Solidarity for Environmental Justice in Southern Africa

By Victor Munnik, independent researcher, victormunnik@iafrica.com.
A report for groundWork, November 2007

Contents:

> *"Environmental justice obtains where relations between people, within and between groups of people, and between people and their environments are fair and equal, allowing all to define and achieve their aspirations without imposing unfair, excessive or irreparable burdens or externalities on others or their environments, now and in the future."*
>
> *groundWork Report 2004, The Balance of Rights, Hallowes and Butler*

Introduction and overview

This position paper is an invitation to build stronger solidarity in support of environmental justice in Southern Africa. The immediate reason is that our communities and activists are faced with a commodity boom - a new scramble for Africa. The new scramble, like the old, is driven by the interests of outside powers, the traditional players now joined by China, India and Brazil, in the resources of Africa. These interests are being accommodated by African governments, who themselves are taking part in the scramble, while the legacies of previous rounds of accumulation and their effects on people's environments have not yet been cleaned up and are unlikely ever to be cleaned up.

The balance of political power in all of our societies, while dynamic and subject to ongoing change, suggests that Southern Africa will face increasing environmental injustice in the way its resources are used, including the ongoing enclosure of people's commonly owned and used resources into private domains, the unequal and unfair relationships between local populations, national decision makers and private investors, the ongoing exclusion from decision making of local communities, and the intensifying imposition of externalities. Current developments, specifically the commodities boom and the rapid expansion of South African business and industry into the region, make it increasingly less feasible for environmental justice activists in the region to continue working in isolation in our respective countries. Southern Africa is already a single unit, and increasingly EJ activists face the same polluting companies and similar issues in different settings in the region.

This paper explores the idea of environmental justice in Southern Africa, in the context of the region's history and current challenges.

Environmental justice

The concept of environmental justice first evolved among black communities in the United States, and at a very local level.

Southern African activists embrace environmental justice concept

In the 1980s, black Americans observed that their communities were always the first to be the "recipients" of toxic waste dumps and other dangerous developments, and called it "environmental racism". The movement was grounded in local resistance to pollution, and the 1982 Warren County fight against toxins stands as an important landmark [Munnik and Cock, forthcoming]. These activists also protested against the conservation-oriented and white, middle class dominated character of the US mainstream environmental movement. These two orientations – a local emphasis with a questioning of the national politics within which the resistance takes place – remain cornerstones of environmental justice thinking today. By 1991, the First National People of Color Environmental Leadership Summit in Washington agreed on the principles of environmental justice. According to one of the leading figures, Robert Bullard, the meeting "broadened the environmental justice movement beyond its anti-toxics focus to include issues of public health, worker safety, land use, transportation, housing, resource allocation and community empowerment" [Bullard, quoted in Khan, 1996: 27]. This is a third trend that remains part of the legacy of Environmental Justice: a tendency to include a broad range of issues into environmental justice, because the starting point of environmental justice is people and their rights in their environments, and not the environment in an abstract sense.

In 1992, the concept of environmental justice (EJ) was imported to South Africa at the Earthlife Africa conference where the Environmental Justice Network Forum (EJNF) was established. At the conference US inner city activist Dana Alston introduced it as a very broad issue extending existing social justice or human rights work: "Environment justice affords us a platform to address some of the critical issues of our time." She also opened another theme with which environmental justice activists have to deal when confronted with "development" schemes:

> "Private industry has exploited the pervasive unemployment among people of colour. They have promoted the idea that poor people must choose between jobs and a clean environment… Over the last thirty years, our communities have been desperate for development and have accepted polluting industries. We were told we would receive jobs, that an expanded tax base could be used to address community needs and development, and that our health would be protected. In reality, the few jobs that we did get were the lower-paying and more hazardous jobs." [Alston, 1993: 188]

For South Africans, seeing environmental justice as an extension of anti-apartheid struggle was as natural as for black communities and activists in the US to proceed from the basis of the civil rights struggle. The environmental justice movement similarly grew in South Africa as an alternative to the narrow conservation movement and its Big Five focus, not as an outgrowth of it. EJ activists positioned themselves in opposition to many forms of conservation as they supported black South Africans in their efforts to claim back land that they had lost to conservation. Apartheid presented clear forms of environmental injustice – control over movement, resettlement on the worst land, second class services, if any – and the almost automatic location of waste dumps near black communities mirrored the US experience. Poverty and the injustice of the economic system remained a key issue beyond apartheid because of the underlying dynamic of a mining economy that, in terms of political systems, had brought our region into being.

From its introduction into South and Southern Africa[1], the concept of EJ was taken up with great enthusiasm. The EJNF brought together more than 550 organisations, ranging from Community Based Organisations (CBOs) to non-governmental organisations (NGOs) to churches to trade unions. The EJNF was taking up grassroots issues: the mercury poisoning of workers and communities in Pietermaritzburg, the toxic legacy of asbestos mining, illness as a result of working with vanadium, a dam that split a community in two, the absence of basic services, waste dumps next to townships [Hallowes, Nyandu and Watkins, not dated, EJNF]. The EJNF also did high profile policy work, playing a leading role in the National Environmental Policy Process (CONNEPP) which formulated South Africa's progressive National Environmental Management Act, a framework law that laid down the principles for further legislation, and also formulated section 24 of the new constitution, which allows for environmental justice:

> "Everyone has the right (a) to an environment that is not harmful to their health or well-being, and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation…"

The right was formulated in such a way that the health of communities was **the reason** that the environment had to be protected, not the other way round as in earlier environmental (or, more properly, conservation) movements. The actualisation of the environmental right in the South African constitution has been far more difficult than writing it. The adoption of the GEAR policy in 1996 marked the start of a process of ongoing favouring of economic growth, and an

[1] at the Earthlife Africa International Environmental Conference in September 1992

impatience with environmentalism that "stood in the way of growth". EIA regulations have been "streamlined" to make it easier for business. South African activists have had to get used to working in that peculiar South African space which Patrick Bond has called "talk left, walk right": on the international stage, the South African government is the champion of the poor and those without rights, while at home it is the champion of the acquisitive local elite, into which the government's dominant lobby of well-heeled supporters are integrating themselves.

An after-effect of South Africa's dramatic and well-publicised liberation struggle was a series of high profile conferences, amongst them the World Conference Against Racism, in 2001, and the World Summit on Sustainable Development (WSSD) in 2002. The WSSD was notable for the South African government's hostility to environmental agendas and its commitment to "development". While the new government moved to a conservative, neo-liberal, growth-based approach, which saw a tension between growth and environment (conveniently focusing on this divide inherited from conservative, middle class white conservationists), the environmental justice movement focused on communities on the fenceline of industry and in the full blast of its pollution.

Mechanisms that produce environmental injustice

Working specifically in this environment, the groundWork Reports (which started in 2002) developed descriptions of specific mechanisms that related environmental injustice to the project of accumulation. These were: exclusion from decision making, enclosure of resources, and imposition of external costs on the poor, thereby deepening their poverty.

Exclusion

Exclusion from decision making is a crucial mechanism for producing environmental injustice. In South Africa, apartheid gave whites a say in the political system, while black South Africans were excluded. The result was a system that produced and policed cheap black labour for mining interests, so long as they paid white workers higher wages. Revenue from oil enables Angola's elites to continue excluding popular interests from decision making or, as Hodges put it: "the rent from oil is used primarily to satisfy elite interests and finance the means of retaining power" [Hodges, 2004:203]. Political transition in southern African states often, if not always, kept the economic form or, where socialism was officially tried in a state command economy, returned to the older structures such as colonial authoritarianism.

Exclusion from decision making can take a sophisticated form. In South Africa, companies like Mittal Steel release their plans in piecemeal fashion. Others bury activists under mountains of irrelevant data. Many EIAs and water license applications are rituals that never make a difference to the actual outcome, but do tie up activists' time. Information can be kept secret, often in collusion with the state (regulators), thus excluding communities from knowing how polluted they are, and denying communities the evidence to take legal steps for protection.

Enclosure

The enclosure of resources – colonisation, taking over land, water, wildlife – makes it impossible to escape the dominant system. People are then forced to find work within it, for example on the terms of the big mining companies, because no other resources are available from which to make a living. Enclosure also creates enclaves, for example the oil industry in Angola, and marginal areas, for example the South African homelands or the Zimbabwean (Rhodesian) tribal trust

lands, where subsistence agriculture was forced to support far larger numbers of people than it originally had (with available resources) and was drained of its most productive resources. Lesotho, as a result of colonial redrawing of boundaries, lost almost all of its grain growing land in the Caledon valley, leading to perpetual long term pressure on food resources, and hunger. Enclosure is not only a historical process. Even today, many communities in Southern Africa face eviction from their lands, for example by platinum mining companies (see below).

Externalities

The imposition of externalities refers to passing on the costs of production to other parties, mostly in the form of pollution. Sasolburg and Boipatong, neighbours of heavy industries in the Vaal Triangle, are polluted every day. Other examples are mine tailings, and the huge coal fired power station ash heaps that have been left behind for the government to clean up with public money, or for communities to just live with forever as a permanent tax on their health. Together these three are powerful mechanisms producing environmental injustice and impoverishing people, even as they produce wealth for a few – local elites or overseas investors.

Southern Africa

Maps of the railway system (built around the end of the 19th century), dramatically illustrate how transport networks facilitating the extraction of minerals, timber and other natural resources replaced the older internal links, such as the overland trade route which linked Mapungubwe, inland on the Limpopo (which now forms the border between Botswana, Zimbabwe and South Africa) to Sofala on the Mozambican Coast in the 1200s. The process of using African resources for the benefit of outsiders started in earnest when Portugal, in 1576, specifically set up Luanda as a slave trading depot [Hodges, 2004:23] and exported as many as 4 million slaves from Angola alone [Love, 2005:27]. Cape Town was settled by the Dutch in 1652, initially as a vegetable garden for passing ships in its Indonesian empire, and was also based on slavery.

Southern Africa's ecosystems also came under attack. From the small Dutch settlement in Cape Town a settler population spread inland and, with their herds of sheep, are thought to have caused a large scale change to the vegetation and to have "created" the semi-desert Karoo, or at least to have extended it [Acocks, 1988] They also created two Boer Republics in inland South Africa. Large scale hunting decimated the free roaming herds that had survived together with pre-settler populations. In the single year of 1876 the ivory of 850 elephants was traded, and ten years later Lewanika, king of the Barotse, "was lamenting that the riches of his kingdom in ivory were all spent". By 1888, the large herds of free roaming antelope and zebra had been destroyed [MacKenzie, 1987]. Meat from hunting also provided a food subsidy for early settlers, and later prospectors and miners. Settlers and plantation companies took over large tracts of land, displacing and impoverishing local populations. But the most fundamental restructuring resulted from mining, starting in the 1870s.

Regional Minerals Energy Complex

The idea of "Southern Africa" is comparatively recent [Wallerstein and Vieira, 1991]. It was first thought of as a single region with the mineral discoveries and exploitation of diamonds, gold, coal, copper and other minerals centred on the Johannesburg Reef, from the 1870s onwards. By 1910, the region had acquired its current structure of national borders through settler processes. Although the basis of its colonial constellation was forceful land alienation, settlement of Europeans and imposition of colonial political structures, its rationale was the Minerals Energy

Complex[2] (MEC), centred on the richest and deepest goldmines in the world, the Johannesburg Reef. It drew thousands of migrant labourers from almost all countries in Southern Africa. Many of them, for example the Mozambicans, were at first sent as virtually forced labour (Pitcher, 2002). Similar situations existed in Belgian Congo and Zambia.

> "… the voracious demand for both land and labour by the colonial authorities and the mining and concession companies destroyed the economic, social and political structures which held African society together. In the absence of the able-bodied young men, the maintenance and development of the rural economy was left to the old, the sick, the women, and the children. In many tribes it was the men who were responsible for capital formation in the rural economy, through the improvement and extension of the community's farms" [Lanning, 1979 : 82].

Its results are still with us, as the words of Kate Sihlangu, quoted at the 1992 EJNF founding conference, make clear:

> "Seven years ago my husband was taken away to work in the mines. Before he was recruited the company subjected him to a rigorous medical check, to make sure that he was healthy and strong. A sick person is not only unable to give his all to the company; he could also be a liability… Seven years later, he returned, weak, skinny and broken, coughing his lungs out. He had TB and was discharged because of it… He was a liability." [Quoted by Abruge in Hallowes, 1992 :9]

The Minerals Energy Complex grew under the British Empire and included the (disappointing) gold rush into present day Zimbabwe, and the take-over of earlier copper mines in Zambia. By the 1930s Southern Africa was fully integrated into the world economy as a minerals exporting region, to the point that it was seriously affected by the depression and its drop in demand for mining products. Today, the MEC is a dense network of flows within the greater Southern African economy, remarkably self-sufficient and self-reinforcing. Its enterprises are huge and centralised and insensitive to the needs of people and local governments. Its main mission is its own growth.

Political systems

This process of extracting wealth from the subcontinent while leaving its people impoverished and their environments ruined, was made possible by a political process of systematically excluding local people from political structures through a process of conquest, subjugation and selective integration of white settlers (and a limited number of "assimilados"[3]) into colonial administrations. Political independence came in difficult steps from the 1960s up to 1990. From the late 1970s up to democratisation of South Africa in 1990 apartheid South Africa waged a war against the rest of the region – its frontline states: Angola, Mozambique, Zimbabwe, Zambia, Botswana, Lesotho and Swaziland. Julius Nyerere, in the foreword to the book *Destructive Engagement*, says:

> The cost to the Front line States has been immense. In financial terms, one estimate is 10 billion dollars worth of damage done to the infrastructure and economies of the SADCC[4] members… this estimate takes no account of the peoples of the border states. The total

[2] The term is from Fine and Rustomjee,

[3] The Portuguese colonies had a system for black people to "graduate" into white society through education, wealth and bureaucratic procedures. English colonies had very limited opportunities for people who were not white.

[4] SADCC (Southern African Development Coordination Conference) was an earlier version of the Southern African Development Community (SADC), but did not contain South Africa.

> number of people killed is not known; the larger number who have been wounded in South African inspired attacks is uncounted – especially as many of these have no ready access to medical facilities despite the efforts of their governments. The people who have lost their homes, who have been terrorised working in their fields, who have been bereaved or left to care for disabled family members, whose food has been destroyed – all this suffering is uncounted." (in Johnson and Martin, 1986: ix)

In Angola, South Africa, along with the United States, supported Unita in its war against the MPLA, to which Portugal handed political authority when it beat a hasty retreat after a coup at home. The coup had been brought on at least partly by the exhaustion of its armed forces tied up in colonial wars in Southern Africa. South Africa also supported the rebel movement Renamo in Mozambique, where the Portuguese had handed power to Frelimo.

Political independence has not substantially reversed the exclusion of the majority of people in the region from political decision making. Many authoritarian governments have sidelined all criticism and opposition. Democratisation and multi party states have, in the past decade, brought some improvement, but this was offset by the mostly externally imposed programmes of structural adjustment and privatisation, intensifying poverty in many of our countries and putting economic policies beyond the reach of democratic discussion. In some countries, a lively press and civil society have survived or achieved some resurgence.

In Angola, power is concentrated in the presidency and wealth in the so called "100 families" that are well connected politically. "During 1975-76, a grass-roots "people's power" movement developed in the barrios of Luanda, under the leadership of far-left groups. Fierce inter-factional struggles led to a coup attempt… the mass arrests and executions of dissidents that followed the coup particularly affected the Angolan intelligentsia. The violence of the crackdown instilled a mood of fear that endured until the 1990s, deterring Angolans from dissent and instilling a culture of conformism…" [Hodges, 2004 :50] .

The ranks of the elite are somewhat swelled by the population of the "asphalt cities", argues Hodges: "tens of thousands of urban families who obtained legal title to previously state-owned apartments for token payments… creating a class which believes that its property rights derive from the current regime" [2004: 58] and may be at risk if there are political changes. It is the "asphalt" city-dwellers who benefit from electricity and water subsidies, rather than the inhabitants of informal settlements who have to buy their water at free market prices from private vendors. "Indeed", argues Hodges, "certain elite interests clash directly with those of the urban poor. This is the case, for example, of the Angolan businessmen who make large profits from the sale of water from cistern trucks in the *musseques* (informal settlements) of Luanda and stand to lose from the extension of piped water systems to these areas. The problem of urban land rights, however, is emerging as the most serious source of potential conflict…" In July 2001, the government forcefully removed shantytown dwellers from one large informal settlement in Luanda, to make way for property developers planning to build luxury housing. "… the Provincial Government of Luanda sent bulldozers , accompanied by armed police, into the neighbourhood of Boavista, next to the bay of Luanda, in the first stage of a campaign to evict the more than 10,000 families and demolish their homes" [Hodges, 2004 :30]

DRC: State of war over natural resources

The ongoing wars in the DRC have created their own intense forms of environmental injustice. Without going into an analysis of these conflicts, observers agree that interests in exploiting natural resources such as diamonds, gold and coltan (used in cell phones) both invite these conflicts and allow them to continue, as rebel groups in occupied areas become self-sustaining. This includes the "trading" of "booty futures" in which companies enter concession agreements with rebel groups in case these groups become the "owners" of these resources (Nest et al, 2006).

What has been the effect on ordinary people in the DRC? After 1999, "when the frontlines of battle became relatively stable, communities in territories held by anti-government forces were particularly badly affected. Because rebel groups were not interested in maintaining even the most basic public health or social services, families that had their entitlements[5] destroyed, were virtually unable to obtain services of any kind" [Kisangani, 2006:102]. Families in government-controlled areas also saw a decline in public entitlements of almost 37%. The informal market was subsumed under rebel rule. The civil war also resulted in the "ruination of some subsistence crops as cultivators, fearing marauders, fled their land. Some rebel groups also prevented villagers from cultivating fields and gathering food and wood in the forest… to impede collaboration between them and other rebel groups. Women in particular have refused to tend their fields out of fear of rape and other kinds of attacks by soldiers." [Kisangani, 2006: 104] As women are important in cultivation this has led to increased food shortages. A poignant illustration of villagers' changed circumstances comes from reports that some have changed from keeping goats to keeping guinea pigs, because they are easier to carry when fleeing!

Industrialisation and pollution

Only two countries in the region, South Africa and then Rhodesia, had political systems that allowed them to develop an independent manufacturing base after WW2. Both were the result of race-based settlements between Britain and the white populations in those countries. In South Africa industrialisation happened as an outgrowth of mining, and the resultant pollution proceeded in tandem. The gold mines on the Rand destroyed the local water system, consisting of aquifers in the dolomite, through the process of pumping out water and exposing the soft limestone to acid mine drainage. Together with the water resources, local farming was destroyed and sinkholes appeared in residential areas as the ground collapsed. These gold mines reach 4 kilometres underground, the deepest in the world. The rivers carrying water from the mining areas were poisoned, and in turn made it impossible to draw water from the Vaal River. Today, drinking water for Gauteng's 8 million people comes from the Vaal Dam, situated upstream before these mining and industrial rivers enter the system. However, water for thirsty Gauteng is already sourced in the Thukela catchment across the Drakensberg and from the Lesotho Highlands Scheme. Industrial growth has meant first the pollution and then the replumbing of the Vaal catchment area.

Likewise, Southern African industrialisation developed with little regard for the environment. South Africa's state-owned electricity provider, Eskom, for example has had the mandate (since 1928) to produce "cheap and abundant" electricity, which it achieves by burning large quantities

[5] The commodities that a household can command.

of cheap throw-away coal ("duff") with a high ash content, and by not installing sulphur emission control equipment. Even its plans for the new Medupi power station on the Waterberg coal field near the SA/Botswana border includes no sulphur flue scrubbing – which will save it R6 billion in construction costs (Business Report, 19/10/2007; Peak Poison, 2007). Other industries have followed the lead. South Africa's richest corporation, Anglo American, owns the Samancor factory, whose ex-workers suffer from manganism.

The current commodity boom, which means intensified interest by mining companies in getting the minerals out of the ground and exporting them, takes precedence over cleaning up the messes of the past. In South Africa alone, this includes an estimated 8 000 derelict and abandoned coal mines, which will be rehabilitated at state expense [Mining Weekly, 13 October 2006]. What these mines have left behind was not development, but poor people and spoilt environments. This is the contradiction or curse of Southern Africa's rich minerals endowment. As the NIZA studies[6] point out:

> "The DRC, Zambia, Angola, and South Africa are amongst some of the richest countries in Africa, due to their natural resources. Despite this, the extraction of oil, gold, timber and diamonds, and other resources, is only rarely the engine for socio-economic growth and stability. On the contrary, they provide disproportionate power and an unfair advantage to national and foreign companies, who exploit these resources, with only a small local elite profiting from this exploitation. The totally unequal division of revenue and the often fatal consequences of industrial practices on the local communities in the mining areas increase the opportunity for social unrest and armed conflict."

New scramble for Africa

A new scramble for Africa is on. Fhatuwani Ramagwedi of South Africa's Council for Geoscience says: "I believe that, as long as world metal prices remain strong and sustainable, the potential for the discovery and development of mineral resources in Africa is going to grow exponentially and mining will be a leading force in driving new foreign direct investments." [quoted in MW 31 July 2007]. The Mining Weekly estimated that Africa "hosts about 30% of the planet's remaining mineral resources, including 40% of its gold resources, 60% of its cobalt, and 90% of the world's platinum group metal reserves". Africa is also becoming an increasingly important oil producer and has the second-largest tropical rain forest in the world. Canadians are reportedly planning to spend C$46 billion on new mining projects and more than C$90 billion in the oil and gas sector by 2010 [MW, 24 Aug, 2007]. The government of Malawi is negotiating with oil companies to explore for oil that could be lying under Lake Malawi (Engineering News, November 9, 2007). The DRC and Congo are key targets for expansion by the South African diamond mining company De Beers. Teal Exploration Company is pursuing interests in the copper projects in Zambia, gold in Namibia and copper/cobalt in the DRC. Other interested players are China, Russia, India and Brazil, according to Tim Hughes, head of the Governance of Africa's Resources Programme (GARP) at the South African institute of International Affairs. China is interested in oil, iron-ore and copper and its campaign in Africa is led by state-owned enterprises involved in those sectors.

[6] See bibliography for a number of NIZA studies

Platinum boom pushes people off their land

The specific horrors of the resource curse can be seen in the following report on platinum mining and the abrogation of community rights in Maandagshoek, Limpopo province, as discussed in the groundWork Report 2007. Anglo Platinum, part of the giant Anglo-American Corporation, has pushed 6,000 people off their land and removed them to a dusty, ill-equipped relocation village. Another 10,000 people are threatened with removal and are resisting through legal and direct actions. Their fields have been literally enclosed with security fencing by the mines, their water supply destroyed and their houses rocked by mine blasting.[7]

> "Over the last year the people have resisted the enclosure of their land by taking down the fences of the mining company, ploughing the land and forming human chains in front of the bulldozers. The police have consistently defended the mining corporation, not the people, whom they arrested and shot with rubber bullets and live ammunition to break up protests. In September 2007, the people of Maandagshoek detained mine officials who "illegally entered Maandagshoek community land" despite warnings to keep out. Community leaders then called the police to arrest the officials. When police arrived (in large numbers) they instead refused to open a case and indicated they would arrest all the community … members present. Not surprisingly, people legitimately resisted and clashed with the police. Chief Isaac Kgwete and (Maandagshoek Development Committee) Chair, Michael Kgwete, were beaten and arrested and then charged with robbery, public violence and kidnapping. … The situation in Maandagshoek today is reminiscent of the old apartheid days when mining corporations did exactly as they pleased to any community and were protected by the police and the government.[8]

Artisanal diamond miners: modern day slaves

In other mining countries in southern Africa, the externalities are inside the value chain, as in the DRC diggings described by Jean-Baptiste Lubamba. There are more than 1 million informal diamond diggers in the DRC, who produce 70% of the state's income through the country's only diamond miner, MIBA (Minière du Bakwanga). According to official reports, the diggers receive a wage of only 55 US cents per day [Lubamba, 2007 :2] The miners dig underground tunnels and shafts that go straight down, dive into the rivers (where there are crocodiles) to get to the gravel or build dykes and dams and then work the exposed river bed. All these methods are hazardous. But probably the most hazardous are the other people: the guards to whom they pay money to get in, but who may arrest them once they are inside, and "the suicidals", bands of marauding robbers inside the diggings:

> "The suicidals are a group of people who are often armed and who stir up unrest, looking to rob other diggers or suicidals. They attack MIBA staff or visitors…. A suicidal can be a civilian, the child of a security agent, who has become an armed bandit, or often a policeman or soldier who has deserted the ranks, or is still in service…. When they enter the concession, the suicidals are completely inebriated after taking a drug made from gunpowder…" [2007: 2].

[7] Statement put out by Richard Spoor in his capacity as attorney for the Plaintiffs and on behalf of members of the Mohlohlo community, July 25, 2007.
[8] Maandagshoek Development Committee, Press Statement, September 9, 2007

The diggers live in squalid conditions. About 93% of the diggers eat only one meal a day. Children are forced to work on the diggings, and young girls become replacement wives for single men. There are no sanitation facilities, water courses are polluted and deforestation continues without any awareness. Lubamba points out that the rest of the actors in this "value chain", the counter managers to whom the diggers sell, the sponsors who provide cash for diggers' equipment, merchants and traffickers "cash in on millions of dollars at the expense of the diggers, and live lives of total luxury, while investing elsewhere than in the province which made them so rich." [2007 :2]. For the diggers, "diamond mining only produces generalised poverty of a most severe kind. The informal miners and their families do not receive much of the wealth represented by diamonds. Very few have succeeded. The majority remain immersed in the blackest misery, in search of this great prize of wealth", wrote the chief of Works, Felicien Tshiminga, in an unpublished study (quoted by Lubamba).

Because of activist, host government and, in some cases, shareholder pressure and international public opinion, mining companies have added social responsibility programmes to their menu. But often the greenwash from corporate publications and the reality on the ground differ significantly.

Rich copper grades and poor communities

The Anvil mining team raves about DRC's very rich copper grades at Dikulushi, Kinsevere [MW Oct 12, 2007]. Anvil mining personnel say: "Our ore is richer than other miners' concentrate". After mining open pit since 2002, they are now going underground. In the Mining Weekly, they talk about their corporate responsibility achievements: "when we started out, there were 60 people living in these villages and now there are close to 6 000". Anvil say it has sunk many boreholes to provide water to the fast growing community near the mine, "who also make use of the company clinic for a nominal fee" and "when the 790-pupil Dikulushi school opens, Anvil hands out exercise books, pencils and pens. Only 160 pupils are girls because of a seeming resistance to women being educated". The NGO, Pact, was engaged to conduct its corporate social investment work among the near-mine communities. Anvil general manager David Newton says: "I predict that in two years we will have a parking problem on the mine because everybody will have a car".

It is interesting to see how the picture looks from the other side, when the NGO African Association of Human Rights (ASADHO/Katanga) evaluated the situation. ASADHO observed that Anvil Mining has contributed to the improvement of rights to education, health, employment, clean drinking water and security, building two schools, one in Kilwa and one in Lumekete with 17 and 6 classes respectively, which gave village children access to education. It has financed the renovation of a general hospital in Kilwa and supplied it with electricity generators. It has installed hand pumps in Kilwa and in Dikulushi which supply clean, nearby drinking water to the people and have reduced the incidence of water-borne diseases. 80% of the mine's employees come from Kilwa and Dikulushi, and the employees do receive regular training to improve performance and reduce accidents. However, the mine has had a negative effect on other rights: such as the right to housing, to property ownership and a healthy environment. The association noted that:

> "The right to own property has been negatively affected, with the land of 53 rural dwellers devastated by Anvil Mining's operations and the compensation received by them being negligible - in the region of 36 to 60 US$. The right to housing has not been improved, with Anvil Mining's supervisors living in houses made of clay and thatch, with no electricity and no running water, while Anvil Mining's management are living in

> suitable Guest Houses. The right to a healthy environment has been negatively affected, with the storage of ore by Anvil Mining at the port of Lake Moero being left in the open, before exportation, which is exposing the rivers to pollution each time rain water washes ore particles into Lake Moero."

It is also interesting to see that the researching NGO gave both negative and positive impacts, while the Mining Weekly article, a widely read publication, gave only a glowing positive account. It illustrates the greenwashing which is common in reporting on social corporate responsibility and uses positive contributions from mines to avoid mentioning their destructive impacts. Challenging the greenwash behind which companies hide the environmental injustices they commit, is an important task for environmental justice activists.

Dealing with the greenwash is being made easier by research, such as the report "For Whom the Windfalls" (Fraser and Lungu, 2006), which exposed agreements highly biased in favour of private mining companies, and which led to their renegotiation. The Zambian Copper Belt has been one of the richest sources of copper in the world. In 1969 copper income led to the reclassification of Zambia as a "middle income country". Nationalised in 1982, the whole Copperbelt was put in the care of the Zambia Consolidated Copper Mines (ZCCM) who ran the region like a company town. It provided services including housing, hospitals and schools in the area. But then copper prices fell, starting a stagnation period which was still in evidence when Zambia negotiated the break-up of the ZCCM into smaller entities and their rapid privatisation in the period 1997-2000. The new, private owners did not want to take on any "liabilities". One liability was paying the pensions of workers, another was the social services mentioned above (hospitals, for example, are now available only to mine staff). A third liability was the decades of environmental pollution. But the pollution continues, even where liability is clear in legislation and contracts:

> "On November 6, 2006, the entire Chingola district was faced with a water supply crisis following pollution of the Kafue River by a spillage of mining effluents from the Konkola Copper Mines (KCM) plant. The two water companies that supply around 75,000 people in Chingola residential areas, Nkana Water and Sewage Company (NWSC) and Mulonga Water and Sewage Company (MWSC), were forced to shutdown their plants when the Kafue River turned blue when a pipe delivering slurry from the tailings leach plant at KCM burst, releasing into the water effluents that raised chemical concentrations to 1,000% of acceptable levels of copper, 77,000% of manganese and 10,000% of cobalt (Times of Zambia, November 8, 2006).
>
> "The result was that residents of Chingola Township were cut off from supplies of freshwater for six days. Some residents of more informal settlements in the area, such as Hippo Pool Township, who do not have access to piped water, have always drawn their drinking water from the Kafue. In cases where piped water had been cut off, others were forced to go direct to the river. Although the Government has attempted to provide water tankers and to discourage people from going direct to the Kafue, residents have complained that there is insufficient water, and newspapers report that some families continued going to the Kafue. One resident told a newspaper reporter, 'We are scared. In fact even this water they are bringing in tanks is not enough. Now we are dead because of KCM. We may have problems in the future. We do not know what is in our bodies. We drank because we were thirsty. But the taste was bitter. It was like chloroquine. Most people are sick. Most people can't even stand up. If we try to put chlorine, the water becomes black. If we boil it, it becomes brown.' (Sunday Post, Lusaka, November 19, 2006).

> "Consuming water as polluted as that in the Kafue, eating fish from the river, or plants watered with polluted water is likely to have wide-ranging short-term and long-term health implications. Between them the chemicals spilled into the river cause lung and heart problems, respiratory diseases and liver and kidney damage. In the short term, a large number of residents are suffering from diarrhoea, eye infections and skin irritations. These are likely to be only the early signs of poisoning that will have long-term impacts. Exposure to manganese can cause 'manganism' a disease of the central nervous system affecting psychic and neurological functions. Brain damage effects in the local population may only show up in future generations (Fraser and Lungu, 2006: 36).

The water purification company NWSC, who had to carry some of the externality costs, has threatened to sue the mining company for K5.6 billion, protesting that the problem was a long-term one and that NWSC had been spending an additional K350 million a month since 2004 to purify the water to acceptable levels (Times of Zambia, November 14, 2006).

But regulating the mine to the law was not so easy, as Chingola Municipal town clerk Charles Sambondu found out. Although the council repeatedly expressed its concerns to KCM, "they seem to have an idea that since they are the largest producer of copper, it's not easy to make them comply… ". Even when the regulator had "credible information that KCM operated for one week without adding lime to Mutimpa Slurry dam, discharging effluent of 1.5 Ph. That was almost pure acid. Even then, the pipes could not withstand, and it burst… The compelling factor is that this pollution was done willfully, knowingly. Pumping slurry without lime, that's irresponsible… If the Environmental Council of Zambia (ECZ) ensured that the pollution control dam was effective, then these things might not have happened. We are asking them to enforce the law." [Sunday Post, Lusaka, November 19 2006].

One result of the pollution, by both air and water, is that miners who have lost their jobs and other inhabitants of the Copper Belt, can no longer grow their own food.

Energy at all costs

Out of an all African total of 13 867Mt, South Africa already releases a massive 10 165 Mt of carbon dioxide per year [Winkler, 2005]. South Africa is ranked 11th on the list of biggest greenhouse gas contributors in the world, while its economy is ranked 24th. Its economy is very carbon intensive as a result of huge reserves of coal combined with a cheap energy policy. Now, the government plans to double its energy capacity from 40 000 to 80 000 MW. This means a massive expansion of coal fired power stations. More coal-fired power stations mean more coal mining and a number of local battles against this coal mining have coalesced in a new Federation of mine-affected farmers and communities. One of the sites targeted for coal mining is the Mpumalanga Lakes District, a near unspoilt series of wetlands which will be destroyed by the acid mine drainage resulting from the open pit mining.

Nukes for Africa

The SA government has also declared its ambition to build 5 conventional nuclear power stations and 24 Pebble Bed Nuclear Reactors (PBMRs), at a massive cost and without a plan (at least not one shared with the public) about where the radio-active waste will go. In its drive to find markets for the PBMRs, it may well target other African countries, whether they have a nuclear safety

regime or not. Uranium mining is currently a growth sector, without cleaning up the radio-active mine-heaps and uranium plants of the previous round. An example is the Mooi River, whose West Rand tributaries contain uranium above the official acceptable level. Here, as in all the places where nuclear plans have been announced, local communities have started to organise against them.

An example of a South African energy company reaching into the region is SASOL. Born as part of the apartheid government's need to secure its own strategic supplies of oil in the face of international boycotts, it is now a private, homegrown multinational expanding all over the globe, including China, the US and Qatar. One of its busy areas is in pumping Mozambican gas to feed its chemical and gas-to-coal plants in Secunda, Mpumalanga. It plans to drill another 27 wells by April 2008 [Engineering News, 26 Oct, 2007]. The exploration programme ran foul of fishing and tourism interests in the pristine Vilanculos area, and environmentalists acted to protect the vulnerable dugong population from seismic surveying. When groundWork's Ardiel Soeker visited the area in early 2003, he found a village which had been cut in two by the pipeline, and had not been paid compensation. Many Mozambicans had the impression that it would be good for Mozambique, as it was calculated to increase the GDP by 20%, but of the jobs promised when Sasol entered the area, none have come to fruition [Groundwork newsletter, March 2003].

Big dams displace people

Eskom also plans to reach out beyond its borders to build a continental African grid which could export electricity to South Africa, or to Europe. Grand Inga, estimated to cost US$80 billion (R560 billion), is designed to produce 52,750 MW from a series of turbines at the Inga Rapids on the Congo River. The project starts with the rehabilitation of two existing dams – Inga 1 (351 MW) and Inga 2 (1,424 MW). The next phase includes Inga 3 (3,500 MW) and 3,000 kilometres of transmission lines. The electricity from the proposed Inga 3 hydropower station at Inga is to be used by the world's biggest mining company, BHP Billiton, who has signed an agreement with the Democratic Republic of Congo (DRC) to jointly investigate the development of a $3-billion aluminium smelter in the Bas Congo region (Engineering News, 22 Oct 2007). .

Terri Hathaway of the International Rivers Network reported in 2005[9] that the 52 turbines will have extensive impacts on the river, that transmission losses will be huge and that the electricity will bypass the local population. South Africa seems to have learnt little from being the host of the World Commission on Dams (WCD), a process that clearly documented and analysed the dire consequences of dam building and hydroelectric schemes of local communities who are displaced by these. The WCD ended with a long list of recommendations – including requiring the "prior informed consent" of affected communities. There have also been recent announcements (SABC News in October 2007) that a hydroelectric plant would be built on the Orange River, to be shared by Namibia and South Africa. Community experiences in Southern Africa of the hardships imposed by the building of large dams make a long list and there is space in this paper only to list the communities that gave evidence in a 1999 hearing: Epupa, Okavango, Kariba, Maguga, Lesotho Highlands Project, Gariep (formerly Verwoerd) and Vanderkloof, Loskop, Woodstock, Pongolapoort, Inanda, Cahora Bassa [Southern African Hearings for Communities Affected by Large Dams, 1999].

[9] http://www.irn.org/programs/congo/pdf/050907illusions_eng.pdf

Aluminium smelters: starved for electricity

Aluminium smelters are huge electricity users that pollute both their workers and the neighbouring environments. The Mozambican organisation Livaningo grew out of a protest to stop the incineration of pesticides collected as part of the African Stockpiles project. It also opposed the Mozambique Aluminium (Mozal) smelter which was built on the outskirts of Maputo in 2000, benefiting from Eskom's cheap electricity (and using nearly three times – 900 MW – the amount of electricity that the rest of Mozambique uses: 307 MW.) A year after its opening a cooling tower had corroded and spewed out sulphur dioxide and the even more toxic fluoride. "People living in villages nearby had already noticed strange smells, and strange tastes in fruit from their trees. Others complain of eye problems since the smelter began operating." [groundWork Newsletter Vl 4 No 2 June 2002]. But for the government of Mozambique, the aluminium smelter is part of "an obsession with big, high-technology undertakings … like high-speed trains, large scale electrification, giant eco-tourism projects, dams and iron and steel plants… that will tame nature and tie Mozambique firmly to the twenty-first century" [Pitcher, 2002: 42]. This vision of development does not count the dispossession and imposition of pollution that these projects invariably entail.

Timber extraction and plantations

One of the rich natural resources in Southern Africa is forests, which leads to sometimes intense competition between communities and concessionaires. While new legislation has been introduced, it is often not well observed.

Ongoing illegal timber extraction in DRC

The DRC contains half of Africa's forests, but these are dotted with large forest concessions under a law that dates from 1949 when it was Belgian colony. In 2002, a new law suspended the allocation of new logging concessions, but numerous violations have resulted in ongoing illegal extraction. The research (OCEAN, 2007) focused on the Congolese company Trans-M (owned by Lebanese nationals) with wide interests including three logging concessions. The wood is floated down river and is treated in Kinshasa, which prejudices local job creation. The research found that the company was "poaching" from the community logging areas. Agreements had been negotiated, because of lack of skill on the side of the community. Working conditions, pay and nutrition were bad, because there were no trade unions. Although the company had built schools, the schooling was weak, and the company had done nothing to improve the health conditions of communities or their access to water.

As a result of the research, several actions are planned, including: the training of communities in negotiating specifications, the publication of results which will be used in advocacy campaigns with political authorities and the organising of conferences and round tables to influence the processes for conversion and land settlement, as well as community logging.

People's forests deforested

In Mozambique, reports Vera Ribeiro of Geasphere Mozambique, around 75% of the country's land area is covered in forests and woodlands[10]. Rural communities, who make up 63% of the

[10] http://www.geasphere.co.za/mozambique.htm

total population of 19 million, depend on firewood and charcoal for cooking and heating, which represents 85% of the total energy consumption in the country. Wood is used for house construction, and carvings. Forests also provide medicinal plants, grass, bamboo, reed and veldt foods such as wild vegetables, fruit and tubers. However, deforestation is on the increase, particularly near ports and major cities:

> "Trucks loaded with logs are a constant sight, and at sunset, the air becomes heavy with the smell of coal and firewood burning. In recently logged areas there are several abandoned logs, left either because they had defects or it was unprofitable to transport them. In most of these areas there are no signs of trees being replanted or any type of forest management."

While legislation stipulates that 20% of the value of access, exploitation and utilization fees should be channelled to local communities, this is very poorly implemented by both government and private investors. Since 1999, 68 initiatives for Community Based Natural Resource Management (CBNRM) have been launched, but as Ribeiro reports:

> "Despite the adoption of CBNRM, there are still vast areas of unsustainable forest practices. Many of these are found in the so called simple license regimes, where foreign traders (especially Chinese traders), local business people and government officials are involved in the removal of precious hardwoods at an alarming rate, rendering the resource unsustainable in the long term. Although the volumes involved in trade are small, they have negative impacts on the national economy, and bring no benefits to local communities. Forest concession systems (which are required by law) are being established very slowly, and, although there are a number of legal requirements to obtain a concession… very few do so. Rural communities are therefore left with very few alternative sources of employment, and are forced to work for simple license operators for extremely low salaries with no skills development or by simply supplying dealers with illegally harvested logs. The 20% of license fees which is supposed to benefit communities is still not properly implemented, as the mechanisms involved in the process are still new and largely unknown".

Plantations are not forests

In South Africa, the organisation Timberwatch opposes new applications for plantations, and fights an ongoing battle against the misleading labeling of plantation products as the result of environmentally responsible "forest stewardship", arguing that in South Africa,

> "more than a million hectares of industrial timber plantations have been awarded the FSC label. In the course of establishing these plantations, irreplaceable grassland has been destroyed, water resources and soil quality detrimentally affected, communities displaced and impoverished, and the use of chemical insecticide, herbicide and toxic fertilisers has impacted on the environment by killing native plants, insects and small mammals." [Timberwatch, 2006[11]]

[11] Timberwatch Overview 2006

Timberwatch also keeps a close eye on the Sappi paper pulp mill and its effects on the river which goes past it. Pulp mills are one of the sources of industrial and other pollution which make water quality in the SADC region a source of growing concern,

Polluted water

Ngoni Moyo and Sibekile Mtetwa identify four main sources of water pollution: municipal sewage, industry, mining and agriculture [Ngoni and Mtetwa, 2002]. Many Southern African cities have inadequate sewage. Many Zambian towns, for example, handle just 20% of the sewage collected, and the rest is lost into storm drains because of leakages and blockages. Coastal urban areas in Southern Africa discharge millions of litres of largely untreated waste water, industrial and human, into the sea. Moyo and Mtetwa remark that "although industrial sources of pollution in southern Africa are relatively minor compared with those in developed countries, the absence of adequate enforceable discharge standards and lack of monitoring makes the task of controlling industrial pollution difficult. In many Southern African countries highly toxic industrial waste and chemical liquid waste are discharged into municipal sewage systems or directly into rivers without adequate treatment" [2002:144]. Effluents from gold mining are responsible for arsenic in rivers in Botswana, South Africa and Zimbabwe. Copper mining in Zambia has degraded the Kafue River through cadmium, lead and mercury in their effluents. All over the region, mines are contributing to acid mine drainage. The end result is that communities who rely directly on river water, have access to poisoned water only. In Swaziland, severely polluted waste water coming from a brewery, textile mill, steel and wire factory and cotton and a bottling company in the Matsapha area, "poses a severe risk to communities… who use the water for … cooking, washing and bathing" [2002:145].

What is to be done?

Environmental Justice is a useful way of thinking about such situations, because it combines commitment to local, immediate justice in the local environment with an analysis which explains mechanisms creating the injustice within a world system view.

Perspectives

Environmental Justice is a broad framework, but for good reason. Environmental Justice is the extension of social justice or liberation concerns to include the environments in which people live BECAUSE extractive industries and manufacturing, backed by political systems bent to their designs, impose externalities on these environments, enclose natural resources, and exclude people from decision making. This threatens and destroys the health of people as well as their abilities to earn livelihoods and make it impossible for them to live the lives they envisage for themselves. Environmental justice envisions alternative uses of natural resources (including fair access to these resources), care of environments, livelihoods for people and democratic and inclusive decision making processes. It includes sustainability and living within the limits of the planet, and focuses on achieving this by local mobilisation, locally decided tactics to achieve power and influence, within networks of global solidarity.

Two other frameworks contain useful insights and material for an environmental justice understanding in Southern Africa. Environmental security is part of a broader effort, stimulated

by ongoing military conflicts in Southern Africa, to define "security" away from the military idea of dominance, and take into account people's needs and their ability to live in harmony with each other and their environments [Moyo and Tevera, 2000:7]. It is complicated by its original relationship with military perspectives, although that in itself could be useful as so much environmental injustice in the region is tied up with the military.

The well known framework of sustainable development suffers from the management perspective implicit in Agenda 21, despite its welcome emphasis on participation. From an environmental justice perspective it has a deeper flaw in that it combines the idea of environmental sustainability with the empty but dangerous concept of development, which assumes that it is possible for all on the planet to aspire to and achieve the American standard of living, which would require the resources of five planets [Sachs, 1999]. But it also obscures a crucial insight coming from environmental justice analysis, namely that development often means a transfer of resources from people's commons to corporate or other accumulation projects – expressed in the idea of enclosure. The imposition of costs on neighbours and downstream communities in the form of externalities is equally a transfer of wealth from the poor. The political conditions that make these transfers of wealth possible are mechanisms of exclusion of the majority from political decision making, often in the form of elite or highly networked, exclusive decision making. Southern Africa's history is filled with examples of political exclusion, with arguably the world's most infamous system of exclusion, apartheid, prominent in our historical experience. To what extent ethnic divisions, or local forms of apartheid, are real or the symptoms of other factors, is hotly debated. But it cannot be escaped that poverty and ongoing impoverishment is the fate of many in Southern Africa.

This poverty is the result of slavery, colonialism, racism, apartheid, warlordism, predatory states, privatisation and neoliberalism. The three processes of the exclusion of people from decision making, the enclosure of resources and the imposition of externalities, and, all deeply mark the history of Southern Africa. Southern Africa's future will be more and more a common destiny. Air pollution and climate are two examples of processes that reach across the subcontinent – and beyond. Sulphates from Eskom's coal burning have been found on Mount Kenya [The Southern African Millenium Ecosystem Assessment, 2004: 9]. Climate change, while driven by only one African nation, already has its results felt by the most vulnerable in Africa. This process will intensify as Southern African countries, who are non-Annex 1 countries without obligations for reducing greenhouse gas emissions, become favourite destinations for energy-intensive, dirty industries such as aluminium smelters in South Africa and Mozambique. Angola is set to be one of the prime stakes in what may well become global war for oil after peak oil has been reached (see groundWork Report 2007). There are those who retain definite interest in keeping African governments weak and not acting in the best interests of their people.

Logic of environmental justice struggles

The struggles described in this paper are varied, not only in the challenges they confront, but also the tactics they use. Much of this is the result of wide variability in the political contexts and therefore how much space is available for civil society activism. Tactics include mobilisation, research, capacity building, national and international networking and solidarity, lobbying and policy work, monitoring to check whether advances in legislation and poverty are real and, maybe most important: envisioning a different and environmentally just world.

Activists work within the spaces open for civil society. Communicating injustices are important, but spaces for influencing public opinion, a crucial arena for enviornmetnal justice, differ hugely between different countries. Democratic reforms in Angola in 1991-92 included press laws

allowing the publication of independent newspapers and magazines, but these have very small circulations, and there is a high rate of illiteracy. Radio and TV are controlled by the state. Since 1998, there is a renewed history of oppression and intimidation of journalists. Rafael Marques, outspoken journalist, was accused and arrested for defaming the head of state. Top Mozambican investigative journalist Carlos Cardoso was assassinated while investing corruption involving the state-controlled Commercial Bank of Mozambique[12]. In South Africa, on the other hand, robust media debates take place to the point that government feels itself treated unfairly. In all Southern African countries, there is always some question of legitimacy and public acceptance.

The weight of the "growth" paradigm in public opinion is huge. It pushes out of the way any considerations of the effects of development projects on the ground. It makes it difficult to question the wisdom of decisions that will "grow the economy in order to alleviate poverty".

Self-defence in a democratic space

Polluted communities have used the space available to them in a democratic South Africa. In South Durban, a community that had been polluted for decades organised itself in self-defence. The groundWork Report 2007 argues:

> "After long years of campaigning, the people of south Durban in South Africa have forced official corroboration of the health impacts of living in the neighbourhood of two of South Africa's largest refineries and of several hundred smaller smoke stack industries. A major health study found high levels of respiratory ailments in south Durban compared with other sites and it conservatively estimated the risk of cancer at 250 times the accepted norm [Naidoo et al 2006]. The health study confirmed that the transgression of people's constitutional right "to an environment that is not harmful to their health or well-being" is systemic: it is built into the economic fabric. And whereas the state is obliged by the Constitution to enforce and promote the realisation of this right, it has in fact protected and promoted corporate polluters in its efforts to 'grow the economy'.
>
> For people living in South Africa's pollution hot spots, demonstrating the health impacts has been integral to a larger campaign to force government to withdraw the extraordinary rights it has granted to corporations and to take responsibility for the devastation that it has promoted in the name of development. This campaign has seen some success with the enactment of a new law on air quality and, after years of neglect, more determined regulation of polluters in some areas. Thus, the unrestrained freedom to pollute in south Durban has been curtailed and routine emissions from the refineries reduced. Incidents, however, including the September fire at the Island View chemical tank farm, are still part of the every day reality of life in the shadow of the chemicals industry throughout South Africa." [2007: 189].

South Durban has become a model for another organisation defending itself against pollution, the Vaal Environmental Justice Alliance (VEJA). VEJA brought together all the organisations fighting against pollution in the Vaal Triangle. Activities so far have included mass mobilisation and protests in front of the factory gate. VEJA has joined in national and international networking and preparing to work with other organisations also opposing Mittal – a globalisation from below. They have developed their own capacity to understand air quality. One organisation, the

[12] http://www.cpj.org/Briefings/2002/Cardoso_nov02/cardoso_nov02.html

Sasolburg Air Quality Monitoring Group, is teaching activists in another community, Boipatong living next to the Mittal steel mill, to take air samples through the bucket system.

The South Durban and Vaal Triangle cases show again that environmental justice starts in local battles to defend itself against the imposition of externalities like pollution, enclosure of common or community resources and exclusion from decision making. The strength of environmental justice movements is that they are social movements. They rely on inherently just cause, which is usually painfully easy to understand and therefore they appeal to large numbers of people. In the Vaal Triangle, the experience has been that residents almost all understand that they are polluted and that it is not just. Environmental demands are now part of a menu of demands for huge social movements in the area.

Another point of activist focus is to work out what the policies or rules actually are, and to push for their enforcement when they have some promise. In the case of the DRC logging of indigenous wood, activists plan to make sure that the 2002 forestry legislation, now widely ignored, is obeyed. But how far can one go when governments are cynical and/or corrupt in their interpretation of the law? Circumstances are not always conducive to activism. In Mozambique, activists were briefly detained after taking photographs of the Mozal smelter. In the DRC a community leader who took part in the OCEAN research project got suspended from his job. In some countries press freedom is fragile, and outspoken journalists are intimidated.

Building in solidarity

An interesting and complicated aspect of Southern African history is not only its openness to negative outside influences, but its experiences of international solidarity that proved helpful: movements for the abolition of slavery, the anti-apartheid and third world supporting movements and, of course, the environmental movement. Janice Love [2005: 128] argues for a "boomerang effect" which is the result of the nature of solidarity in civil society. As an issue gets blocked by power holders in one country, it is passed on to members of civil society outside that country and often returns as international civil society pressure. Developments in the past decade in the World Social Forums promise a deepening of the boomerang effect to become a powerful international movement for change. An example is the NIZA initiative which has supported networking and research activities, from which a number of descriptions in this paper have been drawn.

Solidarity has also grown within the region. groundWork, for example, has been interacting with organisations in the region – in Botswana, Lesotho, Tanzania and Zimbabwe, Malawi, and Swaziland. Yonge Nawe in Swaziland dates from 1987. It is involved in environmental education, and engages with communities threatened by pollution from a coalmine, a ferrovanadium plant, a distiller and paper mills. Because of preferential access to American markets, there is a mushrooming of textile mills, with their resulting pollution. Air pollution monitoring is a neglected area in Swaziland, and so Yonge Nawe facilitated a workshop for communities living within industrial sites, with assistance from its partners, groundWork (South Africa) the Global Community Monitor (USA). Participants welcomed the "Bucket Brigade," a simple method of taking air samples. Bucket brigade training took place in September 2007 in Zambia, for people from Mufulira, in the Copper Belt. They were taught the wipe sample method for particles deposited on surfaces. Interventions such as the bucket brigade are one type of support between EJ organisations in the region. To prepare, with other NGOs in the region, to face a new oil rush, groundWork is organising an oil meeting for East and Southern Africa. On the agenda are issues like the tar sands in Madagascar and learning lessons from experiences in Angola, Gabon, Nigeria, Sao Tome and Equatorial Guinea.

An important question is how to go about building solidarity for environmental justice in Southern Africa in practice. Experience since 1992, when the concept of EJ was first introduced into Southern Africa, has shown that, while a strong coalition for policy formulation and the pushing of EJ issues onto the national agenda (the EJNF) worked well during the 1990s, it lost momentum in the next decade. Instead, alliances and co-operation grew from the ground up where communities and activists confronted similar issues and needed each other's immediate and practical help. Community and activist time is a precious commodity and should not be wasted on elaborate organisational structures. This paper concludes that we should rather follow the lead of the World Social Movement and its slogans of "solidarity-in-diversity" and "diversity-in-solidarity". The World Social Movement reflects a type of thinking that does not need a controlling centre, but instead respects local struggles and supports them to achieve greater local strength. It also leaves ample space for differences of opinion about strategies and tactics, recognising that local activists know the local situation and understand its possibilities best. This ties in well with one of the basic experiences of environmental justice activism: that as much as our struggles tie into global patterns and dynamics, all our struggles are in the first place local.

Conclusion

The scope of this paper has meant that many important questions are not raised, or raised but not properly discussed. These include:

- A number of organisations busy with environmental justice issues already organised across the region. They are not included here because of space and time limitations. However, an overview of these, their activities and contexts would be invaluable;
- Dealing with ongoing impacts of pollution legacies, or the ecological debt, of mining and timber extraction;
- Dealing with non-compliance to official policy and legislation – in air and water pollution, in concessions and benefit sharing agreements, rehabilitation agreements etc.;
- Constraints facing environmental activists in civil society, including the lack of freedom of the media and free expression of public opinion;
- Local warlords, despots, restrictions on organising forms of politics etc, but also plunder, intimidation, murder, impossibility to pursue livelihoods (e.g. in the DRC);
- The role of civil society in the region, while many intergovernmental regional bodies are taking decisions with serious implications;
- As the overwhelmingly largest economic power in the region, South African civil society faces the question of monitoring what these corporations are doing in the region, and how it can use its currently favourable civil society space in the best interests of the region.

Bibliography

Abugre. C., Introduction – Perspectives on the Earthlife Conference, in Hallowes (ed) 1993: Hidden Faces. Environment, Development, Justice: South Africa and the Global Context. Earthlife Africa

Acocks, J.P.H, 1988: *Veld Types of South Africa*. Memoirs of the Botanical Survey of South Africa no. 57.

African Association of Human Rights, from the Katanga Representation, (ASADHO/Katanga), 2007: *The Impact of Extractive Industry Activities on the Rights of Local Communities.* NIZA Briefing Paper and groundWork.

Fine and Rustomjee, 1996: The Political Economy of South Africa. From Minerals Energy Complex to Industrialisation. Wits University Press.

Fraser, A. and Lungu, J. 2006: *For Whom the Windfalls? Winners and losers in the privatisation of Zambia's copper mines.* Civil Society Trade Network of Zambia and the Catholic Centre for Justice, Development and Peace, Zambia.

Hallowes, D., 1993: Hidden Faces. Environment, Development, Justice: South Africa and the Global Context. Earthlife Africa

Hallowes, D. and M. Butler, *The Balance of Rights*, groundWork Report 2004.

Hallowes D, and V. Munnik, *Poisoned Spaces – Manufacturing wealth, producing poverty*, groundWork Report 2006

Hallowes D, and V. Munnik, *Peak Poison: The elite energy crisis and environmental justice*. groundWork Report 2007

Hallowes, Nyandu and Watkins, not dated: *Voices form the ground. People, Poverty and Environment in South Africa*. EJNF.

Hodges, T., 2004: Angola, Anatomy of an Oil State, James Currey.

Kisangani, 2006: Legacies of the War Economy. In Nest, M. with F. Grignon and E.F. Kisangani, 2006: *The Democratic Republic of Congo.Economic Dimensions of War and Peace.* Lynne Riener.

Lanning, G. with M. Mueller, 1979: Africa Undermined. A History of Mining Companies and the Underdevelopment of Africa. Pelican Books.

Love, J., 2005. Southern Africa in World Politics. Local aspirations and global entanglements. Westview Press.

Lubamba, J-B, *Modern Day Slaves, The living and working conditions of the informal diamond diggers of the town of Mbuji Mayi*. NIZA Briefing Paper and groundWork.

MacKenzie, J.M. 1989: *Chivalry, social Darwinism and ritualised hunting: the hunting ethos in Central Africa up to 1914,* in Anderson D. and Grove R. (eds) Conservation in Africa: people, policies and practice. Cambridge University Press.

Kahn, F, 2002; *The Roots of Environmental Racism and the Rise of Environmental Justice in the 1990s*. In McDonald, D.A. (ed), Environmental Justice in South Africa, University of Cape Town Press

Moyo, N. and S. Mtetwa, 2002: *Water quality management and pollution control.* In Hirji R., Johnson P., Maro, P. and T. Chiuta: Defining and mainstreaming environmental sustainability in water resources management. A SADC Technical Report.

Moyo, S. and D. Tevera, 2000: *Regional Environmental Security in Southern Africa*,, in Tevera , D. and S. Moyo, Environmental Security in Southern Africa, SAPES Books.

Munnik and Cock, forthcoming: *Throwing Stones at a Giant: the struggle of environmental justice in Steel Valley* .Manuscript.

Naidoo, R., N. Gqaleni, S. Batterman and T. Robins, 2006. *South Durban Health Study*, Centre for Occupational Health, University of KwaZulu Natal; Department of Environmental Health Sciences, University of Michigan; Department of Environmental Health Sciences, Durban Institute of Technology.

Nest, M. with F. Grignon and E.F. Kisangani, 2006: The Democratic Republic of Congo.Economic Dimensions of War and Peace. Lynne Riener.

OCEAN 2007, *Timber Extraction in the DRC*. NIZA Briefing Paper and groundWork.

Pitcher, M.A., 2002: Transforming Mozambique. The Politics of Privatization*, 1975-2000.* Cambridge University Press.

Renton, D, Seddon D and Zeilig L., 2007: The Congo. Plunder & Resistance. Zed Books.

Sachs, W. 1999: Planet Dialectics, explorations in environment & development. Zed Books.

Southern African Hearings for Communities Affected by Large Dams, Cape Town 11-12 November 1999. Environmental Monitoring Group.

The Southern African Millenium Ecosystem Assessment, 2004: Nature Supporting People. Integrated Report. Council for Scientific and Industrial Research.

Vieira, S., W.G. Martin and I. Wallerstein (eds), 1992: How Fast the Wind? Southern Africa, 1975-2000. Africa World Press

Winkler, H, 2007. *Energy policies for sustainable development in South Africa.* Energy for Sustainable Development. Volume XI, No. 1, March 2007.