

# GROUNDWORK

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## Voetsak, Nkwe!

environmental justice action in Southern Africa

*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 project areas are: air quality, waste (including health care waste, industrial landfill waste and incineration) and corporate accountability.*

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#### **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:**

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**Cover photo:** The community at Maandagshoek protests the fact that drilling is taking place on their land without proper consultation. Picture courtesy groundWork.



# From the smoke stack



by groundWork Director, **Bobby Peek**

Eight years on! Yes, groundWork is now eight years old, eight staff on, and as you read this we are about to move premises to 6 Raven Street, Pietermaritzburg, officially to be known as 'groundWork House'.

We moved into 191C Burger Street – "around the back, upstairs" – in November 1999. We were three people in a very big, empty office. As I write this contribution, besides the eight staff in the office we have a visiting campaigner from Friends of the Earth – England, Wales and Northern Ireland, an intern and a visiting scholar, who is none other than Llewellyn Leonard who is reading for a PhD in London. So a very big empty office is now a very small full office.

We have also been fortunate to have Sarah-Jayne Clifton with us from our partner organisation, Friends of the Earth, England, Wales and Northern Ireland. Sarah, thanks for all the help, and I must say it was great having you here. Hopefully for a longer time, next time.

While groundWork has grown steadily over the last eight years, it is sad to see that the civil society movement within the formal NGO sector is getting weaker. As I write this both the Environmental Justice Networking Forum (EJNF), which held together the broad environmental movement in the nineties, and the Group for Environmental Monitoring (GEM) have closed offices. Both these organisations were critical to the emergence of environmental justice in the 1990s and it is indeed sad that they are no more.

However, our view of this should not be one-dimensional. We need to ask ourselves if the social justice movement – which comprises the environmental justice movement – is growing. My sense of this is "yes". There are clear signs of turbulence amongst civil society in SA, and this it witnessed weekly, if not daily, by the numerous protests that take place around the country because of poor service delivery. So while formal NGOs might be becoming weaker, people on the ground are mobilising and asking critical questions of government in a very visual manner.

So it was with alarm, but with recognition and acceptance, that I listened to Joanne Yawitch, Deputy Director General from the Department of Environment and Tourism, say at groundWork's community meeting on the Draft Waste Management Bill (see page 20), that the environmental justice movement is weak. I felt a hollow pit in my stomach as this was mentioned, because the implication of a senior

government person indicating this in an open forum has a series of possible interpretations. The most important for me is that we need to get our house in order because government is feeling more pressured by the corporate sector and would rather respond to industrial pressure than to a weak and unorganised civil society.

To take the moral high ground in this debate, I could say that government is voted in by the people, not corporates, so thus government should protect the people from predatory corporate positions. But hell, this is not going to happen, so the long and short of this is that we have to show our strength in order that government does listen to us.

However, what we need to recognise is that our strengths are not in following the very bureaucratic nature of how government perceives public participation – managing dissent through formal structures of dialogue with tomes of written comments, which they then complain about – but rather through a vibrant process of working with people on the ground, finding and creating our own spaces for public participation and engagement, and ensuring that government listens to the messages emerging from these self-created spaces.

A classical example of management of participation – and dissent – is the new proposal to extend Durban's harbour closer to the residential and recreational areas of the Bluff and Clairwood. Instead of having public meetings in the community, Common Ground, the consulting company running the process, sought to engage one-on-one with a variety of stakeholders to 'suss out' the positions rather than have a public debate. This is not uncommon, for Engen has already pulled this stunt in south Durban. We are finding that not only are spaces for meaningful participation closing, but that government and consultants are even dictating how and who participates.

So, in conclusion, it is critical to see the challenge that lies ahead for groundWork before its tenth anniversary in two years: to work with community people to reclaim our environmental justice space, to ensure that we are strong and that government listens to us! We need to remain optimistic that we can do this and turn the tide.

Strength to all of us in the struggle

Bobby ↗



# Shotguns against Fufuzelas

By Bobby Peek

## A visit to the platinum mining area in Limpopo highlights the exploitative nature of big business

Four hours north-east of Johannesburg is a set of community villages in the Tubatse Municipality, in the Limpopo Province. Many of you who are reading this article are now trying to place these villages, and no doubt cannot, because in a manner of speaking they are in the middle of nowhere. But there are two key pieces of information that will assist you in understanding where we are.

For a tourist, if you travel along a further hour or so you end up in the Kruger National Park. For the miners reading this, you know you are in the area with the world's richest platinum deposits. But for the rest of us it is in the middle of nowhere, a place surrounded by poverty and the ills associated with poverty such as unemployment, lack of service delivery and a high HIV rate.

Shotguns against Fufuzelas. A youth defiantly blows his fufuzela to the evident annoyance of the police. Picture courtesy groundWork



On 23 May, 2007, groundWork was fortunate to visit the Tubatse area and, in particular, Maandagshoek and Magobading. Entering Maandagshoek on Wednesday afternoon, we were confronted by a police van, with 18 people crammed into the back of it. These people were arrested for defending their land, trying to keep Nkwe Platinum Limited from prospecting on their land. Nkwe Platinum Limited is a mining company registered in Bermuda, listed on the stock exchange in Australia and boasting Sharif Pandor, husband to South Africa's Education Minister, Naledi Pandor, as a non-executive director. The community people were arrested because they placed stones in the road to prevent the mining vehicles from entering their village.

When we arrived on the scene, which was at the end of the community road (and believe me it was the end) yes, there were stones in the road, but to construe placing stones – and some rocks – in the road as 'public violence' is a long stretch. What we witnessed was a contingent of police observing a community toyi-toyi against the fact that a drilling truck was drilling on their property without their permission.

Emmanuel Makgoga addressed the community and introduced groundWork and Jubilee South Africa to the people. After discussions amongst them, the community decided to march towards the drilling rig to stop the drilling on their land. The police immediately produced shotguns, which were not visible before, and ammunition was handed around. Community people responded by picking up rocks to defend themselves. The most striking imagery was that of a protestor blowing a fufuzela – a long plastic bugle-like contraption through which air is blown and which makes a loud vibrating noise – next to two police men with shotguns and a small brown placard saying 'julle moet terug huise toe' (you must go back home). Shotguns against fufuzelas. Those fortunate enough to be coming to the soccer world cup in South Africa in 2010, should



maybe be prepared for this: both shotguns with a paranoid police force – apologies service – and fufuzelas, which are used to cheer ones team on at soccer matches.

The protestors stopped just short of the drilling rig and then waited while Maandagshoek Development Community leaders, Jubilee South Africa and groundWork tried to negotiate a way forward with Nkwe Platinum Limited directors, including Sharif Pandor.

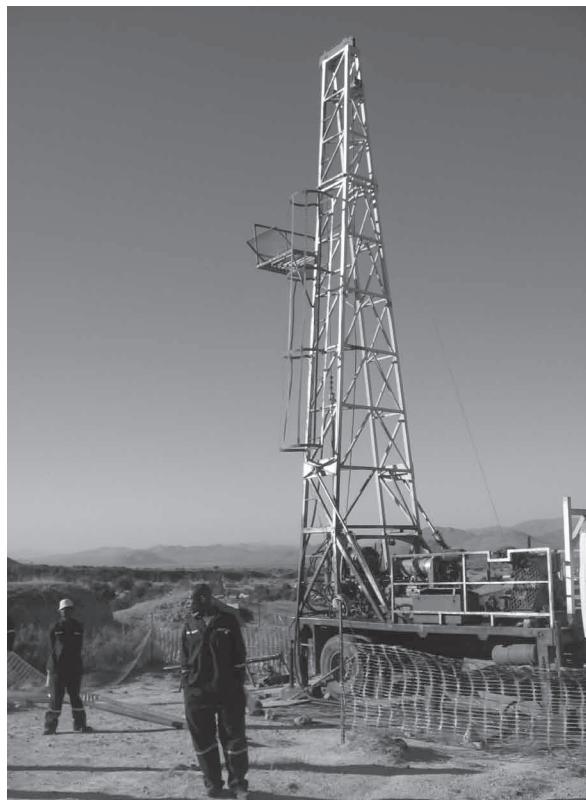
A three-way agreement was reached between company, community and police. The company agreed to halt the drilling, acknowledging that they had breached a previous undertaking not to prospect until the community had given their consent – an agreement which was likely to be made at a meeting just the day after, on 24 May. The police agreed to release the people arrested earlier that day, and in return the community leaders agreed that the community would halt its protest. This calmed the situation and we went off with the community leaders to collect the community members from the Mecklenburg Police Station.

The agreement which was brokered by the South African Police Service (SAPS) was not honoured and we waited at the police station in vain until 22h30 that evening, to be told that the people would not be released. The 18 people are still in prison as this is written, including two breast feeding woman and a pregnant mother to be. Needless to say, people were not happy. On Monday, 28 May, the Maandagshoek Eighteen were detained for a further seven days. Later that afternoon the drilling rig was set alight by the community, in protest against broken promises no doubt.

After the events of 23 May, we reached our home for the evening in Magobading where Jerry Tshehlakgolo hosted us. We spoke until the wee hours of the morning with Jerry and his committee about how Anglo-Platinum removed them from their ancestral village, promised them a better life, and then dumped them in shabbily-constructed houses with no potable water, no sewage system, no grazing land, and none of the jobs that were promised to them by the company. Jerry was at pains to highlight that while the remains of their ancestors were moved from the mining area and buried locally, the tombstones were of such a low quality that they had all fallen over because of the slap dash nature of the work. I could feel the sense of anger and depression within Jerry as he spoke of his ancestors and the fact that he had accepted this move but now they are lying in a graveyard that is falling apart. That morning we washed with water carried all the way uphill from a local stream about a kilometre away!

The team split up the next day with Bobby attending a Maandagshoek Development Community gathering, to

where the Department of Minerals and Energy's mining licence Chief Director, Monica Ledingwayane was present with various other government functionaries. More than a 1000 people attended the meeting, and the clear demand was that the Maandagshoek Development Community wanted a mining licence to mine its own land, in partnership with government, and they wanted it within 21 days. As usual, the run up to the meeting was pitted with talk about the *bona fides* of the Maandagshoek Development Community. At the meeting it became clear that they are, indeed, the legitimate representatives of the community. We won't hold our breath for the delivery of the license. There is little doubt that the Department for Minerals and Energy will find a combination of legally bureaucratic reasons not to meet the community demands.



The drilling rig that was ultimately set alight.

Picture courtesy groundWork

Sarah and Rico attended a community workshop hosted by the Jubilee SA team in the Mapela area near Mokopane, an hour and a half North of Maandagshoek where the forces of ancient geology conspired to deposit the Limpopo platinum reserves closer to the surface of the earth's crust. Along the road they observed much the same of what we had seen in the Tubatse district. Barbed wire-secured mines and smelters were surrounded by small enclaves of



## Lead Story

dusty 'new' villages conspicuous by women and children wheel-barrowing water buckets back to their homes, which themselves are characterised by neatly swept courtyards, chickens and outhouses, all clearly lacking in basic sanitary services.

The idea of the workshop in Mapela was to help communities who had already been moved to share their experiences with others who were about to begin negotiation with the mining companies regarding their own relocation.

Once Rico and Sarah had introduced themselves, community members were asked to give narratives of what their experiences of the mines had been. Following this they toured around the communities where massive open cast mining was taking place and were horrified to observe stranded communities divided by massive, barbed-wire fenced mining operations and blanketed by the dust that comes with this practice. They heard stories and saw how productive common lands lying fallow after harvest had been cynically fenced overnight and incorporated

into mining operations, and how livestock had died after drinking contaminated water. Some houses near blasting operations had been demolished after forcible removals had occurred. A few homes remained, where families were resisting the pressure from the mining companies. In some cases, resistance was met with their electricity being cut off and traditional natural water supplies being diverted by the ever thirsty mines! Clearly communities were systematically being denied their commons and subsistence livelihoods by this industry, hell bent on expansion and exploitation of the land and obnoxiously unwilling to share the immense wealth of the land with poverty stricken communities who had lived there for generation after generation.

This is just the tip of the platinum 'iceberg'. More is yet to come as politicians in South Africa pay tribute and homage to large corporate interest all in the name of development. Development for whom is the question?

Pandor and gang? ↗

David stands up to Goliath.

Picture courtesy groundWork



# A Quantum Leap in Phasing out Mercury

By Rico Euripidou

A directive from the KZN Health Department is both far sighted and far reaching... and we did not even know about it!

On March 15<sup>th</sup>, 2006, the KZN Provincial Department of Health (Health Technology Unit) issued a Provincial Directive to phase out products that contain Mercury (Hg) in healthcare institutions. This hugely progressive move follows a successful and dedicated effort led by Llewellen Leonard who initiated a medical waste campaign from groundWork starting in 2000, and targeting health care providers in KZN to initiate better in-hospital waste management practices and move away from hospital waste incineration. Further, the medical waste campaign aims to phase out the use of toxics in hospitals, continually educate health care providers with good medical waste management practices, prevent illegal dumping and ultimately save hospitals substantial disposal costs.

The KZN Provincial Health Directive cites various motivating factors including "growing health and environmental concerns" raised by NGO groups such as groundWork and our affiliate Health Care Without Harm (HCWH) and stated in the Isipingo Declaration, mercury theft, spillages and inadequate precautions being taken when handling or disposing mercury as well as the risk to Clinical Engineering Technicians when repairing mercury-containing equipment and the associated elaborate and costly precautions which must be taken in order to comply with the Occupational Health and Safety Act.

Furthermore the directive recommends that only digital thermometers must be purchased in the future (the specifications for suitable alternatives can be requested from the Health Technology Unit).

Previously, in January 2003, the Unit had also issued a circular recommending the phasing out of mercury sphygmomanometers, replacing mercury-containing equipment with aneroid types that comply with the Department's specifications (CKS 352 Specification). These Sphygmomanometers are validated and available on Tender ZNT 6345/2000-H, Item 36 687 58. The Sphygmomanometer on Tender has been tested by the then Central Medico Technical Division (now Health Technology Unit) and the accuracy was found to be within the specification.

## The Isipingo Declaration

The "Isipingo Declaration on eliminating the harmful impacts of Health Care Waste and Incinerators in Southern African Communities" was adopted on Monday, the 8<sup>th</sup> of April, 2002, by a selection of Southern African NGOs from Swaziland, Mozambique and South Africa, as well as two KZN hospitals (Edendale and Ngwelezane Hospitals participating in a groundWork initiative to more systematically address their health care waste needs). Participants agreed on the following challenges to the safer management of health care waste:

- The large percentage of health care waste which goes unaccounted for;
- The frequency of illegal dumping of health care waste on general landfill sites, unregistered dumps and open plots of land, exposing the public, and especially children, to harmful, health threatening diseases;
- The lack of separation occurring in SA health care facilities leading to infectious waste, pharmaceutical waste and general waste being mixed together;
- The amount of state money which hospitals pay to private companies to remove and incinerate the hospital waste, which can be excessive;
- The continued use of mercury in health care facilities, e.g. in thermometers, blood pressure cuffs, dental procedures and medicines;
- The use of IV bags containing PVC and other PVC containing products in health care facilities;
- The inadequate contracts which exist between the relevant government departments responsible for health care waste and private waste contractors;

They further called on our Governments to prescribe procurement practices for health care facilities that would ensure that unnecessary pollutants do not enter these facilities (e.g. in mercury-containing products and measuring devices and excess plastic packaging, etc);



## Mercury in health care

One of the particular concerns within the global health care sector is the prevailing use of a variety of commonly used mercury-containing devices used to make diagnostic measurements, such as thermometers (used to measure temperature) and sphygmomanometers (used to measure blood pressure). Other mercury-containing equipment includes devices such as mercury containing gastrointestinal tubes which rely on mercury's fluidity to be used within the human body, switches within instruments, various lamps used for lighting, and button cell batteries used in a variety of medical equipment ranging from hearing aids to pacemakers and defibrillators.

This equipment, which can contain up to many millimeters of mercury, usually within glass tubes, often breaks and spills its mercurial contents into wards and contaminates those places meant for the recovery of the ill and infirm. A groundWork audit of the participating hospitals found that in each hospital approximately three mercury thermometer breakages per ward occurred each month, literally releasing kilograms of mercury into the hospital environment (and out into the community environment) every year through accidental equipment breakage. There was also found to be very little awareness of the dangers of mercury amongst hospital staff.

## Why the fuss about mercury...

Mercury is highly toxic, causing damage to the nervous system at even low levels of exposure. At room temperature metallic mercury is volatile and can be inhaled by people. It is toxic, both acutely and chronically, by inhalation. After inhalation it is readily absorbed through the alveolar membrane and transported by blood to the brain and other tissues of the nervous system. Mercury can also cross the placental barrier. The developing foetus, young children and old, infirm patients may be at increased risk of adverse pulmonary effects following vapour exposure.

A spillage of as little as 5 ml of elemental mercury left on a rug has lead to severe toxicity in a child<sup>1</sup>. Following exposure in the home to mercury from a broken sphygmomanometer a 9 year old boy presented with severe abdominal pain, lethargy, constipation, limb pain and unsteadiness. Medical investigations revealed elevated mercury levels of 1000nmol/ml compared to the normal reference value of 30nmol/ml.<sup>2</sup>

In the environment mercury is concentrated through the food chain, especially in fish, collects in humans and wildlife, and is particularly harmful to the development of unborn and small children following ingestion of contaminated food. Mercury also travels long distances through the atmosphere, across national boundaries, and has contaminated global food supplies at levels posing a significant risk to fish stocks

and marine ecosystems. Therefore, due to the toxicology and volatile nature of mercury, spills should be avoided in health care institutions at all costs. This can only be achieved through the systematic phase-out of mercury products and measuring devices in health care institutions. Furthermore broken or obsolete mercury equipment should never be discarded in general waste.

## The way forward

Environmentally Preferable Purchasing has been defined as "...products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose..."<sup>3</sup>

The intended benefits of Environmentally Preferable Purchasing ideally meet the following criteria:

- Improved ability to meet existing environmental goals
- Improved worker safety and health
- Reduced liabilities
- Reduced health and disposal costs

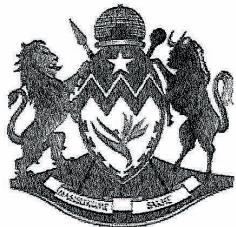
The steps the KZN Provincial Department of Health (Health Technology Unit) have taken in issuing a Provincial Directive to phase out products that contain Mercury in Healthcare Institutions are hugely progressive and the significance of this cannot be overstated. In many settings in the developed world governments are struggling to realise toxics-free health care institutions. HTU's actions acknowledge and aim to protect their workers and patients, while also accepting that they have a broader environmental responsibility to meet in reducing their toxic footprint.

We at groundWork will now work towards showcasing the KZN Provincial Department of Health's actions and call on the National Department of Health to follow their lead and adopt these progressive measures. Additionally, we will work with the various Provincial Departments of Health towards expediting this process within the broader framework of initiating better in-hospital waste management practices, such as phasing out the use of toxics in hospitals, and continually educating health care providers with good medical waste management practices. Moving away from hospital and health care waste incineration, groundWork is also working towards the prevention of illegal dumping and ultimately hopes to save hospitals substantial health care waste disposal costs.

## References:

1. Von Muhlendahl KE, 1990. Intoxication from mercury spilled on carpets. *Lancet*; 336(8730): 1578
2. Rennie A.C, McGregor-Schuerman M, Dale I.M et al. (1999) Mercury poisoning at home from a sphygmomanometer on loan from a hospital. *British Medical Journal*, August 7, 1999
3. US EPA, <http://www.epa.gov/>





## DEPARTMENT OF HEALTH

### PROVINCE OF KWAZULU-NATAL

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Email: [johan.havinga@kznhealth.gov.za](mailto:johan.havinga@kznhealth.gov.za)

Reference : Mercury Thermometers  
Enquiries : Mr. M.J. Havinga  
Date : March 15, 2006

To All the:

Hospital Managers  
Medical Managers  
Equipment Officers  
Heads of the Stores

#### RE: THE PHASING OUT OF PRODUCTS THAT CONTAIN MERCURY IN HEALTHCARE INSTITUTIONS.

##### **OBJECT:**

To inform all the persons concerned of the latest developments in the use of Mercury Fever Thermometers in Healthcare Facilities.

##### **FACT:**

Due to growing Health and Environmental concerns, the use of Mercury related products in Healthcare are now facing a widespread ban.  
It is now illegal in some Countries to manufacture or to sell Mercury Fever Thermometers.

For more information the following publications and Web Pages can be consulted:

- E.C.R.I. – Emergency Care Research Institute.
- Health Care without Harm.
- American Academy of Paediatrics.
- American Nurses Association.
- E U Commission proposed ban on Mercury exports 1/2/2005.
- Problems with Mercury Thermometers – Source – Dartmouth Hitchcock Medical Center.
- The Isipingo Declaration – The phasing out of the use of Mercury Products in Healthcare Institutions by the Year 2006.

##### **RECOMMENDATION:**

In order to comply with the acceptable norms and standards and to contribute towards a Mercury free environment, only proven Digital Thermometers must be purchased in the future.

Specifications for suitable Thermometers can be requested from the Health Technology Unit.



# FFS Refiners and Government Collude

By Siziwe Khanyile

## An exemption granted to FFS threatens the democratic process

Over the last six months, it has become increasingly clear that our hard fought-for gains to democratise environmental governance are being systematically reversed. At a legislative level various pieces of legislation are being amended to ensure that corporate endeavors have little resistance from community and government - more of this in our next newsletter.

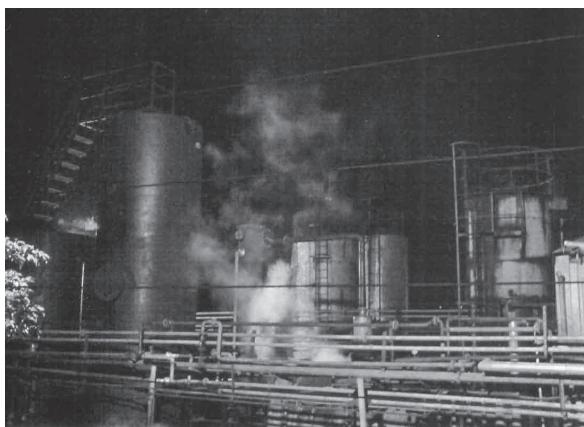
At a practical level this is already happening. FFS Refiners, an oil refinery refining used oil, has been given an exemption by the Department of Agriculture and Environmental Affairs (DAEA) in KwaZulu-Natal from undertaking a basic assessment in their new proposed development that they claim will reduce emissions and toxic odours from the plant, which is situated in the residential area of Peacevalley, near Edendale in Pietermaritzburg. I am sure I have heard this before!

Residents from the area have long complained of an oily, sulphurous smell, particularly in the winter months and during very hot summers. FFS Refiners have consistently denied responsibility for the odours.

Ironically, in 2004/5, FFS developed a Hydrogenation Plant which they claimed would reduce odours. The odours continued. In fact, based on the evidence from public complaints, these odours have increased.

Despite protestations to the contrary, FFS has been a long-term polluter of Pietermaritzburg

Picture courtesy  
groundWork



In 2006, FFS Refiners requested permission from the DAEA to develop a de-ashing plant, which they promised would reduce emissions and odours. Because of the nature of the development that they are proposing, FFS does not have to do a full EIA but can, instead, do a Basic Assessment. Loathe even to do this, however, they requested an exemption, which was granted, and in this way have managed to avoid even the rudimentary public participation processes which would have allowed residents and civil society at large to air their concerns. Given that brand-new technology, which has never been tested outside of an experimental situation, is being proposed it seems particularly short-sighted of the regulator to allow an exemption.

While groundWork, who has challenged FFS Refiners, welcomes the move by the industry to make developments to the plant that will alleviate the burden of the odours and emissions on the residents of Pietermaritzburg, our main point of concern is that the public and government are being denied a right to interrogate the various claims made by FFS Refiners in an open and transparent manner.

According to the EIA regulations, DAEA should have considered whether the granting or refusal of this application is likely to adversely affect the rights or interests of other parties in making their decision. It is our opinion that the right of the public to engage meaningfully in a basic assessment and/or an EIA has been violated.

groundWork has lodged an appeal with the MEC on the basis that the exemption was granted based on promises made by FFS without DAEA or the public having had an opportunity to interrogate or test them. As a result of the exemption the public have been denied their right to participate in the evaluation of what is a new process, which has previously never been used in a normal operating environment. No matter how good the process might prove to be, it is our opinion that the public has a right to the opportunity to properly evaluate the proposed system.

Oh, and just to end off on a note that does bring us back to a broader issue of pollution in Pietermaritzburg; while DAEA and the MEC are handing out RODs, little is being done effectively by the City of Pietermaritzburg to manage the air quality in Pietermaritzburg. ↗



# Richards Bay... Targeted!

By Siziwe Khanyile

Things in Richards Bay are going from bad to worse, and there is now increasing concern that a nuclear plant may be a possibility.

After the Tata Steel debacle, where TATA Steel was refused permission to develop adjacent to Mondi for fear that paper exports to Europe would be contaminated with chrome, but were permitted by government to develop adjacent to residential areas in Richards Bay, the residents of Richards Bay are now faced with another battle - a proposed development of a fluorochemical hub.

The aim of this project is the establishment of a Fluorochemical industry hub, of which a hydrofluoric (HF) acid plant will form the anchor industry. This is an Accelerated and Shared Growth Initiative for South Africa (ASGISA) programme, with the project initiated by the Government. The Nuclear Energy Council of SA (NECSA) has an existing plant in Pelindaba, which is small and not viable at 5000 tons hydrofluoric (HF) acid produced per year. The HF Acid - Aluminium Fluoride plant will be 10 times the size of the existing Pelindaba site. The question that is at the back of our minds is whether a nuclear plant is destined for Richards Bay. groundWork and the Wildlife and Environment Society of South Africa are working together to understand better and to respond to this proposal.

The first phase of this development is the establishment of the chemical plant to produce aluminium fluoride in the Richards Bay area. This initiative is considered important because, while Fluospar is mined up-country, exported and then products using Fluospar imported, the South African government is wants to internalise this development so that they are not buying back what they sell! It makes sense.

The EIA started with an "authorities" workshop, held to assess nine sites chosen in and around Richards Bay. According to the background information document, the site for the proposed production facility has not as yet been determined. The site selection process commenced with a national site screening process in which Richards Bay proved to be the most suitable option. Richards Bay is seen to have a good industrial support structure for a chemical

production plant, including good access to transportation networks and the Port of Richards Bay and, by chance, has associated industries that need loads of energy such as the Hillside and Bayside smelters, so imputing the need for a nuclear plant in Richards Bay is not that outrageous.

#### Civil Society Response

As expected, the residents of Richards Bay are up in arms over this development because hydrofluoric acid (HF) is a very dangerous substance, which should not be stored near residential areas and hence many of the proposed sites should be eliminated. Already it is used in the oil refinery industry and stored in the middle of south Durban residential neighborhoods, which makes life precarious. We all know by now that Richards Bay is also the area that is being earmarked for future oil refineries. So the synergy is there.

The title of the project is considered misleading. The title of "Aluminium Fluoride Production Facility" rather than "Hydrofluoric Acid production Facility" does not reflect the high-level risk of the project.

Concern has also been raised over government's involvement in the project and the belief that political pressure will result in the project being approved, even if the risk is unacceptable. Government should not be able to act as both developer and decision maker.

The involvement of NECSA is also of great concern due to the possibility of a uranium enrichment plant in the Richards Bay area. Because HF acid is used to enrich uranium, the major worry is whether nuclear facilities will be established as part of this programme.

Many other critical concerns have been raised around this proposed development and we will be watching closely and engaging with the EIA process<sup>1</sup>. Welcome to another sacrifice zone! 

<sup>1</sup> Thanks to WESSA and Judy Bell for monitoring this process and providing us with necessary notes from meetings, etc.



# Niger Delta Visits SA Pollution Hotspots

By Siziwe Khanyile

## A Nigerian / South Africa exchange proves valuable

As the resistance to the ravages of oil grows in Africa, groundWork is working on linking community people from oil affected areas. groundWork, together with Environmental Rights Action, facilitated the Nigeria/South Africa community exchange which took place between 05 and 14 March 2006<sup>1</sup>. Six delegates from the Niger Delta and from Environmental Rights Action in Nigeria visited. They were: Victor Chris Egbe, Fanti Goodness Wariyai, Jonah Obakoren Gbemre, Comrade Che I Ibegwura, Jome Akpoduado and Mike Karikpo.

First hand experience is the best learning tool. The group did a tour of the pollution hotspots of South Africa where they met with NGOs, community campaigners, academics, government officials as well as industry. They had an opportunity to share the challenges that they face in the Niger Delta and forge links, and strategised for continued collaboration to make sense of mayhem around oil.

The delegation was hosted in Durban by the South Durban Community Environmental Alliance (SDCEA) who are in a basin surrounded by industrial activity and gravely impacted by the pollution caused by these industries. Also in Durban, at the University of KwaZulu-Natal, the Centre for Civil Society (CCS) organised a meeting, inviting senior students, some from Nigeria and others doing research on the Niger Delta oil situation. The discussion was vibrant and valuable.

In Cape Town the group was hosted by The Table View Residents Association who are neighbours to the Chevron Caltex Refinery and have continued to chip away at the refinery giant over the years. Barry Wugaanale who heads the Ogoni Solidarity Forum (OSF), was our other host.

Barry organised a civil society and social movements' meeting where the issues of environmental justice were discussed with an audience that does not traditionally work on environmental justice issues. This interaction proved valuable in creating the recognition of commonalities in the struggle for justice and human rights.

Onto the Vaal, where various community organisations, church groups, trade unions and other groups in the Vaal Triangle, under the organisational body of the Vaal Environmental Justice Alliance (VEJA), hosted the visitors, and shared very common experiences of pollution, struggle and politics. The Voice of the Voiceless, working in Secunda to challenge environmental injustices in eMbalenhle and Secunda areas caused by Sasol, hosted the group.

This programme aimed to strengthen the grassroots movement within Africa because, in order to resist, mobilise and change society, a movement that develops from the ground, with community people linking with community people, is critical.

Through this exchange we sought to provide space where community people will work with each other in solidarity, learning from and sharing their local experiences to challenge the oil industry in Africa.

The exchange programme was a great success and the visiting delegates were impressed by the involvement of the churches, the unity between the various EJ NGOs, and between these NGOs and groups working in other fields. They also commented that the issues facing SA and Nigeria are similar and that a common strategy could be used to address them.

The Nigerian delegation along with Siziwe and students from CCS.

Photo courtesy ERA



<sup>1</sup> South African community people visited the Niger Delta in May 2005 for more information see <http://www.groundwork.org.za/Press%20Releases/06May05Nigeria.asp>

# The proposed Cato Ridge Landfill Site

By Musa Chamane

## Neighbours are against the proposed new landfill on old Assmang land

WSP Environmental (Pty) Ltd. convened a public participation meeting on the 12<sup>th</sup> of May at Cato Ridge Country Club. Durban Solid Waste (DSW) is responsible for the disposal of domestic waste generated within the Durban boundaries of the eThekini Municipal Area. In 1996 DSW embarked on a process of identifying suitable sites which would meet the medium to long term waste disposal requirement of eThekini Municipal Area. This project was initiated so that suitable sites are demarcated for future landfill development, thereby guaranteeing that future waste generated can be disposed of accordingly. In the West Zone of the eThekini Municipal area, areas identified as potential sites for future landfill were Shongweni, Cato Ridge, Doonrug and Lion Park.

DSW have initiated the scoping exercise of the EIA process for the proposed Assmang landfill Site development. The purpose of the EIA phase is to gather detailed information on the proposed development through commissioning of specialist studies. With detailed information it should be possible to assess the potential impacts associated with the proposed project.

### Issues and Comments

- Q: It was questioned why the landfill layout is not corresponding with the one in the BID.  
A: The original layout was revised, and now excludes the Cato Ridge Airfield and other privately owned land.
- Q: Private land owners were not consulted. One of the participants commented that "I am one of them in the area, and my land, according to the plan is going to be affected".  
A: We have met with everyone affected by this - even Inkosi Mlaba had a meeting with us regarding this.
- Q: What alternative sites were considered and why were they not included in the presentation?  
A: Alternative sites like Shongweni landfill were considered but it was going to be costly.
- Q: according to the proposed landfill layout from which side will you start the filling of waste?  
A: Should authorisation be given, we will fill from west to east and waste is going to be filled by category.
- Q: What about odour? We are experiencing a problem with the abattoir and the health department is generally not responding to the complaints from residents. The landfill will blame the abattoir and vice versa, and no-one will take responsibility.  
A: Never answered.

- Q: Regarding I &APs, who did you consult?  
A: We are doing a survey of the area and there are questionnaires to answer both in English and Zulu. We circulated these questionnaires to different post boxes in Cato Ridge.
- Q: Officials should stop imposing on us, and deciding on our behalf that we need NCP, Thor and now Durban rubbish in Cato Ridge. We will be watching the process carefully until is sorted.  
A: We will be abiding by every requirement of the law.
- Q: We are not objecting for the sake of objecting, but the consultants need to get the communication right the first time. We suggest that you guys re-do the whole public participation. Ingonyama Trust was never consulted for this process?  
A: We have met with Inkosi Mlaba; we believe he is representing Ingonyama Trust.
- Q: There was a window opened by eThekini council to look for potential landfill sites for the future and that window was closed by full council in Durban and this meeting is unofficial, we are wasting our time and this meeting is over.  
A: This was never answered and that was going to be checked with relevant people within the council.
- Q: Is there contaminated land adjacent to Assmang?  
A: We do not have information on that, as soon as we have the answer we will get back to you by email.
- Q: Have you considered moving inland, like to Newcastle?  
A: It's not going be financially viable, transporting 500 tonnes of waste on a national road.
- Q: Inkosi Mlaba said that he dealt with this issue of the landfill coming to Cato Ridge around 2002, and now it comes back. Why? We are still refusing to accept it.
- Q: With regard to transport, does it mean if this landfill gets a permit, 500 trucks a day will be getting to the landfill site?  
A: this question was never answered.

It seems as if the consultants and the council never prepared enough for this public participation meeting. It was quite embarrassing to note that the members of the public were more informed about council's activities than the municipal official. We as groundWork believe in zero waste which incorporates waste recycling, re-use and re-design, and our stand is that we could not support the establishment of the landfill site but would rather encourage waste recycling at source.



# A visit to the New England landfill site

By Zarina Moolla

## Intern, Zarina, reflects on her first exposure to a landfill

On Friday morning, 11 May, 2007, Musa and I visited the New England Landfill site in Pietermaritzburg. Musa had a vague recollection of a previous visit to the site and directed me to an entrance that has since been closed. Being clueless as to where the other entrance is, Musa asked some women walking along the road where the entrance to the landfill site might be. Coincidentally, the women turned out to be scavengers on the landfill site and told us to follow them through a hole in the fence and along a path that appeared to be regularly used.

My debut experience of a landfill site was one of complete shock to all my senses. Before reaching the actual dumping area the stench of the site and the dryness of the air affected my nose. Visually, the large amount of waste collected in a massive space, came as a surprise, especially the large number of tyres. What was also very astonishing was the close proximity of the landfill site to residential areas. The site is situated between the Sobantu Township and Scottsville. The traffic onsite is very heavy, and hence the area is extremely busy and noisy. I felt deeply empathetic towards the scavengers picking food, metals and other items off the site, although it is hard to imagine having to make your living this way.

There were approximately thirty scavengers onsite, which was very few according to the ladies who guided us in. They were very secretive as to what they scavenge for; merely saying "You get everything here". It emerged however, that they mainly scavenge for food.

On leaving the site, we were lucky to run into the landfill site supervisor. He provided us with a wealth of information, some of which was shocking. What astonished me the most was

the lack of control on the landfill site. Onsite employees are not given any protective gear or tools. They are given paper masks, which are flimsy. Although scavenging is illegal on this landfill site, scavengers, including children, still come to the landfill site daily. According to the supervisor it becomes difficult to distinguish between the landfill site employees and the waste pickers. When asked about the health of the workers and scavengers the supervisor said the workers often get asthma and tuberculosis, but no health assessment has been done and the sickness is often linked to HIV and AIDS.

Being close to two residential areas, the landfill site naturally receives numerous complaints. According to the supervisor, mainly the Scottsville community complains when there is a fire, wind-blown dust and litter. As a result, the road on the landfill site is wetted down when necessary and the landfill site is covered daily.

On a positive note, we also learned that all paper, plastic, glass and garden refuse is recycled. They are also in the process of building a new road along the perimeter of the site to act as a firebreak.

One of the reasons for visiting this landfill site was to gather further information on landfill sites that will assist all stakeholders in the management of landfill sites. groundWork is currently investigating landfill sites around the country and hopes to make all this information accessible to the public, through a web-based system, so that they may understand what landfill sites we have in the country. If you know of any landfill site in your area that is a nuisance to the public please email or call groundWork.

The New England  
landfill site  
burning, as it  
does on a regular  
basis.

Photo courtesy  
groundWork



# Africa Stockpile Programme

By Musa Chamane

## In his second week at groundWork, Musa goes to his first out-of-country meeting

Virtually every African country has stockpiles of obsolete pesticides and associated wastes that have accumulated over periods of as long as forty years. At least 50,000 tonnes of obsolete pesticides, as well as tens of thousands of tonnes of contaminated soil, have accumulated in African countries. These pesticides pose serious threats to the health of both rural and urban populations, especially the poorest of the poor, as the stockpiles consist of toxic pesticides and associated contaminated materials. Many of these chemicals and their containers are in poor condition and threaten local and regional environments through the contamination of soil, water, food and air.

The Africa Stockpiles Programme (ASP) aims to clear all obsolete pesticide stocks from Africa and put in place measures to prevent their recurrence. The concept of a continent-wide stockpiles project grew out of informal discussions between NGOs and several inter-governmental organisations. ASP's objective is to clean up stockpiled pesticides and pesticide-contaminated waste (e.g., containers and equipment) in Africa in an environmentally sound manner, catalyze development of prevention measures and provide capacity building and institutional strengthening on important chemicals-related issues. Bringing together the skills, expertise, and resources of a diverse group of stakeholders, the Africa Stockpiles Program is a strategic partnership that offers a rapid, sustainable solution to this urgent problem.

On 16 to 20 April, 2007, an ASP meeting was held in Morocco. It was a great experience for me, traveling out of the country for the first time, flying for 20 hours (seeing sunrise and sunset while on board) and meeting people who are surprised by someone who cannot speak French. I, on the other hand, was surprised to meet academics who cannot speak English!

We flew via Senegal to Morocco and arrived in Senegal Airport in the early hours of the morning. It was quite scary walking from arrival to departure terminals because one had to walk outside the airport. Outside the airport there were a group of men who were taxi drivers, private dollar exchange people and bag carriers.

The hotel we were in was in Rabat city, second capital city of Morocco. The crime rate is not as alarming as in South

Africa and I could not believe running around in town with a laptop on my hands, unbagged, and nothing bad happened.

This was a four day workshop. The aim of the meeting was to share information with other countries. Some of the countries, like Morocco, are leaders in phase 1. Phase 1 covers seven countries: South Africa, Morocco, Mali, Tunisia, Nigeria, Ethiopia and Senegal. These countries are at different stages of the process.

The first day was about introductions and presentations from each country. It was clear that Morocco started the process of clearing out the POPs and pesticides years ago, before the inception of this programme, and that this is why Morocco is leading the pack on pesticides clearing. The majority of countries are not far away from one another. The difference between countries like Nigeria and South Africa is that the Nigerian Project Management Unit is prepared to work with the NGO membership while, in our case, the Department of Environmental Affairs and Tourism is reluctant to work with us, for reasons not known to us. We have written letters to them, but to no avail.

A South African NGO network meeting will be held on the 12<sup>th</sup> of June, 2007, at Clairwood (Durban Fresh Produce Market), 81 Flower Road, from 9h00 to 13h00. The main purpose of this meeting is to hand over the administrative role from groundWork to a new NGO still to be elected. groundWork is the present coordinator but does not have the capacity to play an administrative role in this programme. groundWork would, however, like to remain a member of the network. At this meeting we will also report back about the Morocco workshop and the negotiations with DEAT about a pilot project in Limpopo Province. ■



Musa (far left) and other delegates at the ASP meeting in Morocco.

Picture by Dr Buthelezi from NAFU



## Hospital Waste Management Follow-up

By Nomcebo Mbili

Because mercury is a neurotoxin that can affect the nervous system, the brain, the spinal cord, kidneys and the liver, even at low levels of exposure, one of our activities is to increase awareness in the health care institutions so that mercury is ultimately phased out.

On the 19<sup>th</sup> of April, 2007, the groundWork members of the medical waste management team visited Ngwelezane Hospital, which is one of the hospitals that was originally involved in groundWork's hospital greening project. Our aim was to follow up on how they were managing their waste subsequent to the training and support that they received from us.

We met Sister Fikile Zulu, who is now working as an infection control nurse, and Jabu Nene, who is the former infection control nurse. They were so warm, welcoming and very confident about their program of infection control. When we started talking it became clear how much they appreciated the positive impact that we had in helping the program to be where it is right now. They are still using our manuals as their source of reference.

We spent time with Miss Zulu who told us that they had motivated for digital and electronic equipment to replace all their mercury containing items and that all their old stock which contained mercury was sent back to Wentworth Hospital, which is the Medico central division. Their hospital is now a mercury-free zone.

We had a tour around the hospital and it was exciting to see that this hospital is working so hard to keep their standards high when it comes to infection control and waste management. Generally, the hospital was very clean and that alone impressed me very much. Each ward is segregating its own waste and still using the color coded bags to ensure that only the infectious waste goes to Compass Waste. It costs them an average of R58 000 each month to process the infectious waste, while ordinary waste gets collected daily by the municipality. Miss Zulu also mentioned that they still do routine ward in-service training and daily inspections with each ward to see if everything is going well in each ward. She did indicate, however, that when new staff come in, or when part time nurses are employed due to staff shortages, they do experience some challenges with waste sometimes getting mixed and being improperly managed. She also went on and indicated that the rural clinics which are working under them do not have a consistent transportation of their waste due to drivers getting hi-jacked very often and so, as a result, their waste

sometimes remains on their sites for more than 48 hours, which then leads to waste being burnt at the sites. This is one of the biggest challenges, but they are currently trying to outsource collection of waste through inviting tenders so as to have waste collected routinely.

Sister Zulu took us right to the pharmacy department and showed us how their pharmaceutical waste is kept in green bags until the time when it is checked by the Board of Survey and then collected by Compass Waste and disposed of in Johannesburg, as there is no pharmaceutical waste facility in KwaZulu-Natal.

Sister Fikile Zulu's request was that we should please provide in-service training, particularly for doctors as they are the ones who seem not to be co-operative enough when it comes to waste segregation techniques.

Generally, the program is up and running, despite the fact that there are problems here and there, and I seriously feel that Ngwelezane is working very hard to keep the system in place and this gives me hope that they can, in the near future, twin and support their clinics and also another hospital that is close to them. This will assist the infection control nurses and nursing managers to implement the same program.

Sadly, I cannot say the same for Edendale Hospital, another hospital that was originally involved in the hospital greening project. When we visited there on the 25<sup>th</sup> of April so that I could be introduced, we identified some areas of regression regarding waste management practices. On our way back to the car we discovered that there were gloves, soiled dressings and bandages lying on the ground and some of their waste was getting burnt on site. This is all against the health standards. Their waste handlers were not even using protective clothing, or even gloves or facemasks. What we saw outside made me wonder how bad the conditions were inside. It was quite unpleasing and disappointing for a hospital that did get training and support from us. The backward slide is probably because a lot of new personnel have taken over in a lot of positions, so we therefore need to go back to them and do a presentation to them about groundWork and how we wish to assist them in re-establishing the program.

We plan to further expand the program throughout the nation and to provide the Health care waste management manuals to places like Swaziland, Mozambique, Lesotho, Namibia, Botswana and Zimbabwe and also involve them in our Health Care Waste conferences.



# Steel Valley – Solidarity Against Mittal Steel

By Siziwe Khanyile

## As Mittal Steel increases the pressure on the remaining families in Steel Valley, residents past and present meet in solidarity

The 22nd of May was a day of reflection, remembrance and solidarity with and for the community of Steel Valley, which is situated on the outskirts of Vanderbijlpark, south of Johannesburg, in the middle of South Africa's industrial heartland.

Survivors of Mittal Steel's pollution reunited in Steel Valley to be updated on the situation and show solidarity with the last five remaining families in Steel Valley. The name Steel Valley is synonymous with Mittal Steel (originally Iscor, the apartheid state created steel company), which has had a long-standing legal battle with the residents of Steel Valley as a result of more than five decades of groundwater pollution<sup>1</sup>.

A reflection and prayer took place in a crisp highveld winter's morning and a media briefing took place later in the day at the house of Strike Matsepe, who continues his legal battle against Mittal Steel, who in the past have gagged him because he 'dared' to challenge them.

Those present included five families that still live in Steel Valley, including Rachel Ramodibe and Johannes Mkwanazi. Also present to demonstrate solidarity with Steel Valley residents were some of the group of sixteen residents who sought restitution from Mittal Steel in 2002 but were not successful in court and opted to sell their properties to Iscor.

The testimonies were a reflection of the injustices committed, with government collusion, by Mittal Steel against the Steel Valley communities. These include:

- Mittal's intimidation and use of underhanded tactics to force people off their land because they have refused to sell;
- Mittal's pollution which is in the air and in the water – and which is spreading – and is very harmful to people, plants and livestock. Strike attributes his stock death to Mittal's pollution;
- Mittal's lack of proper compensation for land value, loss of livelihoods, medical costs etc;

- The community calling on government to rehabilitate the area and send the bill to Mittal;
- Mittal's secret Master Plan detailing the extent of the pollution and what it plans to do about it, must be made public;
- The victims demand that Mittal must form a trust account for the victims' families with immediate effect. The remaining families are faced with a never-ending cycle of intimidation from Mittal. This ranges from the impounding of their cattle for alleged trespassing and having to pay a fine of R35000.00 for their return, to underhanded tactics to buy their homes, the death of their cattle and the drawn out legal wrangling with Mittal, which is an emotional and financial strain on the remaining Steel Valley residents.

Lawsuits brought by the community are pending and hope is now left in the justice system to effect justice and protect the Davids from the multinational Goliath, Mittal Steel.



Strike Matsepe holds the Grim Reaper award that was presented to Mittal at the Corpse Awards in 2005.

Picture courtesy groundWork

<sup>1</sup> For more information see <http://www.groundwork.org.za/CorpAccountability/Final%20Awards2006.pdf> for "Steel Valley on a Death Drip", Corpse Awards 2005.



# Assmang on the line for manganism

By Sarah Clifton

## The Department of Labour are conducting a public hearing into manganese poisoning of Assmang workers in Cato Ridge

### A busy Thursday at the Country Club

It's 8.45am outside the Cato Ridge Country Club in Kwa-Zulu Natal Province, half an hour's drive west of Durban, just above the Valley of a Thousand Hills. Outside the entrance to the country club groups of men stand huddled together, one or two of them in regulation corporate branded fleeces and trousers, most of them in ordinary clothes. Through the country club and out the other side stands another huddle. This group are mostly in suits - lawyers, Department of Labour officials and corporate executives, discussing the day's proceedings. This is the first day of the Department of Labour inquiry into manganese poisoning amongst workers at the ferro-manganese plant at Cato Ridge, owned by South African company Assmang.

Manganese is a metal essential for the production of iron and steel. Assmang, formerly The Associated Manganese Mines of South Africa Limited, established its plant at Cato Ridge in 1956 to process the manganese ore from its mines in the Northern Cape, turning the ore into manganese alloys for supply to metal alloy manufacturers in South Africa and around the world. The plant now directly employs 700 people, with an additional 180 contractors, and has an annual revenue of around 1.5 to 1.6 billion Rand.

### Manganese Poisoning at Assmang

Manganese poisoning, or manganism, is a condition of the central nervous system resulting from excessive exposure to manganese. Manganism has similar symptoms to Parkinson's Disease, including headaches and hand tremors, loss of balance and memory, heart problems, and psychological illness.

Ten confirmed cases of manganism have been detected amongst workers at Assmang's Cat Ridge plant by the company doctors. However, at the time of writing, 45 workers and former workers have contacted Richard Spoor, the human rights lawyer representing the affected workers, complaining of symptoms associated with the condition.

### Purpose of the Inquiry

The inquiry into manganese poisoning at Assmang is being undertaken by the Department of Labour under the Occupational Health & Safety Act 85 (1993). The

purpose of the inquiry, as set out by Department of Labour official and Presiding Officer, Vuli Sibisi, is to establish the circumstances surrounding the exposure of employees at the Cato Ridge plant to excessive levels of manganese fumes, including exactly what happened and how it happened, as well as who has been affected and who should be held responsible.

### Corporate Time Wasting

The inquiry sessions are open to members of the public and by 9.00am the seating area reserved for interested observers is virtually full. Around 100 people are there to observe the proceedings, mostly current and former Assmang employees and their families. Many of the workers suffering from manganese poisoning are recognisable as they enter the room because of their walking sticks and their distinctive gait – an exaggerated side to side rocking motion that is one of the symptoms of manganism.

The next six hours are taken up by a 50-page statement from Assmang CEO Bryan Broekman. There are only two days set aside for the inquiry during which time all interested parties must have the opportunity to question Assmang representatives about the manganism cases, and so the Presiding Officer, Mr Sibisi, requests that, in the interests of saving time, Broekman submits the full statement as evidence and reads out the 12-page executive summary that Assmang has also prepared in advance.

But Broekman's lawyers refuse, insisting that he should be allowed to read the full statement. The workers and their families sit patiently in the audience, listening to the largely irrelevant remarks. This is just another minor setback in the long and difficult struggle it has taken to get their case recognised and to get the Government to take action. A bit of deliberate corporate time wasting is not going to deter them from witnessing the justice process it has taken so long to obtain.

### The Cross-Examination Begins

Day two and everyone is back, plus a few more journalists, and the cross-examination of Assmang CEO Bryan Broekman by Richard Spoor begins. Broekman and the other Assmang directors have duties under the Occupational



Health & Safety Act to protect the workers at the plant from exposure to toxic chemicals like manganese. The law states that they must, as far as reasonably practicable, establish precautionary measures to prevent exposure to hazardous substances. This indicates a duty on the part of Assmang's directors to establish the risks associated with manganese.

An understanding of the links between the condition manganism and excessive exposure to manganese amongst miners, smelters and welders goes back at least 100 years and there is substantial scientific literature available on the subject. However, Broekman asserts in his statement, and again during the cross-examination, that it was only after watching SABC's 2005 Special Assignment, exposing cases of manganese poisoning at the Samancor ferromanganese plant at Meyerton, that Assmang decided to put procedures in place to detect manganism amongst its own workers.

Employers also have a duty under the Hazardous Chemical Substances Regulations 1995 to ensure they themselves are properly trained as to the risks and precautions that should be taken, and that before an employee is put at risk of exposure to a hazardous substance such as manganese, they are adequately and comprehensively informed and trained regarding the potential sources of exposure, the potential risks to their health, and the precautions that can be taken.

However, Broekman is unable to state exactly when workers at Assmang were first informed of the risks associated with manganese and the precautions that should be taken, saying that he will have to investigate this further and get back to the inquiry with the information.

### What happens next?

Two days proved to be nowhere near enough time for all of the circumstances surrounding the case to be explored and follow-up sessions had to be scheduled to allow Spoor and the other interested parties, which include the unions, to conclude their questioning. The evidence gathered by the inquiry will inform a Department of Labour report for the Director of Public Prosecutions (DPP), on the basis of which the DPP will decide whether or not to prosecute Assmang for its failings in relation to the manganese poisoning.

### Justice for Assmang Workers

Assmang has had a number of CEOs during its fifty years of operations at Cato Ridge, and if the company is found culpable in relation to the manganism cases, it shouldn't be Broekman who is made a scapegoat. However, it is essential that justice is done; that all of the workers who have been affected are identified and provided with compensation for 100% of their lost wages and other benefits. If this isn't provided by the Workmen's Compensation Fund then the remainder should be covered by Assmang itself.

In addition, the company must take immediate measures to bring the manganese exposure of workers at the plant down to safe levels. This may mean shutting down the plant so that urgent remedial works can be undertaken. Obviously, if this is necessary, then Assmang must bear all the costs, with none being passed on to the workers in the form of lost wages or benefits. At the very least, Assmang's current plans to expand the Cato Ridge works with the construction of an additional two furnaces should be denied by the authorities until the company can prove that the working conditions within the existing plant have been made safe.

### Justice for the Cato Ridge Community

In addition to delivering justice for the affected workers at the plant, the authorities must also begin to take steps to assess and address the plant's negative impacts on the long-suffering Cato Ridge community. Many a dirty and irresponsible industry has established itself at Cato Ridge. One of the worst of these, Thor chemicals - a hazardous waste trafficking operation disguised as a mercury recycling plant - was directly responsible for the death of four workers and for mental and physical impairments amongst others who were exposed to mercury at the workplace through bad corporate practices. Furthermore, in 1988, mercury levels in the Umgeni River, from which many rural people draw their drinking water, 15km downstream of Thor, were reported to be 1000 times higher than WHO standards for drinking water.

It is essential that this situation is not allowed to repeat itself in the case of Assmang. Action needs to be taken to establish the plant's wider environmental footprint and its potential impacts on the health of local community members, including the gathering of baseline data on community health and demography and local air and water pollution, and ongoing monitoring in these areas by an independent body.

This will require strong cross-departmental cooperation between the Department of Labour, the KZN Department for Agricultural and Environmental Affairs, and other provincial regulatory bodies with an interest or responsibility in relation to development, planning, health and safety, environment and community health. This will be no easy task. Cases like the Assmang one are long, complicated and require major government resources. But it is essential that they receive adequate attention if the Government is to demonstrate that the law has teeth and that people's right, under the Constitution, to a clean and healthy environment is to be upheld.

The Department of Labour inquiry into manganese poisoning at Cato Ridge continues on 9,10 & 11 July.



# Don't feed the BEAR!

One of the strongest messages sent by civil society to the DEAT in their comments to the Waste Management Bill was:

**DO NOT INCINERATE**

As circumstances would have it, I never had the privilege of 'Winnie-the-Pooh' as a kid, so as our young one is growing up I have immersed myself in some of his books and DVDs and one of them is Pooh Bear. Now despite Winnie-the-Pooh at times being complex – have you heard of the Tao of Pooh? – there are some simple messages such as 'DON'T FEED THE BEAR!' This simple message is delivered with much vigour by Rabbit when Pooh, having eaten too much honey while visiting, gets stuck in poor Rabbit's front door. For the Pooh purists, this message was not part of the book but snuck into the Disney adaptation – these damn Americans!

Well, a clear and simple message was delivered by civil society to government after two days of deliberations on the Draft National Environmental Management: Waste Management Bill. **DO NOT INCINERATE!**

On 29-30 March, 25 organisations from throughout South Africa met in Johannesburg to consider the Bill and to prepare comment for government. Government had hosted a series of poorly planned and badly organised consultations throughout the country. Due to inadequate notification, these meetings were sparsely attended by civil society. In some provinces there were two civil society representatives at the most, at others none. So groundWork's workshop in March, bringing together representatives from organisations as diverse as the National African Farmers Union and the Wildlife and Environment Society of South Africa, the Anti Privatization Forum and Habitat Council, was a unique event in that it sought to bring together a range of civil society organisations to work together on a common message and response to the Bill. The message was: **DO NOT INCINERATE!**

Joanne Yawitch, Deputy Director General of the Department of Environment and Tourism (DEAT), who is responsible for the Bill presented some of the key challenges facing DEAT in ensuring that the Bill is successful, and it was clear that the issue of incineration is an issue that is going to have to be solved in the corridors and rooms of National Parliament,

for the DEAT is not prepared to take the bold step, such as in various countries, states and districts/municipalities world wide, where the leadership of these have said "no" to incineration.

To ensure that the DEAT gets a good understanding of civil society concerns, groundWork invited three of its southern international partners to address the civil society meeting and to assist our input to the Bill. Manny Calonzo of the Global Anti-Incineration Alliance, based out of the Philippines, Jayakumar Chelaton from Thanal, India, and Von Hernandez of Greenpeace South-East Asia, in Thailand, joined the meeting for the two days, hearing government's input as well as input from the Chemical Allied and Industrial Association and the South African Tyre Recycling Process Company. The cement industry, which is the main proponent of hazardous waste incineration, declined our invitation for them to address the meeting. I wonder why?

The main reason for inviting our partners from India and South East Asia is that they have the most intimate experience in challenging for alternatives to incineration, but also in working towards a Zero Waste reality, where they work with community people to divert as much waste as possible from landfill sites and incinerators. In the Philippines, the government has banned the incineration of waste as a management option, and in Karela, India, the reality of a Zero Waste management approach has secured meaningful employment options for people of the area.

After the two days of deliberations people were united and motivated in their response to The Bill. The meeting informed the comments made by civil society, which can be found on the groundWork website<sup>1</sup>.

Before briefly giving an outline of some of our comments on the Bill, DEAT must be commended for getting this Bill out and for taking some bold moves, e.g. challenging the mining industry.



So, for some of the positives, the following issues and proposals are welcomed and were supported by all:

- The development of Standards;
- The development of a Waste Information System;
- The development of a National Waste Management Strategy;
- The identification of Priority Waste;
- The inclusion of mining waste as hazardous waste, although we strongly recommend it be included in a separate section due to the magnitude of the problem;
- The inclusion of contaminated lands; and
- The inclusion of a licensing process.

groundWork will endeavour to work with the DEAT and other relevant authorities to give meaning to these commitments. We recognise that things cannot happen overnight, but we encourage the DEAT to engage with civil society in a regular and meaningful manner in order that the priorities can be discussed and agreed upon.

What we will most certainly challenge till the very end, i.e. when the Bill goes to parliament and beyond if we have to, are the following non-negotiable positions:

- Government allowing incineration of waste;
- The lack of formulation of a process of recognising and dealing with salvaging on landfill sites;
- The lack of recognition of the need for a Zero Waste approach and philosophy with regard to waste management;
- The ignoring of the commitments within the Polokwane Declaration that committed government to reduce waste generation and disposal by 50% and 25% respectively by 2012 and develop a plan for ZERO WASTE by 2022;
- The lack of development of a situational analysis of the hazardous waste production in South Africa;
- The fact that the life cycle analysis approach to waste management has not been adopted.

The Bill goes to parliament in June, and we will be there – in force! 



Some of the delegates to the Waste Bill meeting, held by groundWork in March 2007.

Picture courtesy of groundWork.

<sup>1</sup> Please see <http://www.groundwork.org.za/WasteBill/FinalWasteBillComments120407.pdf>



# Trojan Horse

By Sunita Dubey

## Hidden costs of coal-to-liquids in the USA

US interest in the coal-to-liquids (CTL) technology was sparked when German scientists and technical documents were captured in the latter stages of World War II. One of the reasons for this was the massive quantities of coal available in the US and the Federal Government began investigating possible coal-based synthetic alternatives in response to the scenario of a decline in America's natural oil supplies. Passage of the Synthetic Liquid Fuels Act of 1944 began the first concentrated effort to study future ways to use the nation's abundant coal supplies<sup>1</sup>. In fact, the United States experimented with CTL in 1979 by creating a Synthetic Fuels corporation (SFC), assuming high oil prices in the 1980s. Although SFC invested in six CTL projects, all its products became unviable due to a sustained drop in oil prices in the 80s, and SFC was terminated in 1985. Although companies like Rentech and Syntroleum have been doing technology research, no large-scale commercial plant has been built in the US.

In recent times, however, the coal-to-liquids lobby and its proponents have found fresh vigour to promote and push this technology at Capitol Hill. At least nine coal-to-liquids facilities are now in the planning stages, including one each in Illinois, Pennsylvania, and Wyoming. These already have significant funding lined up and are slated to begin production by 2009, according to the National Energy Technology Laboratory. There are currently a number of projects undergoing feasibility studies, including the Medicine Bow Project in Wyoming, the Waste Management and Processors Inc (WMPI) project in Pennsylvania and the Rentech project in Illinois. There are also projects proposed in Arizona, Montana and North Dakota. DKRW Energy's CTL project in Medicine Bow, Wyoming, is being designed to produce 11,000 barrels per day (bbl/d) of various fuels – primarily diesel. DKRW Energy has long-term plans to further expand the capacity of the facility to produce as much as 40,000bbl/d of fuels. The Medicine Bow project will also include the construction of an integrated gasification combined cycle (IGCC) unit to produce electricity on the site using the syngas<sup>2</sup> and steam produced in the CTL process. During the first phase, an estimated 45MW of power will be generated. As reported by the National Coal Council to the Department of Energy, if federal tax incentives and state subsidies are provided

to kick-start the industry, coal-based fuel production could soar to 40 billion gallons a year by 2025 – or about 10 percent of forecast oil demand that year.

The Energy Policy Act of 2005 also encourages the development of these technologies in a number of ways, including a new loan guarantee program for innovative technologies that does not require the appropriation of any taxpayer funds<sup>3</sup>. On March 30, 2006, DOE awarded funding of about \$4.3 million for a \$5.4 million project that would further develop Syntroleum technology to produce either hydrogen or high hydrogen-content fuel. The funding was part of a broader award of \$62.4 million for 32 U.S. clean coal research projects<sup>4</sup>. The USA's proposed Foreign Oil Displacement Act seeks to provide financial tax incentives for CTL projects. Specifically, the bill would provide a 28% Investment Tax Credit and exemption from the Fuels Excise Tax for CTL fuels.

The Energy Information Agency projects that the US will get 1.7 million barrels of transportation fuel per day from coal by 2030. This is nearly half of the expected worldwide coal-to-liquids (CTL) production. A new report prepared by the National Coal Council suggests CTL technologies could produce 2.6 million barrels per day, including gasoline, diesel and jet fuel.

However, such a promise is called into question in a DOE environmental impact filing in December 2006, which reported that a leading CTL development had no near-term plan to capture any of the 2.3 million tons of CO<sub>2</sub> it would produce annually. According to Wall Street Analysts, the \$800 million project, which would make 5,000 barrels of CTL fuel a day in Gilberton, Pa., is part of an industry push where CO<sub>2</sub> capture costs are not factored into the bottom line of the business plan.

### Ongoing Lobbying Efforts

The National Mining Association has ramped up Capitol Hill lobbying by creating a new coalition and a website, "futurecoalfuels.org". Many in Washington are warming to the idea of CTL. The bills promoting CTL in the House of Representatives and the Senate have received strong bipartisan backing and supporters of the bill range from



## Plants Under Consideration in the United States



Sen. Barack Obama (D) of Illinois to President Bush. In his State of the Union speech on January 23, 2007, President Bush called for the United States to produce 35 billion gallons of "alternative fuel" by 2017.

The "Coal to Liquids Coalition" is a network of companies and organizations trying to promote CTL in the US, which includes companies like Sasol, Rentech, Syntroleum, and National Mining Association etc. This coalition was launched on March 28, 2007, and several US Congress members from coal-producing states attended the launch. Sasol North America, a division of the company that produces CTL fuel in South Africa, paid the Livingston Group \$320,000 last year to lobby Congress to support building CTL plants in the United States. With congressional members and the White House promising to promote alternative fuels, a number of other alternative-fuel companies have joined Sasol in hiring firms to lobby for tax breaks and other incentives to ease their entrance into a market dominated by oil companies.<sup>5</sup> Sasol wants to build coal-to-liquid (CTL) plants in three US states as part of its global expansion program. The three states - Montana, Illinois and Wyoming - hold about 56 percent of total US coal reserves, or 267.3 billion tons combined.

### Glitches in the CTL

The price estimates cited by CTL industry proponents assume facilities are going to be uncontrolled for CO<sub>2</sub> emissions. However, the judgment by the US Supreme Court on April 2, 2007, on global warming, categorised CO<sub>2</sub> as an air pollutant under the Clean Air Act and well within the jurisdiction of EPA. Given the current debate in the Congress, and public concern on global warming, investors should be careful of the increasing likelihood that the US could establish emissions controls, so that any large investment in CTL would need significant subsidies to offset environmental costs. High capital costs – \$1 billion to \$6 billion for a single facility – and the unknown cost of carbon sequestration could make such projects unappetising for investors to swallow without federal incentives. A key question is whether CTL plants will have carbon sequestration as an integral part of their operations. If they do not, then these plants will emit millions of tons of CO<sub>2</sub> into the atmosphere annually. Even if gases were pumped underground, CTL fuel, when burned in an engine, would still emit about 8 percent more CO<sub>2</sub> than a gallon of gasoline, according to a Princeton University study in 2003.<sup>6</sup>

According to the U.S. Department of Energy, companies, local governments and American Indian tribes have announced plans to build the nation's first 16 coal-to-oil plants. Map courtesy of DOE.





Sasol plant  
polluting  
Secunda

Picture from  
groundWork

It is only because such health and environmental problems are ignored that Sasol's fuels are relatively cheap. CTL plants require enormous investments—about \$1 billion dollars for a 10,000 bbl/d, and up to \$6.5 billion or more for a large-scale 80,000 bbl/d plant with a five to seven year lead-time<sup>7</sup>.

Furthermore, with the looming challenge of mitigating global warming, it is important for Nations not to invest in high carbon emission technologies. According to a recent MIT study, the conversion of coal to synthetic fuels and chemicals requires large energy inputs, which in turn result in greater production of carbon dioxide (CO<sub>2</sub>). Thus, synthetic fuels derived from coal produce a total of 2.5 to 3.5 times the amount of CO<sub>2</sub> produced by burning conventional hydrocarbons<sup>8</sup>.

The groundWork US office has been following the recent development on CTL in the US and has come up with a comprehensive background paper on the status of CTL globally. We are trying to forge a network with like-minded groups, who are opposed to fossil fuel based technology and are working towards curbing green house gas emissions. Lessons are also being drawn from our work on Sasol's CTL plants in South Africa. 

#### Footnotes

<sup>1</sup> DOE and its History, [www.doe.gov](http://www.doe.gov)

<sup>2</sup> Syngas (from synthesis gas) is the name given to a gas mixture that contains varying amounts of carbon monoxide and hydrogen generated by the gasification of a carbon containing fuel to a gaseous product with a heating value.

<sup>3</sup> [http://energy.senate.gov/public/index.cfm?FuseAction=PressReleases.Detail&PressRelease\\_id=234935&Month=4&Year=2006](http://energy.senate.gov/public/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=234935&Month=4&Year=2006)

<sup>4</sup> [http://www.fossil.energy.gov/news/techlines/2006/06035-Syntroleum\\_Projects\\_Show\\_Progress.html](http://www.fossil.energy.gov/news/techlines/2006/06035-Syntroleum_Projects_Show_Progress.html): DOE Projects Provide Stepping Stone to America's Hydrogen Economy

<sup>5</sup> <http://thehill.com/leading-the-news/its-coal-vs.-oil-as-lobbying-heats-up-hill-2007-03-26.html>

<sup>6</sup> <http://www.csmonitor.com/2007/0302/p02s01-ussc.html>: Coal in cars: great fuel or climate foe?

<sup>7</sup> <http://www.futurecoalfuels.org/faq.asp>

<sup>8</sup> Furthermore, even if the CO<sub>2</sub> emissions from the manufacturing process can be captured and sequestered, combustion of the resulting fuel would still put more CO<sub>2</sub> into the atmosphere than conventional fuel would. See: Future of Coal-Options for a Carbon Constrained World, An interdisciplinary MIT Study, pp 152-154 March 2007.



# Trading Places

By Sarah-Jayne Clifton

"Write us an article about your experience of working at groundWork, good things and bad things". That's a rather difficult brief to get from your boss, even if he is only your boss for two months and you'll be safely back in the UK by the time the article gets published.

Everything is relative and so it's perhaps easiest to start by telling you about my normal experience of working for an environmental campaigning group. Back home I work as a corporate accountability campaigner for Friends of the Earth England, Wales and Northern Ireland (EWNI). Both Friends of the Earth EWNI and groundWork are part of Friends of the Earth International (FOEI), the world's largest grassroots environmental organisation. In total, the FOEI network comprises national organisations in over 70 countries, representing more than 1 million supporters across five continents.

One of the biggest differences between Friends of the Earth EWNI and groundWork is size. Friends of the Earth has been around for over thirty years in the UK and we now have over 100 employees in our London office, with specialist teams who undertake media work, fundraising and our work with local community activists. In contrast, as a comparatively young environmental organisation, groundWork is quite small – having recently expanded it now has a grand total of 8 permanent employees.

A campaigners' job here is thus very different compared to back home, and in some ways much more challenging. There are no press officers to write your press releases, or specially trained capacity-building people to help you mobilise and develop support amongst activists and within communities. All of this comes under the role of the campaigners, with Bobby as their boss.

Yet groundWork is a very good demonstration of the truth in the statement that size isn't everything. It massively punches above its weight in terms of both profile and output, running numerous, courageous campaigns simultaneously and meeting endless deadlines for government consultations and Environmental Impact Assessments, whilst at the same time supporting a number of different community groups in their fight for environmental justice and providing important expertise in areas like waste and public health.

With all this going on, you would expect the groundWork office to be a rather crazy place but, while people certainly don't sit around twiddling their thumbs, and occasionally they bump into each other in the hallway as they dash to join

a conference call or make an external meeting, the office manages to maintain a very calm and friendly atmosphere and that is testament to the 'non-campaigner' staff who hold the organisation together and keep everything functioning (relatively) smoothly.

The nature of the issues groundWork works on is also quite different to what we work on in the UK. While we do still very occasionally focus on site battles with companies, most of the corporate accountability work in the UK has shifted to a focus on the impacts of British multinationals overseas, and we are reliant on Southern organisations like groundWork to tell us what the issues are and what we can do from the UK and Europe to help address them.

Here in South Africa the corporate accountability issues are much closer to home. The victims of the negative corporate impacts that groundWork campaigns to halt live within South Africa's borders, whether it's the workers at the Assmang plant at Cato Ridge, the communities living on the fenceline of the Shell and Petronas refineries in South Durban, or the communities being forced off their land by Anglo Platinum and Mittal Steel.

The Friends of the Earth International exchange programme is a relatively new initiative which aims to foster greater mutual understanding amongst groups in the FOEI network and to help build stronger relationships internationally to help us campaign more effectively on the growing number of cross-border, international environmental issues.

My two months at groundWork have flown by too quickly but have taught me a great deal on a number of fronts. Amongst other things I will take back to my colleagues in the UK a much better understanding of groundWork and its current campaigns; the issues the organisation faces on the ground; and the wider social movements in South Africa, alongside which it is facilitating grassroot resistance against irresponsible corporate behaviour.

Not that there was ever much question over this, but the exchange programme has demonstrated beyond doubt the need for people in the UK to listen to and support the Southern groups in the FOEI network, and to follow their lead in terms of what issues we are trying to address and what we are calling for in our international work.

What else have I learnt? Well let's just say I'm going to go back to the UK with certain demands, including that my boss treats us to muffins at least once a week... 



## This year's Goldman Awards

By Bobby Peek

Once again, resistance to Shell's activities results in a Goldman Award  
- this time for Irishman, Willie Corduff



The vast majority of people, if not all, that I have spoken to who have had the opportunity to visit Ireland, have always spoken fondly and admiringly of the land and its people. And in visiting, especially the more far flung areas in Ireland, you get an intimate sense of why this is so – people are honest and straight to the point, unlike the modern day corporate boss, unlike Shell.

In 1996, gas was discovered off the coast of the north west of Ireland, off County Mayo. Shell was in on the deal, and immediately started a process of exploiting the gas and developed plans to bring it on shore, at Rossport, in County Mayo. What Shell did not expect was the simple fact that some people might not want a high pressure gas pipeline and refinery in their neighbourhood. Shell is used to getting what it wants - you just have to ask the people in the Niger Delta, Texas, south Durban and in various other localities globally. However, the people of Rossport,

were having none of this. A campaign emerged from this resistance called the 'Shell to Sea'<sup>1</sup> campaign which called for Shell to build their gas refinery out at sea, where they found the gas.

As a result of this resistance, six farmers, including Willie Corduff, refused to allow Shell onto their farms to lay the high pressure gas pipeline. In June 2005 the democratic Irish government jailed five of these farmers – the sixth farmer was a women – for not allowing Shell to dig up their farms.

Willie and his four fellow farmers spent 94 days in prison. Protest erupted throughout Ireland, and I remember driving through many small villages throughout Ireland in September 2005, where one saw messages sprayed onto walls: 'Free the Rossport five'. A country was united against Shell but, sadly, the government of the country was not.

On 23 April, 2007, Willie received the Goldman Prize for his resistance against Shell. On 18 April, during his flight to San Francisco to accept the prize, the Rossport Five were vindicated when Shell dropped its long running legal action against them and Shell was ordered to pay the more than one million Euro legal costs. Shell has also decided to reroute the pipeline.

The campaign against Shell in Ireland is something that we can all learn from. It is a campaign that unifies people, a campaign that responds to issues in an honest way of putting one's being on the line, for what one believes in. And it is only in doing this that resistance is rewarded with victory. As Willie puts it: 'I am just an ordinary person who stood up to an injustice'.

<sup>1</sup> For more information see <http://www.corribos.com>



Willie in  
Rossport, Ireland  
Photo by William  
Hederman



# Launch of AQ Monitoring Stations

By Caroline Ntaopane

## The first government-owned Air Quality Monitoring Stations have been launched in the Vaal Triangle

On 11 April, 2007, in Zamdela near Sasolburg, the Department of Environmental Affairs and Tourism launched six air quality monitoring station sites across the priority area. The stations will also assist in enabling government to verify the accuracy of data received from industry's own monitoring stations. The monitoring stations are installed within various municipalities in the Vaal Triangle, four of them being located in schools.

The stations will continuously monitor the quality of air, for various pollutants and 24 hours a day. Information from these stations will be made available to the public via the DEAT website as soon as the necessary protocols are established. DEAT also reported that the monitoring stations will later be part of a national network to monitor air quality throughout the country, run by DEAT and the South African Weather Service (SAWS), and called SAAQIS. The monitoring stations will be handed over to the relevant municipalities by 2009. A capacity building program is being developed to prepare for the municipalities for takeover.

Monitoring stations are situated at the following areas:

Ikisetsetseng Comprehensive Secondary School – Zamdela  
Thito Lore Secondary School – Sharpville  
Three Rivers High School – Three Rivers

Soul Tsotetsi – Sebokeng  
Klipriver  
Diepkloof

The Deputy Minister, Rejoice Mabudafhasi, said this, the government owned Air Quality Monitoring Network for the Vaal Triangle Air shed, marks a new chapter in our quest to liberate our communities from breathing air that has been polluted by harmful substances. The Deputy Minister said this has been done to meet constitutional obligations to ensure clean air for the people of this area, thus protecting them from harmful effects of polluted air which would otherwise compromise their ability to take an active part in economic activities of this area because of severe illness.

Communities in the Vaal Triangle appreciate the sincerity and the commitment of government to monitor air. This is what the community has been fighting for for the past decade. The community will monitor this process closely and it is important to mention that the community has been taking air samples using the bucket brigade and will continue to do so. It is imperative that the environmental officers should be capacitated in reading and understanding the data from the air monitoring stations, and that the same capacity should be extended to the environmental activists in the Vaal. VEJA is committed to working with government in order to deliver environmental justice in the Vaal, but in order to effectively do this, communities should be able to monitor the implementation of the programme.



Air Quality  
certainly needs  
monitoring in  
the Vaal.

Picture courtesy  
of the Battelleurs.



# Shell Hell

## A round-up of some of Shell's recent evil-doings

### Oil companies shun dialogue on environment

Despite having been individually invited, all major oil companies involved in oil exploration in Nigeria shunned a workshop with the theme "Practical Steps in Preparing Environmental Performance Reports For Critical Stakeholders in the Oil and Gas Sector", organised by the Ministry of Environment and GN Globe Consulting. The workshop was to provide an understanding of the impacts on the environment by the oil and gas sector with a view to finding solutions to them. In addition the workshop's focus was on sustainability development in the country's private sector driven economic programme as a private driven economy has to ensure that it is operated on sustainability basis with special reference to environment and social responsibility.

### Shell does not always get what it wants

In 2005 Shell E&P erected a section of the pipeline for the Corrib plant in Ireland without the necessary ministerial permission. They were subsequently forced to dismantle it.

### Irish Activists vindicated in High Court

When they refused to allow Shell, who wanted to lay a pipeline, onto their privately owned land, Irish farmers were stuck in jail. Having these farmers, who became known as the "Rossport Five", in jail proved harmful to Shell, so they dropped their temporary injunction against them in order to get them out.

Then Shell tried to drop their permanent injunction, but the local landowners opposed this saying "you can't just drop the injunction as though it never meant anything - some of us went to jail as a result of that injunction".

In April 2007 Justice Mary Laffoy imposed conditions on the injunction:

- \* Compulsory Acquisition Orders are to be dropped against landowners along the pipeline route. This means that the pipeline can only go ahead with the consent of the landowners.
- \* Shell is to pick up all legal costs associated with the injunction.

This ruling means that the stance taken by the Irish farmers has been legally vindicated.

See our story on Page 26

### Native and Conservation Groups Challenge Oil Drilling in Arctic Ocean

The Bush administration has recently given permission to Shell Offshore Inc. to drill several oil and gas exploration wells in the Beaufort Sea, starting in June 2007. The plan was approved through a rushed process and a full impact analysis, with public input, was not done. The Arctic community, whose lives revolve around whaling, are concerned that oil spills and other effects of drilling will destroy their culture. Environmental groups are concerned about the impacts on the wildlife in the area. Earthjustice has now filed challenges against the administration on behalf of Native and environmental groups.

### Shell settles reserves case

After admitting to having overstated its oil and gas reserves, shareholders brought suit against Royal Dutch Shell, which has agreed to pay \$352.6m to settle, but without admitting any wrongdoing. Shell's market capitalisation plunged in January 2004 when it shocked the market with the revelation that it had over-stated the value of its oil and gas reserves by one fifth and then later indicated that the figures was closer to a quarter. Shell's chairman did the exploration director. Both had known about the problem for at least two years prior to it becoming public knowledge.

### Sakhalin II workers poisoned

Attempts were made to cover up violations in the canteen which services about 1600 Russian and Turkish workers on Shell's Sakhalin II project, and which resulted in the food poisoning of 200 workers. Epidemiological investigation indicated violations of elementary sanitary standards.



### Complaints submitted against Shell's misleading ads

An expensive ad by Shell makes exaggerated and misleading green claims about the oil company's operations, says Friends of the Earth International who, in May 2007, filed complaints with the national advertising standards authorities of three European countries. The ad depicts an outline of an oil refinery emitting flowers instead of smoke and infers that it uses its waste CO<sub>2</sub> to grow flowers and its waste sulphur to make concrete. FoEI says that the ad suggests that it uses all of its waste CO<sub>2</sub> to grow flowers, where in fact it uses less than half a percent. Contrary to the implication of the advertisement, that Shell wastes nothing, it wastes gas in Nigeria through constant (and illegal) flaring and emits many tons of sulphur dioxide into the air every year.

### Women's rights violated in Sakhalin II project

A report released in September 2006 by CEE Bankwatch Network and Gender Action outlines the increase in prostitution, human trafficking, HIV and AIDS and violence against women living in communities affected by Shell's Sakhalin II project. Because of the large increase in mainly foreign male workers, loss of land and degradation of the environment and community break-down caused by the project, women bear an increased burden of poverty and are subject to the brunt of an increasingly dysfunctional society.

### Manipulation of synthetic rubber price

Shell, along with four other major companies, was fined for taking part in a price-fixing and customer sharing cartel for certain synthetic rubbers. Shell's fine, 160 million Euro, was higher than normal because Shell has previously been found guilty of participating in cartels. The total fine of 512 million Euro is the second highest fine ever imposed by the Commission in a cartel case.

### Shell defies order to stop flaring in Nigeria

Despite having been ordered by a Nigerian court to stop flaring by 30 April, 2007, Shell has continued to do so. Shell was originally ordered to stop flaring, which is a destructive practice that costs Nigeria about US\$2.5 billion each year and is associated with numerous health problems, in November 2005. They did not. Contempt of court proceedings were filed against them in April 2006, and they were released from the duty to stop flaring immediately on condition that they phased out flaring over the following year and submit a plan outlining how they would achieve this to the court. On 30 April, 2007, flaring was continuing, no plan had been submitted, no representatives of Shell turned up at the court, the judge had been removed from the case and transferred to a far-flung part of Nigeria and, for a second time, the court file was unavailable.

### Southern attitudes evident in the North

Shell was issued with ten improvement notices by the British body, the Health and Safety Executive (HSE), during 2006. All but one of these referred to Shell's North Sea platforms. Notices are served where the HSE considers a company is operating unlawfully with unacceptable risks, according to industry experts.

In July 2006, an Aberdeen sheriff's court ruled in a fatal accident inquiry that Shell could have prevented the two deaths if it had properly repaired a hole in a corroding pipe on a Brent platform.

In November 2006 HSE issued a statement: "Shell have failed to implement a suitably resourced maintenance regime to achieve compliance with their maintenance strategy. This has led to an excessive backlog of maintenance activities for safety-critical equipment."

Bill Campbell, one of its senior safety consultants, claimed that Shell was operating a weak safety regime and said some employees had been falsifying documents.



# Shining a light on SA's invisible people

By guest author, Saranel Benjamin

**Saranel Benjamin has been investigating the nature, causes and consequences of children who scavenge on dumpsites**

In a study commissioned by the International Labour Organisation's (ILO's) Towards the Elimination of Child Labour (TECL) programme into the nature, causes and consequences of children scavenging on landfill and dumpsites it was found that there is no quantifiable data existing on the number of people who scavenge on dumpsites and landfill sites across the country, hence there is no data on the number of children on site. From observations made on the sites that were visited for this study and where there were children, it was estimated that **one in every four** people scavenging on a dumpsite or landfill is a child between the ages of **4 years and 18 years**.

This study found that an individual who scavenges is one who is relatively poor, has a low ascribed social status, is an immigrant (mostly from rural areas), and that the engagement with this form of work is generally an adaptive response to chronic poverty. It is also work that is taken up by people who have been forced out of formal employment through retrenchments. This was confirmed by the data collected through the field research. The children that were interviewed stated that where they lived with their parents, these parents were either unemployed or employed in low paying jobs like domestic work or farm work or scavenging. Where they lived with a grandparent, they survived off the grandparent's pension. Many had come from rural areas and settled in informal settlements in search of formal work. Having not been able to gain formal employment, the adults and children were introduced to scavenging through the social networks that exist in the informal settlements.

The data also confirmed that children engaged in this form of work because they felt a strong emotional and psychological connection with the family. Many children said that the reason they engaged in this work was to take care of their family by bringing in an income. They showed a strong sense of family obligation and the need to take care of their parents, siblings and grandparents. Most of the children interviewed stated that the money they received for the work they did was given to the head of the household for the running of that household and was

used to pay rent, buy electricity or water and food. In some cases children didn't get paid for the work that they did and seemed to perform this work with their parents who did the selling of the materials to recycling companies. The literature confirms this, stating that children who engage in scavenging activities contribute up to **50% of a household's income** either directly or through the amount of recyclable materials they picked.

The study also picked up that the majority of those interviewed had just entered scavenging as a form of work, either on the day or month of the interviews taking place or earlier on in the year. Some of the other children had been doing this work for up to 10 years. Taken together with some of the adult interviews where some adults were engaging in this work for up to 35 years, this indicated that there is no natural extraction out of this work and any attempt to get children off the dumpsites is through an active intervention.

In some cases the children stated that they no longer go to school because they cannot afford to pay their school fees and other school expenses and, rather than be a burden to their families, they have opted not to go to school and have found themselves working as scavengers.

The children that were interviewed worked long hours, starting early in the morning. In some cases the children worked between **8 and 12 hours per day**, some working **7 days a week**, although there were some children who only worked after school, on weekends and on holidays. As the literature noted, because the work of scavenging is precarious and is done as a form of survival, children tend to work irrespective of the weather conditions or the conditions on site. The children interviewed said that they worked in the rain or in the blazing heat. On some sites children scavenged amongst burning waste, dodging bulldozers and heavy machinery, sometimes even jumping onto the backs of moving trucks. Children were observed having skin infections, bloodshot eyes, runny noses and being under-developed for their age.



Scavenging is a livelihood and survival strategy with individuals engaging in this work to earn an income to support their impoverished households. The survival aspect of the work has seen scavengers engaging in precarious and hazardous work. For the children that were interviewed, this extended to food security as well. In this study it was found that of the 75 children interviewed, **30 children ate food that they picked off the site**. Eighteen of these children ate three meals per day and the only way they were able to eat three meals was by picking food off the site. At least **26 children ate less than three meals per day**.

Most of the children do not like doing this work but feel that they are forced to engage in it as there are no other alternatives for them. Yet, at the same time, they understand that the only way out of this situation is for them to attend school, but they don't have the money to do so. This seemingly unending cycle has left many of these children feeling depressed and filled with despair.

An analysis of the policy and legislative framework found that whilst there is a general prohibition on child labour through the Constitution and the Child Care Act and through labour legislation such as the Basic Conditions of Employment Act (1997) (BCEA) and the Occupational Health and Safety Act (1993), there is no specific legislation dealing with scavenging either from the Department of Labour or the Department of Environmental Affairs and Tourism<sup>1</sup>. The work of scavenging is therefore considered informal and remains unregulated and unprotected. This extends to the children who engage in this form of work.

The BCEA prohibits the employment of children under the age of 15 years and also prohibits the employment of a child who is over 15 but younger than 18 from work that is inappropriate for the age of the child or if the work places the child's well-being, education, physical or mental health, or spiritual, moral or social development at risk. The Child Care Act extends this provision by prohibiting the employment of children under the age of 15 as well as the provision of work to such children. This study's sample of children indicated that the majority of the children interviewed, ie. **55 children out of the 75 interviewed** were 15 years old and younger. The majority of them, ie. **41 children out of 55 children**, were boys.

The South African Schools Act makes schooling compulsory for children between the ages of 7 and 15. The BCEA also states that the employment of a child who is under the minimum school leaving age (15 years or older) is prohibited. Yet this study found that **14 children** were under the age of 15 when they left school to work on the site. In addition, **49 children** under the age of 15 were juggling school and scavenging work, engaging in this activity either after school, on weekends or during the school holidays.

<sup>1</sup> Waste management, and therefore scavenging, falls under this government department

However, those children between the ages of 15 and 18 stated that they would prefer to be at school rather than to be doing this kind of work.

The livelihood aspect of the work relates directly to selling materials picked to recycling companies. There is a direct correlation between scavenging and recycling activities. Recycling has been identified by the Department of Environmental Affairs and Tourism as a key component of its waste management strategy as it moves towards waste minimisation. Despite the direct correlation between scavenging and recycling, and the fact that the only recycling initiatives taking place in South Africa have been through the activities of scavengers picking recyclable and reusable waste materials, the Department has been silent in its policy and legislative frameworks.

Children under the age of 18 years should be prohibited from working as scavengers on landfill and dumpsites because this work is inappropriate for any child to engage in. It has a direct impact on their well-being, education, physical or mental health, and places their spiritual, moral and social development at risk. However, because the work of scavenging is an adaptive response to poverty and unemployment and because children are engaging in this work to supplement their families' income, the proposed method of extracting children out of this work is to first recognise, regulate and control the work of adult scavengers, making this work economically viable for them, with the aim of phasing out this work into other forms of waste reclamation work.



Children scavenging on a landfill site

Picture courtesy groundWork

*Saranel Benjamin is an independent researcher commissioned by ILO/TECL to conduct this study into child scavenging. For further information, contact Saranel Benjamin at [saranelb@metroweb.co.za](mailto:saranelb@metroweb.co.za). For further information on the TECL child labour programme, please contact Thomas Verryn at [thomas@tecl.org.za](mailto:thomas@tecl.org.za).*

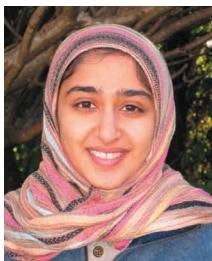


## A warm welcome to our new staff



Musa Chamane hails from Edendale (Ashdown). He started out as a teacher in one of the secondary schools in Imbali. He then resigned and established a small consulting company with his close associate, doing EIA related work, until he joined groundWork as a Waste Campaign Coordinator. He holds a B.A majoring in Geography and Sociology, a BSoc Sci Honours (Policy and Development Studies) and a Project Management diploma. He has been involved in many Environmental Impact Assessment studies, mostly for Umgeni Water pipelines. He has also been involved in projects to do with sustainable coastal livelihoods for DEAT and community development workers' training for Traditional and Local Government.

Nomcebo Mbili has been appointed in the new position of Medical Waste Co-ordinator. Before joining groundWork, Nomcebo worked for Elizabeth Glazer Aids Paediatric Foundation, an NGO that deals with the roll-out of antiretrovirals to both children and adults. Prior to that she worked for the Human Sciences Research Council as a research nurse. She is now studying towards a post graduate diploma in HIV and AIDS Clinical Management, and her B.Curr. in Nursing Sciences, part time. Recently married, Nomcebo lives in Pietermaritzburg with her new husband and her young son.



Zarina Moola is groundWork's new research intern. She has completed her Bsc (hons) in Geography and Environmental Management at the University of KwaZulu-Natal (Howard College), in 2006. Her honours thesis was entitled, 'The impacts of the redevelopment of the Airport land on the south Durban Market Gardeners'. She is working for groundWork for four months, researching landfill sites in South Africa.

## Join the groundWorkers Union



groundWork seeks to bring about environmental justice in a system based upon principles of fairness and solidarity. If you want to show solidarity with groundWork's objectives, you can now join the groundWorkers' Union. The dues are R50.00 a year and this year you will receive this great t-shirt and a black cap with the groundWorkers' Union badge on it plus an extra badge to sew onto whatever you want!

To sign up now, download a form from our webpage at [www.groundwork.org.za](http://www.groundwork.org.za) or call us on 033-342-5662 and we will get one to you.

