

GROUNDWORK

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groundwork



DEAT acts on Assmang,
but six lives too late

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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Health Care Waste Manager: Nomcebo Mvelase

Research Manager: Rico Euripidou

Exec. Assistant to Director: Jane Harley

GROUNDWORK'S USA STAFF ARE:

Director: Heeten Kalan

Coordinator: Sunita Dubey

HOW TO CONTACT US:

6 Raven Street

Pietermaritzburg

P O Box 2375, Pietermaritzburg, 3200

Tel: 033-342-5662

Fax: 033-342-5665

e-mail: team@groundwork.org.za

Web: www.groundwork.org.za

555 Amory Street, Boston
MA 02130, USA

Tel: +1-617-522-0604

Fax: +1-617-522-5591

e-mail: info@groundwork-usa.org

Web: www.groundwork-usa.org

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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

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Cover photo: Workers at Assmang protest conditions at the factory after an explosion in one of the furnaces killed six of their co-workers. Photo by Terry Haywood, courtesy of The Mercury.



From the smoke stack



Photo by FoE

by groundWork Director, Bobby Peek

After the last newsletter I had a heated discussion with a senior Department of Environmental Affairs and Tourism official who was very concerned about my comments about the DEAT, and particularly those in the second paragraph of my last smokestack. Well, sadly, I have to report that nothing has changed since then, and indeed it seems as if things are going backward.

Briefly, while participating in a difficult process of developing a policy on whether incineration is suitable for South Africa or not, Nolwazi Cobbinah of the DEAT delivered the ultimate low blow: "The DEAT do not have to provide an explanation as to why they reject stakeholder comments". This was after we submitted a 109 page document rebutting the hired consultant's position. So we stand by what we have said in previous newsletters on participation and the DEAT.

There is much to reflect upon that has occurred over the last three months. Two key personalities that emerged in the wars again have been Dr Michael Sutcliffe, City Manager of the eThekweni Municipality, and ANC Finance Committee member and Eskom Chairman, Valli Moosa.

Dr Sutcliffe and the South Durban Community Environmental Alliance (SDCEA) have been at loggerheads again. After two major fires at Island View and Engen, the eThekweni municipality also had to deal with a fish kill in the Durban bay. The SDCEA took an active role in trying to establish the reasons for the fish kill, but the more they asked questions of the municipality, the more defensive and reluctant the municipality became about answering these questions. Finally, as it had been many times

before, it was stated that those 'employed by foreign organisations who claim to be community leaders are in fact the biggest problem because they create confusion and spread rumours. We work with facts.' What Dr Sutcliffe fails to realise is that it is because of community and NGO interventions in south Durban over the last decade and a half that the Durban Municipality has received financial support from some of these very same foreign organisations such as the Danish International Development Aid (Danida) within the Danish Foreign Ministry to support work responding to environmental pollution in south Durban. Indeed, this support has enabled interventions by the eThekweni Municipality which have resulted in south Durban having an intensive air monitoring system that is possibly the best in South Africa. This has all happened because of community pressure, which led to the City responding and getting support from Danida and other foreign agencies out of Norway and the USA, and who knows where else. So I assume that the SDCEA will continue making a noise about pollution and the failure of government to intervene more decisively on these issues in south Durban.

Valli Moosa is no stranger to controversy. Since leaving government he has been embroiled in the scandal of being, as he remains, President of the World Conservation Union (IUCN) and Chairman of the Eskom Board at the same time. Eskom is pushing nuclear power while the IUCN, we hope, would consider more sustainable mechanisms for energy production. Yes, I know you are saying "not again Bobby, leave Moosa and IUCN out of your newsletter, it is becoming old news". Well, I'm afraid not. Moosa is embroiled in another scandal around politics, money and corporates. The Mail and

¹ See http://www.mg.co.za/articlePage.aspx?articleid=331763&area=/insight/insight_national/



Guardian of 8 February¹ presents a compelling story about how Moosa sat on the Eskom Board while the Board made decisions to give contracts to Chancellor House, the ANC's funding company. Moosa is also on the ANC fundraising committee. Is there not a conflict of interest? Well, this is nothing new to our ex-Minister. What is interesting is that the ANC's new treasurer general, Mathews Phosa, has said that Chancellor House will pull out of the deal.

Getting back to the issue of the DEAT and environmental governance in general, groundWork's frustrations are growing rather than decreasing. Trying to get information from the DEAT is like finding hen's teeth. No matter how we ask for information and whom we ask for information it seems that it never appears or takes a long time to materialise. The most laughable case has to be the process of just getting a list of licensed incinerators from the DEAT. We have been asking for four months now, and the only response we got was that the DEAT was seeking legal permission to release it. Well maybe it is not legal permission they are seeking, but rather the list itself. Maybe they are creating one.

Frustration has also spilled over due to the failure of provinces and consultants to do their jobs appropriately. groundWork appealed against a record of decision by the KZN Department of Agriculture and Environment granting FFS used oil refiners permission to change their operations. We appealed to MEC Mthimkhulu on the 26 March 2007, and to date we have not had a response from his office. It seems that all we have left is to turn to the courts.

Then there is the Postmasburg Manganese Smelter. We registered as an interested and affected party in an EIA for a new smelter. We did not hear back from them, and then heard that the Northern Cape government had granted permission for the smelter to be built. Upon requesting the record of decision we were told to use the promotion of access to information act to get the info. I rest my case. Read about the frustrations on page 28.

In India, comrade Madhu Dutta, working with farmers resisting big corporates, has been challenged by Dow, Bayer, BASF and Indian companies who have

filed a criminal defamation case against her for writing a report saying farm workers died due to acute pesticide poisoning. This is a typical response to keep activists silent and to threaten them. We will keep you informed on this in the next newsletter.

Continuing the theme of attempting to suppress free expression there has been a backlash to "Uranium Road", a documentary attempting to stimulate debate on our energy future, which was shown on TV by Carte Blanche in November 2007. The nuclear industry attempted to squelch the debate by going to the Broadcasting Complaints Commission. This is another attempt to weaken the limited power of civil society and the media's right to play a critical role in a democratic South Africa.

Finally, the mining industry is being challenged for their abuse of labour in a precedent-setting case where Richard Spoor acts on behalf of Mr Thembekile Mankayi against AngloGold Ashanti Limited for damages in the amount of R2.7 million. This case will have international ramifications and already international commentary is rolling in. Cohen, Milstein, Hausfeld & Toll, P.L.L.C., who assists people who are victims of corporate wrongdoing has the following to say:

"Due to their economic and political power the mining industry has been able to secure and maintain a dispensation whereby the benefits afforded all other workers with occupational diseases are not extended to mineworkers who contract occupational lung diseases as a result of their long-term exposure to harmful dust and gasses underground. As a result the levies paid by the mining industry to the statutory compensation scheme are just a fraction of the amount that they would otherwise have paid if mineworkers received the same benefits as industrial workers. This means bigger profits for shareholders. A very cheap form of compensation. A subsidy."

Alan Fine, AngloGold Ashanti's spokesperson said, in response to the case on SA FM, that the mining industry is a dangerous industry to work in. Well Mr Fine, let us at least make it an honest industry.

Till next time



Assmang – a mess but they still want more

By Bobby Peek

Despite serious and on-going problems with their plant, Assmang are seeking to expand their current plant

Back in the 1990s, at the height of the Thor Chemicals debacle, I often looked over the road from Thor Chemicals at a Dickensian plant which belched out black, pink and, at times, yellow smoke and wondered what was going on inside. Travelling between Pietermaritzburg and Durban, during a typical clear African sunny day, from the freeway one can see this dirty plant clearly. It sits oppressively on the skyline with a deep blue and white powder-puffed background. It is Assmang, part-owned by none other than Patrice Motsepe¹, one of South Africa's richest individuals and a key person in many broad based black economic empowerment deals; Motsepe, who is often held up as an example of the new corporate leader in South Africa, a leader with empathy for the workers and community.

Over the last year all hell has erupted as the inner 'goings on' of Assmang have been brought to the fore as a result of claims of manganese poisoning by workers. A Department of Labour Commission of Enquiry was set up in 2007, and then postponed as management and workers agreed that there could possibly be a negotiated solution – but in vain. On Monday, 25 February 2008, the Commission of Enquiry reconvened because there was no agreement between workers and management.

Tragically, the day before the enquiry, an explosion and fire at one of its furnaces resulted in the death of one worker and injury of nine others. Since then another five workers have died in hospital. In 2006, two workers died in an explosion at the plant. On the day the hearings commenced, Patrice Motsepe flew into town and briefed the workers, and indicated that 'Assmang needed to improve communication between its blue-collared workers and management to avoid such incidents'.²

As I read this statement it struck me how old style, white corporate this sounded. This was the type of language that community people were confronted with when they challenged the oil refineries in the mid 1990s. White management would emerge and emotionally say we need to talk. Rob Angel of Engen even articulated this to then-President Mandela, although a year later he indicated that when he said Engen had resources to deal with their problems he did not mean money. This rhetoric is often used by corporate bosses instead of cleaning up their act. Insistence that talks between the community people and polluters will get us to a better environment is a fallacy. It is not the absence of talking that results in worker deaths and community illnesses. It is the absence of companies investing profits on improving their plants and operations that cause deaths and illness. No amount of talking is going to change that. So maybe it was somewhat disingenuous of Patrice Motsepe to say there must be talks. From a new South African corporate person more is expected, a more brutal and honest response to the challenge. There is no doubt that the people advising Patrice Motsepe are of the same mould as the 'public relations consultants' that advise other big industry in the mid nineties. These PRO people are often termed 'liars for hire'.

I allege that the reasons for 'talking' are indeed not to deal with the problems of the past, but rather to smooth the way for Assmang's proposed new expansion. There are EIAs for additional furnaces number 7 and 8 which will increase the capacity of the plant by 66%. These new furnaces will be fitted with modern abatement technology, but the old furnaces will not be retro-fitted with the same technology so the dangers and the pollution from these furnaces will continue – as will the injustice to workers, community and environment.

¹ Patrice Motsepe is Chairman of African Rainbow Minerals which has a 50% stake in Assmang.

² Business Report, Tuesday, 26 February 2008.



Lead Story

The Department of Agriculture and Environment in KwaZulu-Natal must ask itself whether it is just and wise to give a company whose operations are subject to a commission of enquiry, and which has just lost more six workers in their plant, the go ahead for an expansion.

To make matters even more interesting, the Green Scorpions in October 2007 undertook an investigation into Assmang, ArcelorMittal South Africa, Highveld Steel and Vanadium to understand if they were in compliance with ISO14001, a voluntary industrial standard, despite these firms contravening environmental laws and permits. Specifically at 'Assmang's ferromanganese plant in Cato Ridge, which was given ISO14001 certification by the SABS, the Green Scorpions found significant uncontrolled emissions containing manganese, failure to comply with a hazardous waste site permit, and at least one unpermitted hazardous waste site'.³

It would be prudent that MEC for Agriculture and Environment in the province, Mr Mthimkhulu, put the EIA process on hold until the company can demonstrate that it can meaningfully improve its

operations and comply with environmental and labour legislation.

The Minister of the Department of Labour, Membathisi Mdladlana, released a press statement indicating that he "condemned the death of the workers and vowed to pull out all stops in getting someone to account for the deaths and injuries."⁴ This is not unlike when, three years ago when an explosion at Sasol killed ten workers and left hundreds injured, he said that he would close down Sasol if there were more deaths at Sasol. Well, there were more deaths and Sasol was never closed, so I do not hold much faith in this statement.

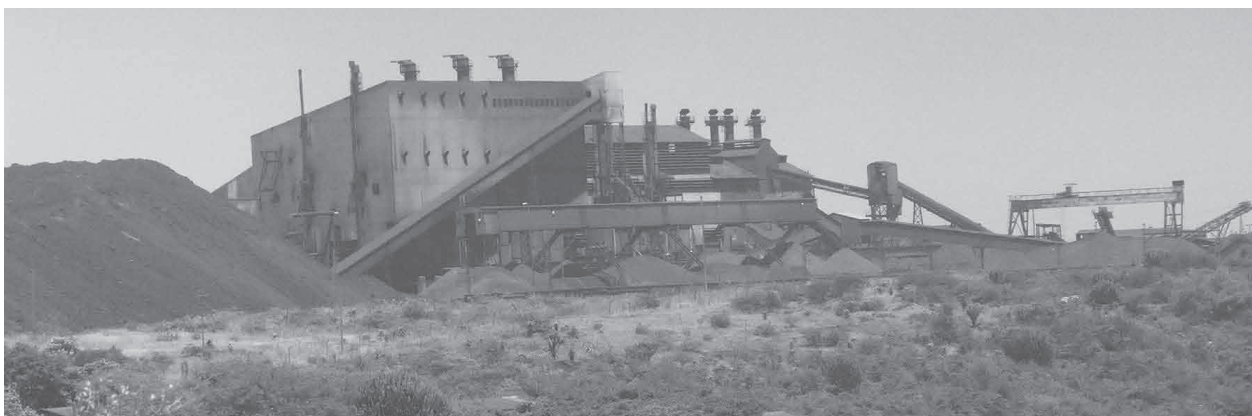
One last thing: the challenge at Assmang is something that Patrice Motsepe can make a genuine difference to. The question one has to ask oneself is whether he is willing and, most importantly, able to make that difference? My feeling is that considering the constraints of global corporate capital, and indeed South African corporate capital, he will not be able to make a meaningful change. Prove us wrong Patrice. ♫

"We wish to categorically state at the outset that we in no way endorse the proposed construction and operation of two new furnaces at the Assmang Manganese Works in Cato Ridge and that any comments and recommendations brought up below are purely for technical clarity. We have previously stated that the Assmang operations as they currently exist are not without significant occupational and community concerns and that this proposal to expand operations is premature until the existing occupational and community concerns have been adequately addressed". (groundWork Comments on Assmang expansion plans, 21 February 2008)

As we were going to press, we had to call our newsletter back, this time because of good news. The Department Agriculture and Environmental Affairs in KwaZulu-Natal suspended the EIA for Assmang's expansion on Thursday, 28 February 2008. This action is supported by groundWork and had, in fact, been called for by us just four days before a serious explosion at the Assmang plant. It is sad that the decision was made only after the lives of six workers were lost. groundWork was opposed, and remains opposed, to this expansion.

The Assmang
factory hulking
on the hill.

Photograph
courtesy
groundWork



³ See <http://www.busrep.co.za/index.php?fSectionId=552&fArticleId=4065261>

⁴ See <http://www.info.gov.za/speeches/2008/08022610151003.htm>



Something fishy at the Dolphin Coast Landfill...

By Rico Euripidou

Is the Kwadukuza Municipality being duped?

On the 22nd of August, 2007, I received a call from a whistle blower who is employed at Dolphin Coast Landfill Site. The community understanding is that this landfill site is permitted by DWAF as a G.L.B+¹ (a large general landfill site requiring leachate management) and, as such, does not present a problem to the community who live in close proximity to this site.

The land on which the landfill exists is owned by the Kwadukuza Municipality. Recently, however, a majority stake in the Dolphin Coast Landfill Site has been purchased by a private group and, following this purchase, there was engineering evidence that the new owners had begun preparing this site to H:H (most hazardous waste) specifications by installing liners etc. Furthermore, the community was concerned that there was no sound leachate management on this site and that leachate was simply mismanaged by being used as dust suppression on and off-site.

Following a request to the DAEA to investigate and an initial investigation at the time by groundWork we found that the Landfill site is indeed registered as G.L.B+ on the permit issued by DWAF. Furthermore the DWAF were well aware, and had approved, that the landfill site be developed and engineered to a H:H standard, with the understanding that it is still only a G.L.B+, and the type of waste that can be received is general waste only. The permit conditions were also found to have been complied with.

However the questions that really needed answering were why would a G.L.B+ be spending money to upgrade to a H:H landfill site if their intention was only to receive general waste, and how was the community and municipality involved in this decision making process? And was DWAF complicit in this process, knowing full right that engineering it for H:H landfill site will result in the request for the site to be a H:H landfill site?


We investigated this matter a little further and tried to understand what had happened. On the 20th of September, 2006, at 15:00, the Kwadukuza

Municipality held an Executive Committee Meeting in the Council Chamber of their Municipal Buildings, on Chief Albert Luthuli Street, Kwadukuza².

The minutes show that the permit for this landfill site was transferred following a bid from Dolphin Coast Landfill (Pty) Ltd, and say "the unsolicited bid complies with the Section 34.8.2 of the Supply Chain Management Policy of Council..." According to the minutes both Municipality and ratepayers would be "exceptionally" benefited by improved services and cost advantages. The acting Municipal Manager reportedly found that the reasons for not going through the normal bidding process were sound.

It was also noted that KwaDukuza Municipality and Dolphin Coast Landfill (Pty) Ltd would enter into an agreement for the use of the landfill site, which would be registered against the property for the lifespan of the site, or 100 years, whichever terminates first.

The question that now begs to be asked is whether the municipality had any idea that their general waste landfill site was going to be upgraded to receive hazardous waste as per a H:H specification. Will the community who live on the fence line of this landfill site be happy that hazardous waste generated from far away from where they live will probably be imported and disposed on their doorstep with all the unintended consequences thereof?

For close on two decades there has been a vigorous debate on whether KwaZulu-Natal should have a H:H landfill site. Umgeni Water and Waste Tech both attempted to do this in the past, but were resisted. The main reason for this resistance is that NGOs and community people want know if the province has a good understanding of what waste we produce in KwaZulu-Natal, and know that there are waste minimisation strategies and sound waste policies that can inform a waste management process based upon the waste hierarchy. But all we have got over the years is the continual push for end-of-pipe solutions, such as landfilling and incineration. Even Natal Portland Cement has got in on the act, proposing to incinerate waste. 

¹ For an explanation of landfill terminology see box on page 30

² The minutes of this meeting are available at <http://www.kwadukuza.gov.za/docs/2006%20EXCO%2020%20SEPT.pdf>



The energy question

By Siziwe Khanyile

It's business as usual in the energy sector when, in the interests of both people and climate, Eskom should be looking very seriously at genuinely sustainable alternatives

It is uncanny how the 'mind' of big business and government works. It reminds me of my Sunday school lessons about Noah who kept warning about an upcoming flood. The people of the day probably thought him senile or at best a little extreme, ignored him, and drowned.

Climate change

Today, there are many Noahs in the form of public interest groups, academics and individuals and, although there is a growing acceptance of the climate change reality, neither the big players nor the man in the street are really prepared to do anything about it. People are not really prepared to make any dramatic changes to the way they live. Countries like the US would rather engage in finger-pointing at China and India than make commitments to change their modus operandi. Industry would rather offset their pollution than make any significant emissions reductions.

Oil

Oil is a depleting resource. That is a fact. Many have claimed that the world's existing oil reserves have peaked. Now, in a large-scale scramble by oil companies and Northern governments to ensure a continued supply of oil to feed large-scale consumerism and industrialisation, oil companies working with governments have scampered into Sub-Saharan Africa in search for new oil reserves. Due to instability in the Middle East, the US and Europe have become increasingly dependent on African oil reserves, hence the large investments they are making in oil exploration, drilling and production activities in Africa.

Research done by The International Oil Working Group (IOWG) has identified several African States where this is taking place, namely: Eritrea, Ethiopia, Djibouti, Kenya, Somalia, Sudan, Tanzania, Uganda, Mozambique, Madagascar, Mauritius, and the Seychelles

In South Africa, PetroSA is set to construct a R39-billion crude oil refinery in Coega near Port Elizabeth. According to newspaper reports, this proposed crude oil refinery is expected to produce about 200 000 barrels of fuel per day and is expected to come on stream in 2014/2015. Reports quoted the CEO of PetroSA, Mr. Mkhize, as saying "based on the current rate of demand growth, the demand for fuel in South Africa will justify a new crude oil refinery within the next 5 to 7 years. This is why PetroSA is investigating the possibility of building a 200,000 plus barrels per day multi-billion rand crude oil refinery".

This is taking place about two years after Drako Oil attempted to develop an Oil refinery in Richards Bay. Not much has been heard in that regard since then. However, because PetroSA, a South African government-owned entity, has been mandated by the Department of Minerals and Energy, this project is likely to be pushed through. We look forward to the EIA process - unless, of course, they're given an exemption.

With the advent of peak oil and depleting oils supplies, as well as the increase in the price of oil, one wonders where they will find the crude oil to refine. Will South Africa also become part of military operations to secure oil supplies from other parts of Africa, or will the refinery become an expensive white elephant, a



monument to an old and unsustainable energy past? The next question is who will benefit from the refinery? Will Ms. Ordinary from the township benefit, or will the refinery be built across the road from her home, make her children ill and provide energy for the rich? Could \$39 billion not be more effectively spent on developing sustainable energy alternatives?

Coal

On the coal front, Eskom is undertaking to boost current energy shortages by developing more coal-fired power stations at a total cost of R300 billion. But where will the coal come from? It has recently been reported that Eskom is planning to import 45 million tons of coal to replenish depleted stockpiles. Being a major exporter of coal this comes as a surprise. So given the current issue of having to import the coal, how is it then that new coal-fired power stations are being planned for? Could R300 billion not be better spent on putting solar panels on all the houses in South Africa?

Why is government not seriously considering sustainable alternative energy options to power households and even to power industry? If we consider that South African households are reported

to use only 37% of the country's electricity, industry, which uses the bulk of the electricity, should be more aggressively investigating sustainable alternative energy sources. which incidentally don't translate to nuclear, but that's another day's topic!

I recently attended a meeting called by Gauteng Department of Agriculture, Conservation and Environment (GDACE) to look at sustainable energy technologies to provide energy for townships in the province. What is needed in addition is to develop a similar exercise for industry and mining so that other sources of energy are considered. The GDACE has embarked on a useful, informed process which can be used by DME, DEAT, DoH as well as departments in other provinces.

South Africa and the world should by now be looking at investing money in research into energy sources that are not powered by a declining resource. Failing to do this will be failing the present poor and failing our future generations. Noah invested time in building his ark so he was prepared when the floods came: where will our poor run to when the floods of climate change are upon us? 🌊



Traditional polluting power station.

Picture supplied by Freefoto.com (www.freefoto.com)



A government deluded

By Tristen Taylor
Energy Policy Officer
Earthlife Africa, Johannesburg

Secret deals between government and Alcan continue to threaten South Africa's energy security

The recent energy shortage highlighted the utter economic insanity of the proposed Alcan aluminium smelter at Coega. The proposed smelter will consume 1350MW of electricity, or 4% of the nation's total energy. One smelter employing a thousand people will need as much electricity as the entire city of Port Elizabeth requires.

Simply put, there is not enough electricity in the current system to supply present needs, as witnessed by the recent rolling blackouts that plunged this nation into a crisis and surely whittled down the prospects of economic growth for 2008. Adding another large scale user into the system will add further pressure to an already shaky electricity supply situation, resulting in more blackouts and possible job losses. In fact, there would have been no blackouts in December 2007 and January 2008 if existing aluminium smelters had been turned off.

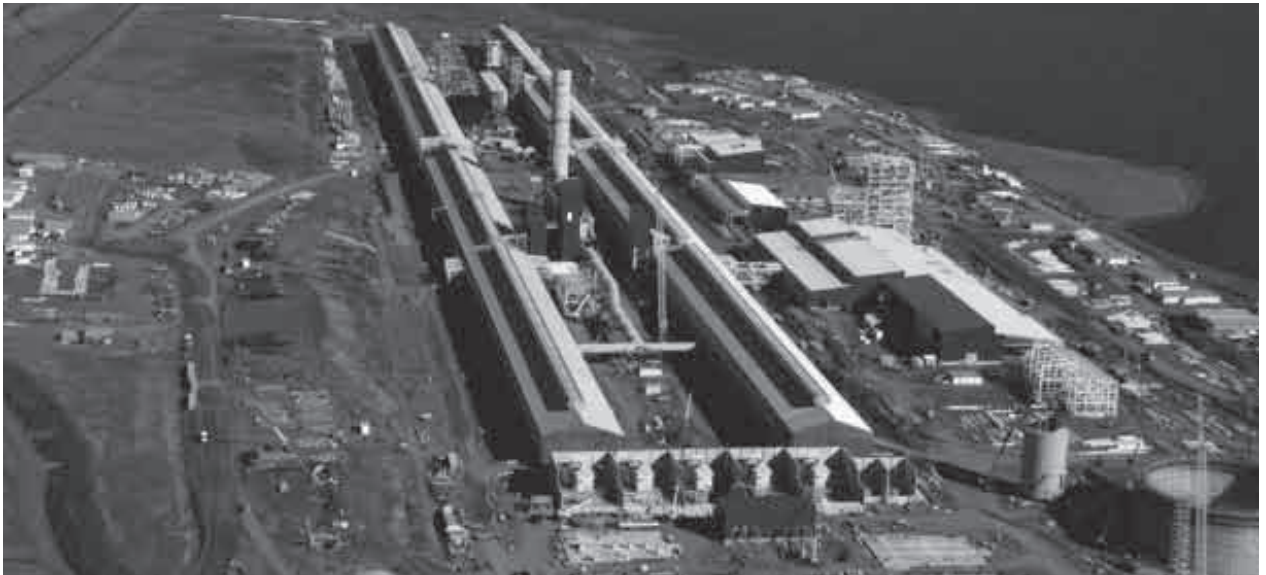
Local and national opposition to the proposed smelter has been ongoing since 2006, and the question of Alcan's electricity grab is now part of the national agenda. The technical experts, civil society, unions and the general public are all in agreement; power for existing users before multinationals like Alcan. Even the business press - natural supporters of industrial development and foreign direct investment - has rounded upon the Government and Alcan. Rob Rose wrote the following in a Business Day editorial (04/06/07):

"The gall of the government's Lords of Darkness, in seeking to slap fines on its citizens for using electricity when these officials are willing to sell their souls to attract a power-guzzling smelter, tells you much.

"And their efforts to sweep away the tumbleweeds from the forlorn industrial development zone hint at a desperation for political validation for Coega."

A similar smelter
at Reyðarfjörður
in Eastern
Iceland.

Pictrue
from [www.
nelsonthornes.
com](http://www.nelsonthornes.com)



This quote and the Government's continued, reckless support for the Alcan smelter hints at the structural model of South Africa's economy, inherited from Apartheid and continued under the Thabo Mbeki, Trevor Manuel and Chamber of Mines troika. The backbone of the economy has been, and continues to be, energy intensive industries whose large profits (including extravagant CEO bonuses) depend upon cheap and dirty electricity from Eskom's coal-fired power stations. Government elites have designed and maintained an economic structure that is contrived to provide low-cost energy for their fellow elites in big business. It is South Africa's poor who bear the real costs through polluted environments, restricted access to electricity, and dangerous, back-breaking labour in coal mines.

This economic model—cheap energy for wealthy corporations—is being locked in with recent government policies. In December 2006, Eskom and the Government signed a raft of deals with Alcan under the Developmental Electricity Pricing Programme (DEPP). The DEPP, which was never sent to Parliament, provides a special tariff for foreign corporations that want to build high electricity usage, industrial plant in South Africa. The DEPP ensures that the tariff will be cheaper than anywhere else in the world (or, at least, on par with the next cheapest supplier of electricity) and will be low enough to guarantee the corporation a profitable internal rate of return. Contracts signed under the DEPP are subject to confidentiality clauses, meaning that the exact tariff will not be subject to public scrutiny.

What we do know is that the electricity contract to Alcan's proposed aluminium smelter at Coega will be for the next 25 years and for 1350MW of electricity. The tariff could be as low as 12c/kWh. The indirect financial subsidies (building of transmission lines and externalised costs of generation) to Alcan will top over R12 billion. Earthlife Africa Johannesburg is preparing to take Eskom to court to force disclosure of the tariff to Alcan (see story on page 28).

This at a time when Eskom is short of generating capacity, raising domestic tariffs, loaning from international finance capital, and is embarking on R300 billion CAPEX plan. This R300 billion will have to be recovered through revenue; that means you,

me, and millions of other South Africans will pay for the cheap and dirty electricity that will generate obscene profits for local and foreign corporations.

Scrapping the power contract with Alcan would be a minor retreat from this economic policy, and, possibly, open up the doors to further examination of other power contracts such as BHP Billiton's smelters. Hence, the Government's extreme reluctance to do what is in the best interest of the nation; i.e. secure supply for pre-existing users of electricity before giving it away to foreign users. It does this at great risk. The mining industry employs far more workers than Alcan would (400,000 compared to 1,000) and may have to shed jobs if the electricity supply situation deteriorates. This could spark a recession.

There is another reason the Government remains committed to Alcan; political validation for Coega. Long slated as a white elephant, the Coega IDZ is one of President Mbeki's pet projects and a cornerstone of a macro-economic policy designed to be as accommodating to foreign capital as possible. Coega is a free trade zone where foreign investors would receive import/export tariff waivers and other subsidies in return for building industrial plant. Despite this and the plaintive pleas from the Coega Development Corporation, nobody invested until Alcan figured out that it could obtain the world's cheapest electricity at a rate less than what South African industrial users pay. If the Alcan contract is scrapped and Alcan returns to Canada and defrauds electricity users there (see box), Coega becomes the symbol of failed economic policy during the Mbeki era. Politicians are scrambling to save face.

Alcan in its Home Country

Alcan currently has a long-term supply contract with a state-owned electricity utility to supply its smelter in Kitimat, British Columbia, Canada. This power is amongst the world's cheapest at \$5/MW. Instead of using the power to run its smelter, as was the original intention behind the contract, Alcan has reduced operations at its smelter to be able to resell this electricity at a 1000% profit, generating \$140 million in profit per year. Because of this policy, the town of Kitimat has seen a marked economic decline, with its population dropping by 2,000.

Alcan was recently bought by Rio Tinto, itself the subject of a possible takeover by BHP Billiton. Rio Tinto will decide if it wants to continue with the Coega smelter at a board meeting in July 2008.



Air Quality Project

Coega

Picture
from [www.
skyscrapercity.
com/showthread.
php?t=583095](http://www.skyscrapercity.com/showthread.php?t=583095)




The latest bid (February 2008) to save Coega comes in the form of a proposal to power the Alcan smelter via an open-cycle gas turbine (OCGT) plant owned and operated by Ipsa¹. The natural gas for the OGT plant would come from a PetroSA refinery also to be built at Coega. On the surface, this would seem a workable solution, but only on the surface. The OGT plant would initially run on diesel, one of the most expensive methods of generating electricity, and would then be converted to natural gas, which is still more expensive than electricity from Eskom's current or future coal-fired plants. Ipsa will not sell the power directly to Alcan, but would sell it to Eskom who would then resell it to Alcan. While the contractual details between Alcan and Eskom remain state secrets, it is logical to suppose that the tariff set under that deal is based upon electricity generated by coal. The reason Alcan wants to build a smelter in South Africa is cheap power; electricity is the main cost in producing aluminium.

Given that we already do not have enough power to go around shouldn't Eskom be buying power from Ipsa to meet current demands and not supplying an additional, optional user? Once again, South Africans have a lower priority in terms of supply than a foreign user.

Furthermore, the use of natural gas as a method of generating electricity is fraught with long-term economic and environmental dangers. Natural gas is a finite resource, of which South Africa is not blessed with abundant supplies. Globally speaking, natural gas supplies are set to peak and then decline, resulting in price escalations coupled with rising demand. As the latest groundWork Report (*Peak Poison*, pg. 89) states:

"...gas depletion is happening much faster than assumed and those who hope that gas will provide a 'bridge' to a clean energy future will find the bridge collapsing. And while gas burns cleaner than oil, the scale of losses undermines the environmental claims. Flaring releases millions of tonnes of carbon dioxide while venting and leaks release methane which is twenty times more powerful as a greenhouse gas."

If the OGT plant is set into reality, Eskom could be placed in the sticky situation of having to buy increasingly expensive power from Ipsa and then having to sell cheap power to Alcan at a loss. Is the Government prepared to lock the South African nation into a loss-making deal merely to save face? Right now, the answer looks like a resounding Yes. 

¹ Ipsa is Independent Power Southern Africa, a subsidiary of UK-based Independent Power Corporation (IPC). Ipsa is slated to build a gas-fired power station at Coega. The gas (i.e. fuel) for the plant will come from the planned PetroSA refinery at Coega. PetroSA and Ipsa are on a planning committee for this power supply project.



The DEAT Incineration policy process

By Rico Euripidou

An update on the DEAT National Policy Development Process for
High Temperature Thermal Waste Treatment

OR

How to Push Through Policy on Waste Incineration and the Use of
AFRs in Cement Kilns under the guise of public participation

Summary

In July 2007, the DEAT commissioned a "National Policy Development Process for High Temperature Thermal Waste Treatment and Cement Kiln Alternative Fuel Use". As part of this policy process they advertised, asking for public participation, and the NGO sector responded and participated thinking that this process was fairly open to the public's opinion.

The objectives of the policy process were stated by the DEAT consultants as follows:

1. Development of a policy statement on the destruction/treatment of waste through high temperature thermal technologies, as well as the use of alternative fuels in cement kilns, including the facilitation of focus group meetings and workshops, and documenting, considering and responding to issues raised by stakeholders (government, industry, NGOs, other I&APs);
2. Review of a number of EIA applications for use of alternative fuels in cement kilns, including input into the final decision-making process, drafting RODs, etc.;
3. Development of EIA review guidelines for government's use in evaluating future applications for the use of alternative fuels in cement kilns and similar technologies (as applicable based on the outcome of the policy development process);
4. Assist the international consultant team in their interactions locally, including the review of documents produced.

By October 2007 it became clear what the DEAT had in mind. Not only were they exploring the technical feasibility of South African cement kilns to burn AFR they were also moving full steam ahead towards developing a policy on general waste incineration in dedicated garbage burners, citing the lack of landfill space in South Africa as their main motivation.

Our worst fears that the DEAT had already made up its mind to burn waste in incinerators as a waste management option were confirmed. We felt we had to act fast and prepare a comprehensive critique and rebuttal of a general policy on waste incineration to cover the whole spectrum of incineration (and other waste management) issues.

groundWork, in response, commissioned Dr Alan Watson, a specialist with Public Interest Consultants in Wales, to undertake this technical review and critique of the policies DEAT was developing on general and hazardous waste incineration.

On the 15th of January 2008, NGOs met again in advance of another DEAT stakeholder meeting intended to update stakeholders on the DEAT policy process, and prepared an NGO Response to the DEAT Consultation on a National Policy Development Process for High Temperature Thermal Waste Treatment. groundWork facilitated the participation of communities living in proximity to cement kilns where waste is intended to be used as alternative fuels as well as a broader base of NGOs opposed to waste incineration because the DEAT was unwilling to fund them.



Waste Project

Even though the DEAT allowed us to respond to their policy process they had, as previously suspected, already made up their minds and not surprisingly had already concluded incineration of waste is indeed suitable for South Africa. When we asked the DEAT to provide us with an explanation as to why our comprehensive critique was not considered in this decision making process the response from the senior DEAT manager was:

"The DEAT do not have to provide an explanation for why they reject stakeholder comments".

The collective NGO Response to the DEAT Consultation on a National Policy Development Process for High Temperature Thermal Waste Treatment reads as follows:

1. There has been a failure to collect proper data on waste arising and redistribution and composition thereof. Until there is proper information about the quantity and characteristics of available wastes, waste cannot be properly managed. Without such data it is not possible to have any confidence whatsoever about the proportion of the waste stream which may be suitable for incineration.
2. South Africa has failed to develop and implement a waste minimisation policy and appropriate implementing framework before rushing to develop an incineration based strategy which is most likely to be in competition and undermine a waste minimisation strategy. This is very sad because we have an ideal policy foundation in the Polokwane Declaration for the development of waste reduction, re-use and recycling.
3. Public consultation has been skewed to the disfavour of getting meaningful local cement community responses in developing this policy for co-incineration in cement kilns, despite the consultants and DEAT visiting all the cement kilns in SA which could have been the perfect opportunity for community consultation.
4. Presently the cement industry are very poorly regulated with poor, outdated permits, largely restricted to dust management, without any consideration of potential public health impacts from operations.

5. Public access to permits and operating data is non-existent and limited by DEAT bureaucracy under PAIA. When provided, information is poorly presented and lacking information.
6. The development of any strategy for hazardous waste treatment and disposal should be in accordance with the Stockholm Convention. We have only just begun this process. We do not have a functional National Implementation Plan (NIP) as yet.
7. COWI¹ state incineration is cost effective. The literature however presents quite the opposite. The world bank quotes "capital and operating requirements for these plants is generally an order of magnitude greater than that required for landfill". UNEP agree "incineration has a substantial disadvantage in the form of substantial costs of controlling and monitoring emissions" and go on to say "incineration is an inappropriate technology for most African cities". The additional social costs of incineration make this option even more unattractive!
8. Using the COWI consultation document data we calculated the external costs and benefits of MSW (municipal solid waste) incineration. We calculate that over a 25 year operating life of an incinerator this cost would approximate €14 billion or R140 billion – this equates to the whole SA Health Budget for more than 12 years.
9. In countries like Sweden, where recycling rates are relatively good, communities are tied into long incinerator contracts and in some instances up to 40% of recyclables are being incinerated.
10. In Europe, incinerator operators are regularly out of compliance with the permit conditions.
11. European studies showed that 58.8%, 53.7%, and 36.2% of the adolescent, mother and adult population of Europe exceed tolerable weekly intakes of dioxin contaminants. In Japan, where reliance on incineration has been particularly heavy, there are some of the highest breast milk contamination levels in the world.
12. Modern pollution control does not necessarily reduce dioxin emissions, for example activated

¹ COWI are an international consultancy, which has been employed by the DEAT to help with the policy process



carbon injection can increase total dioxin formation.

13. Land filling of highly dioxin contaminated residues [from incinerators] can result in exposures at some distance from the incinerators when such residues are blown by the wind. We do not have proper landfill site management in South Africa and there is ample evidence of poorly managed landfill sites. At the Ixopo incinerator the residue ash was dumped in a pit adjacent to the incinerator. groundWork sampled the ash and adjacent soil and found extremely high levels of dioxins.
14. Start up, shut down and upset or transient conditions can lead to significant emissions of dioxins from incinerators and cement kilns. These emissions are normally exempt from regulatory emission standards. For example such elevated emissions could reach almost a thousand times the European Union limit of 0.1 ng/m³ and maintain high levels even 18 hours after the injection of activated carbon. Studies have shown that such emissions from startups of incinerators could be of up to two times larger than a whole year's normal operations.
15. Increases in dioxin emissions are also associated with poor operating conditions in incinerators. In South Africa the emissions from start-up and upset conditions are currently likely to be exempt from regulation.
16. Cement kiln specific issues:
 - a) The South African list of waste streams to be excluded from cement kilns does not meet the standards expected by the BAT-BEP guidance, nor even those established through the industry-driven process of Holcim GTZ;
 - b) Temperatures in cement kilns are unlikely to achieve minimum European Union and US residence times of two seconds at 850°C due to the fact that waste is often not added to the burner end of the kiln;
 - c) Oxygen availability in a dedicated incinerator is usually much higher than in a cement kiln;
 - d) Exit gas cleaning technology is usually far more advanced in modern hazardous waste incinerators than in cement kilns, where a

more appropriate description would be "rudimentary". Unreliability due to unreliable power supplies may affect the reliability of such equipment even further;

- e) Cement kilns may have leakage of up to 2.7% of input mass as well as significant fugitive emissions;
- f) One unreliable cement kiln (Castle cement at Padewsood, Wales, UK) emitted dioxins in excess of the entire European cement industry for the year 2004. This kiln was similar to the long dry kilns operating in South Africa and was using alternative raw materials;
- g) The use of waste changes the quality of the clinker and cement, especially important here as South African cement kiln dust is not removed but is blended into the product. Studies of the leaching of trace elements and chlorine has shown that chlorine ions are not sufficiently fixed in concrete produced by waste co- incineration. The use of waste led to a slight increase in concentrations of cadmium, antimony, and zinc in cement.

Conclusion

Dr Watson sums the situation up like this:

"There can be little doubt that the development of a comprehensive policy on hazardous waste production and management is an urgent and essential requirement for South Africa.

It is disturbing, however, to see that the current consultation and most of the associated reports appear to have been developed in a policy vacuum and have tenuous, if any, links with the emerging waste policy framework in South Africa. No explanation is offered for the failure to do this and it is assumed that the reason is largely related to the appointment of external consultants with little knowledge of the previous developments.

An alternative, possibly less charitable explanation, would be that such linkages would highlight the failure of the DEAT to deliver on previous promises and deadlines.

It is important to recognise these failures, however, as they are indicative of some of the problems



of developing an appropriate policy, legislative, regulatory and operational framework for wastes where little or none currently exists. The over-optimistic projections made at the end of the last century risk being repeated - but with possibly greater environmental damage and with greater risks to the credibility of the administration - if the current rush to sanction thermal treatments is not appropriately tempered with the reality of the current capacity for effective regulation and control.


The evidence indicates that the environmental costs of landfill and incineration are broadly similar but the social costs of incineration are much higher because of the higher capital costs. Therefore, rather than place such strong emphasis on incineration and thermal treatment at this stage, it is strongly recommended that DEAT should focus on longer term and more sustainable solutions. Priority should be given to waste minimisation and implementation of the Zero Waste declaration made at Polokwane in 2001. The South African Polokwane Declaration on Waste Management of September 2001 set a goal, to "Reduce waste generation and disposal by 50 and 25%, respectively by 2012 and develop a plan for ZERO WASTE by 2022". (Department of

Environmental Affairs and Tourism (DEAT) 2001) This provides a great opportunity to divert the Policy thrust away from this history of failure of 'command and control' regulatory and legislative developments.

The Polokwane Declaration also reaffirmed a commitment to the Integrated Pollution and Waste Management Policy, the National Waste Management Strategy and the principles of waste minimisation, reuse and recycling for sustainable development.

The essential difference in this approach to that promulgated previously is that it is intrinsically sustainable, safe and precautionary. Instead of promoting an ultimately futile programme of risk management with inadequate resources the vision encapsulated in the Polokwane Declaration is to eliminate 'hazard' and thus reduce residual risks to near zero. This is an ambitious goal but, given the failures to implement an effective regulatory policy to date, is probably the only option which can be truly protective and consistent with the requirements of the Constitution. Furthermore it promises to allow South Africa to avoid the expensive and damaging mistakes of Europe and the USA¹.

Waste Bill Update



In a related process, groundWork has been working hard on the Portfolio Committee on Environment and Tourism which is evaluating the Waste Management Bill. For a while we thought that we would walk away with a victory, believing that we would get a moratorium on incineration for five years and that during this time a proper evaluation of the incineration process could be done. Unfortunately, at the eleventh hour, Joanne Yawitch (surprisingly, not DG for DTI, but for DEAT) waved the 'economic implications' wand in front of the committee and threw down the 'this will impact on development' card, saying that there are industrial incinerators within the mining and steel industry that would be negatively impacted upon. She also mentioned that there are two more medical waste incinerators in the pipeline for Gauteng, which she claims are absolutely state-of-the-art. At this, the Portfolio Committee caved on the moratorium idea. They have, at this point, agreed that incineration will be allowed, although only as a last resort. This is to take place under regulations that are tight, and regulations for incineration would have to go through the committee rather than the normal regulatory route.

While this is a disappointment, the battle is not over, for there are now provincial hearings as well as intensified mobilisation on the ground. decision. We believe incineration can be stopped.

¹ Response to the Consultation on a National Policy Development Process For High Temperature Thermal Waste Treatment By Public Interest Consultants, Wales, UK For GroundWork South Africa December 2007

New England Road landfill: Gee, what a mess!

By Musa Chamane

Landfill Site Committee: 1st for 2008

After a series of monitoring committee meetings having been cancelled last year, we at last had one on 19 February. In December 2007 the committee took a decision that we needed to advertise for more Interested and Affected Parties to join the monitoring committee so we were expecting more people to come to the meeting. Sadly, however, no new members have joined. Feeling that December was probably the wrong time to have advertised, we recommended that the advertisement be published again. Ward committees will also be invited.

Bureaucratisation of the Committee

The administration and chairing of this monitoring committee leaves much to be desired. Because notice of the meetings tends to be short, important players like DWAF and DAEA did not make it to the last meeting. There is generally no agreed agenda before the start of the meeting, and no place to raise concerns that are not already on the agenda. The municipality does not appear to be committed to the process. We forwarded Terms of Reference to the EXCO last year in July, but never received any feedback. Now the landfill site manager says that there is an approved TOR, but nobody else has seen a copy and the chair did not have one.

Letter to the Minister of DWAF

Trying to address the issues faced by the landfill site to the Monitoring Committee has been in vain, so groundWork took this up with the Minister of Water Affairs and Forestry. On the 4th of February, 2008, a letter was sent to the Minister detailing all the challenges that the landfill faces. In particular we raised the issue of the leachate system not working and thus posing danger to groundwater and the nearby river. While scavengers are often blamed by the municipality for vandalising the leachate system, the absence of storm water drains results in waste and soil erosion, and runoff into the water system.

Security at the landfill

The EXCO took a resolution to increase the number of security personnel at the landfill site. If one visits the landfill you hardly see waste pickers now. The majority of the poor people who relied on the landfill site as their livelihood strategy have lost that important

resource. We are aware that salvagers are not allowed to be on the landfill site but we believe that they can assist in waste recycling and re-use. By so doing the lifespan of the landfill site could be extended. We are negotiating with Department of Environmental Affairs and Tourism to recognise waste pickers as a part of the waste process in the Waste Bill. The increase in security at the landfill has been to control the influx of waste pickers. The waste pickers can now only get into the landfill after 4 pm. This creates another problem, because what has been covered with cover material is uncovered by waste pickers trying to find something of value to them.

A light at the end of the tunnel

Offensive odours associated with the decomposition of waste are always a problem at a landfill. Temperatures can rise up to 35 degrees Celsius at the New England landfill, and that exacerbates the problem. Gaseous landfill emissions are a nuisance and are a health hazard. The New England landfill is embarking on a Gas to Energy project to capture the methane gas for commercial purposes. While it is a good thing that gas will be drawn off from the landfill, we have reservations regarding the fact that CDM (Clean Development Mechanism) credits are involved, and that in order to be sustainable such a project requires waste to be continually produced.

The landfill has made some improvements. The leachate system was reported to have been fixed and is in operation. The storm water drain is being rehabilitated. The waste cover material is enough to last at least another eight months. The diesel storage tank has been erected above the ground. It looks like the landfill will have a much improved year in terms of operation.

Despite these improvements it is clear that for this committee to succeed the administration should be taken from the council. Possibly an independent consultant could take over the administration of the committee for about six months and then hand it back to the municipality. We believe this could make a difference in administration of the landfill. In addition, the decisions taken at the monitoring committee meetings should be clear and accompanied by timeframes.



Moving forward on Mercury

By Nomcebo Mvelase

KZN pioneers mercury elimination in health care.
While it may all be in baby steps, mercury control policies are slowly
being developed and implemented

"Where groundWork is involved, Work on the ground is always done!"

As groundWorkers we always believe that the sweat and effort that we put into environmental justice is never a waste, regardless of how long it takes for the positive changes to be implemented and put into being.

As an example, in 2002 groundWork was involved in the "Isipingo Declaration on elimination of Harmful effects of Health Care Waste and incinerators in Southern African communities". One of the concerns out of many that were addressed in this declaration was a call to government to ban the continued use of mercury in Health Care Waste facility e.g. in thermometers, BP machines, dental procedures and medicines.

It took government officials about four years but, as a reaction to this declaration, a directive was released on the 15th of March, 2006, by the Provincial Department of Health (Health and technology unit) to phase out products that contain Mercury in health care institutions. The directive recommended the use of digital thermometers only. This was a huge step and brought hope that eventually this mercury battle will be won. This directive was, however, only for one Province, KwaZulu-Natal, and the question as to what is being done for the other provinces remains an open one.

To raise awareness of healthcare professionals in all provinces, groundWork, in association with Health Care Without Harm and UNEP, hosted an international mercury conference. This was aimed at also ensuring that there is synergy in the departmental and national functioning and to showcase KZN, as it was the first

province to have such a directive (even though there was very little that was done at this stage to actually follow what the directive stipulated). The delegates were motivated to go back to their institutions to motivate and initiate changes.

Surprisingly, and excitingly, when doing a follow up on the progress, three months after the conference, I went to one of the clinics called Caluza which is situated about 18kms from Pietermaritzburg. The manager of the clinic had attended the conference. It was so rewarding to realise that this clinic is now operating as a mercury free zone. All their mercury thermometers are now replaced with digital equipment. And it's not only Caluza making progress; most of the healthcare settings are also in the process of making that switch!

For some it is still at a negotiating and planning phase but the most satisfying fact is the reality that every key person is now aware of how dangerous mercury is, and that the other alternatives out there are just as accurate as the mercury equipment. That alone is a driving force that will push and force changes to be implemented. Even for those that are still using mercury they now have the mercury spill management guide to follow whenever there are any spillages. Rome was not built in one day but at least we can rest assured that positive changes are in the pipeline.

At this stage we would like to thank our partners - Health Care Without Harm and UNEP - who played an important role in ensuring that our conference was such a fruitful and successful one.

Now that we are bearing the fruit we want to say out loud: "VIVA MERCURY BUSTERS, VIVA!" 🌸



Is a visit to a clinic more likely to kill than cure?

By Nomcebo Mvelase

Poor attention to clinical cleanliness can result in patients becoming infected by more than what they started out with

Health Care Institutions; are they environmentally safe enough to bring healing or do they cause more sicknesses?

The Health Care Waste Campaign is mainly aimed at first greening the hospitals by ensuring that waste is properly segregated and proper waste minimisation plans are in place and then seeing that environmentally friendly alternatives are considered and utilised for the disposal of waste. It is crucial that the personnel in the hospitals and other health care establishments realise that they have a responsibility to ensure that there are no adverse health and environmental consequences to their handling, treatment and disposal of health care waste.

It is amazing to witness how things happen in the clinical settings. There are, of course, policies in place as to exactly how health care waste is supposed to be managed but, because of infrastructure, there is a wide gap between practice and policy. At Caluza clinic there is a great challenge with the waste storage area. It is smaller than the size of a shower, with no ventilation, and waste stays there for the whole week before being collected for disposal. Realistically, how can a clinic that offers a wide range of services (Psychiatry, Ante-natal Care, Geriatrics, Pediatrics, HIV and TB unit) on a daily basis have waste being stored in such a small area and only get it collected once a week?

The area is infested with rats and even fleas. To think of a health care facility of such a standard makes you really wonder if one can safely say clinical settings are places for healing anymore. When a patient goes to the clinic their immunity functioning is often impaired so there are a lot of hospital acquired (nosocomial) infections. This situation is more than just a waste management issue but is also about proper structural planning of the clinic. If the infrastructure does not allow for proper waste storage, what can the nurses

and general assistants do to make sure that the waste is properly stored? They are currently sitting with a lot of motivations that they have sent to their superiors from various levels hoping that one day something will be done, but until then it is a sad reality that people have to work, and try to heal, under those conditions.

groundWork has taken this matter up with the District Environmental Health Officer and also the Primary Health Care Coordinator. I feel sure that even if it does not happen as quickly as we would like it to, one day the key people will have the understanding in their minds that their responsibility goes a long way as far as health care waste management is concerned. I often wonder if the responsible people ever do site visits in the institutions and if ever there is any budget set aside to ensure that new and necessary developments are put into place.

It is groundWork's goal to ensure that all the health care personnel are adequately trained on waste management. One thing that we cannot teach anyone, however, is a desire to act responsibly and to make the right choices. This is such a huge challenge and surely won't be resolved overnight. It is therefore imperative that all stakeholders involved take ownership and responsibility.

In ensuring that this goal is attained, I am currently focusing on the nursing colleges and providing a series of workshops and lectures to various nursing students to make them aware of the environmental impacts of improper health care waste management. These workshops are also to make the nurses realise that it is not enough to just nurse and treat the patient, but that a holistic approach needs to be applied to every nursing action taken and this includes taking responsibility of the waste that is generated when a nurse carries out her nursing duties. ♪



People versus Corporations: A History

From the New Internationalist

For almost as long as corporations have existed, people have lobbied, agitated and legislated to constrain their power and prevent the social and environmental harm caused by the single-minded quest for profit-maximization

1 The first corporations

The first corporations emerged in the late 16th century with the aim of encouraging investment in projects of public interest such as roads and hospitals. European states issued 'charters' setting out the tasks each corporation would undertake, and limiting the liability of investors for the company's losses to the amount they had originally invested.

The world's first major corporate scandal took place in 1721 when the London-based South Sea Company, which had falsely promised shareholders fabulous profits from trade with the South American colonies, collapsed. Mobs besieged Westminster and one of the directors was shot by an angry shareholder. Parliament passed the 'Bubble Act' making it illegal to set up new corporations, with very few exceptions, until 1825.

2 The business of empire

One of these exceptions was the British East India Company. Established in 1600, it monopolized all trade between Britain and Asia and became an instrument of colonial control, given the right to raise armies and rule vast territories on behalf of the Crown. The company attracted public criticism for its unprecedented power and unscrupulous behaviour: for violently taking control of Bengal in 1757, exacerbating a famine in which ten million died of starvation; for the lack of accountability of its managers and investors who engaged in bribery, insider trading and reckless financial speculation; and for its central role in the opium trade with China. It was dissolved in 1858 to give way to direct British rule in India.

3 Revolt against corporate rule

In 1776 the US declared its independence, kicked off by protests against a British-imposed tax on tea imports, and against the British corporations who ran the American colonies. The new US republic introduced legal measures to limit the ability of corporations to amass wealth and power, including: limits on ownership of land; personal liability of shareholders for the corporation's debts; and the

right to withdraw a charter if the corporation failed to serve the public interest.

4 Megacorporations emerge

The Industrial Revolution, and railways in particular, fuelled large-scale enterprise and corporations began to proliferate in Europe and the US from the 1850s onwards. Megacorporations emerged in the 1870s as free trade and unfettered capitalism sparked a period of economic globalization comparable to what we are experiencing today.

Corporations gained enough influence over legislators to rewrite the rules governing their existence, undoing many of the checks and balances placed upon them. Managers were no longer liable for damage a company caused to its workers' health, charters could be granted for an unlimited time, and in 1886 the US Supreme Court ruled that a corporation was a 'natural person' and therefore protected by the Bill of Rights.

5 'Corporate citizenship'

By the end of the 19th century public concern about corporate exploitation, factory conditions and child labour had hit new heights. Labour movements grew in strength around the world, challenging capitalism and demanding radical social transformation.

Industrialists retaliated against the appeal of socialism with PR campaigns demonstrating that they were good corporate citizens, indispensable to society. They launched welfare programmes for workers and a range of philanthropic activities. The language of 'corporate responsibility' began to emerge between the wars, intensified by the Wall Street Crash of 1929 and the Great Depression. It endorsed capitalism and free enterprise, but attempted to humanize it by arguing that well-governed corporations helped society.

Nevertheless, in 1933 Roosevelt's New Deal introduced sweeping reforms to keep corporations in check, including regulation, workers' rights, a social safety net and progressive taxation. Similar



legislation was passed in many European countries. Over the next few decades corporations continued to dominate economies, but their rights were relatively evenly balanced with the rights of citizens, through the influence of labour unions and consumer and environmental movements that emerged in the 1960s and 1970s. Newly independent economies began to develop in former colonies, often heavily protecting their own industries from foreign competition.

6 The neoliberal era

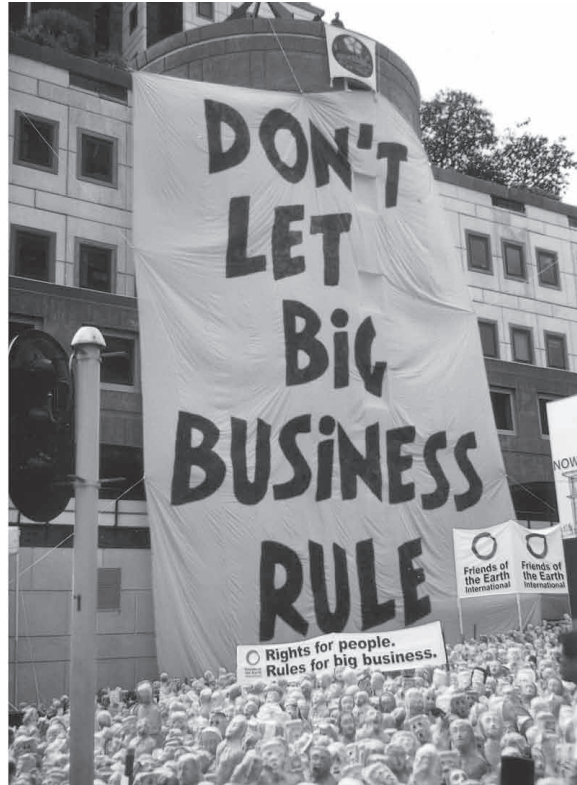
In 1970, free trade guru Milton Friedman published an influential article entitled 'The Social Responsibility of Business is to Increase its Profits'. Friedman argued that the greatest good would be achieved by basing all business decisions on maximizing profits for shareholders.

Friedman's school of thought, known as 'neoliberalism', underpinned the 1980s Reagan/Thatcher era of privatization, deregulation and liberalization that opened up the world's markets for corporations. Social contracts between the state, labour and industry were broken down. 'Free trade' was boosted by the General Agreement on Tariffs and Trade. The debt crisis in 1982 gave the US the opportunity to export the free market model to the Global South, via the IMF and World Bank's 'structural adjustment' programmes.

7 Backlash

By the late 1980s, the painful effects of this global economic restructuring were becoming clear: massive unemployment; economic instability; a growing gap between the very rich and the very poor; corporate misconduct such as the 1984 Bhopal chemical spill by Union Carbide which killed 10,000 people, the Exxon Valdez oil disaster in 1989, and Nestlé's ongoing aggressive marketing of breastmilk substitute to Majority World women.

The 1990s saw a backlash against transnational corporations (TNCs). When McDonald's took two environmental activists to court in 1992, the McSpotlight website and campaign did the company's reputation serious damage. In 1995 Shell was implicated in the death of Ogoni activist Ken Saro-Wiwa, executed by the Nigerian Government for protesting against the oil company's operations. An international boycott followed Shell's attempt to sink the Brent Spar oil platform in the North Sea. 1995 was also 'The Year of the Sweatshop' as slave-like conditions in factories supplying Gap, Wal-Mart, Disney and Nike were exposed.



A FoEI display at WSF 2002.

Picture courtesy FoEI.

'Corporate Responsibility', sometimes called 'Corporate Social Responsibility', was resurrected by companies whose profits were being damaged by citizens' campaigns. A lucrative industry emerged around enhancing a company's ethical image while avoiding drastic changes to its core business practices. Millions of corporate dollars were simultaneously being devoted behind the scenes to lobbying governments against social and environmental regulation and for further liberalization.

8 'Anti-globalization'

From the mid-1990s, citizens' campaigns started to look beyond individual corporations to the underlying structures allowing them so much power. In Mexico, the Zapatista movement emerged in direct opposition to NAFTA, a free trade agreement designed to open up Mexico to North American corporations. In 1997-98 an international campaign defeated the Multilateral Agreement on Investment (MAI), a shady deal which sought to remove restrictions on international investment for Western TNCs.

In 1999 the 'anti-globalization' movement arrived on the world stage when 100,000 people converged on the streets of Seattle to shut down a World Trade Organization (WTO) summit. The meeting aimed to launch a round of trade negotiations that



Corporate Accountability


would further prise open global markets for TNCs, disadvantaging the Majority World, driving down labour and environmental standards and eroding democracy. From then onwards no major economic summit could take place without anti-corporate protests outside.

9 The 21st century

Corporations now operate in every sphere of public life: providing water, energy, healthcare and education; running prisons and welfare systems; fighting wars for governments and busting unions for other businesses, all at a profit. The consumer-driven economy continues to boom as corporations scour the earth for more resources to extract and sell.

Many corporations are larger than nation-states, with unrivalled political influence. They have forged strong strategic alliances with bodies that formerly posed a threat to their legitimacy such as NGOs and the UN.

Yet the Corporate Responsibility strategy of voluntary self-regulation has not silenced dissent. Local campaigns against specific corporate abuses have a global audience thanks to the internet. The Enron scandal in 2001 shook faith in the corporate world by exposing fraud and corruption at the heart of one of America's most admired companies. The spectre of climate change is forcing an urgent rethink of the way the global economy operates. The neoliberal project is stumbling, as the WTO's 'Doha Development Round' flounders and regional free trade negotiations are met in the Majority World by mass resistance.

The corporation has grown to dominate the globe, but there is no guarantee that this ruthless moneymaking machine will endure in its current form. 

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Sources: Joel Bakan, *The Corporation: The Pathological Pursuit of Profit and Power*, Constable and Robinson, 2004; Naomi Klein, *No Logo*, Flamingo, 2000; David C Korten, *When Corporations Rule the World*, Berrett-Koehler, 1995; Steven K May, George Cheney, Juliet Roper (eds), *The Debate Over Corporate Social Responsibility*, Oxford University Press, 2007; Nick Robins, *The Corporation that Changed the World: How the East India Company Shaped the Modern Multinational*, Pluto Press, 2006; Dean Ritz (ed), *Defying Corporations, Defining Democracy*, Program on Corporations, Law and Democracy, Apex Press, 2001.

Bali – The Mother of All No-deals

By Sunita Narain

The world may have lost more than it won at the Bali Conference on Climate Change

The Bali conference on climate change is over. But the fight against climate change has only just begun. The message from Bali is the fight will be downright brutal and selfish. Let us cut through the histrionics of the Bali conference to understand that as far as an agreement is concerned, the world has not moved an inch from where it stood on climate some 17 years ago, when negotiations began. The only difference is that emissions have increased; climate change is at dangerous levels. Only if we drastically cut emissions, will we succeed in avoiding a full-blown catastrophe.

Let's understand what was agreed (or not) in Bali. The conference ended with an action plan—an agreement to begin talks, since the world recognized the need for deep emission cuts and an end to negotiations in two years. For developed countries, the agreement will include “measurable, reportable and verifiable nationally appropriate mitigation commitments or actions (my emphasis), *including* quantified emission limitation and *reduction objectives* (again my emphasis)...ensuring comparability of efforts among them, taking into account their...circumstance”.

Understand now what this UN legalese means. Firstly, no targets have been set for developed nations to cut emissions; no timeframe has been set by when emission would have to peak and then fall sharply. Secondly, it accepts that the countries will take on actions, not commitments. Countries will have voluntary targets, which can be quantified or be in the form of reduction objectives.

This negates (if not destroys) the previous global consensus (leaving out renegades like the US) that the developed (rich and high carbon debt world)

must take on emission-reduction commitments, the targets must be agreed through multilateral processes and these must be legally binding and enforceable.

Now compare this consensus to the first draft of the Bali action plan and tell me if you think we won or lost in Bali. Under the agreement, “The Annex 1 countries (the already industrialized countries) as a group would reduce emissions in the range of 25-40 per cent below 1990 levels by 2020 and that global emissions of greenhouse gases would need to peak in the next 10-15 years and be reduced to very low levels, well below half of the levels in 2000 by 2050.” A no-brainer conclusion, I would think.

But why then make a big deal of Bali? Two reasons: one, because developing countries managed to fight off a sneaky and underhand attempt to include them in the group that would take on commitments. This is part of the age-old battle. We know that the US (and Japan, Canada and New Zealand) leading with many hiding at the back have insisted for 17 years that they will not do anything till emerging big polluters like China, India, Brazil and South Africa are asked to cut emissions.

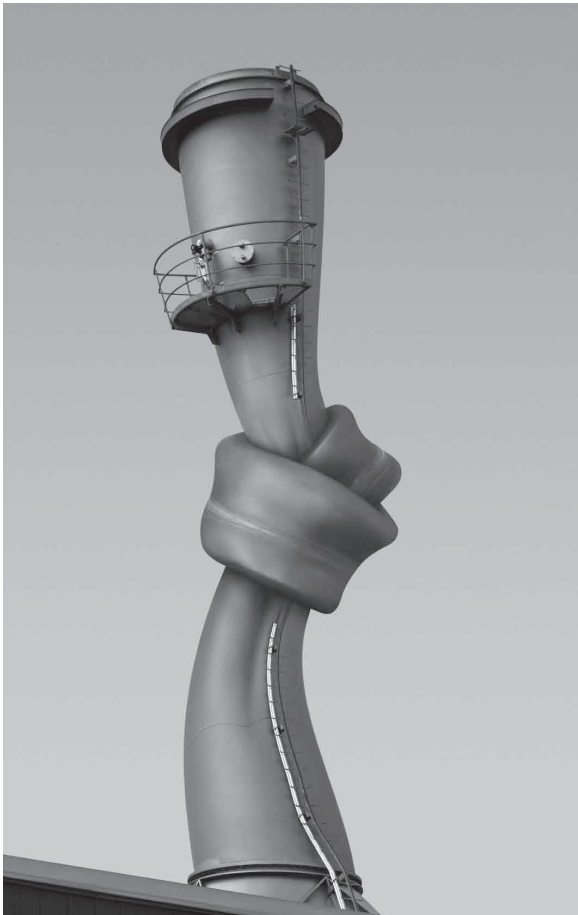
We also know that to get the US on board, the Europeans time and again try to persuade reluctant parties. This game has been played ad nauseum and was played in Bali. The first draft of the agreement said it would include “means to recognize, in a measurable and verifiable manner, national mitigation actions by developing country parties that limit the growth of, or reduce, emissions”. In other words, actions by these countries to either reduce or avoid emissions would be recognized and these



Air Quality Project

would need to be measurable and verifiable. But this text was amended at the last minute. Words were craftily twisted. Now the plan said developing country parties would take “measurable, reportable and verifiable nationally appropriate mitigation actions”. In other words, take on commitments. Worse, the rephrasing was done behind the backs of G-77 and China and the meeting to pass it was called on the sly. Nasty, despicable actions.

Tie a knot in it! It is time for industry to make serious efforts to cut back on their emissions.



This is when the Indians (and others) got up to demand change. The final agreement calls for “appropriate mitigation actions by developing countries” in a “measurable, reportable and verifiable manner”. This was a mock-battle, because the draft would never have been acceptable to developing countries. But damage has been done.

As the European Union and the secretariat of the climate convention were seen to back this re-

worded action plan, trust has been eroded. Now developing countries will be even more reluctant to engage. Hardliners will say, “we told you so”.

But there is a more serious reason to take Bali seriously. This is the real battle, the one we all lost. For long the US has been insistent on its way to combat climate change, which is based on voluntary action. This was never accepted because the world was certain that to combat climate change it needs a multilateral agreement, with hard targets and measures for compliance. That is why the world agreed to the Kyoto Protocol, which set small and hesitant targets for rich nations. The US didn’t sign it. Now, even as we understand the urgency and the desperation of climate change, the world powers have reneged on all of us.

We in India have to particularly note this decision. The fact is that we would also prefer the US way. It is convenient because we think that when we have to join the global climate agreement, it will give us the ultimate cop-out. It is possibly for this reason, I am hearing from India’s senior negotiators, a tacit acceptance of this no-deal. To justify this approach, they say that the mandatory approach is not working. Emissions of many target-bound countries are increasing. They say as the world can’t hold the rich nations accountable, it may be best to agree on the mother of all compromises—to let the US decide in the interest of us all on its way to not cut emissions.

This is the real thorn on the road to Copenhagen—where the agreement has to be signed in 2009. How do we pressure the US ? Let’s discuss this again and again to find real answers. 🌱

Sunita Narain has been with the Centre for Science and Environment from 1982. She is currently the director of the Centre and the director of the Society for Environmental Communications and publisher of the fortnightly magazine, Down To Earth.

In her years at the Centre, she has worked hard at analysing and studying the relationship between environment and development and at creating public consciousness about the need for sustainable development.

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Flooding out and drying up in Southasia

By Sunita Dubey and Ananth Chikkatur

Even as climate-change predictions become increasingly dire, we all hope that someone else will make the first real move to mitigate emissions.

This past summer a calamity of a scale never before seen in Southasia inundated large parts of India, Nepal and Bangladesh, killing more than 2000 people and displacing some 20 million. UNICEF estimates that Bangladesh was the hardest hit, with nearly 880 people killed and more than 36 million people – a quarter of the population – affected. The floods ended up destroying bridges, schools and roads, and shattering livelihoods for tens of thousands as the waters swept away summertime crops. Several Himalayan rivers burst their banks in the Nepal Tarai, as well as across the border in Bihar and Uttar Pradesh. But even after the waters receded, Bangladesh's weather-related tragedies were not over for the year. In November, Cyclone Sidr, a 'category-four' storm, swept furiously through the country – flattening houses, damaging buildings and roads, and again destroying thousands of acres of crops. Thousands of people died, and approximately 27 million people were affected – many for the second time in six months.

While Southasia has long been used to the annual flooding of the monsoon, the intensity and unpredictability of the region's rains is becoming striking, for lay and scientific observers alike. Indeed, it is unlikely that anyone will soon forget the cataclysmic scenes surrounding the Bombay floods of 2005, when unprecedented rainfall measuring 944 millimetres in just a single day brought India's financial hub to a complete standstill. The city seemed hardly better prepared: Bombay's dilapidated sewer system turned streets into rivers, leading to more than 1100 deaths and losses estimated at more than USD 250 million. The country's previous single-day record for rain had been back in 1910, when 838 mm fell in Cherrapunjee in July of that year.

Thickening the blanket

Earth is unique in that it is the only planet in the solar

system that sustains life. One of the many reasons for this is the presence of trace 'greenhouse-gases' in the atmosphere, including carbon dioxide, methane and nitrous oxide. These gases act as a blanket, keeping the planet's surface at a life-sustaining average temperature of 15 degrees Celsius. However, to maintain our ever-increasing demands for consumption and development, modern societies have been dramatically enhancing this natural effect by adding additional greenhouse gases to the atmosphere, mostly through industrial activities and deforestation. In essence, we are 'thickening' Earth's blanket, and inevitably making the planet warmer. According to the latest estimates by the UN-sponsored Intergovernmental Panel on Climate Change (IPCC), from pre-industrial times to 2005 the average concentration of carbon dioxide in the atmosphere has increased by more than 35 percent.

The IPCC, which recently shared the Nobel Peace Prize with former US Vice-President Al Gore, has established an overwhelming scientific consensus that climate change is both real and manmade. In so doing, it has also laid to rest much of the suspicion about the veracity of climate science, as often alleged by a small group of contrarians, most of whom are in the United States. The "warming of the climate system is unequivocal," the IPCC's recent report concluded, "as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level."

The current observations are already alarming. Over the past 100 years, the average global temperature has increased by 0.74 degrees Celsius, with 11 of the 12 warmest years on record having come between 1995 and 2006. In addition, global sea levels have increased by roughly 20 centimetres since pre-industrial times. Over the next century, the IPCC



predicts that the average global temperature will rise anywhere from 1.1 to 6.4 degrees, depending on the action – or inaction – of the upcoming decades.

Perhaps the most threatening long-term ramifications of this ongoing climatic process will come from melting glaciers and rising seas. The Himalayan glaciers are a life-support system for millions of people living in Southasia, slowly releasing water into the vast network of rivers of the Indus, Ganga and Brahmaputra basins. With the onset of global warming, however, thousands of glaciers located across the 2400 km of the Himalaya are likely to melt rapidly, creating an unimaginable crisis. These glaciers are already receding faster than in any other part of the world, and the IPCC notes that, with the present rate of melting, the Himalayan glaciers will likely shrink from the 500,000 to 100,000 square kilometres in the 2030s. Moreover, with a three-degree temperature rise and no change in precipitation, Tibetan glaciers of less than four kilometres in length are likely to disappear altogether.

Food and economic security

The initial impact of these climate changes are already being widely felt, and all indications point to a worsening situation. While such massive transformations will affect the full spectrum of individuals in Southasian societies, the worst ramifications will inevitably be for the region's subsistence farmers. The IPCC has flagged agriculture as the most vulnerable to the impacts of climate change in Southasia – this for a sector that employs about 60 percent of the region's labour force, and contributes to 22 percent of its GDP. Moreover, according to a recent World Bank report, agriculture and poverty reduction are strongly linked, in that overall GDP growth originating in agriculture is, on average, at least twice as effective in benefiting the poorest half of a country's population as is the growth generated in non-agricultural sectors.

The net cereal production in Southasian countries is projected to decline by four to ten percent by the end of this century. In Pakistan, climate models simulate agricultural-yield losses of six to nine percent for wheat following an increase in average temperature of just one degree. In Bangladesh, by 2050 rice production could fall by nearly ten percent, while wheat production could plummet by more than 30

percent. In India, per-capita water availability is projected to decline from around 1820 cubic metres per year to as low as 1140 cubic metres by 2050.

More broadly, climate-change impacts are exacerbating already existing problems of poverty and environmental degradation, and threaten any positive step currently being undertaken in the region to uplift marginalised communities. Therefore, climate change can be seen as less of an environmental issue than of a looming humanitarian catastrophe, ultimately threatening global security and survival.

Climate injustice

In the face of increasingly ominous forecasts, climate change demands urgent action in order to address a threat to two constituencies in particular: the world's poor and future generations. With just 15 percent of the world's population, the rich countries account for 45 percent of total carbon-dioxide emissions. On the other hand, low-income countries as a group account for one-third of the world's population but just seven percent of the emissions. This is the main reason why the UN climate-change convention, ratified in 1992, demands that industrialised countries take the lead in reducing emissions.

In terms of emissions per person, an average American emits more than 16 times as much carbon as does an average Indian. However, focusing only on per-capita emissions is also problematic, since there are wide in-country disparities. The stories and images from cities as diverse as New Orleans, Patna or Dhaka tell us that it is the poor and the politically weak in these cities who inevitably suffer the worst consequences of climate change. Therefore, wealth and class boundaries are clearly more important than political boundaries. For instance, a recent report by Greenpeace India reveals that the highest income group in India, constituting one percent of the population, emits four and a half times as much carbon dioxide as does the lowest income group, which comprises 38 percent of the population. Even in the US, African Americans generate roughly 20 percent less carbon dioxide than do white Americans, on both per-household and per-capita bases, yet they face a disproportionate burden from climate-change impacts – as revealed by the shocking images of the aftermath of Hurricane Katrina.



The capacity to deal with the impacts of climate change is intimately connected to social and economic development, and this capacity is not evenly distributed either across or within societies. While there is potential catastrophic risk for everyone, the short- and medium-term distribution of the costs and benefits will be far from uniform. Women are particularly vulnerable to climate change, due largely to women's historic disadvantages – limited access to resources, restricted rights and a muted voice in shaping decisions. A recent Oxfam study found that during the 1991 cyclone and floods in Bangladesh, the death rate for women was almost five times higher than for men, as they had less access to ways of mobility than did men. For example, many women were not allowed to leave their homes without a male relative, and so they ended up simply waiting for relatives to take them to a safe place.

In the end, adaptation to, and preparing for, floods, droughts and other natural disasters is largely dictated by wealth and poverty. For the richer part of the world, adaptation is a matter of erecting elaborate climate-defence infrastructure, and of building 'flood-proof' homes. But adaptation in poorer countries might well mean little more than learning how to swim. Such is the disparity and the reality of climate-change adaptation in an unequal world.

Towards sustainable lifestyles

In many Southasian countries, poverty is intimately related to repeated exposure to climate risks. For people whose livelihoods depend on agriculture, variable and uncertain rainfall is a potent source of vulnerability. For urban slum dwellers, floods pose a constant threat. Across the world, the lives of the poor are punctuated by the risks and vulnerabilities that come with an uncertain climate. But what is dangerous for a small-scale farmer living in Southasia might not appear particularly dangerous for the owner of a large, mechanised farm in the United States. Climate-change scenarios for rising sea levels that might be viewed with equanimity from behind the flood-defence systems of London or lower Manhattan might well be regarded with reasonable alarm in the Maldives, Bangladesh or Sri Lanka.

Yet, the silence of inaction and a vacuum of leadership currently permeate the globe. Solutions seem either to be embedded within a complex political landscape,

as indicated by the political theatre of Kyoto and Bali, or focused on debating the merits of technological and economic solutions. Is cap-and-trade better than a carbon tax? is a common dithering refrain. Should we build new nuclear or wind-based power plants? Is capturing and storing carbon dioxide from power plants feasible?

The political and business leaders in Southasia are not yet fully cognisant of the drastic impacts that climate change will bring upon the region. Or, if they are aware, they are unwilling to do anything about it. Changing this requires a reorientation of goals towards lower consumption (not just by the West, but also by affluent Chinese and Southasians), pricing of materials that include social and environmental costs, greater efficiency of energy use, and 'decarbonisation' of our energy sources (ie, placing more focus on sustainable energy sources such as solar and wind power).

Regional cooperation among Southasian countries is also crucial, as climate change will not respect political boundaries. For example, with rising sea levels Bangladesh is bound to be inundated with floods, and Bangladeshis will invariably call upon the neighbouring countries for help. Accommodating these 'climate refugees' will put pressure on the already stretched resources in the region, and could well lead to political conflict between countries and regions.

Leadership is needed not just at the political level, but also on the personal level. As Mohandas Gandhi urged, all of us, at an individual level, need to be the change that we wish to see in this world. While the myriad available small-scale solutions – such as utilising energy-efficient light bulbs, eating more fresh and local foods, driving more fuel-efficient vehicles, and flying less – may seem relatively trivial, small actions undertaken by large groups has been proven time and again to have significant impacts. In the end, dealing with climate change is about political will and adapting to new ways of life – a lifestyle that is more about quality, not quantity. As Albert Einstein said, "We shall require a substantially new manner of thinking if mankind is to survive." Climate change has thrown down the gauntlet to all of humanity. The question now is, will we rise up to meet the challenge in time? 🌱

This is an abridged version of an essay originally published by Himal South Asia Magazine.



Access to information not really promoted

By Jane Harley

The Promotion of Access to Information Act is all very well, but a seemingly innate tendency to bureaucratic secrecy appears to result in knee-jerk assertions of confidentiality

groundWork has recently written to the Minister of Justice and Constitutional Development, Brigitte Mabandla, asking her what remedy we have to the fact that the Promotion of Access to Information Act (PAIA) is not delivering access to information.

Enshrined in the South African Constitution is Section 32 – Access to information – which reads:

Everyone has the right of access to:

- a) any information held by the state; and
- b) any information that is held by another person and that is required for the exercise or protection of any rights.

This right was given legislative effect through the promulgation of the Promotion of Access to Information Act, commonly known as PAIA.

It is obvious that information is an essential key to the protection of citizen rights, and a necessity if we are to have transparent government. It would appear, however, that both government and private bodies find it extremely hard to part with information and that the spirit of Section 32 is being undermined by petty bureaucratic paranoia.

Take the example of groundWork's application for the operating permits for the PPC cement kilns in South Africa. Initially, we simply asked for these permits from the DEAT. After several months of stalling, we were told to make a PAIA application, which we duly did. We received no official response to this application which, according to the law, means that our application had, in effect, been refused. We appealed this deemed refusal and received a note from the information officer that the appeal would be attended to, but nothing happened. We sent a

reminder note, which included the information that we would be taking further action should we not get a response, and got a reply: we would have the permits. But, nothing happened.

At this point we drafted the founding affidavit for court action, and were about to lodge it when a new broom at DEAT contacted us and told us that we would be getting the permits. Nothing happened. Then, suddenly, out of the blue, we were told to deposit around R60.00 to cover copy costs, which we did, and shortly thereafter the permits were in our hands. It is a sad reflection on DEAT that all useful information on the permits had been tippexed out, that some of them appear to be very out of date and that what we received was, essentially, of no use to us. Repeated requests for the correct, un-vandalised, permits have not even warranted a response from the department.

Operating permits should, of course, be in the public domain. There should be nothing secret about how much pollution an enterprise is allowed to make. In fact, these permits should be writ large on the walls of the factory so that everyone may know what the rules of the game are. From what we can tell, the PPC permits are pretty innocuous and it says a great deal about DEAT, and their attitudes to transparency, that they have found it so very difficult to let us have them.

Another recent PAIA failure is the Earthlife Africa request to Eskom to make available information regarding their deal with Alcan (see article on page 10). This information is apparently protected by confidentiality clauses in the contract between the parties, and Earthlife Africa's PAIA application was



effectively refused and was then taken on appeal. At this point they received a response which was also effectively a refusal as virtually every question asked was responded to with the statement "We refuse to disclose (whatever has been asked) on the grounds set out in sections 36(1)(a),(b) and (c), 37(1)(a) and 42(3)(b) and (c)" - which translates to "we can't tell you anything because it might prejudice the interests of the parties". Sort of like "taking the fifth". Because it is, in fact, okay to say "sorry, we can't tell you because it's secret", Earthlife's next step could only be to make application to court, and even though this is an expensive and risky business, Earthlife has decided to do this.

Eskom is a public company with a single shareholder, the government. Essentially, electricity, a public good, is being sold to a foreign private body, and the public is not allowed to know any details of that sale.

SDCEA have also had no luck with their PAIA application, although they at least did get a response within the prescribed time. SDCEA asked repeatedly, via a number of routes, for a disaster management plan for the Durban South Basin. Given the number of serious incidents that occurred in this area last year, this seems a very reasonable request, but it was one that was consistently ignored.

In December they made formal application to eThekweni Municipality and in January received the response: "... in the interest of protecting certain information considered to be in the public interest your aforementioned application is hereby refused". This was amplified with the information that "it is deemed to be in the public interest that any documentation relating to the complete emergency, evacuation, fire and disaster management plans be protected by the users of such plans". Two representatives of SDCEA were, however, invited to view the plans and offer comments which might assist in improving the plans. They were also sent another letter which, in somewhat patronising terms, suggested that the SDCEA were really being rather silly in asking for a disaster management plan and that the best advice that they could give their constituents was to "shelter in place".

That complete emergency, evacuation, fire and disaster management plans are not made known

to the people who would be subject to such an emergency, evacuation, fire or disaster is patently ridiculous. Such plans need to be tested and need to be practiced, and how will this happen if nobody knows what they are? To hide behind confidentiality here is both patronising and irresponsible.

The SDCEA have subsequently re-phrased their questions, and have resubmitted their request as a demand for information.

An example of these questions are:

a. Warning systems

- i. Are there warning systems in use?
- ii. What kinds are in use and how do they operate?
- iii. Do you intend to hold a demonstration or drill for this purpose?
- iv. What do the residents do when a warning is sounded, and if there is more than one type of warning, what are they expected to do for each type of warning?

b. Evacuation Procedures

- i. Who authorises evacuation and when?
- ii. How is the evacuation message communicated to the residents?
- iii. What routes are to be followed?
- iv. Who will look after those people in the community who need special assistance, ie the vulnerable, disabled and sick?

This is the only kind of information that they wanted in the first place. They were never looking for secret information about national Key Points, and in refusing this information the municipality were simply being obtuse.

It seems that government bodies are battling with the long legacy of secrecy shared by bureaucrats all over the world. This gets in the way of transparent government and directly interferes with the public's right to information. It is unfortunate that the law is couched so that the respondent can hide behind "sorry, I can't tell you because it's secret" and that the only way that this can be tested is through the courts, a route that is often too expensive for the man in the street. 📌



The DEAT distances itself from ILO child labour report

The International Labour Organisation (ILO) were very taken aback at a recent meeting with the DEAT. In late 2007, the ILO were presenting their report on the situation of waste pickers on various South African waste dumps. Having consulted with the DEAT throughout the process, they were surprised when the DEAT distanced themselves from the report and asked that their name be removed from it. Their reason was that the ILO's contact person at the DEAT was no longer there and had, they say, never told the DEAT of his involvement.

Landfill Terminology

Landfill terminology can seem a little obscure, so here is a brief outline of what it means:

Landfill sites can be classified as:

G -> General landfill site

H -> Hazardous

Hazardous landfill sites are further classified as H:h (said as big H, little h), or H:H (said as big H, big H). The little h implies that the landfill site can only take less hazardous waste, classified as levels 3 and 4, while the big H means that the site may take all levels of hazardous waste.

B+ or B- indicates that the site either needs leachate management (B+) or does not (B-).

L, M, S or C indicate the size of the landfill - Large, Medium, Small or Community.

Therefore, a landfill referred to as a GLB+ landfill site is a large site, requiring leachate management, which accepts only general waste.

Friends of the Earth International keeps a beady eye on false advertising

Friends of the Earth International has been making life miserable for multinationals and their advertising agencies. They have recently taken a number of advertisements to various Advertising Standards Authorities (ASAs) and have managed to cause the advertisements to be withdrawn.

In January 2008 the UK ASA ruled that an advert by the Malaysian Palm Oil Council was false advertising. The advertisement, which was shown on BBC World in mid-2007, showed footage of a palm oil plantation intercut with shots of pristine rainforest. It suggested that palm oil plantations were good for the environment and claimed that Malaysian palm oil has been "sustainably produced since 1917". Friends of the Earth International complained that this was not true as most palm oil is produced in a manner that is neither socially nor environmentally sustainable.

FoE Europe have also said that a SAAB advertisement is misleading because it claims that its new "biopower" car has no environmental impact. Official fuel consumption figures, however, show that SAAB cars are among the worst performers on the market in Belgium, where the complaint has been brought. The Belgian advertising authority has condemned the SAAB campaign.

Last year FoEI was able to get a Shell advertisement, depicting flowers coming out of a stack and suggesting that Shell was beneficial to the environment, withdrawn. They are now eyeing ExxonMobil, who recently put out a 28 page glossy brochure promoting their environmental credentials with a European newspaper. FoEI nominated them for the 'Worst EU Lobbying Awards', although this award was, in fact, won by the German Atomic Forum who were nominated for abusing the public's concern about climate change in order to promote nuclear energy.



And, as always, Shell...

Having trumpeted its commitment to a low carbon future when it signed a pre-Bali conference communique, Shell, along with other energy companies, has now quietly sold off most of its solar business. In confirming this, Shell said that they were pulling out of their rural business as Shell was not making enough money. "It was not bringing in any profit for us there, so we transferred it to another operator" said a spokeswoman from Shell.

Meanwhile, Shell has reported annual profits of \$27.56 billion, a record for a UK-listed company. Much of the increase in profits can be attributed to the increased price of oil. "Overall, these are satisfactory results", said Jeroen van der Veer, Shell's chief executive. Unions, however, have objected to the level of Shell's profits, and Tony Woodley, Unite's joint general secretary, described the level of profits as "quite frankly, obscene". Given that consumers and businesses are having to cope with the effects of high oil prices, Mr Woodley is calling for a windfall tax on oil companies.

In one of their many attempts to "paint themselves green", Shell sponsored one of Britain's most prestigious wildlife photography exhibitions. This sponsorship was characterised by activists as simple greenwash and an attempt by Shell to give itself undue environmental credentials. They argue that Shell is not an appropriate sponsor for the Wildlife Photographer of the Year show because of its environmentally detrimental activities around the world. Pressures have been mounting since the sponsorship began in 2006, with campaigners disrupting awards ceremonies, running parallel displays titled "Shell Wild Lie", and urging the public to complain to the Natural History Museum which organises the event. Spokesmen from both Shell and the museum refuse to comment on Shell's reason for withdrawing its sponsorship, but deny that it was linked to the protests.

Early in January, Sierra Club and Environment Texas filed a lawsuit against Shell Oil Company for repeated violations of the Clean Air Act at its Deer Park oil refinery in Texas. Shell's operating permits set both hourly and annual limits on what it can emit into the air. The citizen suit alleges that malfunctions, breakdowns of equipment and various other non-routine incidents result in millions of pounds of pollutants being released into the atmosphere. Just one upset or "emission event" can release thousands of pounds of air pollutants in a very short time. Some such events at Deer Park have resulted in releases of hundreds of thousands of pounds in a few hours.

And in Sakhalin, the very controversial Russian oil field, seven employees of Sakhalin Energy Investment Company (SEIC), in which Shell has a 27.5% share, are taking legal action against SEIC for breaching Russian Federation labour code. They accuse SEIC management of infringing human rights, removing civil liberties and endangering the lives of employees. They did first try to resolve the matter with management and the local authorities, but to no avail.

Sakhalin II was also forced to announce, on 3 March 2008, that it has been unable to raise financing from either US or UK Export Credit Agencies. It has withdrawn its applications for hundreds of millions of dollars in public financing for the crisis-plagued Sakhalin II project. Local environmental groups that have formed a coalition with national and international environmental groups to block billions of dollars in both public and private financing, have hailed this as a triumph. Sakhalin have, for the last five years, been unable to secure billions of dollars of funding because they have been unable to show compliance with banks' environmental policies.



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