



GROUNDWORK



INFORMATION

In this issue

groundWork is a non-profit environmental justice service and developmental organisation working primarily in South Africa, but increasingly in Southern Africa.

groundWork seeks to improve the quality of life of vulnerable people in Southern Africa through assisting civil society to have a greater impact on environmental governance. groundWork places particular emphasis on assisting vulnerable and previously disadvantaged people who are most affected by environmental injustices.

groundWork's current campaign areas are: air quality, waste and environmental health.

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

GROUNDWORK'S SOUTH AFRICAN STAFF ARE:

Director: Bobby Peek

Deputy Director: Gill Addison

Office Manager: Bathoko Sibisi

Air Quality Campaign Manager: Siziwe Khanyile

Waste Campaign Manager: Musa Chamane

Environmental Health Campaign Manager: Nomcebo Mvelase

Research Manager: Rico Euripidou

GROUNDWORK'S USA STAFF ARE:

Director: Heeten Kalan

Coordinator: Sunita Dubey

HOW TO CONTACT US:

6 Raven Street

Pietermaritzburg

P O Box 2375, Pietermaritzburg, 3200

Tel: 033-342-5662

Fax: 033-342-5665

e-mail: team@groundwork.org.za

Web: www.groundwork.org.za

555 Amory Street, Boston

MA 02130, USA

Tel: +1-617-522-0604

Fax: +1-617-522-5591

e-mail: info@groundwork-usa.org

Web: www.groundwork-usa.org

- 3 **From the Smoke Stack**
- 5 **Recycling as an Economic Development Tool**
- 7 **World Bank to Investigate Eskom Loan**
- 8 **Space for Waste or for People?**
- 10 **Evil Waste Incineration Initiatives**
- 12 **First, Do No Harm**
- 13 **Three Cheers for Barberton**
- 14 **The Eskom Letters**
- 18 **Update from groundWork USA**
- 20 **The Protection of Information**
- 21 **Gumboots for Trevor**
- 22 **The Global Mercury Treaty**
- 23 **A new EIA Management Strategy?**
- 23 **You simply must...**
- 24 **MOZAL BHP Billiton: A Fairy Tale**
- 26 **Being an Intern at groundWork**
- 27 **In Brief**

AFFILIATIONS:

groundWork is affiliated to the following international organisations:

Health Care Without Harm

International POPs Elimination Network

Basel Action Network

Oilwatch International

Global Anti-Incineration Alliance

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

CREDITS:

Printed on recycled paper from Sappi Fine Papers

Layout by Boutique Books - Printing by ArrowPrint

Are the dark days of apartheid returning as media and civil society potentially face imprisonment for seeking or providing information to engage in our hard fought for democracy?

Cover design by Barry Downard.



From the Smoke Stack



Photo by FoE

by groundWork Director, Bobby Peek

This year has dished up a smorgasbord of political and developmental issues for South Africans in our young democracy. This ranges from the World Cup which zoomed in and out of our country to the clamping down on media and information through the Protection of Information Bill, where journalists can be imprisoned for the news they cover. Just as alarming is the fact that information that we need to protect ourselves and ensure our democracy can, with a swipe of a junior bureaucrat's pen, be declared secret for the sake of 'national interest'. The World Cup shenanigans by Fifa when they banned certain printed material from areas they 'controlled' (for example, two Durban Social Forum members were arrested for handing out information on xenophobia and thus contravening the strict marketing rules) were a prelude to this. Government must be thinking that they got away with it once, so they can try again.

This approach by government that seeks to undermine our hard fought for democracy is not an isolated incident. Government has over the last years tried to re-birth the old apartheid-created National Key Points Act, which was used to 'protect' South Africa during the liberation struggle and which declared large swaths of industry secret. The present government wanted to 'democratise' this piece of old apartheid legislation and tried in vain to convince us (civil society and unions) that democratising the underpinnings of apartheid was possible. This is similar to the utterances of ANC spokesperson, Jackson Mthembu, and Human Settlement Minister, Toyko Sexwale, as they try to defend this Bill which they insist is not undemocratic. Government has indicated that the Bill is needed to regulate the media industry. Regulations are important in order that the media respect the rule of law. But regulation of the media must never be used to criminalise honest reporting and force people to self-edit.

Is this concern about the media maybe linked to the reporting in which companies are exposed abusing the system in terms of broad based black economic empowerment, where a few elites get to harvest what should be for all? Here we have to view the comedy around ArcelorMittal and Kumba Iron Ore Limited. ArcelorMittal, through its own fault, did not convert its mining rights in the Sishen mine and subsequently lost its preferential iron ore purchase agreement with Kumba. Kumba, hoping to get the mining rights, was pipped at the post when the politically connected Imperial Crown Trading (ICT) got the rights ahead of them from the Department of Mineral Resources. ArcelorMittal's response to their mess-up was to purchase ICT, paying R800 million for their company and their newly acquired right to Sishen. This would secure their continued access to cheap South Africa iron ore, while they carry on charging import parity prices for their steel – which they will deny, saying that they have a 'basket of prices' which they consider fair but which many analyst say is another form of import parity. ArcelorMittal was clearly not keeping their eye on the ball when they did not convert their rights to the Shishen mine, but got deeper into the proverbial shit when they decided to pay this large amount to a politically connected entity for what was originally theirs. But then they did have more cash than they need with R5 billion cash in 2009. In a separate statement, ArcelorMittal South Africa said it had finalised black economic empowerment deals with a group of black investors, including an investment group led by the son of South African President Jacob Zuma.

In this comedy the media has been quick to expose all the links to the political elite and this has made the public see the farce in the development paradigm we are having to live with.



From the Smoke Stack

This farce continues in our energy debate. The World Bank, Eskom and dirty energy have been a strong focus of groundWork's work over the last nine months. This has built upon our Peak Poison publication of 2007. This report indicated that, despite the urgent need for decentralised democratic renewable energy institutions and practices, the world's energy systems and, indeed, South Africa's will become dirtier both in pollution and, no doubt, also in the political sense. The Inspection Panel which investigates World Bank funded projects has finalised the preliminary investigation report and has called for a full Inspection Panel investigation which the World Bank Board of Directors agreed to on the 29th of July. This was done despite heavy lobbying by the South African government for this not to be the end result. Of concern in this loan was the fact that the ANC's investment arm, Chancellor House, was part of the Hitachi Consortium which got the contract for the boilers at Medupi and Kusile.

Despite the South African government coming under severe pressure, both locally and internationally on energy and climate change, they are still prepared to support the establishment of dead-end energy technologies such the construction of a power station that relies on dirty 'bottom-of-the heap discard coal' proposed by Umbani Power Company also known as Rainbow Millennium. This is a clear indicator that government has no clear vision or intention to be proactive in our global climate change commitments and ultimately to take environmental justice in South Africa seriously. This development will harm people and the environment and commit us to a dirty energy future. Despite what our President Zuma said in Copenhagen, Cancun or will say in South Africa next year, and the second integrated resource plan known as the IRP2 which will spell out in clear detail the energy mix that the country will implement in the next twenty years, our energy mix will be dominated by fossil energy and will keep to the adage 'business as usual'.

This approach of 'business as usual' is sad indeed, for not only will this mean the continuation of the mineral energy complex reliant on 'dirty and cheap' energy, it also has undertones of the populace being doomed to energy poverty and having to rely on

burning coal and other fuel indoors to keep warm in winter. There has been a collective public outcry about government's approach from all quarters. We have printed some of the letters that have been doing the rounds. It would be burying one's head in the sand if one accepts that government is serious about climate change and reducing carbon emissions. Ironically it seems that BHP Billiton will do the job for us with their recent announcement of their 'investment strike' in South Africa.

At the same time as all of this is occurring we have the Department of Environmental Affairs' Green Scorpions stopping the activities of Coal of Africa Limited in the Vele region, located near the Mapungubwe World Heritage Site and the Kruger National Park, which encompasses one of Africa's oldest ruins. This is indeed good news. But this good news is overshadowed by the general approach of government in South Africa to push for coal mining at all costs. groundWork and many other NGOs have been trying for years to get a register of mining licences and rights but this is a secret heavily guarded by the Department of Mineral Resources. Something, no doubt, a free media could dig for. Or is this information secret to serve the 'national interest'?

Finally, and sadly, as I write this, Natal Portland Cement has managed to get their way with the Department of Environmental Affairs (nationally) and the Department of Agriculture, Environmental and Rural Development (KwaZulu Natal) and bulldoze them into allowing the burning of waste tyres in their plant in Port Shepstone for trial burns. We have managed to stop this for more than six years. But maybe bulldoze is not the correct word. Rather one should say that these government departments facilitated this process in a 'bend over backwards' manner. How else can you explain the DEARD's official Timothy Fashuen's lack of meaningful response to concerns that were addressed to him on this issue by groundWork. Rather than respond to us, he quickly sent the letter off to Natal Portland Cement who got their lawyers to respond - 'threaten' - groundWork. Come on, Timothy, old chap, where is your backbone?

Till next time... ✕



Recycling as an Economic Development Tool

by Musa Chamane

Recycling has created twenty-five jobs in Mooi River

Recycling is an economic development tool as well as an environmental tool. Reuse, recycling and waste reduction offer direct development opportunities for communities. When collected with skill and care, and upgraded with quality in mind, discarded materials are a local resource that can contribute to local revenue, job creation, business expansion and the local economic base. Informal waste recycling contributes to the formal waste recycling industry - both economies are interdependent on each other.

Recycling-based economic development has been a focus for groundWork in the past three years. Currently it is the heart of our waste program. For three years we have provided technical assistance related to reuse and recycling for vulnerable community upliftment and have facilitated negotiations with government regarding job creation and the value-added benefits of reuse and recycling.

On a per-ton basis, sorting and processing recyclables alone sustains ten times more jobs than landfilling or incineration do. However, making new products from the old offers the largest economic pay-off in the recycling loop. Moreover, there are many more benefits to recycling waste than to landfilling and incineration.

People are not educated enough when it comes to job creation through recycling. Unlike third world countries, the first world and developing nations of the world have high waste generation by their citizens. The more money an individual has, the more waste is generated by that particular person.

People tend to not care about what happens to the tons and tons of waste they are generating every day. Once their waste goes into a rubbish bin and to the main gate, and thence to the municipal rubbish truck, they tend to forget about it. Let me inform you from the outset: it does not end at the municipal truck. Waste is normally taken to a local dumping or landfill site for disposal, where it

decomposes and emits gases that affect climatic conditions. This system is quite expensive for us and for government. We should bear in mind that government money comes from us and, if we make government spend more on our services, then this means that we are overcharging ourselves and wasting our tax money.

I have been very encouraged by two waste pickers from Mooi River who have a great drive to succeed through recycling. I met these two guys three years ago and at that time they were struggling to make ends meet. They kept on knocking on different doors trying to get sponsors, with no success. When groundWork visited the site there were about ten waste pickers on site. Most of these pickers were not concentrating on recyclables and they would also pick expired food. The majority were women. Most of them eventually left waste picking forever, but these two guys soldiered on.

In 2009 Mooi River waste pickers were hiring a bakkie to travel from Mooi River to Pietermaritzburg. They would normally sell manually compressed waste at five-day intervals. At the end of the day, after having paid for transport, the pickers were left with only R30 and it was very disappointing, sad and painful to see people working tirelessly for such a small amount. A plan had to be made.

At the beginning of 2010 I made another visit and we strategised with these two entrepreneurs. The most important step for them to succeed was to get permission from the municipality. The municipality was approached about this and they were given written permission to do recycling in Mooi River. groundWork and Central Waste Paper joined hands in assisting the waste pickers. Central Waste paper is a recycling company based in Pietermaritzburg and waste pickers have had a relationship with them for more than five years. As a result of the trust that had built between waste reclaimers and Central Waste Paper a bailing machine and a scale were given to them on the understanding that the



Waste

Workers at the Mooi River dumps site organising to take advantage of recycling opportunities.

Photo by: Kelly Purdy, Global Greengrants Fund



pickers would sell to Central Waste Paper only. The agreement is that Mooi River recyclables will be sold to Central Waste Paper and Central Waste Paper will only deal with Mooi River reclaimers in the town of Mooi River. In other places, such as Sasolburg, agreements compelling waste reclaimers are often corrupt but in this instance waste pickers were satisfied with the plan.

They now make more than R8 000 per week and are employing twenty-three people. groundWork has assisted them with protective clothing. Mpofana Municipality can claim the victory that they have created twenty-five green jobs through recycling.

This is not a formal business. It is an initiative that was started by the two gentlemen. groundWork assists them mainly technically, supporting them in negotiations with the municipality or Central Waste Paper. Their earnings have been good in the last two months since they acquired the working tools. If more municipalities were enlightened enough about waste issues they would be opening up opportunities for waste pickers to run their recycling programs as Mooi River has done. Small municipalities, in terms of area of jurisdiction and revenue, are normally considered as struggling municipalities when it comes to waste collection. Such initiatives would make the job less stressful for the municipality.

Pietermaritzburg waste pickers are also not doing badly at all. Despite not having a baling machine or a scale on site, they are making more and more money by the day. The skill in reclaiming matures with time. There are nearly two hundred Pietermaritzburg waste pickers, but Central Waste Paper pays them between R70 000 and R130 000 monthly. If one divides that by the number of people on site, it is still not a lot of money, but it is much better than it has been in the past.

Considering the facts mentioned above, it makes me wonder whether our government is serious about creating jobs. Look at Mpofana Municipality in Mooi River: a small municipality has successfully assisted waste reclaimers to help themselves. This municipality has only paid for electrification of the site. Other than that nothing has been paid. In terms of landfill diversion at least ten tons is diverted per week and this is a small landfill site. Pietermaritzburg landfill receives between 10-15 000 tons of waste per month and 114 tons is diverted from the site. This means that 13% of waste is diverted from the site monthly.

Our municipalities need to become conversant in proper waste management because today waste is not waste but a resource for the recycling industry and even for the municipality. ✕



World Bank to Investigate Eskom Loan

By Bobby Peek

Following a preliminary investigation the World Bank Inspection Panel is to undertake a full investigation of the loan made by the World Bank to Eskom

The World Bank Inspection Panel is to undertake a full investigation of the \$3.75 billion loan by the World Bank to Eskom, the South African energy utility. This was the finding of the preliminary investigation undertaken in May 2010. In April 2010, local residents in the Waterberg, Limpopo Province, through groundWork and Earthlife Africa Jhb, addressed their concerns on, inter alia, health, environment, cultural and human rights issues to the Inspection Panel.¹ Both organisations supported the call for an investigation into the Medupi development and what it will mean for the local people and for South Africa in general.

At a full World Bank board meeting on the 29th of July, Mr. Roberto Lenton, Chairperson of the Inspection Panel, stated that 'based on its review of the relevant documentation and its field visit, and taking into account the sharply different views of the Requesters and Management, the Panel considered that the Request raises important issues of compliance and harm that can be addressed only in the context of an investigation.'²

This full investigation is to be undertaken despite the South African government, backed by Algeria and Saudi Arabian Executive Directors of the World Bank, requesting an almost unprecedented full meeting to discuss the project in an unsuccessful ploy to challenge the complaint and limit its scope.

This action highlights the South African government's anxiety about the fact that community people and NGOs have raised concern about this project and that there is truth in their evidence.

When the inspection panel came to South Africa, interviewed the people, went to the area and actually saw what is going to happen and what is already happening, they no doubt got a real feel for, and a bit of a wake-up call to, the reality unmasked and unblurred by Eskom and the South African government.

Both groundWork and Earthlife Africa Jhb remain concerned about the conflict of interest between the World Bank loan, the Medupi power station, and the ANC's financial stake in Chancellor House. This issue remains a blight upon the body politic of South Africa.

Earthlife Africa and groundWork, together with our international allies, especially those in Washington, will continue to work with the local people to prepare for the full investigation and we thank them for all their support in this critical struggle for an alternative energy future for Africa and, indeed, the world.

The full inspection should occur before the end of 2010. ✕

1 [http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/Request_for_Inspection_\(PUBLIC\).pdf](http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/Request_for_Inspection_(PUBLIC).pdf)

2 http://siteresources.worldbank.org/EXTINSPECTIONPANEL/Resources/Final_Elig_Rpt_for_Disclosure.pdf



Space for Waste or for People?

By Musa Chamane

In Cato Ridge the community is having to fight off a landfill site that has been proposed for land that has already long been earmarked for a housing development

Cato Ridge is in the Durban-Pietermaritzburg development corridor. This area is notoriously known to host industries whose operations have resulted in the deaths of a number of workers. By the look of things, this area will soon be the next environmental zone for government. The small town that is on the outskirts of Durban and Pietermaritzburg is home to the disbanded Thor Chemicals, Assmang Ferroalloy, Frey's Abattoir and now, potentially, a landfill site. This is the story about developments in this area.

This region has hosted industries such as Thor Chemicals. Thor was receiving shipments of hazardous waste from abroad into Cato Ridge as part of a mercury recycling program. Mercury is hazardous and persistent in nature; therefore, it resulted in a serious contamination of water and soil. Workers mainly were affected by mercury poisoning. Some of them died and two were bedridden, in a coma for months, until their deaths.

Assmang Ferroalloy was in the news in the last two years. About ten workers have died due to the negligence and greed of management. The workers who have worked in this plant have a history of manganese poisoning. Ex-employees have sued the plant for manganese poisoning. The settlement is still being negotiated between the ex-employees' lawyer and Assmang management.

Apart from polluting industries, the Cato Ridge community have seen it all when it come to industrial disasters. Some of them have lost their husbands, brothers and friends in industrial incidents. These incidents are actually not accidents because, if the smelters were properly maintained without the intention of maximising profits, we would not have experienced so much death, especially at the Ferroalloy plant.

After suffering so much hardship from industry, the community has now been slapped in the face by eThekweni Metro. The Metro has promised housing for the KwaXimba community since 1998, but nothing has happened. The land for housing development was identified years ago, but the community is still waiting patiently to get it.

Things took a turn when the same area was identified by Durban Metro as the area for the next landfill site - a site that will have a lifespan of one hundred years. People are feeling betrayed by their local politicians, who have high positions within the council. The branch executive committee has held a meeting and they have taken a decision to strongly oppose this. groundWork has assisted this community in responding to the Environmental Impact Assessment and the community has submitted their first comments to the consultant regarding the proposed landfill site.

The community has requested groundWork to assist so that they can take this to the streets. There is a feeling that the South African government only understands an issue if there is a demonstration against whatever is being proposed. The community is furious and they feel that they are being used by politicians because they were promised housing and now the same land is reserved for a dumping site.

Their concern is not only due to failure in providing housing. They also know what a landfill will bring in their community. The community still have livestock and there is a fear that, should the landfill be approved, the grazing land which they are using while waiting for housing will be lost. The community is united and they are all against this.

Even the community that resides on the west side of the town are against the landfill. This issue has



broken the racial barriers within the Cato Ridge community. During the public meeting towards the end of last year all people from the same area were against the proposed landfill site. The representative of Ingonyama Trust for tribal land was there and he opposed the move by the eThekweni council.

Mass mobilisation by community leaders has been planned. Meetings with the council officials and the competent authority have been requested. The community wants housing, not a landfill. The community feels that they have submitted comments during the Environmental Impact Assessment but are not sure whether their concerns will be taken into consideration before the issuing of a Record of Decision (ROD).

The ownership of the land is quite vague as the Assmang Ferroalloy Plant claim to have donated the land to the council. The council presumably acquired this land from Assmang with the intention of building low cost housing. The plan for low cost housing by the city suddenly changed without considering that people had been promised housing on the same land. "We do not care who the land belongs to, the city promised to house people on the same land," said Micheal Zondi (Ward 1 Branch Executive Committee chairman).

groundWork has a long history of working with this community. There are industries to which the community have been strongly opposed, but the government has given a positive ROD for those companies. NCP Chlorchem is an obvious example. During the public participation for ChlorChem the

community was not interested because there were no more than three job opportunities that were going to be created and there were risks attached to the installation. The community is concerned that, despite their opposing the development, government continued to issue a trade licence.

The consultant submitted the final EIA report for the landfill in March 2010, and the Department of Agriculture and Environmental Affairs requested to meet with them on the 22nd of June 2010. The authority finally agreed to meet with the community on the 23rd of September, but subsequently cancelled. The Record Of Decision will be issued in the next month or two, according to the EIA consultant.

The dumping site is even worse than the polluting industry. I understand the resistance by KwaXimba community because it is not a good feeling to reside next to a dumping site. This will mean people will cease to enjoy a clean atmosphere which is not polluted by smoke from the landfill or by stinging gases. The other most important issue is that the traffic flow in the area will increase dramatically. This will affect their everyday life.

The leadership of the community do not want to fail their community by allowing polluting industries to occupy their backyards. The ward councillor of KwaXimba (Mr Ngubane) once said, "We are going to screen the industries that will be hosted in Cato Ridge". It is very encouraging to see the community leaders taking environmental issues seriously, as the KwaXimba community does. X



*The old Thor plant at Cato Ridge is only one of the many polluting industries that has harmed people in the local community.
Photo by groundWork*



Evil Waste Incineration Initiatives

by Musa Chamane

An update on various waste issues in South Africa

Africa Stockpile Programme

The Africa Stockpile Programme was first conceived in December 2000. Its dual objectives were to eliminate the existing stockpiles of publicly-held Persistent Organic Pollutants (POPs) and other obsolete pesticides and to put in place measures to prevent the recurrence of similar obsolete pesticide stockpiling.

Part of the non-hazardous component of the Limpopo and Wagtail stocks (containers and betadine) has been disposed of locally. The remaining non-hazardous stocks are still stored at the Holfontein facility, together with the hazardous component, and once separated the non-hazardous portion will be disposed of at the Holfontein landfill site. The hazardous component will be repackaged for transport to the port of shipment for international disposal.

Although funds for disposal of the hazardous component of the Limpopo pilot stocks, and

disposal of these stocks, were planned for in 2009, the inventory to date indicates that there may be a budget gap for disposal and prevention activities, to be determined once the project activities are completed.

At this stage civil society and private sector stakeholders are not effectively involved in project oversight, having been excluded from the National Steering Committee.

Veolia Environmental Services have been appointed to do the pesticides packaging, transportation and disposal in their incinerator in the US State of Texas.

Our pesticide waste is not the only thing that the community around Veolia have to worry about.

“Once again an impoverished Texas neighbourhood, in this case in the town of Port Arthur, has become the disposal point for hazardous waste, only this time the waste is potentially so lethal that a drop the size of a pinhead can kill. A chemical-weapons facility in Indiana is destroying obsolete weapons containing



Hazardous waste packagers in Holfontein and Hazardous waste stored in containers. Pictures are from a Veolia report.



VX nerve agent, producing caustic wastewater that the Army is shipping to Veolia Environmental Services for incineration. The Army has claimed the waste is no more dangerous than kitchen cleaners. But when environmental scientists began looking at the disposal process, they found scary scenarios. The 'neutralized' waste still contains some VX and the incinerators might not destroy all of it. There are no monitors on the incinerator smokestacks to sound the alert if it isn't eliminated. And VX components in the water could reconstitute in shipping tanks under certain conditions, endangering lives along the transportation route." (Rusty Middleton, *The Texas Observer*)

It is, however, very encouraging to learn that pesticide stockpiles are being collected in South Africa. Awareness-raising to the farmers has been done. Nevertheless, the removal of these stockpiles to Texas is very discouraging. The incinerator that they are heading to is not up to satisfactory standards. The Port Arthur community is going to suffer because of our stockpiles. Scientists, environmentalists and activists have always articulated that waste incineration is not a viable option for dealing with waste, but so far it is falling on deaf ears.

Thermopower

Thermopower has been in the print media in the last six months. This company, which runs a hazardous waste treatment plant situated in Olifantsfontein, faces criminal charges for polluting the atmosphere and contaminating water, as a result of which local people have respiratory problems.

The court case has recently been postponed until October 2010. The Clayville, Olifantsfontein, communities are not happy about the slow processes of the court while the plant is still in operation. More and more people are being infected and affected by the fumes spewed out of this dirty plant.

This issue has drawn wide interest from NGOs and environmental activists. Environmental activists have been following and supporting this community in trying to fight for their rights. Thermopower has been linked with the current ruling party. It is



Veolia
incinerator Texas

believed that some top members of the ANC have a stake in this company. If that is the case I ask, "How can the ANC free us and at the same time allow industry to poison us?"

The environmental consultants from Golder and Associates have done research into this case and they have come out with damning findings. About half a million people are exposed to highly toxic air emissions daily. The findings also revealed that the chemicals that come from Thermopower smokestacks are carcinogenic, but just below critical levels. Permit conditions stipulated in a trade licence issued by the competent authority are being contravened by this plant.

This is the easiest issue government and court have to deal with. If one fails to comply with the licence sanctions may be imposed. It is unclear as to why the plant has not shut down because Golder and Associates have revealed, and the DEA is aware, that their licence is being contravened by poor operating conditions.

Based on the health risks to humans, waste incineration in its various guises will never be a viable disposal option. Whenever one Googles any incinerator and community resistance one will notice that waste incineration is really a challenge to humans and the surrounding environment. It is high time also for our government to consider new technology carefully before buying into it because lives of the nation can be destroyed if we are led by unreasoning government officials who do not put the lives of the people at the top of their agenda. ✕



First, Do No Harm

By Nomcebo Mvelase

Do our health care practitioners have a responsibility to work towards the elimination of environmental harm?

A question that keeps on popping up in my mind is: do doctors feel and understand environmental health to be part of their obligation or is it something that they may do only if and when it suits them?

Every now and then you hear that there is medical waste dumped illegally, posing a risk to neighbouring communities. In some instances, when investigations are conducted, it comes out that even medical doctors and veterinarians are implicated. This practice - although really I should be saying malpractice - is so common that it is not a serious issue anymore. It is still reported in newspapers but not much attention is given to prevent its recurrence. Is this how we ought to live?

Some doctors who have their own consulting rooms are not even contracted to any medical waste company to collect and dispose of their waste properly. They simply take their waste and dispose of it as general waste. The thought of soiled bandages, gloves, expired medication and even needles being sent to a general landfill site or, even worse, sometimes a dumpsite, seriously bothers me!

Part of me feels that the doctors who are doing this are waiting for a person or two to suffer the contamination from their waste so that those people will become their patients. For me there are no other words to explain this kind of action other than "immoral" and "ruthless". What is a mockery is the fact that each and every doctor makes an oath in his medical career to "Do no harm". Right

now, we're left with the question of how much of harm should be done before it is realised that it should be stopped. Is this what it means for doctors to operate with patients' best interests at heart?

You find some doctors justifying themselves by saying that they cannot afford to pay the fees for medical waste contractors, which they claim are very expensive. Doctors would rather pay penalties for being non-compliant than pay for a medical waste service provider in the first place. That does not make any sense to me.

According to Health Profession Council of South Africa (HPCSA), health care practitioners should recognise that they have a responsibility to ensure that, in the conduct of their affairs, they do not in any way contribute to environmental degradation. It also goes on to say that health care practitioners should protect the environment and the public by ensuring that health care waste is disposed of legally and in an environmentally sound manner. In my understanding, this makes it compulsory for doctors and anybody else in the health field to comply with this standard. This then should not be a struggle, or hard work to do. It comes with the fundamental decision to be a doctor.

We need to have faith in our doctors, we need to trust them with our lives and be sure that they are the right people to take care of us and to make us feel better. As things stand right now, going to a doctor nowadays is one of the more nerve-racking experiences! ❌



Three Cheers for Barberton

By Nomcebo Mvelase

After having heard about the proposed medical waste incinerator in Barberton, Mpumalanga Province, I decided that this was one issue that we could not afford to ignore. The company that proposes to install this medical waste incinerator is called "Sita Sive Health Care and Medical Waste Services". This alone raises a lot of questions as the name Sita belongs to one of the largest waste management companies based in U.K and Australia. Now the question is could there be any partnership between the two, or could this be some sort of a fronting and false presentation?

I flew there a day before and got to meet quite a few community people in preparation for the public participation meeting that was going to take place on Wednesday the 5th of August 2010, in the Barberton Community Hall.

The meeting was scheduled for 10h00 but the environmental consultant and a proponent walked in about twenty minutes late. By that time the hall was already full of community members, young and old, and all of them had an energy that was unbelievable. They were even articulating the fact that they will do anything and everything that it takes to stop this process from going forward.

The proposed medical waste facility would be erected in an agricultural area which is not zoned for industrial purposes and what is funny about the whole matter is that the proponent has already started some construction work on the site! No application for rezoning to the town planning department has been made. How unbelievable! This is what made the community people so furious. When asked why he had already started building when the rezoning has not taken place, the company representative, Mr Mkhabela, replied that the construction that is going on is to be used as a truck station where all the repairs and maintenance of the trucks will take place. He mentioned that his company is currently busy with sanitation projects and is intending to expand into the handling and treating of medical waste.

The fire started burning even more. The room was quite boiling as it became very clear that this company is very unclear about what exactly it is that they want to do. They put forward a proposal for one thing but, as they are questioned more deeply about it, they resorted to saying that the area will be used for something else and, at the end of the day, it still does not make any difference because the fact of the matter is that whatever processes the company is planning on, the premises that they are using are not suitable and the short words to describe it all are "illegal operation"!

The community members then decided to call the meeting off. They told the proponent and his consultant that the construction should stop with immediate effect and that they must first go to the municipality and follow the right channels to apply for proper zoning permission. They even said that if the company fails to do that, legal action will be taken against them. Community members were also annoyed about the fact that the consultant failed even to get a person to take down proper minutes. Nothing at all showed any decency or even proper preparations from these two guys.

The community walked out saying, "Stop wasting our precious time, go back to your drawing board and think seriously about what it is that you want to do, and stop turning this whole place into a circus!"

I very much doubt that they will come back again and, if they do, it will take them a long time because they still need to do a lot of homework. People seem to believe that the medical waste business is like any other business and they do not understand all the issues associated with it. That is why whoever wants to engage in it should be well informed and not just a profit-oriented chance-taker.

I congratulate the residents of Barberton for being so resistant towards this process and for having a unified voice in opposing anything at all to do with medical waste incineration. ✕



The Eskom Letters

A number of letters have been written to and about Eskom, touching on a number of important energy issues. Here are three such letters

Business Report (Independent Newspapers)

23 August 2010

Steve Lennon, in Future Power (18 August), suggests that Eskom has expertise in renewable energy “unmatched anywhere in the country”. If this is true, we’re in trouble.

Lennon notes a “wind resource study undertaken in the late 1990s indicated wind potential of anything from 500MW to 5 000 MW”, while in the Western Cape alone projects are already being proposed by independent power producers for a total of 6 000 MW. Recent national wind resource assessments are an order of magnitude higher.

There is very little prospect of Eskom meeting its modest pledge, at the 2002 World Summit on Sustainable Development, to decrease its coal dependency by 10% in ten years. Renewable Energy Feed-In Tariffs, contemplated in draft national strategies for over a decade, were finally approved by the energy regulator over 18 months ago, but Eskom, as the system operator, has yet to award a single contract.

Over recent years government has repeatedly called for accelerated implementation and greater ambition for renewable energy, yet Lennon is of the view that “Eskom and South Africa are making excellent progress in rolling out renewable energy.”

The complacency of this divisional executive for corporate services suggests an abysmal lack of vision or ambition in our State-Owned Enterprise. At least the World Bank insisted that a (modest) component of its loan must be spent on something other than coal, so perhaps Eskom’s long-touted

100MW concentrated solar thermal power project will finally materialise.

In rebutting a call for a comprehensive cost-benefit analysis before proceeding with Kusile (another 4800 MW of coal plant below 40% efficiency) Eskom chief executive Brian Dames blandly asserts “There is no viable option to replace it.” That may reflect Eskom’s capabilities, but there is plenty of expertise in South Africa that is impatient to invest in a range of such options.

Rather than Eskom’s international road-shows to lure investors into a financing package for Kusile, the utility should focus on its responsibility to enable private sector investment in generation projects of their choice. Renewable energy projects can not only reduce the immediate financing burden on Eskom, but also the financial risks carried by state and consumers into the future.

South Africa still has time and potential to become a major player in renewable energy industries, if we look beyond Eskom’s comfort zone. The benefits, including consistently higher job creation rates, portfolio risk management and reducing the carbon-intensity of our exports, justify urgent attention to the review of policy and targets that is due to conclude in November.

Richard Worthington
Manager: Climate Change Programme
Living Planet Unit
WWF South Africa



A letter to Eskom from various NGOs to the Chief Executive Office of Eskom and the Presidencies of South Africa and Mozambique questioning the need for more hydro-energy dams on the Zambezi. No response received!

Mozambique and South Africa

Tuesday, 22 June 2010

Brian Dames

Chief Executive Officer

Eskom

By e-mail: brian.dames@eskom.co.za

CC: President of South Africa, Mr Jacob Zuma (president@po.gov.za)

President of Mozambique, Mr Armando Guebuza by (www.presidencia.gov.mz)

An Open Letter to Eskom

Don't Dam the Zambezi!

This year is the 10th anniversary of the World Commission on Dams' groundbreaking work to create higher standards for dam projects – standards intended to avoid undue harm to our rivers and those who depend on them. South Africa



was the home for the Commission (“WCD”), and has been at the forefront in adopting the WCD's recommendations.

Yet Eskom's potential involvement in the controversial Mphanda Nkuwa Dam in Mozambique threatens to undo that legacy. The proposed dam will create lasting social and environmental problems, and compound the damage to the Zambezi River caused by Cahora Bassa Dam – another destructive hydro project whose electricity primarily benefits Eskom, but whose costs are borne by Mozambique.

More than that, Mphanda Nkuwa is a risky investment in a time of climate change. Southern Africa's rivers will become less predictable in a warming climate. The dam could prove to be a white elephant if extended droughts make it an unreliable source of electricity.

The Lower Zambezi is vital to the national economy in Mozambique. Under natural flow conditions, its waters support extensive flood-recession agricultural systems, productive freshwater fisheries, coastal prawn fisheries, and healthy habitat for wildlife. Over the past 50 years of river regulation,



Good Friday Procession through the streets of Durban, 2010. Photo by Rikesh Maharaj



Environmental Health

these systems have all declined precipitously. The Zambezi is now one of the most heavily dammed rivers in Africa.

Mphanda Nkuwa will make it more difficult to adopt better management at existing dams to resolve the river's problems.

Mphanda Nkuwa Dam's electricity will fuel industries in South Africa, but in Mozambique it will cause daily mini-floods that will worsen the situation of an already impoverished population. Approximately 100,000 people risk losing their livelihoods, but only a fraction of them will be compensated. This type of project, which sacrifices the lives of the poor and does lasting damage to the environment on which we all depend, should have no place in South Africa's energy portfolio.

Eskom over time has had various "confidential" agreements with the Mozambican government on the dam. Now it may soon sign a power purchase agreement on the project, which is key to the project going forward. We urge Eskom to rethink its involvement in this unsustainable project.

Our organizations lobby for clean energy for South Africa and Mozambique. Our research has shown

that South Africa has the potential to quickly reduce its own electricity consumption by an amount equivalent to 3 to 5 times Mozambique's entire consumption. Indeed, South Africa could save 3,000 MW in the next four years (and much more in the long run) by making existing system more efficient.

A large proportion of South Africa's and Mozambique's electricity benefits a single company, BHP Billiton, which receives power at US\$0.015 (i.e. 1.5 cents) per kiloWatt hour, by far the cheapest price in the world. This is due to apartheid-era deals which cost Eskom \$1.3 billion in losses in 2009. They are being renegotiated, but secretly, and a similar price is anticipated to result.

South Africa also has huge potential for clean, renewable energy. It is time to move more quickly to develop these resources, and to stop relying on destructive mega-coal and mega-hydro plants.

Africa's biggest utility should be setting standards for an African development renaissance that is sustainable, and socially and environmentally just. Mphanda Nkuwa does not meet those standards.

Protest outside
National Energy
Regulator of SA
public hearing in
Durban on
increase in
electricity tariffs
on the 18th of
January.
Photo
groundWork



This letter was first published on the 23rd of August, 2010, in Business Report (Independent Newspapers) and is reproduced with their permission.

Eskom in the dark about clean energy

Regarding Steve Lennon's "Eskom is SA's renewable energy leader" (Business Report, August 18), recent history shows that it is highly debatable as to whether the modern Eskom could lead any process anywhere, apart from into a very dark place where the sun don't shine. In fact, one is surprised that they can spell "renewable". Any self-respecting engineer (a few are left in South Africa) is heartily sick of the self-serving "corporate-speak" which Eskom now regularly dishes out to the media as expert opinion. Mr Lennon would be better advised to take serious note of his illustrious namesake's call to "Imagine" a whole new world without coal and then he might be talking turkey – and he wouldn't have to use an illustration of an Australian wind turbine. If Eskom indeed does have wind turbines, as Mr Lennon purports, why not show us one?

Eskom also purports to have 600 megawatts of hydroelectric power as a renewable source. If we have understood correctly the data available, much of that 600MW is actually from "pumped storage" schemes which effectively store power from coal-fired power stations for it to be recovered during peak demand periods. It might be hydroelectric but it is certainly not renewable; Cahora Bassa power is renewable but much of that is effectively given away to Zimbabwe to prop up what is hopefully a non-renewable regime. Leaving aside Eskom's proclivity for the virtual giving away of power to major industrial consumers, encouraging inefficient use of power, we are led to see Eskom's utter lack of interest in any power source under 100MW while there would be many small independent power producers (IPPs), such as the Darling wind farm, to contribute packets of renewable power in the 1MW to 10MW range. But Eskom steadfastly refuses to buy in the power and there is no incentive for IPPs to contribute to resolve the country's power shortage.

We all know that wind and solar power are irregular sources which can only contribute to a

grid powered up by conventional base-load power stations, but that has not deterred northern Europe, where the contribution of renewable power sources is highly significant: in France non-carbon power is actually dominant. It takes little imagination to conclude that a wide geographical distribution of wind farms would effectively become equivalent to a large base-load power station as there would always be wind available at one point or another within the array of turbines. Hell will have frozen over before we see the weather map showing zero wind between Cape Town and Richard's Bay and much of that coast has effective links into the grid. And Port Elizabeth is never likely to lose its reputation as the windy city. All we have to do is think small but many, many times.

The development of more efficient solar panels (photovoltaic) is now proceeding at great pace, together with technologies that can convert solar power into a continuous source, rather than only a daytime source. It is the duty of agencies such as Eskom to encourage such development – it could even save them money in the long run. But we actually see the opposite attitude, despite South Africa having some of the greatest potential (very high "insolation", a new word created for the solar business) in the world for solar power generation. Mr Lennon's reference to "solar insulation" is probably an unwitting reference to Eskom's insularity on the subject!

The country would dearly love to see Eskom take the lead in renewable energy, and apply as much enthusiasm to it as it does in demand side management, even if it largely ignores large-scale power wastage by industrial consumers. We live in hope!

ROGER TOMS
HOUT BAY



Update from groundWork USA

by Sunita Dubey

From Kusile to Medupi, Russia to Liberia, groundWork USA continues to bring support to the issues faced by the people in South Africa

Kusile Power plant

While the fight round the World Bank-funded Medupi project is still going on, the United States Export-Import Bank (Ex-Im Bank) is currently preparing for decisions regarding Ex-Im Bank financing for the Kusile project in South Africa. Such projects are facing increasing controversy in communities located near each plant in addition to growing pressure from citizens in the United States who are concerned with how taxpayer money is being invested.

At nearly 5 000 megawatts of output, the Kusile plant would be one of the largest dirty-coal plants in the world, and one of the single largest point sources of climate disrupting pollution on Earth. US citizens submitted nearly 7,500 public comments by 9 August 2010 in opposition to the US government's contribution to the environmental impacts of this dirty project. The Kusile project would annually emit more than 150% of the annual carbon emissions from projects supported by the Ex-Im Bank in 2009. If the Ex-Im Bank proceeds with funding the Kusile and Sasan projects, US taxpayer dollars will be tripling the annual carbon emissions from projects supported by the Export Import Bank in 2009. According to a recently released report by the Government Accountability Office (GAO), more than 95% of Ex-Im's energy portfolio is based on fossil fuels, and in 2009 Ex-Im Bank financing for renewable energy was less than 0.5% of the agency's total financing.

South Africa has vast, untapped renewable energy potential, yet finance institutions continue to pursue funding these dirty, outdated projects that will further poison South African communities'

air, land, and water in the vicinity of the plant. It's time to invest in the future of these South African communities and that means funding clean renewable energy instead of building dirty coal plants in the name of low income South Africans.

While funding the project with US tax dollars presents a strategic misstep for American business, it also represents significant health and environmental impacts in South Africa. Pollutants proven to cause and contribute to serious cardiovascular and respiratory illnesses such as heart disease and asthma, as well as neurological and developmental disorders, will directly impact the surrounding communities. In addition to acknowledging the high levels of toxic pollutants that would be produced by this proposed facility, the Environmental Impact Assessment for the project cited high significance impacts on water - an added challenge in an environment already strained for water supply.

The US Ex-Im Bank Board is expected to take up a due diligence vote on Kusile in early September. The decision on whether or not to finance these projects will send a direct signal to fossil fuel industries and other lenders about the future of clean energy technology and the role of fossil fuels in development. With controversy brewing, and opposition growing, the decision will be closely followed by all sides.

ArcelorMittal

groundWork coordinates "Global Action ArcelorMittal" (GAAM) and we recently released a report based on fact-finding in Liberia and the funds allocated for community development. The research found that the County Social Development Fund (CSDF) established by the government of Liberia



and ArcelorMittal Liberia is failing to address the needs of communities impacted by the operations of ArcelorMittal in Liberia.

Contrary to the ArcelorMittal claims that its record in Liberia is an example of good corporate citizenship, the evidence presented in this report proves the opposite. According to the Mineral Development Agreement, ArcelorMittal is obliged to provide approximately US\$73 million over the twenty-five-year span of the agreement to support socioeconomic development in Liberia via CSDF – US\$3 million on an annual basis to three counties most affected by company operations.

The report raises critical questions about the company's complicity in the misuse of the first tranche of approximately US\$4.7 million County Social Development Fund in Liberia and warns that the Fund could be stolen and misused by politicians in charge to support their upcoming election campaigns in 2011.



As both the government of Liberia and ArcelorMittal share equal oversight responsibility for the Fund, the government cannot release any money from the Fund without ArcelorMittal's approval. Furthermore, the report states that by donating one hundred pick-up trucks to the government of Liberia the company has also breached the OECD Guidelines for Multinational Enterprises. ArcelorMittal donated the vehicles in response to a direct request made by the President of Liberia that the company provides pick-up trucks for

agricultural purposes. The trucks ended up in the hands of Liberia's politicians.

Reflecting on the environmental impacts of the ArcelorMittal operations on the East Nimba Nature Reserve that is partially located within the company concession, GAAM has requested the company to *"Elaborate, publicise and implement a legally binding agreement with the government that will ensure integrity and maintenance of the status of the area for the entire period of the twenty-five-year mining concession or return the area to the Liberian state. If ArcelorMittal is not willing to develop such agreement, it should return this area to the Liberian state."*

Meeting in Rome on Eskom with EU partners

The aim of the meeting was to improve the international coordination and to enlarge the alliances to challenge the European Investment Banks and other IFI's involved in projects like Medupi.

The meeting was convened by Counter Balance, which is a coalition of various groups in Europe fighting public financing of socially and environmentally damaging projects in the global south. During the strategy meeting, the groups shared various components of the campaign. Since there is a possibility that European Investment Bank is interested in funding parts of Medupi project, it would give us a good opportunity to intervene and take up issues of climate change and its impacts to the European level. groundWork is also involved in trying to set up a collective web site which will work as an information source of IFI's funding of such fossil fuel heavy projects. ✕.



Left: mining equipment in Liberia. Photo by Darek Urbaniak/ FoEE

Right: Action against World Bank funding of Eskom in Brussels. Photo courtesy CRBM Italy and FOE-Belgium



The Protection of Information

South Africa faces a crisis as the state seeks to clamp down on information. Tony Carnie, a well known environmental justice journalist working for the Independent Newspaper group, articulated some of these concerns in a public letter, written after a meeting of SANEF, extracts of which are reproduced here.

While the stated purpose of the legislation is to introduce a "better" system of classification of information "in the national interest", it [is] clear (as many of you know already) that the Bill has very wide ramifications not just for the Press, but also for Civil Society at large.

It also appears that there is no scope to raise the defence of disclosure in the public interest.

In theory (and possibly taking an overly pessimistic view) the heads of public bodies (and delegated officials) would be given power to classify and therefore sterilise the disclosure of a wide variety of information on almost anything they might wish to, making use of the potentially nebulous grounds of "the national interest" AND commercial/economically sensitive considerations.

As examples, it might be possible to block access to information on the awarding of a wide variety of tenders, government and private contracts, damage to the environment or threats to human health - right down to the level of small municipalities.

NOW WE COME TO THE MAIN PURPOSE OF THIS LETTER:

One of the proposals raised near the conclusion of the SANEF meeting was that journalists should stage a picket protest in Durban (City Hall, Supreme Court) or in Pietermaritzburg (KZN Legislature).

My own view is that such protest action, while noble and symbolic, will be largely ineffectual.

I proposed that we should consider a much broader protest action by civil society at large. As a media industry we have enormous power to raise public awareness and to mobilise civil society prior to such

protest action. Instead of a handful of journalists driving up to Maritzburg or marching to City Hall in Durban, the print and electronic media have the power (and duty) to alert and encourage civil society to join with the media (in significant numbers) to defend access to information and the free dissemination of information.

I am acutely conscious of several shortcomings within the commercial press. We often proclaim our sacred role of keeping the public informed, yet some sections of the printed media frequently dish up "news" which is either sensational or which panders to the real or supposed demand for infotainment. We are far from perfect and each one of you has the power to choose to not buy the products we produce.

Equally, it has to be recognised that some sections and sectors of the Press have played and still do play a crucial and valuable watchdog role in exposing abuse of power. Some newspapers and some journalists do this better than others.

But at the end of the day, ACCESS TO INFORMATION AND FREEDOM TO ACCESS INFORMATION are freedoms that affect all of us. They are a precious, vital and increasingly fragile right for all of us. ✕

Even former intelligence minister Ronnie Kasrils is "appalled" by a suggestion that South Africa is becoming "obsessed with openness" and urged the committee to listen to criticism and rework the bill. But beyond criticism and protest we should also be asking ourselves what it is that the government is seeking to protect that is not already adequately protected by current legislation and why they feel the need to introduce this legislation at this point in our country's history. ✕



Gumboots for Trevor

by Greenfly

The idea that central Jo'burg will be flooded with acid mine drainage in two weeks and everyone should be walking round in gumboots is ludicrous says Trevor Manuel. Well, yes. But no-one is saying that except ... Trevor. But don't get rid of the gumboots yet. The poisoned water is already gushing out into the streams of the West Rand. And it will be flooding up from the East and Central Rand mines in 2011 if no action is taken.

Trevor says we need a rational debate to decide what to do. No crisis here folks. Big Daddy's in control. Just like Big Daddy knew best about electricity and Pebble Bed Nuclear Reactors.

Just like Big Daddy knew best about the economy. No crisis here folks. Just a little bother with the northern banking system. Odd one that. Either Trevor was wrong or he was bullshitting. For the slack-bellied financial press, it didn't matter either way. If he was wrong, it was the crisis no-one could have predicted. That is, no-one who mattered. No-one whose opinion the lords of capital cared to listen to. Before or after the fact. Trevor was still oh so clever. If bullshitting, that was ok too. When the stakes are highest and millions of people are to be consigned to the trash, it's best to say it like it isn't.

But back to the gumboots.

Rational debate would be good. It would have been good 100 years ago when the mines started trashing the sweetest aquifers in the world. It would have been good fifteen years ago when this government was told that AMD was a rising catastrophe. It would have been good when Trevor told the big boy mining corps they could go play in the wide world with profits extracted from South Africa. Never mind the mess left behind.

It would be good now when more mines are given the nod to trash the headwaters of the Vaal, the Komati and the Usuthu. It would be good before

Lesotho is drained of clean water to pour into South Africa's toxic industry. It would be good before the next forty coal mines are opened to feed more power stations to feed more mines and smelters to feed more profit into the wide world of Ponzi capital.

Trevor complains that private sector interests are driving the agenda on what to do about AMD. Indeed, just as the mine owners took the money and ran, more money is to be made as the shit they left to the rest of us hits the fan. But government invited them to set the agenda. Everything is a private-public-partnership now, just like Trevor said it should be when he helped Valli Moosa scrub the environment from the agenda at the Jo'burg summit on sustainable development.

So we have the plan for dirty power for a filthy future put together by Anglo, Billiton, Eskom, Sasol et al for the DoE to sign off. And we have the little boy corps scratching at each other over who cooks the plan to greenwash the filthy past for the DWA to sign off.

But never fear. The latest news is that a cabinet task team will sort it out and they've already been talking to the sensible chaps from the big mining corps. Buyelwa Sonjica, in charge of water and environment, says they are looking for a cheap and sustainable solution. Sustainable, of course, will not contradict cheap in a rational debate.

Meanwhile, sensible measures for the protection of information will surely also protect rational debate. Emotional types in gumboots don't know what they are talking about anyway so it's just as well to make that a legal fact. Government and the sensible chaps can then have a rational debate on the value of Louis Vuitton shoes. ✕



The Global Mercury Treaty

by Rico Euripidou

The First Intergovernmental Negotiating Committee (INC1) to establish an international mercury treaty met from the 7th to the 12th of June in Stockholm to begin the process of negotiating this global mercury treaty. NGOs were very well represented and included fifty-five NGOs from twenty-nine countries, ranging from the dental and health sector to Indigenous Peoples' organisations.

The most interesting occurrence in Stockholm was that Japan re-confirmed its interest in naming the treaty the Minamata Convention where the treaty will be symbolically concluded. This is especially significant because by doing this the government of Japan finally acknowledges and will officially commemorate the victims of the infamous Minamata mercury poisoning incident. In Sweden our Japanese NGO colleague, Takeshi Yasuma, gave a stirring intervention at the INC detailing how the mercury treaty must learn from the lessons of Minamata. His intervention is summarised below.

Citizens Against Chemicals Pollution (CACP) in Japan Intervention: Mercury INC-1, Stockholm, Sweden – 11th of June 2010.

Thank you very much, Mr. Chairman,

I am from Citizens Against Chemicals Pollution (CACP) in Japan.

My intervention is with respect to the proposal for calling this historic mercury treaty the "Minamata Convention".

The Minamata Convention would directly connect the tragedy of human mercury poisoning to our global efforts to protect human health and the environment. If the treaty bears this name then we must honour Minamata and learn from its lessons.

The Chisso Corporation used mercury in an industrial process. The resulting disaster teaches us that the mercury treaty must phase-out

mercury-based products and processes and replace them with sustainable, non-toxic, alternatives.

The dumping of mercury into Minamata Bay by the Chisso Corporation and the additional contamination at the plant teaches us about the need for the polluter pays principle and private sector responsibility for clean-up of contaminated sites.

In Minamata more than thirty thousand people suffered horrible crippling illnesses and many had to struggle to be recognised. A treaty named after this tragedy must include measures for liability and compensation for victims and communities.

The citizens of Minamata received no information about mercury in their seafood or environment. A treaty named for Minamata must correct this situation. The treaty must honour the public's right to know. Information must be free, accessible, and understandable.

The contaminated seafood eaten by Minamata residents poisoned them as it poisons all people around the world who depend on fish for protein. A treaty named after Minamata must establish a global monitoring system for mercury in fish and humans to monitor its effectiveness.

To conclude Mr. Chair, Minamata is NOT just a name, a place or a disease. It is tragedy, pain, corporate irresponsibility, loss, and discrimination. Minamata is about people, of community. It is about their struggle to survive, and their determination to live. This is the real Minamata. We at the INC cannot do no less but to honour and respect the real Minamata. We can show our respect by substantial actions for a strong global treaty that eliminates all human sources of mercury.

Thank you very much. ✖



A new EIA Management Strategy?

by Rico Euripidou

We are hopefully moving towards a new Environmental Impact Assessment and Management Strategy (EIAMS) for South Africa

The EIA (environmental impact assessments) regulations were first promulgated in 1997 and replaced in 2006 in terms of the Environment Conservation Act, 1989. The responsibility for implementation rests with both provincial and national spheres of government.

Since 1997 the experience of NGOs who participate in the EIA process has been disappointing to say the least. The main concerns that groundWork experiences with the EIA process includes the lack of independence of the environmental assessment practitioner (EAP) whose relationship with their client is constantly in conflict with objectivity, and poor and unmeaningful public participation. Especially worrying for us, and a universal deficiency in most EIAs, is the lack of an integrated, cumulative and spatial environmental and health assessment of risks and benefits inherent in the proposals.

However, in 2007 the DEA decided to host a ten-year review of the EIA process because of a "perceived inadequacy about the success of the current EIA system as a tool for environmental impact management".

The DEA framed this as stakeholder concerns about the current system's success in terms of both the efficiency and the effectiveness of the system. Efficiency concerns relate to time frames and costs related to conducting studies and processes associated with the EIA process and inefficiencies in administrative and decision-making processes by authorities. The major question regarding effectiveness is whether the current EIA system has succeeded in South Africa to meet the objectives set for it to address the critical issues of sustainable development.

At the conference it was agreed that an Environmental Impact Assessment Management Strategy (EIAMS) should be formulated for SA. The conference agreed on three themes and project structures for the compilation of a new Environmental Impact Assessment and Management Strategy (EIAMS) for South Africa. groundWork are now participating in this EIAMS process within the Project Steering Committee structure and as part of this process we welcome any concerns with EIAs our partners experience. ✕

Web sites to visit...

WATCH

The Powerdown Show: Check out and buy the DVD if possible and show it to all your friends. <http://transitionculture.org/shop/the-powerdown-show/>

CHECK OUT

Get involved in fighting climate change through <http://www.350.org> and read *Get Mad, Get Busy* by Bill McKibben

VISIT

The Centre for Environmental Rights is a non-profit organisation established in October 2009 by eight prominent civil society organisations (CSOs) in South Africa's environmental and environmental justice sector to provide legal and related support to environmental CSOs and communities.

Web site <http://cer.org.za>



MOZAL BHP Billiton: A Fairy Tale

By Vanessa Cabanelas – Justiça Ambiental (JA)

Fighting Big Business is just as difficult in Mozambique as it is in South Africa

MOZAL SARL is an aluminium smelter situated in the outskirts of Matola city, in a densely populated area. It is mostly owned by BHP Billiton, along with other smaller shareholders such as Mitsubishi Corporation, International Finance Corporation (IFC) and the Government of Mozambique.

On the 5th of April MOZAL organised a meeting for interested and affected parties, which they usually do twice a year. MOZAL has been operating for ten years and in all these years these meetings have been merely propaganda events, where MOZAL presents all the social work they do and little and very vague information on their environmental performance. By the end of this particular meeting, Mr. Mike Fraser (MOZAL Asset President) informed us that MOZAL would be rehabilitating their fume and gas treatment centres which would require working on bypass for six months. No further clarification on the issue was given except the fact that this would cause no harm whatsoever to the surrounding communities or to the environment.

On the 8th of April, given the seriousness of this situation and the lack of clear information, JA wrote a letter to MICOA (Ministry for the Coordination of Environmental Affairs) requesting further clarification and highlighting a series of issues. This letter was not answered until the 14th of June and again the information provided was vague, stating among other things that MOZAL required a special authorisation for the bypass and that for this they would submit an Environmental Management Plan. They also mentioned that three options were looked at but the most viable was indeed the six

months bypass, and that a dust and gas dispersion modelling study had been conducted and showed no significant impacts.

A few weeks later we learned that this Special Authorisation had, in fact, already been issued.

This whole process has been characterised by violations of several basic rights clearly defined in our legislation, such as the right to information.

After this we issued an article "SOS PUBLIC HEALTH AND ENVIRONMENT", which we had to pay to get published and which came out on the 21st of June, and only then did we finally get this issue into the media. JA partnered with four other NGOs and started a campaign, organising a petition requesting the immediate cancellation of the authorisation.

Only after several newspaper articles, interviews and television debates did MICOA and MOZAL finally decide to organise three public meetings, one especially for the NGOs, another for the media and the third meeting for all interested and affected parties. In these meetings the only information given was a PowerPoint presentation, which we have requested but which has not been given to us, the excuse being that to do so they require authorisation from BHP Billiton Australia. In the public meetings none of our questions were answered and there was not enough time for discussion due to the fact that the meetings had the duration of two hours only and the MOZAL presentation was a little over an hour.



In all the meetings and debates in which we have had the chance to participate it seems that MICOA and MOZAL stand as one and the same, claiming that no harm will come from the bypass. We have requested MICOA and MOZAL to give us copies of all documents that have, according to both, proven beyond any doubt that there will be no impacts from this six months bypass. From MOZAL we received a polite reply stating that they are still verifying with their legal department on how to provide us with internal documentation and from MICOA the reply was that the documents are available at their library for reading purposes only.

We have been told by MICOA that an independent study on the dispersion and deposition of fumes and gas was conducted by a group of researchers from the University. This has been mentioned several times as the key document. MOZAL also conducted a similar study and the results from both studies are similar, demonstrating that there will be no impacts.

The studies available at the MICOA library are the Environmental Management Plan and the independent study undertaken by the University researchers. The EMP does not have the annexes, one of which refers to the study undertaken by MOZAL, it does not evaluate all alternatives although it does mention the potential impacts of these substances, and it refers to version 1.0 of the study, dated the 22nd of March, which is even before the first interested and affected parties meeting took place.

The study on the dispersion and deposition of fumes and gas does not have any information on authors, date and methodology or where/how/when the data was gathered and we find it really hard to have faith in such a document! And to top all this, one of the self-claimed authors has informed us publicly that the study was undertaken with data from MOZAL. This was the cherry on the top! Who are they trying to fool? How can we call this an independent study when it is undertaken with data given by MOZAL?

The picture MOZAL is presenting does not make any sense at all. On one occasion they said that this is urgent because the fume treatment centres have structural problems. Apparently the structure

has corroded from 8mm to 1mm, and very little is now holding the structure together and this may fail anytime. On another occasion it was not a structural problem but rather that the treatment centre has reached the end of its lifetime but, when questioned why this fact was not even addressed during the initial EIA, there was no answer.

MOZAL states that this rehabilitation is urgently needed to ensure that they continue to comply with the emission standards but, at the same time, they state that even working on bypass MOZAL is still below these standards and during the six months bypass the emissions will still be under the emission standards established by law. When asked why then they plan to invest \$10 million US in rehabilitation if, in fact, there is no need for these filters, no convincing, clear-cut answer is given.

The only aspect about which MOZAL is constant is that there will be no harm: their motto is Zero Harm.

Since there has been no public participation, no access to information, no transparency in this whole process, how can MICOA or MOZAL expect civil society to quietly accept this decision? X



The Mozal aluminium smelter located 17 kilometres from Maputo in Mozambique. Photo by Zeca Ribeiro.



Being an Intern at groundWork

by Karla Fernandez

As an undergraduate studying Anthropology and Environmental Studies at the University of Chicago, interning with groundWork has presented an invaluable opportunity to experience new places and cultures while researching environmental justice issues still pertinent back at home and around the world. I am interning as part of my university's Human Rights Program and chose groundWork for work experience tackling issues of health, poverty and pollution. These issues have always been important to me, especially because I myself grew up in a low-income Mexican-American community surrounded by heavy industry in Los Angeles, lacking green space, surrounded by noxious smells and with poor education and work opportunities. Because most of my previous volunteer and work experiences were in conservation or student organising the research aspect of environmental justice has been particularly fascinating. My internship has taught me always to think critically about the emergence and implementation of governmental and corporate strategies for environmental alleviation, looking closely at their reasoning, advocacy, scientific backing and at whose futures are benefited in the long-run.

More specifically, I am looking into Basa Njengo Magogo, the South African government's strategy for alleviating indoor air pollution in low-income residential and informal settlements which depend heavily on coal for cooking and heating. It is largely an understudied user intervention initiated and supported by all the major energy companies in the country, possibly to distract from their own polluting practices. Basa is the only strategy of three proposed that the government has undertaken for indoor smoke reduction, with little evidence that it actually improves indoor air quality – and with no sign that other alternatives, such as providing clean energy and suitable housing, are underway to improve the quality of life for the poor.

What is "Basa" exactly?

Basa resulted from an initiative that began in 1998 by the NOVA Institute, which was supported by

Sasol, with aims to reduce indoor air pollution in eMbalenhle, a township near Sasol's Secunda operations. Implementation started in 2000 in eMbalenhle through street presentations of a simple intervention in the way domestic fires are lit - a method "invented" by an elderly woman in Secunda. The method's name (which means "Light up like grandmother") and campaigns somewhat falsely emphasise that Basa arose from the community and that it is a simple "no-cost" fix to a crucial health and energy problem. The method has undergone inadequate research (mostly supported by qualitative evidence) yet has still been financially supported and implemented in numerous municipalities and townships - including Orange Farm, Johannesburg, Witbank, Zamdela, Soweto, and more - since 2003.

Support from the wrong quarters

The list of advocates for Basa is also questionable, since it includes more governmental departments, energy and mining companies - such as the Department of Minerals & Energy, Department of Environmental Affairs, Central Energy Fund, Sasol, Eskom, and Anglo Coal - than people and civil society groups. To date, research and reports imply that the next step to reducing indoor air pollution will be applying a low-smoke fuel (made out of coal mining waste) to Basa. This would greatly benefit industry since it is currently unable to manage that waste and would be given the opportunity to make more money by selling it as a product to the poor.

World Cup Scam

To top it off, in June 2010, World Cup tourists were scammed when they donated money in order to offset their carbon footprint because one of the chosen "green projects" was Basa, which would ultimately only "teach" people how to burn more coal without (if that) the visible smoke (particulate matter), but not without carbon monoxide, sulphur dioxide or volatile organic compounds, for you cannot burn coal without the latter.



In Brief

A Letter of Praise

Dear Sunita,

I have been reading about your work since it came to my attention through a book I was reading. I only write to tell you that I think what you are doing is wonderful.

The sense of purpose and morality in what you do speaks very strongly to me. I am, with a heavy heart, starting a new life for myself and must admit that although completely lost, it is the work of people like yourself that inspire me in the hope that I may in fact head in the same direction, if I can first get off the ground. Amongst your time spent working hard for people who have little hope of fighting for themselves, I do hope that it may mean something to you to hear from me, and for what it's worth - if I ever find myself in a position to take similar initiative, perhaps we will cross paths.

I look forward to reading more of your progress. Thank you on behalf of all those who find themselves unable to do what you do.

Regards,
Kunaal Khemlani
London, UK

County Mayo continues to resist Shell

People in County Mayo, Ireland, continue to resist Shell's activities in their country. Despite the fact that protestors have been regularly jailed (and two key activists are currently interred) community members have a lively itinerary of activist drives to make their stance against Shell very clear.

for more information go to <http://www.shelltosea.com>

The World's Oceans are wrapped in plastic

5 Gyres Institute researches plastic pollution in the oceans. In recent samples, taken by 5 Gyres over a distance of 3000 miles, every sample contained plastic.

Gyres are powerful rotating currents and there are five large subtropical gyres. Plastic that enters the sea eventually lands up in these gyres. Unfortunately, contrary to what has previously been believed, this plastic does not form islands but is spread right across the gyre in a highly fragmented form, which makes it very difficult to clean it up. Of first priority is to stop plastic from getting into the oceans in the first place.

Trafigura is guilty

In 2006 Trafigura, an oil trading company, knowingly dumped highly toxic waste at Abidjan, Ivory Coast. As a result a large number of Ivorians died or were made very ill. Subsequently, Trafigura made two out-of-court settlements to people of the Ivory Coast. Nevertheless, Greenpeace brought a case against Trafigura in the Dutch Courts.

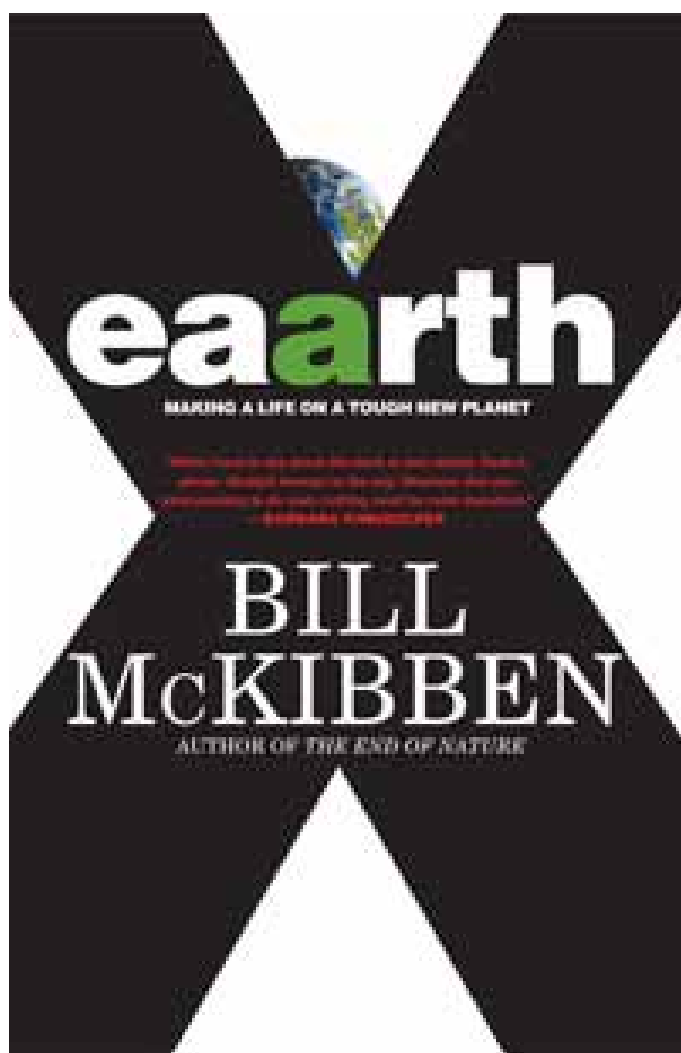
The judge in this case was clear that Trafigura had known the exact composition of the waste and had dumped it in Abidjan because of cost considerations. Trafigura continues to deny any wrong doing and say that they are considering an appeal.

Waste Pickers oppose the UN

Waste Pickers have complained that the clean development mechanism (CDM), a UN initiative to reduce greenhouse gas emissions in developing countries, is undermining their ability to do their work and earn their livelihoods.

for the full story go to <http://www.guardian.co.uk/environment/2010/aug/05/un-waste-incineration-protests-workers>





"READ IT, PLEASE. STRAIGHT THROUGH TO THE END. WHATEVER ELSE YOU WERE PLANNING TO DO NEXT, NOTHING COULD BE MORE IMPORTANT." —**BARBARA KINGSOLVER**

Twenty years ago, with *The End of Nature*, Bill McKibben offered one of the earliest warnings about global warming. Those warnings went mostly unheeded; now, he insists, we need to acknowledge that we've waited too long, and that massive change is not only unavoidable but already under way. Our old familiar globe is suddenly melting, drying, acidifying, flooding, and burning in ways that no human has ever seen. We've created, in very short order, a new planet, still recognizable but fundamentally different. We may as well call it Eaarth.

That new planet is filled with new binds and traps. A changing world costs large sums to defend—think of the money that went to repair New Orleans, or the trillions it will take to transform our energy systems. But the endless economic growth that could underwrite such largesse depends on the stable planet we've managed to damage and degrade. We can't rely on old habits any longer.

Our hope depends, McKibben argues, on scaling back—on building the kind of societies and economies that can hunker down, concentrate on essentials, and create the type of community (in the neighborhood, but also on the Internet) that will allow us to weather trouble on an unprecedented scale. Change—fundamental change—is our best hope on a planet suddenly and violently out of balance.