: the ugly reality



In this issue

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.

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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

CREDITS:

Printed on recycled paper from Sappi Fine Papers

Layout by Boutique Books – Printing by ArrowPrint

Opposing factions face off of the Tendele Coal mine.
Photo credit: Leon Lestrade/African News Agency (ANA)



From the Smoke Stack



Photo by FoE

by groundWork Director, Bobby Peek

The third quarter of 2018 will probably be looked back upon as one of those key periods defining the future of South Africa. What that future is, I cannot say. It has been an intense period for the country as we have seen the release of our electricity plan until 2030 (aka IRP); the shenanigans in the ruling party, the African National Congress; the state and corporate counter attack on those NGOs and community people who have come out more clearly and vociferously against coal; led by Eskom, industry continues to ask for allowances to “break the law” by seeking postponement to meet the minimum emission standards; and, as I write this, multinational companies such as Herbert Smith Freehills have welcomed the fact that government is acting quickly and decisively to resurrect South Africa’s ailing mining sector through the imminent release of the third version of the Mining Charter. This is after Minister Mantashe, responsible for mining, ignored community memorandums. How these battles are settled will determine whether we are on the road to a just transition or to neoliberal, orgasmic, hedonistic heaven.

This tumultuous period has also seen groundWork starting to focus on its objectives for the next few years. These objectives have been built upon our experience over the last years and build upon the present mood in society. groundWork’s vision remains that of a world where “people are living well with each other and with the earth”. Bringing this to some practical reality, our objective for the next three years will be to work so that the “environmental justice movement is shaped by democratic fenceline formations to resist dirty energy and toxic production, build local alliances with workers for a just transition and advocate for open democracy”. Let us not kid ourselves. Building alliances with unions has been difficult. So it is critical that we find a way to connect with

workers and hopefully, through these connections with workers on the ground, we can then connect to unions.

One of the terrains of struggle to give meaning to our objective is going to be the coal mining regions of South Africa. The struggle for the future of South Africa, and the minerals it holds in the land, is becoming more brutal. Some years back, Mark Caffuniti remarked that mining companies must respond to what people in the communities mines find themselves in want, for this could unlock the minerals and the wealth. This was in reference to how community demands hold up mining projects. Over the years in South Africa, the manner of ensuring community people have some benefit from mining has been the social labour plans. The Centre for Applied Legal Studies and The Benchmarks Foundation have shown how inadequate these plans are in bringing meaningful improvement to peoples lives. Thus the resistance to mining has grown. In the wake of ex-President Zuma’s departure, there was a glimmer of hope that things might get better. But the reality is that under the present conditions of “open for business” it is unlikely that things are going to change. Just see how Gwede Mantashe, South Africa’s mining minister, is responding to what corporates need.

With South Africa’s unemployment rate now at 37% and over 56% of South Africans classified as living in poverty, the very many promises that mining companies and corporates bring to the table are seen as the last hope of delivery for the now distant promises Mandela made to the people in 1994. Corporates understand this dissent and easily use the desperation of people on the ground to push for what they want. Over the last period, groundWork has been involved in three cases where corporations have divided community



people against each other and, as NGOs, we have had to face the reality that the conditions on the ground are not always simple and straightforward in the resistance against environmental injustices.

Three corporates – Petmin, EnviroServ and Atha-Africa Ventures – have managed to convince community people to challenge those who have called out the wrongdoings of these companies. These companies have used tactics similar to that of the infamous “white monopoly capital” that brought Bell Pottinger down.

To stand and watch protestors demonstrate for and against these companies makes clear the level of complexity in community social fabric. It also brings home the impact of poverty. It shows how much more work we have to do to hold effective conversations with the people on the fenceline of these corporates. The reality we know is that these corporates are going to shift and leave the community with the legacy and the lifelong bill of a damaged earth and poverty. But for the short term, these corporates “bring development”, which is a promise long unfulfilled. So juxtaposed are #Right2SayNo and #Right2SayYes. Interesting times ahead.

Taking the lead from Eskom on how to kill a planet and its people, some companies – Foskor (Pty) Ltd, Palabora Copper (Pty) Ltd, Natref (Sasol and Total), Sasol, Evraz Highveld Steel and Vanadium Limited, Tongaat Hulett Sugar – are all applying to legally “break the law”. We warned the Department of Environmental Affairs in 2014, when companies originally applied, that this would become the norm, and indeed it has. Government is trying to deal with this and is proposing to close some of these loopholes. Proposed amendments to law published under the Air Quality Act will only permit one postponement of compliance – for five years – with standards which should be met by April 2020 (called “new plant” standards). But I have been on this road before and have come back disappointed. It is, I suppose, a start, although the fact is that industry has bought decades of pollution and profits through government not sticking to the law.

Moving on. After nearly two years and three Ministers of Energy, the new IRP 2018 has been released. On the face of it, it seems exciting and new, but when one digs one soon realizes that this

is another sleight of hand. groundWork believes the carbon budget scenarios merely pretend to one. The IRP scenarios retain the constraint on how much renewable energy can be built each year and introduce new nuclear plants to meet the limit on emissions. We conclude that this is their real function – they serve to keep nukes on the table. Critically, government's addiction to coal remains and they stuck on the IPPs in 2023 onwards. Another reason they are constraining renewable energy. There is a push by unions and some of our NGO comrades in Africa – not going to mention names – that are feeling sensitive about moving away from coal, and even talking about just transition. They believe some of government's rhetoric. As groundWork, alongside some unions, has maintained since the early part of this decade, we want renewable energy to happen in a manner that offers a just transition and, importantly, does this through social ownership rather than privatization. It is time to “take back Eskom” so that it answers to those who need energy for life rather than those who want it for profit.

The African Ministers of Environment also met in Kenya this September. This was with the UN Environment, an organization that has, with its leader Erik Solheim, promoted the incineration of waste in Ethiopia. Our call to the ministers by our insider Rico Euripidou was: “No to coal – yes to renewables; no to closing of democracy – yes to open democracy; no to incineration and plastic pollution – yes to Zero Waste as an innovative solution to addressing environmental problems and job creation, energy and food security and mitigating climate change.” We were asked to submit wording on a Just Transition and, from what I hear, on the closing of their meeting it had been adopted. The final statement is not yet out. I wonder if African leaders will become more practical in their statements so that they can deliver or whether they will forever be addicted to UN jargon of non-delivery.

On this note I have to sign off. There is much more to say, but I am running out of space. Maybe I will have to pen something in between these quarterly smokestacks to keep readers up to date with the politics of EJ in South Africa, or at least how it appears through my – at times – jaded lens. ✖



Africa is not a cave

by Bobby Peek and Rico Euripidou

Africa is not a cave: Coal, waste incineration, and plastics are a danger to our environment and the well being of our people

No to coal – yes to renewables; no to closing of democracy – yes to open democracy; no to incineration and plastic pollution – yes to Zero Waste as an innovative solution to addressing environmental problems and job creation, energy and food security and mitigating climate change.

This is the call of groundWork and the very many community organizations and partners we work with to the Seventh Special Session of the African Ministerial Conference on the Environment (AMCEN) that was held at the headquarters of the United Nations Environment Programme in Gigiri, Nairobi, Kenya from the 17th to the 19th of September 2018. It will consist of a meeting of the expert group, to be held from the 17th to the 18th of September, and a ministerial segment to be held on the 19th of September 2018.

Any foreign investment, including that coming from China, should be in line with Africa's future and our continent's development plan. In this day and age, any investments in coal-fired energy, and coal mining should be called out for what it is: a deliberate act to undermine Africa's efforts towards a 'just transition' into renewable energy, and a direct onslaught on the environment and the people who have suffered and continue to suffer because of the negative impacts of coal.

Community people from Botswana to Kenya, from Ghana to South Africa are all saying no to coal, plastics and dirty energy such as waste incineration.

In Africa, thirty-six out of fifty-five African states have some legislation dealing with plastics in place. We call

on African governments to take action to make the legislative changes actions on the ground.

Seventy-eight organizations globally are calling on UN Environment to give a clear stance and policy statement supporting sustainable waste and resources management approaches at the top of the waste hierarchy, to refrain from endorsing waste incineration projects and to stop advocating waste incineration in all their publications and statements.

If we all agree that renewable energy is the only way towards a sustainable growth path, socially owned and directly benefiting those most in need, economically, and otherwise, then we must accept and admit that because of air pollution, water pollution, deaths, sicknesses, strain on water resources and land, coal has never been and will never be a friend – unless your conscience is made of stone and your core self feels more for markets than the well-being of humanity. ✕



Erik Solheim
head of UN
Environment
addressing
the AMCEN
conference



Friend from FoE

by Niven Reddy

Africa Europe Youth – Making Friends in Friends of the Earth

Activist Promise
Mabilo from
HEJN in
Germany during
a cross-regional
exchange



The final meeting of the FoEI Erasmus+ Project between Africa and Europe took us to Amsterdam, home to many interesting sites and unexpectedly 38 degree temperatures.

During the planning of this meeting, we kept the issues of the previous meeting in mind, as four of the African participants were unable to get a visa to attend. This meant we did everything to ensure that all visa applications started months before the meeting date. Unfortunately, this did not help

too much as there were still three people who had their visa applications rejected and were unable to attend. This did not stop us, though, as we made use of something that youth generally know their way around much better than our older counterparts: technology. Regular Skype sessions helped bring input from colleagues who were unable to attend in person.

It was the final meeting to evaluate the entire project, so we had many topics to cover as well as looking back and reflecting on the cross-regional exchanges. While I was in Amsterdam, Promise Mabilo from the Highveld Environmental Justice Network attended the cross-regional exchange in Germany, where she took part in an anti-coal march and shared stories with the youth of BUNDjugend (Young Friends of the Earth Germany) about the harmful impacts of coal in the Highveld.

We looked at the overlapping systems of oppression – such as patriarchy, capitalism, racism and neo-colonialism to name a few – which all come together under the umbrella term known as *intersectionality*. We followed this with protest action outside a Dutch bank that is investing in Palm Oil in Liberia, Nigeria and Indonesia. We set up a large poster outside the bank and approached members of the public who were walking past and tried to convince them to sign on to ask the bank to stop their investments, which are destroying the lives of many people. I think I managed to convince about 8 of the 150 people I approached to sign on: I'm a complete natural at this (not).

So that was the end of the Erasmus+ youth exchange between Africa and Europe. I have learnt so much from the many inspiring people whom I have met, and I even managed to convince some people to join the zero waste movement. Despite



the laughs, beers, karaoke and all the other fun stuff, the biggest thing I take home is the constant reminder of this unjust world that we live in and we will continue to do what we do to change that.

Keep the Skype idea in mind if people cannot attend the meeting in person, at least until we bring down the borders. ✌



Niven Ready with fellow activists during FoEI Erasmus+ youth exchange between Africa and Europe, in Amsterdam



Air pollution and climate change

by Luqman Yusufu

Mobilizing the health sector as monitors and communicators

It is a well-known fact that South Africa's Highveld area, home to over three million people, is one of the most polluted places on earth. This has often been reported. The primary causes of air pollution are coal-fired power stations, petrochemical plants, metal smelters, coal mines, brick and stone works, fertilizer and chemical producers, explosives producers, charcoal producers. Other small industrial operations add to the total. These industries release toxic gases and particles into the atmosphere, polluting the air we breathe and, at the same time, driving one of the biggest threats to our health – climate change.

We have seen the recent heat wave events that have hit some parts of Europe, with over 150 000 deaths recorded across Europe. We have also seen extreme rainfall events in the city of Kerala, in India, with over 300 000 deaths. In South Africa, we have seen recent drought conditions in Cape Town and some parts of KwaZulu-Natal. What exactly can one do without water? We can go on and on, but the reality is that climate change is real and the impacts are devastating. It is no longer an environmental issue but a health issue and thus the health sector needs to respond to this by approaching and tackling climate change and health as a mutually inclusive problem.

Therefore, on the 27th of July, groundWork organized a health workshop for health professionals at Middelburg Provincial Hospital, in the Highveld area of Mpumalanga. In total we had 53 participants: a phenomenal turnout. General practitioners (GPs), cardiologists, dentists,

pulmonologists, infection control nurses, regular nurses, environmental health practitioners, waste managers, dental assistants, physiotherapists and community members were present. This gathering was part of an ongoing training programme organized by groundWork through the Global Green and Healthy Hospital (GGHH) initiative. Health professionals who attended this workshop obtained two South Africa Medical Association (SAMA) accredited continuing professional development points (CPDs) and five Health Professionals Council of South Africa (HPCSA) accredited continuing professional development points. This was a source of motivation and an incentive for attending and individual acknowledgement of sharing information about health in relation to the environmental challenges.

The workshop was a success as it highlighted the current air pollution levels in the area and the need for urgent health sector response to the crisis. Health professionals in the workshop also gave their insight as to the state of health in area – Dr Rahimi, among other doctors, shared concerns over the increase in incidence of respiratory health problems among children and adults.

An infection control nurse (name withheld), who works in a maternity ward, gave a shocking presentation. She showed the movement of particles in the body and how they can persist and be transferred to the unborn foetus. She explained that mothers can also transfer these particles to their babies through breastfeeding. In general, it was great to see the acknowledgement of the



urgent need for action and collaboration amongst both health professionals and environmentalists.

Furthermore, the Middelburg Provincial Hospital agreed to join the GGHH network of health institutions from around the world in reducing their carbon footprint, educating their staff and patients on climate change, and advocating for policy that protects public health from the impacts of air pollution and climate change. This will make Middelburg hospital the 75th member of the Global Green and Healthy hospital network in Africa. Interest was also shown by the clinic manager from Emalahleni provincial hospital, not only in joining the network but also in assisting with the monitoring of air pollution in the Witbank area of

Mpumalanga. This is a significant step that will help mobilize hospitals and health professionals to address the health impacts of air pollution as they will be able to issue advisories connected to outdoor air pollution levels, educate their patients, engage with their communities and advocate for a transition to clean, renewable energy.

By cleaning its own house first, Middelburg Provincial Hospital and health leaders in Mpumalanga can lead by example, calling on government and industry to adhere to the minimum emission standards and other practices and policies that ensure clean air, because a healthy environment results in healthy people. ✕



groundWork and Center for Environmental Rights representatives, with community activists from HEJN



Chemical de-tox

by Rico Euripidou

"Health practitioners make common cause with people's organizations to eliminate toxics from the environment and advocate for climate justice"... is how we define our environmental health campaign. The premise of this is to work with the health care sector towards linking them up with peoples' struggles, so that they join and speak out in support of campaigns led by affected people.

Working with the health sector has been a dichotomy to say the least. Under the framework of our Global Green and Healthy Hospitals Campaign (GGHH) it has been hugely successful. However, working with the national department of health continues to be immensely challenging.

The health sector is beginning to shift its approach and attitude in recognising climate change and fossil fuel pollution as a universal challenge to many health issues and this is increasingly being reported as such in the media. What we have not quite managed to achieve is to link the health sector directly to community campaigns so that they speak out in support of these campaigns led by affected people.

We have, however, continued to work with the Public Health Association of South Africa to shape and encourage the public health sector engagement on climate, energy and health. This has been largely limited to conferences (most recently the Africa Health, and the Adaptation Futures conferences), where we aimed to sensitise traditional climate change scientists about the human health impacts of climate change. We have subsequently taken on a bigger leadership role to build a community of practice that speaks to the urgency of the situation, to encourage public health practitioners to be part of this activist community and to clarify their role in advocating for a clean and healthy environment determined by our Integrated Resource Plan for electricity.

Our work on chemicals is expressed nationally through our participation in the National multi-stakeholder committee on chemicals management (the MCCM), where we are working quite systematically with various SA government departments in terms of honouring our international treaty obligations on toxic chemicals and waste. Recently, we learned that the South African standard for lead in paint is going to be revised down from 600 ppm to 90 ppm. The National Department of Health has been mandated to amend the current Lead Paint Regulations under the Hazardous Substances Act and this signals a very positive policy and implementation shift which will bring us into alignment with global best practice.

In the safe chemicals sphere we are also very excited to report that the National Department of Environmental Affairs has also recently gazetted draft regulations to phase-out the use of persistent organic pollutants in line with our obligations under the Stockholm Convention on Persistent Organic Pollutants. Again, this reaffirms our participation in the MCCM whose mandate is to bring together the diverse stakeholders working in cooperation to make safe chemicals management a reality.

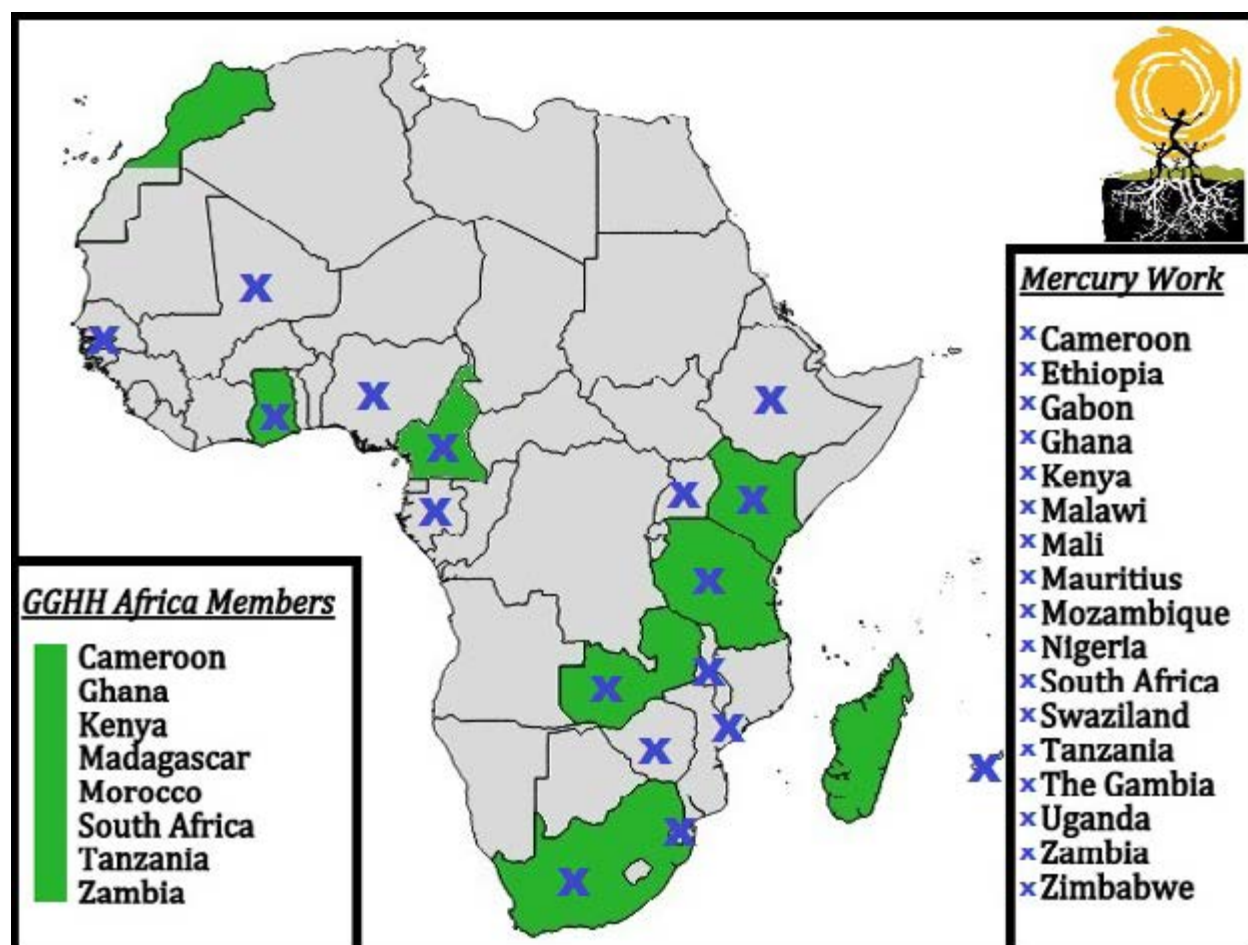
Similarly, we have been working with African regional partners to develop an African position on transparency on chemicals in consumer products and the circular economy. The global norm is currently a lack of transparency of hazardous chemicals in consumer products. This can potentially damage human health or the environment where the products are recycled or reused, especially if countries are taking steps to implement circular economy processes like recycling, reuse and remanufacturing.

Another of our key campaign objectives is to support African countries that are taking steps towards implementing the Minamata Convention



and eliminating mercury. Almost exactly a year ago, the Minamata Convention on Mercury – which is a global treaty to protect human health and the environment from human emissions and releases of mercury and mercury compounds – came into force. We have been working in Africa on mercury since 1999 and to date, if we look at the African countries that have ratified the Convention, we can link this back to our work in many instances, whether it's working directly with governments or through civil society structures.

The following countries in Africa, with whom we work directly, have already ratified the convention: Botswana, Gabon, The Gambia, Ghana, Lesotho, Mauritius, Madagascar, Mali, Nigeria, Swaziland and Zambia. Additionally, we are directly supporting the following countries with their Minamata obligations in one way or another: Malawi, Zimbabwe, Angola, Kenya, Ethiopia, Tanzania, Uganda, Egypt. The remaining African countries that have ratified include Benin, Burkina Faso, Chad, Djibouti, Guinea, Mauritania, Niger, Rwanda, Senegal, Seychelles, Sierra Leone, and Togo. X



United we stand

by Robby Mokgalaka and Thomas Mnguni

A National Coal Exchange forges unity in the Highveld

Unity breeds courage to win against challenges. In recognition of the adage, the Highveld coal-affected communities gathered in Middelburg to forge plans together in solidarity and to find ways to fight their old coal struggles within their respective communities. The gathering was organized by groundWork between the 23rd and 26th of July 2018, pulling together coal-impacted communities from the Highveld area with the well-defined objective of creating a united voice amongst the Highveld coal-impacted communities, through sharing their experiences, struggles and solutions to the challenges.

Environmental formations in the Highveld area have not been working consistently well together as a solid unit in order to combat the coal impacts in their respective communities. This is due to various factors and reasons. So the objective of the meeting was to bring together coal-affected communities in order to create a platform for information-sharing, to forge unity and solidarity in their coal struggles, and also to create movements in the Highveld area that are fit to resist coal impacts.

We managed to pull in representatives from the Highveld communities of Witbank, Phola-Ogies, Ermelo, Middelburg, Arbor, Kendal and Hawerklip. Most of these communities have never had an opportunity to work together and discuss coal impact issues that affected their lives and wellbeing.

Despite the fact that some of these community members had never met with each other before, during the discussion processes in the meeting the commonness of their coal struggles in their communities bridged the gap. Their suffering and activism became a thread that wove them together into a single unit in the fight towards a common course. They were all surprised to learn that they were impacted by coal mines and coal-fired power station in almost the same ways. Their unity, which was organically built through their interaction with one another, created a strong realization and silent

acknowledgement that they needed each other and had to work together to emerge victorious against their challenges.

The programme of the exchange was filled with exciting and relevant items for the participants such as air quality, pollution and health, how to protect the environment and health by using our Constitution and relevant laws, the right to protest and litigation processes. It was evident during the discussions that people found the information added value to their lives as it all bore relevance to their coal struggles.

From the demeanour of the participants, it was also easy to draw the conclusion that they were enjoying every item as they participated with great attention and vivid excitement.

The one item which stole the limelight was the toxic tour. Its primary objective was to visit pollution-affected houses of the Hendrina community and get to hear the people's concerns about the offset pilot project implemented by ESKOM in their attempt to avoid complying with the Minimum Emission Standards (MES) set to reduce their level of pollution and aimed at saving the lives of the poor people on the ground. What made the toxic tour more exciting for them was to experience the practical side of things and to have an opportunity to interview the affected communities where the offset programme is causing lots of frustrations. The frustrations of the communities emanate from different factors, such as the failure of ESKOM to fulfil their promises, escalating electricity bills because of the newly installed system, poor quality of the work done and lack of a monitoring and reporting system. I assume the fact that they could relate to the coal impacts in the community made it easy for them to empathize with the community concerns.

The toxic tour also allowed them have a better understanding of the politics of offset and Eskom's attitude of reluctance towards compliance with the



MES. The learning will also assist the participants to fully engage with the environmental compliance processes, where big polluting industries such as Eskom and Sasol frequently apply for recurring postponements to comply with the set MES, and strategically seek to be exempted from complying.

At the end of the meeting, participants pledged their commitment to work with one another to boost their own coal struggles by sharing ideas and information, and communicating challenges with each other in solidarity, to strengthen their fight against the harmful impacts of coal mining..

The group also requested more educational processes in their respective communities in order to impart important information about the impact of coal, as they have realized that many community people only dwell on the positives of coal, such as employment and any other economic gains. It was also shared by the group that community people are battling to make a strong link between coal and their sickness.

From the outcomes of the meeting, it was clear that the communities came to realize that they needed to start working together jointly in order to succeed in the struggle against the negative coal impacts. The observations were drawn from the process, and shed an optimistic light on the fact that there is a willingness and preparedness to build unity in solidarity in order to push back against the coal impacts.

Now groundWork, through the Coal Campaign, has to build on this meeting and strengthen the work with those communities.. The most significant and first step towards developing a working relationship with the communities is to visit the communities and fully understand the dynamics on the ground in order to make an assessment to facilitate a collective decision with the communities on a prioritized initiatives.

The Highveld is an ever-changing landscape of coal destruction and corporates and the elite rush for the last of the coal reserves, and in this rush industry is prepared to trample all in their path, including the communities that have lived there for years. X



*groundWork
with HEJN
activist visiting
communities in
Mpumalanga*



Destroying lives and erasing memories

by Tsepang Molefe

Coal Mining: Destroying Lives and Erasing Memories

It is not of my own doing that I narrate this story with an unintended melancholy tone. This is a story about how poverty is perpetuated to unthinkable degrees. This is a story about self-serving traditional authority. This is a story about capitalist piggery or greed. But this is also a story about how a community – as Bob Marley said – can get up and stand up for its rights. The story is set in deep rural northern KwaZulu-Natal. The natural settings at Somkhele and Fuleni had all the resemblance of a Sam Nhlengethwa painting having come to life, until the year 2006 when the deafening sounds of machinery and the groaning of truck engines was imposed on the land.

Gednezar Dladla was a councillor at Jeppe Hostel in Johannesburg, and after he was attacked and shot he decided to relinquish his seat and moved back to his home in northern KZN. Upon his return he heard the cries of his people from a nearby village where a mine had been erected. As expected from an activist, Dladla picked up the fight for the people. Like Mumia Abu Jamal once said, “when one sees injustice and decides to keep quiet and not say anything about it, it is then that one begins to die”. When Dladla started asking real questions, he was labelled a troublemaker.

To dribble past him, the criteria of who attends the meetings was changed, and the powers-that-be decided that only those affected by the removals needed to attend, casting him out. But the mine spread like the bad cancer that it is, and cut itself a portion on his plot. Now Dladla found himself face to face with the monster, not by his own doing, it must be said. Although the mining company compensated Dladla and others in the community for the troubles, the community soon came to the

realization that their problems had only just begun. In what should be perceived as a hostile takeover of some sort, the mining company made offers to the people, the value of which was determined according to what was on the property, and not by the size of the land: a house, a kraal, a vegetable garden, and the like.

Besides the mine being an eyesore on the beautiful landscape, the people had to breathe polluted air and blasting from the mine produced cracks on the walls of their homes. When Dladla confronted the mine in an effort to action the community grievances, he was sent from pillar to post. Dirty tactics were deployed in order to frustrate him, including being charged for what tribal authorities labelled an illegal gathering, but none of it had valid substance.

There were also numerous attempts and threats on his life. One pitch-black and evil night, he received a call from a person who wouldn't identify himself. The anonymous man advised Dladla to vacate his home immediately, and go seek refuge elsewhere. While Dladla hid in a nearby forest with his family, they spotted a number of moving lights at their home, and later shots were fired in the air before the gunmen left. Sadly, it was around 2014 when his health declined due to sickness, and on the 18th of October 2015, Gednezar Dladla died after a long battle with cancer and capitalist greed.

The distortion of culture and the provocation of spirits

The removal of graves has had far greater implications which go beyond what could be observed with a naked eye. In Zulu culture, when somebody dies, a cow and goat are sacrificed to accompany the spirit of the departed. However, there is no existing or known custom that governs exhumation, as graves are treated as very sacred



spaces. Often at the burial site the words "*Sikubela la endaweni yakho yokugcina*", are uttered to the deceased. In direct translation to English, the words mean, "we are putting you here, this is your final resting place". Some in the community who have had their elders relocated from their final resting place have acknowledged the dark shadows that "hang over" their families. Through consultation with those in the spiritual realm, they have discovered that their ancestors have turned their backs on them, and no sane person wants that. The cultural and spiritual connection to the land in the African way of life should not and cannot be ignored.

The South African Human Rights Commission Report

On the 22nd of August, the South African Human Rights Commission released its report on mining affected communities. The report, which includes this specific case, makes mention of Tendele's human rights abuses and negative impacts on the lives and livelihoods of the greater Mpukunyoni area, where Somkhele is situated. Meanwhile, Tendele plans to expand its operation and has identified 124 households to be moved from their rightful land. Many more families will lose their livelihoods and have their lives and health destroyed by living in close proximity to the mine.



Rob Symons

Tendele mine in Somkhele

"Furthermore, environmental degradation, and the failure to conserve biodiversity, prejudice the realization of numerous other human rights, particularly the right to equality, but also the rights of access to sufficient food and water, health, housing, land and ultimately, the right to live with dignity." [Extract from SAHRC report, p.41]

The mine has become a kitsch art installation of some sort. The Tendele mine has not only permanently upset the soil, but has also destroyed water resources and caused air pollution. Regardless of its endless capitalist mischief, Tendele seems to know how to manoeuvre out of the backlash against it. So far, the case against the mine has been purely the legality of its operation in relation to environmental laws.

See you at the High Court: The Somkhele and Fuleni Communities vs Tendele Mining Company

The Mfolozi Community Environmental Justice Organization, also known as MCEJO, was formed in 2015 with the assistance of environmental justice group groundWork. On the 24th of August 2018, Mcejo faced Tendele mine at the high court in Pietermaritzburg. The 3 000 MCEJO members were represented by 200 people who travelled from Zululand, leaving at 3AM to be in the KwaZulu-Natal capital. Outside the court, protesters demonstrated energetically. Inside the courtroom the air was tense and heavy, as both parties presented their cases and arguments. During arguments, Judge Seegobin expressed concern at granting an order to close the mine while it applies for the necessary licences because of impact this could have on the economic situation of the country.

Evidence was tabled before Judge Seegobin of how the mine has been violating the National Environmental Management Act by breaching environmental and other laws. Kirsten Youens, attorney for the applicants said: "We are relying on our judicial system to ensure that justice is done. The law must be complied with by all, not a select few.



This is an opportunity for a clear statement to be made that it is unacceptable for mining companies to comply with the law after they have already commenced mining and only when ordered to do so. The environment and thousands of people's lives are at stake."

Later in the proceedings Judge Seegobin stated that mining in South Africa has come under the spotlight for various reasons. One of these was the huge impact that it has on poor people and on the environment. He also mentioned the South African Human Rights Commission Report that was recently released and formed part of our court papers. He further stated that as much as Tendele may argue that they are operating legally, we can't "lose sight of these issues".

The judge also warned all parties not to send inquiries to his office, and mentioned that it was

a complicated case, and it required some lengthy time for him to apply his wisdom, thought, and law. For now, the people are left with no choice but to lock arms together in pursuit of a course to have their land, freedom and lives back.

The trivial episodes in this case are familiar in the South African setting. Where people's lives are ruined under the disguise of "development and job creation". While jobs are an important component in providing livelihood and dignity to the community, the perception that mines are able to champion development and poverty alleviation is flawed. This idea and perception becomes an opportunistic opening for ruthless capitalist to turn these villages into their profit machines at the expense of the people's livelihood, health, peace, and the basic birth right of being. ✕

Somkhele community demonstrating outside the High Court in Pietermaritzburg



Greenfly on carbs

Capital is not keen on dieting

The price of carbon on the European Trading System (ETS) is 'rocketing' according to Bloomberg – from next to nothing to €18 a tonne. The ETS opened in 2005 on the Richard Branson principle that you can't save the climate unless business can profit from it. It is Europe's premier instrument for reducing carbon emissions and has been spectacularly ineffective at doing that. But it has put a bit of profit in the pockets of big polluting business and big finance scam business.

The ETS opened with a price crash but recovered to trade at around €30 in 2006. When Wall Street went bust in 2008, the price collapsed along with the price of oil, gas, coal and everything else. Prices recovered in 2010 for everything – except carbon. And in 2011, while oil was riding high at over \$100 a barrel, the ETS carbon price reached new lows to confirm its natural place in the zombie zone. The price of everything crashed again in 2014 and again in 2015 but the zombie commodity barely reacted. At the bottom, there is no place left to crash to.

Now at €18, it's still pretty useless for reducing emissions. What's needed, says Carbon Tracker, is something like €30. Whatever. German utility RWE has some of the dirtiest power plants on the continent but is scarcely concerned. It bought lots of credits at the zombie price of €5 or €6 – enough to hedge, as they say in the financial scam business, its emission to 2022. Or it can just sell them. Whatever makes more profit.

In South Africa, Treasury is making slow work of putting a carbon tax bill on the books. If 'putting a price on carbon' is the favoured strategy for reducing emissions, then Greenfly prefers a tax to trading. It keeps things simple. Except in South Africa where Treasury has devised a tax with a complexity of loopholes to keep an honest auditor –

say KPMG – in the business of preserving profitable emissions for its corporate clients for a few decades more. By which time it won't matter because we'll all be toast.

If price is the strategy, then the price matters. So how does Treasury's price compare with the ineffective ETS? It has set the nominal tax rate at R120 a tonne. That's €7.16 – well down in the zombie zone. And with the extra added loopholes the actual tax will be between R48 and R6 – between €2.87 and €0.36.

Well, you can't get more zombie than that. Except. The Department of Environmental Affairs, government's climate warrior, is working hard to cooperate with big polluting business to make the tax even more useless than Treasury designed it to be. If price is the strategy, the tax must be on all emissions. But DEA wants to make it a penalty rather than a tax. The DEA will give all big polluting business a carbon 'budget' – actually an emissions allowance – and the zombie tax will be paid as a penalty only on emissions above the allowance.

The next step is for business and the DEA to cooperate on calculating 'realistic' allowances. Business believes that they own the detailed information on how much they pollute from which plants. This is subject to 'corporate confidentiality' as sanctified by property rights, competition law, free trade, the deep humanity and integrity of corporate executives and, of course, of their auditors. As CEO Ben van Beurden puts it, 'Trust us'. And never mind the people we pollute. So business should do the calculating while the DEA does the cooperating. We can look forward to some generous carbon budgets. ✕



Integrating waste pickers

by Musa Chamane

Getting serious about waste and waste pickers: Policies and Strategies!

*Waste Pickers at
the New England
landfill site in
Pietermaritzburg*



Ten years ago, waste pickers were a nuisance to government officials and, as a result, they were cast aside due to the nature of their work. Government did not then realize that waste pickers are playing a very important role for everyone, including the environment. The officials have since learnt that the waste picker work is good for mitigation of climate change, and also saves them space at landfills. The waste pickers have since organized themselves into an association and full recognition has been attained. The Minister of Environment often speaks about the waste pickers. She has even begun to develop guidelines on how waste pickers could be integrated into waste management systems in South Africa. It's good to see waste pickers, government officials, academics, researchers and civil society working together with the intention of protecting the livelihoods of waste pickers.

The work of waste pickers, which is reduction of waste going to landfills, is very broad. It involves repairing anything that has been classified as waste

and giving it a second life. It also involves bargaining for good prices for the materials collected. All in all, it is an honest living and we should support the work of waste pickers. However, stakeholders involved in the subject of integration raise different strategies on how integration should happen; views depend on the angle from where each comes.

Over the last year, Industry Waste Management Plans (IndWMP) have been called for by the Minister of Environmental Affairs. Public participation meetings are ongoing to communicate to people how industry plans to recycle their products once they have been consumed and have become waste. The plans are being developed through the lens of the Extended Producers Responsibility (EPR). This simply means that, once an industry manufactures a product, such as a TV, they have to take responsibility for the TV after it has been used by a family and it is no longer working: for its entire lifecycle, from beginning to end. It is not only EPR but also job creation, especially for waste pickers. These plans have been presented in four provinces. The plans are being developed simultaneously with the Waste Pickers Integration Guidelines. Both these documents will be finalised in 2019.

Despite these promising first steps, it was disheartening that the public meetings took place on the outskirts of the main cities. This has led to a number of waste pickers/reclaimers failing to attend the meetings due to the distances that they had to travel to these meetings. If industry wants to meet with waste pickers, they have to hold meetings at central accessible points. We hope that when government decides to hold these meetings they will take this into consideration and do it differently



and make sure that the voices of waste pickers are heard.

The present industry plans prolong capitalism as they propose to keep the levies themselves, rather than having them accrue to government. I understand their fear of releasing money to government because it is not ring fenced and therefore could be used for things other than waste, or it could just disappear into a black hole. But if industry manages the scheme, that means they will be player and referee in the same game. This will lead to the scheme supporting previously advantaged individuals at the expense of the previously disadvantaged people. This has been the case with Redisa, the now infamous tyre recycling initiative. The other saddening issue regarding industry is that it has failed to transform to fit South African race demographics. At the top of the recycling

industry hierarchy, white males are still dominant at the expense of the poor black majority, who are the main pillar of the industry. The financially oppressed group is located at dumpsites as well as on the streets, collecting waste as a livelihood strategy.

It is good that we are having such interesting discussion in our forums, something one would have never predicted ten years ago. Municipalities still leave much to be desired and they still need to have a stronger buy-in to these processes, because waste is dealt with at a local level and there are very few municipalities involved in these processes. We hope that in future we will see a number of municipalities getting involved. ✂



*groundWork
waste campaign
manager Musa
Chamane with
members of
SAWPA*



Working on the ground

by Kimishka Chetty

Spending time with groundWork – challenging oil and gas!

In June and July this year I spent four weeks with groundWork pulling together a database of sea users to prepare the resistance to oil and gas exploration and exploitation by various companies, including South Africa's very own coal and greenhouse gas addict, Sasol.

The oil and gas exploration project proposed by Sasol and Eni, offshore of the KwaZulu-Natal (between St Lucia and Port Shepstone) and the Eastern Cape coast, will have devastating impacts on the environment and stakeholders connected to this environment.

I reached out to these stakeholders to get an understanding of how many were aware of this oil and gas exploration that will negatively impact on their business and their livelihood. Surprisingly, many of these stakeholders knew nothing of the exploration and were extremely shocked by this news. However, I explained further about the negative repercussions expected and the majority of these stakeholders are against the exploration and are willing to become involved in challenging it together with us.

Possible negative impacts are the complete destruction and loss of thousands of benthic ecosystems (which exist at the very bottom of the ocean) because of drilling and oil and gas platforms. These benthic ecosystems are important habitats and important factors in the marine food webs. Most species of marine animals depend on these

benthic ecosystems for breeding, feeding, shelter and protection. Drilling will also release harmful chemicals from the ocean's surface. These chemicals will change the salinity of the surrounding waters and will affect animal health; impairing respiration, for example. These chemicals, if released in large amounts, can result in toxic waters and toxic fish that may end up on our plates and impact on our health. Noise emissions from drilling will disrupt animals' feeding and communication patterns and it could also lead to death because animals are unable to handle the pressure. Migration patterns will be affected as animals will be forced to use different paths to avoid the noise.

And let's not forget the spills and discharges from this exploration! Or a possible explosion, like the Deepwater Horizon explosion! These discharges containing a huge amount of chemicals and pollutants will have an immense impact on the ocean, resulting in poor water quality and toxic waters. Also keep in mind that this contamination is not going to be concentrated in one area because these filthy waters will be carried by our currents and pollution will be spread kilometres away, infecting our precious marine protected areas, which are already so few. If such environmentally unfriendly explorations persist, we'll eventually have none.

Tourism is expected to decrease as thousands of people visit KZN for its beautiful beaches and marine animals, and many recreational activities



that depend on our beaches will find it difficult to continue with their activities due to the disturbance and destruction caused by the exploration. And most importantly, the poor who rely on the sea for their livelihoods will face disaster as fish move away or dwindle.

To gain more support against this project, I worked with SDCEA (South Durban Community Environmental Alliance) and we had three meetings on this matter. The meetings took place in Richards Bay, Port Shepstone and Durban, and were aimed to expose more about this project and bring more awareness and support in the fight against it. The meetings were a success as there were many people strongly against it who attended and who are determined in steering the fight to protect our beautiful ocean. The fight against this exploration is not an easy one but I believe that, if we are driven, determined and unwavering in challenging, we will definitely be successful. Sadly, some people saw oil and gas as positive for the service industry. I ask, for how long! 🙏



Community activists during a Gas-down Frack-down meeting in Durban



The Land is the People

by Tsepang Molefe

The area of Makhasaneni has a typical rural topography: bulging hills, and harmonic rivers that flow to a hidden somewhere. The peaceful green fields refuse to be outdone by the constant beauty of the skies. People plough on the land with little or no constraint at all, and their livestock grazes freely on it. And when someone transitions to the other side, the same land becomes a final resting place. The people are the land, and the land is the people.

This Land is a documentary film by Miki Redelinghuys. The film was commissioned by the Land and Accountability Research Centre (LARC) at the University of Cape Town, as a way for rural people to bring the untold story of their struggle for rights and accountability on communal land into urban forums of legislative, political and corporate decision-making.

Redelinghuys stitched together the 48-minute long film with diligent, journalistic precision. The narrative follows the people of Makhasaneni in the pristine hills near Melmoth in KwaZulu-Natal; in their battle against an Indian company's secretive collusion with politically connected elites to develop a vast opencast iron-ore mine on the land they have lived and farmed for generations.

"LARC wanted to raise awareness on the issue that rural communities are suffering because their traditional rights to land is not recognised – the fact that their interests are placed second to the interests of the traditional authorities and commercial enterprises," says Redelinghuys.

At the beginning of the film we are introduced to Mbhekiseni Mavuso, a community activist, and in support is the Induna Jaconias Dlodla, a wiry old headman. What stands out about the two protagonists is their unwavering commitment to the community of Makhasaneni. When filming commenced, Mavuso was in hiding and his life was in danger, along with many of the activists he was working with. Those advocating for mining to go ahead wanted nothing less than to drink his blood, and set him up for a permanent meeting with his ancestors. But the gods had other plans.

Amidst threats and intimidation, the two men from different ends of the generation stick remained as brave as Solomon Mahlangu when he sighted the hangman's noose, and the threats on their lives only served to fuel their courage.

Narrated by Stha Yeni, the collaborative harmony between words, shots and the story results in a timeless piece of cinema that sketches out the journey of the people in their quest to protect their livelihood. The rawness of their pain and sense of injustice is emotionally taxing to watch, and the tension between the people and those in power is woven throughout the film.

Like many other communities in this country, the community of Makhasaneni knows very well the feeling of living with the pain of forced removals, having experienced it under apartheid. Their lives were destroyed and their memories erased to serve political and corporate interests. What is fascinating, though, is how they are able to rise above it all and take ownership of all the curved balls the universe has thrown in their direction.

Look out for the scene where big bad guys descend from elevated state-marked vehicles, and try to lure the Induna to some secret meeting, but the Induna politely declines the invitation with the support of the people.

"We had a very specific deadline for completion as the film has work to do in the national debate. In my opinion the story still needs to continue, but at the same time, the film as it stands has had an incredible journey," says Redelinghuys.

"What is significant in the quest by the state and corporations to sell mining as a development plan, is that they play on the false promise of development, while those that are politically connected get to feast at the table of plenty, and the rest get mere crumbs. In this process, people and communities are divided. But *This Land* shows that people need not be divided and they have the power to resist," says Bobby Peek, Director of groundWork.



The film also highlights the importance of consultation and engagement process with the communities. The wide screening of *This Land* has not only assisted rural communities in dealing with political and corporate bullying; but has also empowered them in upholding their rights. The

hardships that the community of Makhasaneni has endured are a true exhibition of economic and political power imbalances. The scars on their backs are a passage to a memory that they have no choice but to remember. ✕



Mbekiseni Mavuso celebrating the community's victory against mining



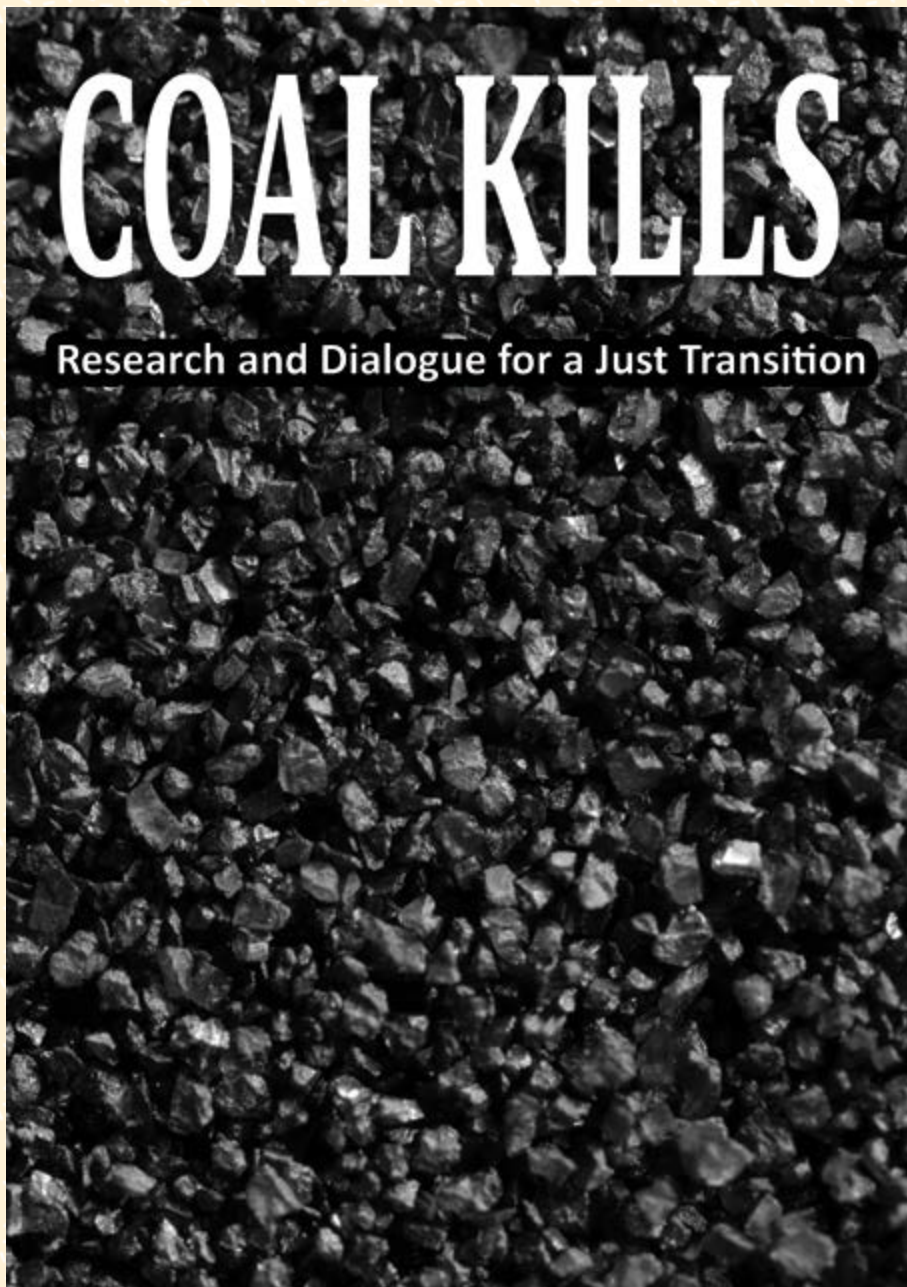
The landscape of Makhasaneni, Melmoth, in KwaZulu-natal



Coal Kills

Coal Kills is a consolidation of key pieces of research on the impacts of coal in Mpumalanga and South Africa. The research presented focuses on social, gender, worker, and environmental justice.

It is presented from a legal perspective to a campaigning perspective. While it clearly highlights the problem areas, it also maps out a possible way forward.



Available now: www.groundwork.org.za/specialreports/Coal_Kills.pdf

