

# GROUNDWORK

#DEADLYAIR

Phansi  
ngomoya  
obulalayo

WE WANT  
CLEAN AIR

UMOYA  
IMPILO

OUR AIR,  
OUR FUTURE

## IN THIS ISSUE:

- 3 From the Smoke Stack
- 5 Deadly Air case: a matter of life or death
- 7 Zero Waste and simple living for households
- 9 George Hospital – a model for practice change
- 10 At long last, Thor's poisonous mercury is getting cleaned up
- 13 Policy should eschew coal
- 14 A journey of a waste picker
- 15 Ikwezi still at war with surrounding communities
- 16 Breaking new ground
- 18 #Stop Waste Colonialism
- 19 A short history of Nationally Determined Contributions

Cover picture by Phathu Nembwili

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

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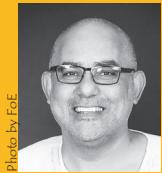
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**groundWork**



# From the Smoke Stack

by groundWork director, **Bobby Peek**



**O**n the 1<sup>st</sup> of June, groundWork celebrated 22 years of environmental justice activism, upon which we all can reflect proudly because of the growth of the environmental justice movement. The resistance against environmental injustice is now coupled with the demands – and practice – for a just transition. From resistance in the policy arena against the Upstream Petroleum Resources Development Bill – seeking to expand South Africa’s fossil fuel madness – to the people on the ground turning to food sovereignty and taking matters into their own hands, groundWork has been influential in supporting and building such actions.

This period also brought about sadness, when the global environmental justice movement lost a dear and gentle soul: our comrade and friend Elias Díaz Peña who, with Oscar Rivas, founded Sobrevivencia, Friends of the Earth Paraguay, in 1986, “while Paraguay was still struggling under the oppressive rule of General Alfredo Stroessner, whose economic development initiatives led to severe environmental degradation”. Sobrevivencia’s main focus is on water and agro-ecology. Elias and Oscar’s work was recognised globally and they received the Goldman Environmental Prize in 2000. I shall remember Elias with great fondness. He had a way of making you the centre of attention when he was talking to you. In this era of multi-media and fast-paced consumption, he took time out to love, show kindness and be honest with those he interacted with. Humble and always smiling. I will miss you Elias.

Honesty is something that politicians have a serious deficit of, especially in how they deal with the climate change crisis. Over the past months the Presidential Coordinating Commission on Climate Change has kicked into gear. Members of the Commission, which seeks to respond to climate change and ensure the realisation of a long-term just transition to a “low carbon economy and society”, include 24 part-time

commissioners, and various ministers, including from Mineral Resources and Energy; Trade Industry and Competition; Finance; and Forestry, Fisheries and Environment.

The month of May was interesting as the commission grappled with how it was going to advise the president on the Nationally Determined Contributions, which is a weak and unenforceable statement by the governments across the world on their action – or non-action – to challenge climate change. These statements are made to a body that has failed to deal with climate change – the United National Framework Convention on Climate Change – despite having been set up to do just that via agreements for meaningful and urgent climate action.

While this was taking place, as a first exercise of compromise within the commission, the South African political elite, the cabinet, many of whom were present at the commission debates on how to respond to climate change, were clearly not in the mood for compromise. Outside the commission, cabinet agreed on the Upstream Petroleum Resources Development Bill, which will seek to allow the exploration and exploitation of gas and oil. It is clear that cognitive dissonance is not an issue for our politicians.

However, at the same time, in certain spaces the tide is turning against fossil fuels. A Dutch court ordered Shell to cut its emissions by 45% within the next 10 years in a case brought by Milieudefensie (Friends of the Earth, The Netherlands). Greenpeace International stated that it is a development that “shifts the debate” and has possible legal implications globally.

And, in other big oil changes, *The Guardian* reports that ExxonMobil and Chevron have had challenges to board members and climate change resolutions in their businesses respectively. Will this change how big business deals with the climate crisis? No. All they are doing and will do is manage their investment risk so that profits grow. Although change is happening



because of investor and legal challenges, at the end of the day the system remains, and what they have done in the oil industry they will do in the future energy industry, no matter what the energy sources. Hence the demand for the social ownership of renewable energy – in other words that energy production should be in the domain of the public, benefiting those who need energy services in order to live lives of dignity.

The brutality of privatised energy and the last ditch attempts at super profits from fossil fuels are playing themselves out in Cabo Delgado, Mozambique, where the French oil major Total has entrenched itself. groundWork's sister organisation in Mozambique, Justiça Ambiental (JA!), working with community people in Cabo Delgado, has warned of this present reality for years. In JA's words, "Total has caused loss of livelihoods of local communities, due to land grabs for the gas project and all its secondary industries, and has blocked access to the ocean for fisherfolk who have been dumped inland and left without livelihoods".

The violence in the region has its roots in the system in which the political elite and corporates seek huge profits from fossil fuels extraction and the consequent impoverishment of people. As a result of this reality, "the area has faced a huge increase in militarisation, conflict and insecurity. The 'resource curse' theory has repeatedly shown how these link to fossil fuel development, especially in Africa," warns JA!. Amnesty International speaks of local people in Cabo Delgado "suffering decades of under-investment, government

negligence, and crushing poverty". In this context, violence erupts in an area that is heavily militarised and securitised by government and Total – and private mercenaries from South Africa – as the extraction of profit without local benefit is the mantra. This is nothing new, say people suffering in Burma because of Total's fossil fuel projects there over the past decades, and the recent intimidation of Maxwell Atuhura, who was arrested because of his work with AFIEGO and Friends of the Earth France to legally challenge Total in France on their oil projects in Uganda.

Finally, as I write this, Friends of the Earth International is in the middle of the delayed 2020 Biennial General Meeting – this is the 50<sup>th</sup> year of its existence. In reflecting on 50 years, Karin Nansen notes how deeply rooted the federation is in member groups, allied communities and social movements that are leading the resistance against corporate power and the violation of peoples' rights and solutions to the global crises. It is not by chance that Friends of the Earth groups globally are at the forefront of actions resisting corporate power. My reflections attest to this. In addition, groundWork, after 22 years, remains at the forefront, challenging for environmental justice

in South Africa, and we at groundWork want to say a big thank you to all our partners – funders and fellow NGOs and the community people we are on the frontlines with – for placing their trust in us.

Aluta continua,  
Bobby ☀



# Deadly Air case: a matter of life or death



By Tsepang Molefe

**I**n early 2003, **landmark litigation** was brought by the Treatment Action Campaign (TAC) against the South African government. The TAC confronted the South African government for not providing proven and cost effective medicines for prevention of mother-to-child transmission of HIV to pregnant mothers. It won this court case on the basis of the South African constitutional guarantee of the right to health care, and the government was ordered to start programs for prevention of mother-to-child-transmission of HIV in public health facilities. As the wheels of justice turned, it became clear that the struggle of ordinary people against HIV would never be the same again and people could live healthy lives with the virus.

The Deadly Air Case (aka DAC), which was heard in the Pretoria High Court from the 17<sup>th</sup> to the 19<sup>th</sup> of May 2021, is similar to this. The landmark litigation was filed in June 2019 by groundWork and VEM (Vukani Environmental Movement) with the support of the Centre for Environmental Rights. The case was filed against the South African government, and

named as respondents are President Cyril Ramaphosa, the minister of the environment, forestry and fisheries, Barbara Creecy, national air quality officer Thuli Khumalo, and the MECs for agriculture and rural development in Gauteng and Mpumalanga

At the core of the matter are the existing high levels of air pollution in the Mpumalanga Highveld. The two environmental groups want the court to declare that these high levels of toxic air in the Mpumalanga Highveld are a violation of Section 24 of the Constitution which clearly states that everyone has the right to an environment that is not harmful to their health or well-being.

It has been 14 years since the South African government themselves declared the levels of air pollution in the Mpumalanga Highveld as highly toxic and lethal to health, but limited action has been taken to address this and affected communities continue to carry the health burden as more lives are lost due to the high levels of air pollution.

In South Africa, the estimated health costs from coal power generation alone in 2018 range from R11 billion (lower estimate) up to R30 billion (upper estimate) and is projected to peak in 2022, at up to R45 billion. As many as 2 080 premature deaths annually can be attributed to air pollution from power plants in South Africa.

South Africa's penchant for coal in its power generation industry has environmental, health and climate consequences. At least 86% of energy produced comes from coal, a fossil fuel that is harmful to the environment and even more harmful to people's health and well-being. This makes South Africa the most coal-dependent country in the G20.

*Activists protesting outside the Pretoria High Court during the Deadly Air case hearing. Photo: Daylin Paul*





Government has a moral and constitutional obligation to safeguard public health and so far it has failed in its duty to make sure that those responsible for emitting deadly pollutants into the air that people breathe are held accountable and that the necessary steps are taken to reduce air pollution from these industries.

During the two-day hearing at the Pretoria High Court, the council for the complainants painted a picture of how the case before the court is about real people and the impacts on their lives. The minister of environment, through her representatives, acknowledged the air pollution problem in Mpumalanga but said the constitution does not require her department to impose stiffer regulations on big polluters and also argued that the air in Mpumalanga cannot be cleaned up through a court order.

Since the filing of the papers two years ago in 2019, there has been interest from both local and international media on this. Judgement is still pending on the matter and, when it is finally delivered, it could be historical and a start of a new way of life for all involved.

The burning of fossil fuels like coal result in air pollutants such as soot, fine dust and smog that are released into the atmosphere, the impact of which is known to be detrimental to people's health and to increases the risk of death from stroke, heart disease,

lung cancer and respiratory illness among those exposed. Also, coal is a fossil fuel and the burning of it contributes significantly in terms of CO<sub>2</sub>, which is known to drive global climate change.

Furthermore, air pollution from burning coal mainly affects the poor and this further perpetuates environmental injustices. Most of these communities do not have the resources to defend themselves against government or corporate abuse. More often than not, their voices are suppressed or ignored and the interest of industry reigns supreme, while the government fails to hold them accountable.

This case could arguably become the apex in the environmental justice struggle in the push for much-needed societal change for the benefit of all in our country. Alongside a transition to cleaner forms of generating energy, with associated health benefits, we need a just transition that considers all of our needs, and this case speaks to this.

The DAC is an important step in South Africa's history that can directly save thousands of lives by cleaning up the air in the Highveld so that people can breathe air that does not kill them or make them ill. But, more importantly, it might also forever change the way people's rights are realised and address the power relations between ordinary people, corporate industries and government. 





# Zero Waste and simple living for households



By Musa Chamane

**T**here is no waste in nature. Waste is a human construct caused by human activities and fuelled by industrialisation. The more we civilise/develop, the more we create waste. More waste leads us to become a throwaway society in which we just toss everything in the bin and forget about it. Waste disposal through bins and landfills was a solution of the last century. New (or, really old, because our chronic waste is a relatively new phenomenon) methods of dealing with waste are mainly reduction, reuse and recycling (RRR). It will take mindset and behavioural change amongst us consumers for RRR to materialise.

## Reduce, Re-use and Recycle

Reduce, Re-use and Recycle are terms that are usually taken for granted, without people actually understanding the true meaning and their practicality. They are all part of the recycling revolution which developing countries such as South Africa have stated to take very seriously. As citizens, we all have a responsibility to reduce the amount of waste that we create – hence reduce – and we also have to re-use some of the supposed discards such as reusing carrier bags more than 20 times. Both these activities combined are part of recycling. Nowadays, the curricula in schools and tertiary institutions cover recycling and there are very few people in South Africa who have never heard the term “recycling”. When all the Rs are perfected, it leads to a Zero Waste society, with no waste in the system.

## Zero waste is possible

Zero Waste is a term used to describe when there is no waste at all in our human activities. At least once a week, every house will take out a bin full of waste materials destined for a landfill, to the street. If every waste material in the household bin has value in recycling and green stuff is composted, that will lead to zero waste. Rural areas are usually ignored when it comes to waste removal services and waste is the

least of the problems in rural areas when compared to urban settings. The amount of waste materials produced per household depends on the buying power of each household. The higher the income, the higher the amount of waste produced.

## Zero Waste process

Picture your house bin which has plastics, cardboards, cans, glass, leftover food and the like. Imagine if our recycling industry was advanced in a way that each waste stream that came from each household was recyclable and re-usable. We would not have waste going into the municipal truck or to the landfill.

Recyclables would be separated into a dry waste bin, which would be collected by waste pickers/reclaimers who derive their livelihoods from selling recyclables. The other bin would be for wet waste, which is composed of waste such as leftover food and fruit or vegetable peelings, which would be collected separately by the municipality for the purpose of composting. The compost could be used by the parks department of each municipality when they grow street trees or flowers, and it could also be donated or sold to local formers or commercial farmers, depending on the scale of the compostables.

Stand-alone houses need not take out their wet/green waste bin, but could create their own compost heap for their gardens or even bury it at the back of the house and it would decompose within a month, taking back nutrients to the soil.

Once we practice the two-bin system of wet and dry waste, our waste problems will be reduced drastically, because there will be nothing left to go to the landfill as long as we make sure that industries package all their products in a recyclable material and make sure that packaging is taken back after use through waste pickers' work. If industries can also play their part by making sure that the materials they use are recyclable and the market is available, then our waste problem will be sorted.



## Extended Producer Responsibility

Currently, industries such as Nampak and Coca-Cola have been asked to develop plans that will make sure that their materials can go back and be re-manufactured without going to the landfill. The industries are busy with Extended Producer Responsibility (EPR) plans. For instance, Coca-Cola will be responsible for their cans that contain beverage drinks from manufacturing to re-manufacturing. If they cannot be recycled, they should not be produced. So, industries are becoming creative in making sure that industries that process their materials are available so that they are in line with what government and society need.

Waste collectors, reclaimers or waste pickers, transporters and storers, as well as manufacturers, will be registered once the South African EPR system is in force and jobs will be created within such a system.

Every material will have a disposal levy. Coke cans will have a deposit. Whenever a consumer buys a can, the price will include a disposal fee which will be used to pay those who will recover it and take it back to Coca-Cola for cleaning and refilling or re-manufacturing. The same applies to other waste

streams, be it a laptop or washing machine or plastic item. First world countries that we learn from have started such systems and even a few municipalities in South Africa have projects.

If the plan kicks off in South Africa and it gets all the support that it needs from citizens, as well as industry, that will mean our recycling rates will shoot up and we may not need landfills or the very many legal and illegal dumpsites across South Africa, and we will have less waste on every township street corner. There will be fewer costs to us and to government in acquiring land for waste disposal. There will be fewer climate change impacts as well, because mixed waste decomposes at the landfill, releasing CO<sub>2</sub> and methane, which fuel climate change.

Therefore, our job as citizens is simple: it is to make sure that we force industries to take back their materials once they become obsolete. If you buy a new cellphone, the deposit on the old one should give you a discount and this will help us with electronic waste that we get from different households. If we do this with all materials, that will result in zero waste, which is the best method of dealing with waste. ☺



# George Hospital – a model for practice change



By Luqman Yesufu

*The on-site treatment of HCRW is one more way the hospital staff are taking meaningful action to reduce our impact on the environment and work towards achieving a sustainable future. The success of the project has been the collaboration between the supplier, support services, engineering, the procurement team as well as front-line health workers. Chief executive officer of George Hospital, Mr. Michael Vonk*

**H**ealthcare waste management continues to be a huge problem around the world. Despite the complex nature of medical waste management, success is in large part dependent on changing the habits of hospital staff as well as the treatment technology adopted. When hazardous medical and non-medical waste are mixed together, hospitals end up paying additional charges

For the treatment and disposal of healthcare waste, a variety of non-burn technologies are available that can safely disinfect, neutralise or contain the wastes for landfill disposal.

George Hospital, a GGH member since 2018, previously used to transport infectious waste from the hospital to the treatment plant, approximately 450km away. In order to comply with the relevant regulations pertaining to transport and storage, the infectious waste was collected and transported five days per week. The carbon footprint generated during transportation, treatment and disposal is significant and thus, as a GGH member, George Hospital decided to apply the “Proximity Principle of Waste Management” by procuring a NEWSTER treatment facility on-site to deal with hospital waste at the point of generation.

The Newster process involves the mechanical demolition and sterilisation of infectious waste. The high temperatures that are directly generated during the process, through transformation of mechanical energy (friction) into thermal energy, results in total sterilisation of the waste. The final product is classified as the equivalent of domestic waste and is disposed

of in a local landfill (60km away). Waste is now only transported to the site every two weeks.

There are many benefits, such as:

- Waste is turned into homogenous granules and initial volume reduced by approximately 75%.
- Non recognisable and harmless waste materials (no visible sharps or cutting objects after treatment), which reduces chances of needle pricks.
- NEWSTER technology is a move away from medical waste incineration, which has a very large carbon footprint.
- Waste from Covid-19 wards and sharps waste, which was previously incinerated, can also be safely treated on site.
- A significant reduction in the cost of treatment of HCRW is projected. The savings are still being quantified following monitoring of electricity consumption. Electricity is used to power the machinery, but no other heat or steam energy is needed.
- Major reduction in hospital carbon footprint from transportation trips to disposal sites
- No risk of contamination during transportation.

Through this initiative, the hospital has launched a call to action “for hospitals to move away from medical waste incinerators and engage in sustainable models of waste disposal by procuring onsite treatment methods like this, which will save them costs and are more environmentally friendly”.

*George Hospital is committed to introducing sustainable procurement in various organisations within the health sector by promoting education and raising awareness of effective planning and management in Green Procurement. George Hospital is dedicated to lowering its environmental impact in procurement as our presence in procuring green products impacts and influences the environment. Finance Manager of George Hospital, Ms. Sharmane Janki*





# At long last, Thor's poisonous mercury is getting cleaned up

By Tony Carnie



*Thor factory. Photo: Steve McCurrach Bateleurs Flying for the Environment*

**I**t has been nearly 30 years since several emaciated chemical workers died in hospital after being exposed to poisonous mercury fumes and sludges near the small KwaZulu-Natal town of Cato Ridge, at an abandoned factory that holds one of the country's largest stockpiles of toxic waste.

A British-based multinational group has finally agreed to cough up nearly R174-million to ship several thousands of tonnes of this deadly waste from the old Thor Chemicals factory to Switzerland for treatment. The waste will be shipped to Batrec Industries near the town of Wimmis, one of the few facilities in the world equipped to deal with this waste.

During the early 1990s at least four Thor Chemicals' workers died and several more were maimed or disabled from being exposed to powerful toxins that damage the brain and nervous system. Scientists had

rung the alarm bells several years earlier after finding grossly deformed tadpoles close to the factory, along with high levels of mercury in the surrounding soil, groundwater and streams.

The mercury "recovery" factory (located in the catchment area of Durban's largest freshwater source, Inanda Dam) was finally closed by government in 1991. But nearly 20 years later fishing was banned temporarily at Inanda and surrounding rural communities were also warned not to eat locally grown vegetables because of evidence of mercury contamination in the upper reaches of the dam's food chain.

At the time, government officials said tests on drinking water at Inanda (about 30km from Thor) showed no level of danger for the general public and there was "no reason to panic". Nevertheless, a



previous study by the SA Medical Research Council found evidence of higher-than-normal mercury levels in several people living around the dam, and 50% of fish samples from the dam were polluted with mercury at levels above the safe eating limits recommended by the World Health Organisation.

Although the source of the water contamination remains unclear, the council and other researchers pointed to Thor Chemicals as one of the most likely sources. A separate company, Hebox Textiles, is known to have used mercury to treat SA military tents in the 1980s, with its wastewater routed to the Hammarsdale water treatment works. The nearby Assmang factory (directly opposite Thor) also stored large stockpiles of mining ore and coal waste that may have contained mercury.

Now a new clean-up operation is under way at Cato Ridge after continued pressure on government by the environmental watchdog groups *groundWork* and *Earthlife Africa*.

*DM168* flew over the site on the 13<sup>th</sup> of April with pilot Steve McCurrach, a director of the *Bateleurs Flying for the Environment* volunteer organisation, which assists researchers, media and conservation groups to undertake aerial reconnaissance inspections at no cost around environmental hot spots.

Several workers in white hazardous chemical suits were seen working next to a large plastic-covered waste pit, while thousands of metal and plastic drums (many of which appeared to be severely rusted or damaged by fire) lay piled up in the open or stashed inside the old factory warehouses.

Last month, in response to written questions in Parliament, Environment Minister Barbara Creecy confirmed that just over 1 000 tonnes of waste had been removed so far in 57 sea-freight containers.

Though her department has declined to comment on the final cost of the operation – and whether SA taxpayers will also have to chip in – *DM168* searched English company records and established that the UK-based Tato Holdings group has agreed to set aside nearly R174-million for the clean-up.

Tato, the restructured former parent company of Thor SA, has subsidiary chemical companies spread across the world. It recorded a gross turnover of more than €528-million and pre-tax profits of more than €69-million in 2019.

According to its latest available annual report, the group said it sold Thor to a third party in South Africa several years ago and that this company undertook to remediate the waste.

“The third party, however, did not remediate the waste, resulting in an enquiry from the South African authorities. As a result of this enquiry, the Group took the moral initiative to hire a third party remediatior to process the waste in an environmentally acceptable manner using one of the world’s leading treatment companies.”

Tato CEO David Hewitt told *DM168* that, following a recent change in the management structure within the Tato Holdings Group, it approached SA-based Guernica Chemicals Limited in 2019 to “establish the current position relating to the issues at their site in Cato Ridge, SA”.

“Following a number of discussions with the management of Guernica and the SA authorities we offered our assistance in collectively working together to resolve this longstanding issue.”

So far, 1 083 tonnes have been repacked and removed from site. The operation (involving a total of 4 700 tonnes) is due for completion in June 2022.

Responding to queries on whether local taxpayers would end up paying part of the clean-up costs, the Department of Forestry, Fisheries and the Environment said that, although Tato would cover the removal expenses, “the Department is however in the process of appointing its own specialist in order to advise whether or not additional rehabilitation is required after the waste has been removed”.

This haggling over costs – which appears to be at the root of the delays – began soon after then-president Nelson Mandela appointed a commission of inquiry to resolve the Thor saga.

Shortly after the Cato Ridge factory was closed, the Thor group also moved swiftly to restructure itself via a demerger operation that appeared to distance the company from direct liability for the waste legacy.

During a 1997 inquiry, commission chair Dennis Davis tried to untangle the complex history surrounding the mercury waste build-up at Cato Ridge and also made recommendations on how to clean up the mess.

He reported that Thor had entered into contracts with several customers to receive mercury-based



waste from several chemical companies, including an AECI facility in Sasolburg, Borden Chemicals, Calgon Carbon Corporation and American Cyanamid (United States), Thor (United Kingdom) and other companies in Europe, South America, the Middle East and Indonesia.

Davis concluded that “it must have been clear to any reasonable person ... [that] matters had got out of control” and that imported waste could not be treated safely at Thor.

“At this point, probably in the late 1980s, Thor should have both refused to accept further waste and initiated fresh but urgent steps to solve this growing problem,” he said.

But SA government regulators did not come out smelling good either, having failed to hold Thor to account. In fact, said Davis, Thor and the government had “grossly mishandled” the issue.

In the local courts, Thor escaped with a slap on the wrist. Three senior managers were taken to court and charged with culpable homicide, but these were later dropped and the company pleaded guilty to a number of safety violations, and ended up paying a R13 500 fine.

Families of some of the dead workers – including Peter Cele, Engelbert Ngcobo, Frank Shange and Felix Mhlanga – and scores of other workers like Petrus Mkhize (who had his left foot amputated after it turned black and went numb) – had to turn to the English courts for compensation.

Although Thor did not admit liability for the deaths and illnesses, the company later paid out several million pounds to several families and workers who pursued compensation in the English High Court.

Behind the scenes, there have also been two suspicious fires that destroyed part of the Thor waste stockpile. The first fire was at the A-Thermal Retort Technologies (formerly Thermopower) plant in Olifantsfontein, north of Johannesburg, which burnt to the ground on the 12<sup>th</sup> of September 2013. Destroyed in the blaze was an unspecified quantity of mercury waste from Thor.

More recently, just after midnight on the 24<sup>th</sup> of August 2019, another fire broke out at Cato Ridge, incinerating another chunk of the waste. The SA

Police Service opened an arson investigation shortly afterwards, but the results have yet to be published.

Leading environmental activist Bobby Peek issued a blistering statement after the latest Thor fire, charging that: “This crisis is because of a failure of our democratic governance. Like in many other environmental hotspots in South Africa, be they the coal mining areas, the south Durban area, and many other industrial toxic dump sites across the country, the government needs to act in a manner that deals with these challenges as an environmental, community health and worker justice issue.

“[Minister Barbara] Creecy has an opportunity to not go down in history as among those who failed society. We have to learn from this governance failure to inform future environmental justice governance as it is prescribed in the Constitution.”

His colleague Rico Euripidou, a groundWork environmental toxicologist, has welcomed the news that a clean-up is finally underway, but he remained sceptical until it was completed.

“This long delay fits into a broader story around the lack of planning and general mismanagement of hazardous waste in South Africa (the Minister promised a hazardous waste plan for SA years ago) – from mining waste which makes up over 70% of hazardous waste to oil refinery waste etc.

“Some researchers who have investigated this case state that the company never intended to recycle the waste in the first place and was instead merely stockpiling it. Many of the barrels were improperly stored and many were leaking by the time the government revisited the site in the early 2000s. Even when it became clear that Thor was failing to treat and dispose of the waste, the company continued with its importations.”

Euripidou said it was also imperative to monitor the further migration of mercury from the waste site on a long-term basis. ☀

*Tony Carnie is a Durban-based environmental journalist who has followed the Thor toxic waste saga for 30 years. This article was first published in the Daily Maverick 168 weekly newspaper on the 17<sup>th</sup> of April 2021.*



# Policy should eschew coal

By Lorraine Chiponda

**I**t goes without saying and our message is clear that phasing out fossil fuels including coal is pertinent for curbing the climate crisis and, if done in a just manner, will tackle the energy and climate justice concerns in the global South. IRENA's World Energy Transition Outlook report pronounced that the energy transition is already taking place and is unstoppable. Over the past months, we have witnessed global discussions by the North and East but with the Global South not really represented. Such meetings included the 2021 G7 Leaders' Summit, hosted by the UK, and Biden's Climate Summit. The Climate Summit held by the US and several other countries resulted in the biggest polluters, the US itself and China, committing to cutting down their carbon emissions. Other countries such as Japan, South Africa and the UK also committed to cutting a large chunk off their emissions. However, there were no bold and ambitious commitments to phase out dirty energy as countries used terms such as reduction, cutting and other words that do not suggest a complete coal phase out. Also, no discussion on how the biggest polluting economies will pay their climate debt in order to facilitate a clean and just energy transition, especially for the global South and for Africa, took place.

Financial institutions have also had various meetings which have covered their position on climate and energy. Financial institutions have a role to play in accelerating clean energy transitions, thus it is critical to ensure that their policies and actions are in line with the global catastrophe we are faced with. During the 2021 Spring Meeting of the International Financial Forum, the Industrial and Commercial Bank (ICBC), China's Chief Economist mentioned that financial institutions should accelerate the pace of low-carbon transformation of investment and financing structures.

Despite the current news stating that the ICBC will not be financing the Zimbabwe Sengwa coal plant and the Kenya Lamu Coal mine, ICBC's policy on coal remains far from the energy future we are fighting for. During the 2021 Spring meeting, the ICBC stated that, "ICBC will support overseas energy projects and support the development and application of low-

carbon technologies in accordance with the principle of host country independence, renewable energy priority, gradual progress, and cost-affordable principles". This then means that if a country wants coal, according to country independence they can claim 'clean coal technology' and the ICBC will continue to fund coal. Hence the need for clear policy position that supports a complete coal phase out.

In the region, the African Development Bank (AfDB) is drafting their Climate Change and Green Growth Strategic Framework. The AfDB however, continues to support ecologically destructive energy projects such as the Mega Inga Dam III Project, having recently refreshed their commitment towards the massive dam project. The dam has not had an EIA carried out or publicised, will still produce greenhouse gases and will result in displacements and many other challenges.

There is still a lack of serious deliberative discussions, frameworks and voices of people around what and how a just energy transition, particularly for countries in the Global South, should be structured and how financial institutions should respond to the energy needs of the people without their support causing further harm to communities and the climate.

Leading up to the Climate discussions in Glasgow at the end of 2021, emphasis should be made on transformative and regenerative financial energy policies, energy governance structures and the ecological and climate debt. Financial institutions and global governance structures should work for the people. Energy discussions and actions, particularly in Africa, should address energy and climate justice issues, and serve marginalised groups that are living without adequate energy supply, while at the same time speaking to the climate crisis the world is in.

As it stands, nearly half of Africa's population, having suffered from the effects of extractivist economies, still suffers from lack of energy access and in addition to this are disproportionately affected by the climate crisis in comparison to countries in the North, who are some of the biggest carbon emitters.



# A journey of a waste picker

By Asiphile Khanyile

**I**t's a relatively warm day in the Durban CBD. Traffic and scores of people are up and down the streets, minding their own business. I was accompanied by one of the researchers from the Durban University of Technology (DUT) to do fieldwork, where we shadow/follow a waste picker for the day. It is much better to spend time with a waste picker in the setting they work in if you want to understand their experiences in the job they do. Being on the ground and working alongside waste pickers taught me just how little I knew about their journey and the important role they play in making sure that we reduce waste going to landfill or the hundreds of waste dumps across South Africa. Their stories are mainly about triumph, persistence and resilience.

This fieldwork is part of a larger Urban Movement Incubator (UMI)-funded project titled *Waste Management, Urban Informality and Climate Change: innovative zero-waste solution from informal street markets of Warwick in Durban*. The project partners – groundwork (gW), Asiye-eTafuleni (AeT) and Urban Futures Centre (UFC) at the DUT – merge exciting skills and experience about waste management and social interactions in the city.

The overall aim of the project is to create a zero-waste model case study for a large urban informal market, which is a common feature in developing countries. Our study focuses on the Warwick Markets, one of the busiest parts of the Durban CBD and largest market areas across Africa, through which more than 400 000 people pass daily. The project takes on an inclusive approach to developing zero-waste solutions that places informal market traders and inner-city waste pickers at the centre of innovative zero-waste solutions.

The term “zero-waste” is echoed in waste management discussions around the world. There is a progressively growing paradigm shift of moving away from false solutions such as landfilling and incineration. The research/data collection is part of this paradigm shift.

My experiences in the field with waste pickers has shown me that waste pickers have tremendous

courage and persistence to be in the recycling business. Trolleys are the main mode of transport used by most waste pickers to transport their recyclables such as cardboard, plastic, paper and aluminium cans. From the observations, it was clear that waste pickers are knowledgeable about their work as well as issues that contribute to climate change. For instance, spaces such as storage areas and customer bin areas are always kept clean. Furthermore, they all indicated how important it is to conserve natural resources so that future generations can still enjoy such benefits. In addition, the waste picker relationships with retailers in the Durban CBD demonstrate the spirit of *ubuntu*, which in Zulu means humanity and compassion.

For many years, informal market workers such as waste pickers have been excluded in the local governments' waste management's plans, despite the environmental and social good their jobs provide for us all. Recently, the Department of Forestry, Fisheries and the Environment, together with civil society, developed the Waste Picker Integration Guidelines to guide municipalities in integrating waste pickers in their waste management systems. The guidelines serve as the first mechanism to change the narrative and perceptions about waste pickers in order to legitimise their work and protect their rights.

Our project places a great emphasis and sheds light on the people who use waste as a livelihood strategy. Waste Picker Integration helps address poverty, inequality and unemployment as the three crippling issues that developing countries are constantly trying to curb.

After completing the last waste pickers' journey on the 29<sup>th</sup> of April 2021, I began to imagine a country where packaging is all recyclable, and our household and industry bins could provide livelihoods for waste pickers and reduce materials to the landfills.

I am inspired to learn and think more about how to map out a zero-waste approach to the markets of Warwick with the expert knowledge of the informal waste pickers. ☀



# Ikwezi still at war with surrounding communities

By Themba Khumalo



Community members protesting outside the Dannhauser Magistrate Court. Photo Jasmin Sarwoko

The tension between Ikwezi coal mine and communities around is far from over. The mine still continues to violate people's constitutional rights as though they don't exist. The democratic government is still chasing mine profit at the expense of mine-affected communities. This is the very same government that, when we first voted, we hoped would act differently from the apartheid government. In Dannhauser, in the Newcastle area of the KZN province, people still inhale coal dust, houses are cracking and some of the family graves are still trapped inside the Ikwezi coal mine premises.

We, as Sukumani Environmental Justice (SEJ), took a tour around the mining-affected community of Mbabane and nearby communities to document the cracking houses due to Ikwezi mine blasting and other impacts from the mine. We have learnt that the blasting indeed causes the house to crack. The homeowners expressed their fears of having the houses collapse on them in the future while they are still sleeping, as some of the blasting happens at night.

We have also discovered that almost all these households have approached the mine about the cracking of the houses caused by the blasting, and the mine just explained themselves away from the responsibility. The mine's reaction angered the community as the community had been living in peace before the mine came into their area.

On the 12<sup>th</sup> of March 2021, the community affected by Ikwezi coal mine protested against the mine, complaining about the mine impacts affecting the community. The police started shooting at the protesters for fighting for their rights. During the shooting, eight activists were arrested by the police and spent a weekend in jail. Three of those arrested were kicked by the police while lying down. One of them was a woman.

The arrested and the injured are still suffering trauma from the incident. While the charges were dropped against the five males who were arrested, the remaining three women still have to appear in court for the charges and this is adding further psychological strain on the already traumatised minds.

We believe our rights were infringed and we will continue to defend for justice. We are not going back to a regime where mines come and exploit our resources, and then leave us with dumps and ill people. We are not intimidated by the arrests and shooting by the police. We cannot just sit down while our lives fade away before our faces.

Gone are the days when people are killed by the government for standing up for their rights. Gone are the days where people are brutally attacked by the police, the government ignores the outcry of the communities and the poor are treated unfairly just because they are poor. We will continue to fight for our environmental justice until our demands are met. ☺

Sindi Kubheka, Zanele Kubheka, and Buhle Kunene outside the Ikwezi Mine where they were arrested during a community protest. Photo Jasmin Sarwoko



# Breaking new ground

By Avena Jacklin

groundWork and South Durban Community Environmental Alliance (SDCEA) have challenged Minister Barbara Creecy's decision to grant state owned public entity Eskom an authorisation for a gas-to-power plant in Richard's Bay

**S**outh Africa has recognised that a just transition and a just energy transition is needed to respond to the climate and social justice challenges, yet government is still hell bent on pushing fossil fuels, and gas in particular, as part of the solution – a classic case of cognitive dissonance.

This landmark litigation marks the first time that a gas-to-power plant has been challenged in South Africa. Environmental justice organisations groundWork and the South Durban Community Environmental Alliance (SDCEA) appealed the decision to grant Eskom Holdings SoC Ltd (Eskom) an Environmental Authorisation (EA) for the development of a 3000MW Richard's Bay Combined Cycle Power Plant (CCPP) in January 2020. Minister Creecy rejected the appeal against her decision.

In April 2021, represented by attorneys Cullinan and Associates and supported by legal non-governmental organisation Natural Justice, the organisations filed papers in the Pretoria High Court challenging the Department of Forestry, Fisheries and the Environment (DFFE) in the interests of the public and the environment.

Africa's biggest polluter, Eskom, proposed that their gas-to-power plant will be fuelled via a fossil gas pipeline from the Richard's Bay port. The Environmental Impact Report (EIR) did not identify from where this gas will be sourced. The extraction and transportation of the gas to be used and their related emissions were not considered. The project failed to assess the extent to which the power plant will contribute to greenhouse gas (GHG) emissions, assess the potential climate change impacts, mitigation measures and the project's own resilience to climate change. The EIR failed to assess the impacts of emissions from the entire life cycle of the project. Significant emissions were not

accounted for, even though South Africa is already far behind on its commitment to reduce emissions. In the *Earthlife Africa* case handed down in 2017, the High Court considered how environmental impacts posed by climate change should be assessed. This precedent was not considered.

The minister's position that gas is cleaner than coal is misleading and dangerous. The latest science on fossil gas burning suggests that the GHG footprint is far worse than that of either coal or oil, particularly when considered over a 20-year time scale. Polluting methane gas is 84 times more powerful than carbon dioxide over this period and will accelerate global warming. Gas, like coal, is a fossil fuel and burning gas has detrimental consequences to health and the environment. It is a hazardous substance that is highly flammable and explosive, putting people at risk. The extraction of gas is polluting and responsible for ecosystem loss. Gas is not a safer alternative to coal.

The Richard's Bay area is experiencing an extreme drought. Water resources are required for agriculture and the area is likely to experience extreme warming. The proposed alternative operational requirement for cooling the combustion turbines was to use sea water. The impact of this is not assessed, nor is there consideration of alternative water requirements.

Furthermore, the project failed to assess the cumulative environmental impacts of the project in the Richard's Bay area and identify alternatives, including renewable energy. This is in contradiction to Eskom CEO Andre de Ruyter's message at the Presidential Coordinating Commission on Climate Change on the 30<sup>th</sup> April that emphasised that growing investment in renewable technologies was non-negotiable and that it would have a positive impact on both the country's electricity and a more sustainable future under the just transition strategy.

Building polluting fossil fuel power plants is expensive and commits South Africa to a costly and regressive climate-harming future. Studies have shown that the least-cost pathway includes renewables and



avoids the building of expensive gas infrastructure, relying only on existing peaker plants to meet limited hours of peak electricity demand. Gas to power plants are not needed to meet our energy needs because much

cleaner, more cost-effective alternatives are available, yet, as you will see below, South Africa is awash with proposals.

## NEW AND PROPOSED GAS TO POWER PLANTS

| Project (and environmental assessment consultancy)                                    | Capacity            | Location  | Status  |
|---|---------------------|---|---|
| Eskom Combined Cycle Power Plant  | 3000MW              | Richard's Bay                                       | groundWork and SDCEA litigation in April 2021 challenging appeal dismissal  |
| Richards Bay Gas to Power 2 gas to power facility (Savannah Environmental)            | 400MW               | Richard's Bay                                       | groundWork appealed the EA on 3 <sup>rd</sup> May 2021  |
| Phinda Power Emergency RMPP (Savannah Environmental)                                  | 450MW               | Richard's Bay                                       | groundWork submitted comments on 2 <sup>nd</sup> November 2020. Due to administrative oversight, Savanna gave Notice of a new application on 30 November 2020. Final EIR submitted 26 <sup>th</sup> April |
| Karpowerships (Trioplo4)  | 1200MW              | Richard's Bay<br>Port of Ngqura<br>Saldanha Bay     | Preferred bidder status in the Risk Mitigation Independent Power Producer's Programme (RMIPPP).   |
| Phinda Power Producers Emergency Risk Mitigation Power Plant (Savannah Environmental) | 320MW               | Richard's Bay                                       | Authorisation granted for 132KV transmission infrastructure<br>Final EIR submitted 13 <sup>th</sup> April   |
| Nseleni Independent Floating Power Plant: 700MW floating barges (SE Solutions)        | 2800MW up to 8400MW | Richard's Bay                                       | EIA Comments due 18 <sup>th</sup> May 2021<br>Final EIR submission due 3 <sup>rd</sup> June 2021  |
| Richard's Bay Gas to Power 3 gas to power facility (Savanna Environmental)            | 2000MW              | Richard's Bay                                       | Application not yet submitted. Public Participation not yet commenced   |
| Coega Development Corporation (CDC) Integrated Gas-to-Power Project (SRK Consulting)  | 3000MW              | Port of Ngqura<br>Coega Special Economic Zone (SEZ) | Final EIRs submitted on 26 April 2021: 3 x 1000MW gas to power plants, LNG terminal, cryogenic pipeline, storage, electricity transmission powerlines   |
| CB Hybrid Power Risk Mitigation Power Project (SRK). DEFF Ref: 14/12/16/2/2/2016      | 200MW               | Coega SEZ   | Final EIR submitted on 23 April 2021. Awaiting decision   |
| IPCA and AMSA gas-fired power plant (ERM)   | 1500MW              | Saldanha Bay  | Status uncertain  |
| Assegai LPG-Power Generation (Chand)  | 320MW               | Saldanha IDZ  | EIA withdrawn   |



# #Stop Waste Colonialism

By Carissa Marnce & Niven Reddy

## The Problem

We have seen the effects of waste colonialism and the resulting environmental injustices on the African continent: where our natural resources have been depleted to fuel corporate greed; where our resources are returned to us in the form of waste and cheap products made from toxic recycled materials; where plastic waste has infiltrated its way into our land, oceans and physical bodies, severing our cultural connections with the earth and violating our rights to a clean and healthy environment.

As Global South countries start closing down their borders to this unjust practice of waste dumping, we need to proactively guard against this happening in other parts of the world. The Global North cannot continue to export its waste problem to the Global South. All countries need to take responsibility for how they produce and manage their waste.

It's time for change.

## The Demands

We demand a transformation of our production, consumption and disposal models, which have created the problem in the first place.

We demand that corporations take full responsibility for their products, and that Extended Producer Responsibility becomes a mandatory practice, prioritising redesign, waste prevention and setting up systems that make the disposal of waste redundant.

We demand that waste pickers, who have been providing essential waste services without protection or support for too long, be given a central role.

We demand that corporations stop the double standards that encourage African governments to invest in false solutions like incineration, pyrolysis and other harmful waste burning technologies.

We demand that the health and well-being of our communities be prioritised over profit, and that African governments uphold existing legislation to prevent the transfer of hazardous waste into our countries.

## The Solution

We need to move away from this loop of high mass production and consumption and return to the traditional indigenous practices of our people, that encapsulate principles of preservation and reuse and environmental justice. We need solutions for Africa to come from Africa, where local communities are an integral part of driving the solutions needed for their health and well-being. We need our cities to draw from the expertise of waste pickers, who are the leaders in waste management in many Global South countries, and form partnerships with them to create better jobs, better recycling and composting services, and move away from unsustainable and expensive disposal systems. We need our governments to protect existing and new legislation that upholds our right to environmental justice and safeguards the livelihoods of local communities who face the most risk of waste pollution.

It is time to stop dumping waste in the Global South. We are not a dumping ground. Nowhere should be! ☺

Credit: Young Volunteers for the Environment Gambia



Find out more about waste dumping here:  
[no-burn.org/stop-waste-colonialism](http://no-burn.org/stop-waste-colonialism)



# A short history of Nationally Determined Contributions

By Greenfly

**I**n 1992 at the Rio earth summit, the United Nations Framework Convention on Climate Change (UNFCCC) was adopted by almost all countries. George Bush the First, leader of the free world as proclaimed by imperial capital, declared that the American way of life was not negotiable. Nevertheless, the convention recognised the principle of combined but differentiated responsibilities (CBDR), meaning that the first world had done the polluting and the third world must now catch up.

The convention relied on voluntary action by first world countries to reduce emissions first. No-one volunteered. So then there were calls for ‘binding’ reductions, which Bill Clinton said was OK as long as it was done through the ‘market’. In 1997 at Kyoto, the third conference of the parties (CoP 3) agreed to binding reductions for the first world with a ‘cap-and-trade’ deal so that they could buy ‘carbon credits’ on the cheap from the third world and carry on polluting. But the ‘cap’ on emissions wasn’t actually there and the binding targets did not actually bind.

This was just the sort of dysfunctional climate regime that suited all parties. And it brought into being a whole new class of scam artists suited up for business. But George Bush the Second said he didn’t believe in climate change, such belief being bad for America. Better to go to war for oil.

In 2009 at Copenhagen (CoP 15), Barack Obama arrived triumphantly holding the Nobel Peace Prize while declaring that America would go to war whenever it wanted. In a back room, he met the newly constituted BASIC group – Brazil, South Africa, India and China – and agreed the Copenhagen Accord which said global warming should be limited to 2°C and all parties should volunteer their own pledge to reduce emissions. Parties not present in the back room loudly denounced the deal and the Copenhagen CoP broke up in disarray and dismay.

In 2010 at Cancun, the delegates cheered loudly as they agreed that global warming should be limited

to 2°C – and maybe 1.5 – and all parties should volunteer their own pledge to reduce emissions. In 2011 at Durban (CoP 17), they agreed to agree a new agreement. Country pledges were to be called nationally determined commitments (NDCs) – as sound as any politician’s promise.

In 2013 at Warsaw (CoP 19), the delegates found they couldn’t stomach commitments and reworded the NDCs as ‘nationally determined contributions’. And so to 2015 at Paris (CoP 21), the world leaders cheered themselves on as they signed the Paris Agreement: global warming should be limited to “well below” 2°C – and maybe 1.5 – and all parties should submit their NDCs.

In 2018, the science boffins made clear that 2°C will be hell on earth so we’d better aim for 1.5. Not that 1.5 will be pleasant. Indeed, at 1.2°C now, the storms, droughts and wildfires are too hot for comfort.

Meanwhile, Donald Trump said he doesn’t believe in climate change which is a Chinese hoax and doesn’t make American feel great.

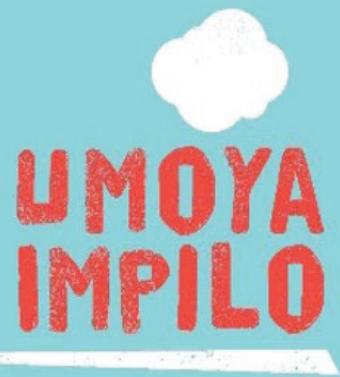
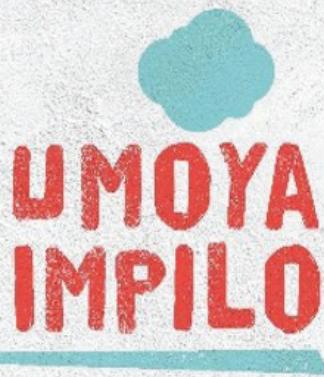
The Paris NDCs added up to emissions worth 3 or 4 degrees of warming. They are to be renewed with improved ‘contributions’ every five years. The year 2020 was cancelled and the new crop of NDCs are to be taken to Glasgow (CoP 26) in 2021. They look like adding up to 3 or 4 degrees.

And South Africa is certainly determined to make its contribution to that end. The updated draft NDC is out for comment. It improves on its previous NDC, lifting it on the Greenfly gauge from ‘absolutely bloody awful’ to ‘bloody awful’.

As always, government says it needs to burn more coal, oil and gas to lift the people out of poverty. As if that’s worked since 1994. As if that’s what our politicians have been about.

Meanwhile, Joe Biden says ‘America is back’. Do you feel the relief? ☺





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[www.lifeaftercoal.org.za](http://www.lifeaftercoal.org.za)