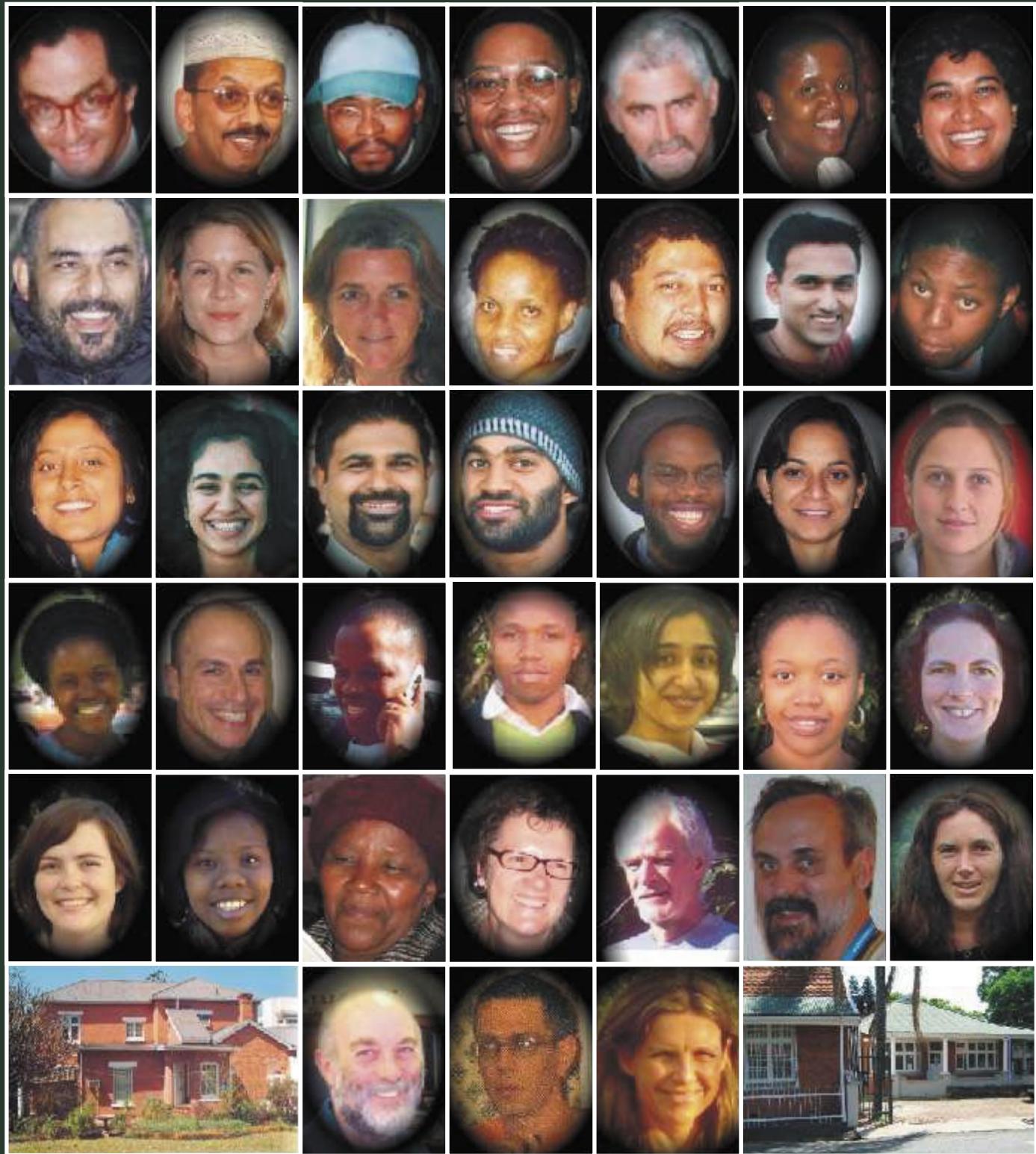


GROUNDWORK

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Celebrating 10 years of 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 environmental health) and corporate accountability.

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

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AFFILIATIONS:

groundWork is affiliated to the following international organisations:

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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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From the smoke stack

by groundWork Director, Bobby Peek

On the 1st of June groundWork celebrates its tenth anniversary. I have to start this newsletter by thanking our Board of Trustees, the staff and groundWork associates who have shared their lives with groundWork, the very many interns who we were privileged to have at groundWork and whose lives we influenced. Most importantly I need to thank the very many community people and organisations we have worked with over the years, together with whom we are building strong community challenges for environmental justice and democratic environmental governance in South Africa.

It has not been an easy road, considering the centralisation of government over the last decade, the increasing influence that corporations have had over government, the closing down of democratic spaces where people can make input to environmental governance, the demise of various environmental justice organisations within South Africa and the arrogance of how our government just ignored environmental concerns of civil society. Are we now moving into a new era with a new government and President Zuma at the helm?

We do have an interesting government indeed - from those that keep on repeating the mantra that nothing is going to change and that they will follow the same fiscal programme as the previous government to those that are saying there should be 'green jobs'. Can Zuma be all to everyone? I think not, but I think he is going to try in the beginning. There is no doubt that it is in the next year or so that the democratic spaces for challenge that the internal struggle within the ANC has opened will be the same spaces that will be available for the population of South Africa to use as we try and make our democracy work in our new government, between elections rather than only at voting station.

For groundWork the new government has to deliver on a developmental agenda reflecting environmental justice, and not the corporate sustainable development spin that we have heard over the last 15 years. For groundWork a development strategy for environmental justice is about: people having decent jobs in a safe environment with reasonable

remuneration; communities enjoying decent levels of affordable basic services – and not only by consumers who can afford them; individuals and families having access to, at minimum, the basic goods of human life, starting with the most basic levels of goods like nutritious food and safe and comfortable accommodation; people living in environments that are not harmful to their health and well-being; and people participating in an equitable and democratic manner in governance to secure their rights as enshrined within the constitution. Against this is how we will judge our new government. These are not too dissimilar to our calls in the past because, while great strides have been made, poverty and environmental injustice are still present in many communities country wide.

In a reflection on some of our cabinet posts, some interesting appointments and reshuffling have taken place. Minister Buyelwa Sonjica has the task of bringing together a new Department of Water and Environment Affairs, a combination which has been on the cards for some time. Is she the right person to deliver on an environmental justice agenda which requires water to be treated as a basic service for people, rather than a 'basic' right for mining companies to use and pollute? We are all sceptical and wondering how an ex-minister of mining will be able to understand water from a framework different to that of mining. The scandal around the gold, platinum, dune and coal mining continues and, unfortunately, it is her legacy. The Mpumalanga Province is a key example where, despite the provincial strategic plan stating that the Dullstroom area should be free of mining, the Department of Minerals and Energy has granted licenses for exploration. This was during Minister Sonjica's watch. All I can say now is that we reserve our right to comment.

There are three areas ministerial that we have found fascinating. The Minister for 'Monitoring and Evaluation' within the Presidency, under the leadership of Collins Chabane, is to monitor and evaluate the performance of government in all three spheres. It has been a long held concern by groundWork that the departments dealing with environment at a national and provincial level have often performed below



bar, and we have lodged a complaint with the Public Protector about the misuse of government resources in improper policy process. Will Mr Chabane act faster than the Public Protector, who has yet to respond to our communiqué, more than a year later.

Minister Ebrahim Patel, heading the newly created ministry of Economic Development, is an interesting choice. A long time general secretary of the South African Clothing and Textile Workers Union, he brings a new dimension to economics in the new government, and already he is talking about 'green jobs'. What this really will mean is still open for debate and understanding. Alongside Minister Patel is Deputy Minister Gwen Mahlangu-Nkabinde, who was a previous chair of the Portfolio Committee on Environment and Tourism and has a good understanding of the environmental justice challenges in South Africa, especially worker related issues. This is possibly a good sign for the environmental justice movement. Then we have Rob Davies, new Minister for Trade and Industry and a long time member of the South Africa Communist Party, who has for many years placed strong left pressure on the ANC government from within.

There is some hope for the environmental justice movement in these names, but then they have to contend with the challenge from Minister in the Presidency, Trevor Manuel, and the newly appointed Finance Minister, Pravin Gordhan, who are unequivocal in their stance that nothing is going to change in relation to the macro-economic policy.

While on government, we must say thank you to Minister van Schalkwyk who for five years has managed to keep the Ministry of Environment and Tourism moving forward, albeit somewhat cautiously.

To get back to the ground and the realities that face us as we struggle I have to once again turn my attention to Engen and the eThekweni Metro who are refusing to hand over the investigative reports into the Engen fire of November 2007. There has been a to and fro from Engen to the Metro, both not wanting to release the info and Engen indicating that the community needs to use the Promotion of Access to Information Act (PAIA) to get the information. The Metro claims that they cannot release the report for it is the property of Engen, yet they have used environmental regulations to get Engen to do the investigation. Simply put, both Engen and the Metro are just playing hard ball. They have to release the report but before they release it they are going to make the community jump through hoops! Sick!

Often groundWork is criticised for not being supportive of our officials as they undertake their work. On this occasion I would like to say that groundWork welcomed the work and input made by the Department of Water and Environmental Affairs at the recent Stockholm Convention meeting in Geneva, where they took an active role in taking this convention forward. The Stockholm Convention, which seeks to eliminate the production of toxic chemicals globally, is important as South Africa seeks to allow incineration to be used as a waste management strategy. Dioxins, one of the chemicals managed by the convention, are released when waste is incinerated. Furthermore, DDT which is also on the Stockholm list is used in Africa for the control of malaria.

A good news story that we received as we were putting the newsletter to bed was the constitutional judgment in the Biowatch case. Calling the case "a matter of great interest to the legal profession, the general public, and bodies concerned with public interest litigation", Justice Sachs set aside the costs order awarded against Biowatch in favour of Monsanto and further awarded legal costs in the High Court hearings in favour of Biowatch and against the state. The bench of eleven judges was unanimous in its decision.

On a not so good news story, groundWork is working with the Basel Action Network to track the potential illegal shipment of electronic waste into South Africa. Despite making the DWEA aware of this before the shipment arrived in the country, the DWEA did not take action and the result is that the shipment could not be checked at the Durban Port when it was offloaded. It now sits in Johannesburg 'under investigation'. It is really sad then even when one tries to work proactively with some sectors of DWEA they fail to respond in a meaningful and urgent manner.

Finally, I want to say good-bye to Jane Harley who has been my executive assistant since 2006, prior to which she was contracted to set up the groundWork Resource Centre. Jane has also, amongst other things, coordinated our publications and been instrumental in developing our new website which will be unveiled soon. Jane is returning to freelance work and will continue to do the publications with groundWork this year. While at groundWork Jane has become a passionate and committed advocate for environmental justice and we wish her well in her future work.

To the next ten years!
Aluta Continua... 

Cancer Surveillance in South Durban

By Bobby Peek

The new cancer surveillance initiative in south Durban is a step forward for environmental justice

The new cancer surveillance initiative in south Durban is a step forward for environmental justice

In what is possibly a global first, the eThekini Metro, together with the Nelson Mandela Medical School's Community Health Department, will be setting up a cancer surveillance system for Durban which will seek to understand what the risk factors contributing to cancer in Durban are. South Durban will be the pilot study area.

This is indeed an environmental justice victory which is an outcome of years of advocacy and campaigning by the community of south Durban, the South Durban Community Environmental Alliance (SDCEA) and groundWork.

On the 25th of March, 1995, the community of south Durban, frustrated by Engen's unwillingness to reduce its pollution, protested against Engen's pollution and arrogance outside their gates as our then president Nelson Mandela drove in to open the expansion of Engen, an expansion that did not include the necessary pollution reduction equipment because Engen wanted to save on costs. Mandela stopped his motorcade, got out and spoke to the protesters and heard their concerns about illnesses and Engen's pollution. Immediately that evening he set in motion a series of events – calling on industry and community people to talk about how pollution will be reduced – that would result in the birth of the South Durban Community Environmental Alliance, which has become the main voice for environmental justice in south Durban.

The birth of SDCEA was in direct response to industry not being willing to take the call by Mandela seriously, for they failed to respond to the cry by community people for pollution reduction. By 1998, the campaigning by and frustration of the community reached the international arena and in 1998 the Goldman Environmental Prize recognised this work.

In 1999, groundWork was born, and immediately we started working with the SDCEA to strengthen their struggle to achieve environmental justice in south Durban. In February 2000, after years of not wanting to reduce their pollution, Shell admitted that they were under-calculating their sulphur dioxide emissions.

In May 2000, groundWork, in partnership with the South African Exchange Programme on Environmental Justice (SAEPEJ) and Communities for a Better Environment (CBE), both out of the US, introduced the bucket brigade to South Africa and took the first public air pollution sample in south Durban, at the fence of Engen, that identified chemicals such as benzene, toluene and other volatile organic compounds. The sample analysis was made public and was the focus of various media reports, including an exposé by *Carte Blanche*.

A local Durban newspaper, *The Mercury*, followed up on the exposé and the bucket sample, and interviewed a series of families in south Durban. The results of these interviews highlighted that leukaemia in south Durban was 24 times higher than the national average in children under the age of ten.



The Mercury newspaper trumpets the news of the Cancer Surveillance project. Picture by groundWork



Lead Story

A further Carte Blanche exposé was undertaken with a five day exposé by The Mercury on pollution and health in south Durban.

This got government listening. After years of negotiating in committees and a series of false promises by industry – with the collusion of government – government panicked and flew down to Durban in force. By November 2000, Valli Moosa, the then Minister of Environmental Affairs and Tourism, together with the Minister of Trade and Industry and the Minister of Health, set in place the Multi-Point Plan (MPP) which stipulated that there will be pollution reduction from industry, that there will be a health study in south Durban to assess the impact of pollution and that laws and standards on pollution will be fast tracked. South Africa then had no law that governed pollution from oil refineries in any meaningful manner.

While this MPP was getting going groundWork supported financially an initial health study undertaken by the Michigan University and the Nelson Mandela Medical School. This health study was released in November 2002, indicating that 52% of the learners at Settlers Primary School in south Durban, situated between the Shell/BP and Engen refineries, suffered from asthma, which was a result of them being exposed to sulphur dioxide, nitrogen oxides and particulate matter.

In July 2001, the Shell and BP refinery's pipelines in south Durban leaked more than one million litres of petrol that settled under the local residential area. A local resident's young daughter, who has lupus, had a relapse which was attributed to her being exposed to the petrol fumes. In November 2002 groundWork worked internationally with a series of NGOs to release a major book, *Riding the Dragon*, about Shell's global pollution. This resulted in an active international coalition calling on Shell to reduce their pollution, not only in south Durban but globally. This coalition is still active today.

At about the same time, the Department of Environmental Affairs and Tourism, under Valli Moosa, started fast tracking legislation on air pollution. In April 2003, at a community gathering in Cape Town, groundWork started placing pressure on our national parliament to recognise pollution from industry as a key challenge. In a public hearing that coincided with this visit, groundWork and the community people

highlighted a series of pollution "hotspots" to the parliamentarians. They immediately started using the language of pollution hotspots.

In June 2003, the MPP plan's formal epidemiological study in south Durban was finally launched after much negotiation on methodology. groundWork worked with international health specialists to inform the methodology.

In February 2004 the new legislation was presented to parliament without reference to health. The community people protested in parliament and the legislation was withdrawn and parliamentarians then visited the pollution hotspots, including south Durban. By November 2004 the legislation was rewritten to include health as a critical factor.

By 2005 the MPP's six million Rand health study was completed, confirming the findings of the original health study and, more importantly, indicating that the cancer risk from pollution in south Durban is 250 times higher than the norm.

During these many years of negotiations industry's operational conditions have worsened with an increasing number of life threatening explosions, leaks and fires because of poor maintenance of an aging infrastructure. Coupled with the results of the health study these incidents make for serious concerns.

To the eThekini Metro's credit they adopted the findings of the MPP health study report, and have subsequently moved to develop this cancer surveillance strategy.

Critically, during this time, the advocacy and activism by the south Durban people, coupled with the results of the health studies, led the local medical fraternity to be more confident about pronouncing on the link between pollution and the status of people's health in south Durban. This is often a contentious subject and many general practitioners, and even specialists, tend to skirt it, not only in south Durban but globally. Doctors have been known to be sued by major corporations for their statements on pollution and health. However, now with the evidence and the political support from the people of south Durban, doctors can be more confident in making these connections.



Steel Trap

By Sunita Dubey

ArcelorMittal – a continuing story of layoffs, payoffs and pollution

The past year has not led to much improvement in the ground level realities in many countries where ArcelorMittal operates its steel mills. Moreover, the company has used the ongoing financial crisis not only to lay off thousands of workers in many of its facilities, but also to ask for concessions in the implementation of their social and environmental commitments. The growing discontent among community groups and workers and the shroud of secrecy around deals with

the governments in many countries is a reflection of ArcelorMittal's questionable working ethics. Even though the company promised a dialogue with local groups last year the intent to provide information and take action to improve the situation has fallen short by all measures. It is time that ArcelorMittal puts its money where its mouth is and stops hiding behind the financial crisis.



ArcelorMittal in Vanderbijlpark in the Vaal Triangle is responsible for much pollution in the area.
Photograph by groundWork



Shady past - unclear future

On May 12, 2009, environmental and community groups from countries ranging from South Africa to Kazakhstan, having in several cases tried in vain for years to press individually for improvements in ArcelorMittal's steel mills and mines, decided to bring their complaints to ArcelorMittal's annual general meeting in Luxembourg. The ire against the company is not just limited to community groups for ArcelorMittal is also facing increasing worker protests around the world which culminated in an angry confrontation during the annual shareholder meeting. Approximately 1 000 steelworkers from the company's plants in France and Belgium protested in front of the company's headquarters. This protest turned violent as smoke bombs were set off and windows were smashed in an effort to disrupt the shareholder meeting.

During the last 15 years, ArcelorMittal's predecessor companies, mainly Mittal Steel, have bought up several old and highly polluting steel mills and have made them profitable. Environmental improvements, other than those necessary to increase production efficiency, have, however, been painfully slow. In several countries the company has received low-interest public loans from the European Bank for Reconstruction and Development (EBRD) and the International Finance Corporation (IFC) for environmental improvements but the results have been largely invisible to local people. As well as pollution, several groups have raised issues such as the repeated fatal mining accidents in Kazakhstan, which have been partly blamed on poor health and safety practices, and plans to build mega-steel mills in India, displacing tribal people from their land in a country where such processes have rarely, if ever, led to an improvement in the lives of those affected.

The company's record was also tainted by unfair money-making practices in 2008 when it was reported in December that three ArcelorMittal subsidiaries in France, along with eight other companies, had been fined a record EUR 575 million for creating a cartel on certain steel products between 1999 and 2004. According to Le Conseil de la Concurrence

(the Competition Council), the companies had set prices, divided up contracts between themselves, blocked exterior rivals and punished those who deviated from the agreements. PUM Service Acier, a division of ArcelorMittal, was ordered by Le Conseil de la Concurrence to pay EUR 288 million, after it was found to be one of the three cartel leaders, and in total the three ArcelorMittal subsidiaries involved were fined EUR 302 million. Although Le Conseil de la Concurrence found no evidence that the parent companies were aware of the cartel, we believe that this case should be of concern for the whole company as it represents a significant and sophisticated breach of EU competition law.

In South Africa, as elsewhere, the company is not operating at 100 percent production due to the financial crisis. Over the last two years there has also been an ongoing challenge with the South African Competition Tribunal for excessive pricing. ArcelorMittal has appealed the USD 65 million fine imposed upon it, which represented about 12 percent of ArcelorMittal South Africa's 57.2 billion-rand profit in 2007. Their appeal has been successful and we await the Tribunal's next step. However, the company is not in financial trouble in South Africa. On the contrary, after years of 'protection' from the state in the form of subsidies and not having to meet good environmental practice, ArcelorMittal is sitting handsomely with excess free cash of more than R5 billion above their operational requirement. But, instead of investing this money at this critical time – as they are operating below maximum capacity – to improve their operations, they are seeking ways of buying back shares which they will no doubt get at lower prices than they originally sold them for. It is mainly state contracts that are a major source of ArcelorMittal income presently. In the same breath, however, Executive Officer, Nkululeko Nyembezi-Heita, is threatening job losses. ArcelorMittal is also resisting stronger regulatory control by the South African Department of Environmental Affairs and Tourism, which will, from September 2009, govern the plant under the Air Quality Act of 2004. ArcelorMittal is currently representing the steel industry in negotiations with the environmental department.



Peoples' peril

The issues do not stop at pollution and health and safety at the existing steel mills and coalmines. In India, ArcelorMittal's plans to build two mega steel mills in Jharkhand and Orissa have resulted in fierce resistance from local people for whom resettlement can offer no alternative to the homeland with which their whole lives are inextricably intertwined. In June 2008, ArcelorMittal staff were forced to withdraw from one site visit altogether due to protests. In Omarska, in the Republika Srpska Entity of Bosnia-Herzegovina, local people are still suffering from dust and water pollution caused by ArcelorMittal's existing iron ore mines, yet the company has started work on opening a new one, even before obtaining an environmental permit.

ArcelorMittal has also signed a concession agreement for iron ore mining activities in Liberia, due to commence in 2010. Although the agreement with the Liberian government has already been altered once to change some of the most unjust clauses, a number of problems with the project remain, including expropriation and resettlement, lack of transparency in the management agreement with the government, lack of secure employment and its impact on the Mount Nimba Nature Reserve.

Empty Words

There has been a clear recognition among ArcelorMittal's management that many of its plants require significant improvements in their environmental and health and safety performance. The merger of Arcelor and Mittal Steel has provided a stimulus to ensure that environmental, health and safety standards are applied equally at all plants and that a culture of transparency is developed throughout ArcelorMittal. In 2007 and 2008 ArcelorMittal developed a corporate responsibility management structure in order to implement this.

The company's Luxembourg management has indicated that ArcelorMittal has not yet developed a consistent culture of responsibility and transparency throughout its operations, but that it would not be possible to go over the heads of local management

in releasing information. Given that ArcelorMittal presumably has a number of relatively enforceable company-wide policies on other issues it seems strange that local managements cannot be more effectively persuaded to take their transparency obligations seriously.



Caroline Ntaopane and Strike Matsepo at a Steel Valley community protest against Mittal in 2007. Despite ongoing resistance against the company, nothing is changing. Picture by groundWork

ArcelorMittal has declared its intentions to reduce pollution, increase energy efficiency and be more transparent towards its stakeholders. If it is to improve its relations with its neighbours and other stakeholders it needs to show that it is serious – that it is willing to put in the time and effort to systematically disclose information on environmental and health and safety investments and their impacts on emissions, and that the investments are made as soon as humanly possible. People need to see results. Still more challenging are the cases where the solution is more elusive than a list of investments and the implementation of company policies. There needs to be a move away from the huge investments in corporate social responsibility that promise nothing more than talk, towards real commitment to meeting the best available standards for operations – even in their old plants, for it is specifically from these plants that they operate with outdated cheap technology at the expense of the workers and the community. ArcelorMittal must also move away from the practice of avoiding the development of new laws – as they are doing in South Africa – that will force them to improve operations. 



Local Action Against ArcelorMittal

By Siziwe Khanyile

The ArcelorMittal protests were not only confined to Luxembourg

On the 12th of May, 2009, while the a global coalition of NGOs gathered in Luxembourg to campaign at the ArcelorMittal AGM, South Africa wasn't short of local action.

In the Bophelong Hall, Vanderbijlpark, groundWork and the Vaal Environmental Justice Alliance (VEJA) organised a "speak-out" to hear the on-the-ground environmental and social realities of the various impacts of ArcelorMittal in South Africa. Over 300 people from the surrounding community, ex-ArcelorMittal (previously Iscor) workers, as well as NGOs, were in attendance.

The gathering served as a platform for the broader community, ex-workers and those affected by the water and air pollution to express their disappointment and anger with ArcelorMittal's modus operandi.

The "speak-out" was a huge success and those affected drew strength from each other. The broader community was also given an opportunity to hear about and to lend support to future action by those groups and individuals affected.

VEJA, its affiliate members and groundWork have for many years been campaigning for ArcelorMittal to cut pollution and improve its environmental, health and safety standards as well as labour issues. However, despite fine words about corporate responsibility, meetings with senior plant management and their proposals to release the Master Plan document on their own terms (which organisations are in disagreement with), the situation on the ground has barely changed.

During this time of abundance for ArcelorMittal, where they are sitting with excess cash, they are talking of retrenching workers and buying more mines in South Africa. This is not a recession for ArcelorMittal but, like all major capitalist institutions, they are using this time to make the poor poorer and secure their own profit driven ambitions. The excess money that they have should go to dealing with labour issues, improving environmental conditions of production and cleaning up its environmental legacy. 

Many people attended the "speak out" that was held in Vanderbijlpark in solidarity with communities affected by ArcelorMittal around the world.
Picture by groundWork



Who Makes the Decisions in ArcelorMittal?

By Samson Mokoena

It is difficult to work out who really makes the decisions in ArcelorMittal

On the 15th of July, 2008 VEJA and groundWork held their first meeting with the ArcelorMittal board and the new CEO, Nonkululeko Nyembesi-Haiti. At this important meeting with the highest decision making body of ArcelorMittal the local activists made some clear demands to the new management of the company. One of these was the unconditional release of their Master Plan while another was that they immediately stop the harassment of families that are left in Steel Valley, which is adjacent to the ArcelorMittal plant in Vanderbijlpark .

Because of a concern about the decision-making process in terms of the release of information by the company, VEJA and groundWork also questioned the management of the South African operations about who makes the decisions in terms of releasing information, particularly the Master Plan.

The CEO responded by saying that the South African management has the power to release information and that they are a new company that has a new vision and that they are not going to behave like the old Iscor management. Management's promise was to have a continuing dialogue. She said that they would release the information requested.

But the behaviour of this ArcelorMittal Management reminds us of how Iscor Management responded when we questioned the pollution of the Steel Valley Community in 1996 and they refused to accept that Iscor was one of the top three polluters in the Vaal.

At a meeting that was requested by ArcelorMittal management in March, groundWork and VEJA handed a letter to the CEO complaining about

the behaviour of the ArcelorMittal environmental manager. It was at this meeting that we learned that they were not going to release the Master Plan.

In Luxembourg, on the 12th of May, 2009 VEJA questioned the ArcelorMittal management about the release on the Master Plan and the letter that we had handed to the CEO. The response was that the CEO had informed them that the Master Plan is an outdated document. The local groups had first requested these documents in 2002! Five years down the line, ArcelorMittal management are behaving in the same manner that Iscor behaved. The letter that we sent to the CEO is sitting somewhere in ArcelorMittal's Head Office in Luxembourg because the local Management cannot take a decision. Charlotte Wolff, Corporate Responsibility Manager, said that the ArcelorMittal head office has yet to respond to the letter. This means that, while the letter was addressed to the local CEO, it is clear that she is waiting for an indication from Luxembourg as to how she should respond - a practice we always highlight but which corporates deny.

Roland Verstappen, Vice President - International Affairs, is coming to South Africa for the World Economic Forum. He wants to meet with VEJA and groundWork. Are these the tactics of the new corporation, that they want only to talk? We are happy to engage in dialogue if this is going to release information, but after twelve months of dialogue we have moved backwards rather than forwards, because nobody in South Africa can take a decision.

Talk is cheap, but we want action. 

An Update on the Highveld Priority Area

By Siziwe Khanyile

Driving past Witbank towards Middleburg on the N4 my attention was instantly drawn to a rusted, smoking monster called Highveld Steel and Vanadium on the right. Just across the road, in the direction of the multi-coloured smoke coming from Highveld Steel and Vanadium, is a residential area called KwaGuqa. On the same side of the road on my right is another smoking dragon called Ferrobank. The community is dwarfed by the smoking duo which seem to be competing to see who will blacken the skies the most and the quickest. As I continue driving, I see low hanging clouds in the distance. On closer inspection, I realise that it's not clouds, but Eskom's six-pack billowing unabated.

The Sasol plant in the Vaal Triangle with Zamdela, the fenceline community, in the background.

Photo by groundWork



The approach to Middleburg is a sight to behold. I was given an undesirable welcome by the numerous large trucks carrying black substance going in and out of the town.

Surrounding Middleburg are mountains of mine tailings, residue from the extensive coal mining, as well as blackened roads and trees. I am told by my hosts, the Greater Middleburg Residents Association and the Middleburg Residents Organisation, that when Shanduka Colliery is blasting the roads get closed off, houses crack and dust piles everywhere. The Klein Oliphant, Loskop and Mhluzi Rivers are polluted and fish are dying. In addition, there is more

industrial activity which includes Columbus, a steel making company, Tossbackbay (secondary steel) and Middleburg Ferrochrome.

This is just the tip of the Highveld Air Shed priority Area iceberg. I have not mentioned the large Sasol Coal-to-oil plant in Secunda, the gold mining, and the several other large coal-fired power stations in the area, or the many other polluting activities.

This means that the Department of Environmental Affairs and Tourism (DEAT), and the various municipalities have their work cut out for them.

According to Section 18 of National Environmental Management: Air Quality Act 39 of 2004 (AQA), the Minister of Environmental Affairs may declare an area as a priority area if the Minister believes that ambient air quality standards are being exceeded and are thus causing a significant negative impact on air quality in the area. As a result, the Highveld Priority Area (HPA) was declared by the Minister on 23 November 2007 under the AQA. The declaration required specific air quality management action to rectify the situation.

DEAT have put up an ambient air quality monitoring network across the HPA to support the development of an Air Quality Management Plan for the area. However, as groundWork, we are concerned about the monitoring and management of PM2.5 as well as the hazardous metals found in coal dust emissions and other processes. We are worried, in particular, about mercury, nickel, vanadium, chromium, cadmium and arsenic, many of which are carcinogens.

In the month of June, at the start of winter, groundWork plans to conduct a range of assessments. Working with Global Community Monitor of the Bucket Brigade fame, a variety of sampling will be conducted in the Highveld looking at Particulate Matter, PM2.5 and PM10, as well as a variety of metals. This will feed into existing baseline information and will give government guidance for the development of the management plan for the area.

Small Steps Towards Big Decisions

By Rico Euripidou

A global victory after many years of local suffering and challenges

In April 2005, children from Wentworth, in south Durban, living next to the abandoned Engen subsidiary, Chemico, entered this abandoned factory. Inside they found Chinese labelled containers filled with a white 'chalky' substance, which they removed and started spreading on their adjacent playing fields as markings for a soccer game. A couple of hours after this occurred three children exhibited serious vomiting responses which was attributed to the intake of this substance. The children were rushed to hospital where they had their stomachs pumped, emergency services were called in to wash the adjacent road and pavement clean with high powered hoses which resulted in the 'chalky' substance being washed away in the storm water. On the play ground however, the substance remained mixed in an infant sandy play lot and on the grass playfield. The substance was Lindane, a highly toxic organochlorine insecticide which is known to cause acute adverse health effects in humans.

Over the next four weeks community people had to force the company and government to remove the top soil from the field and after a protracted challenge got them to remove the sand from the play lot, which still had traces of lindane in it subsequent to the first removal of sand. Government and industry did not want to remove the sand because similar traces of lindane were found next to treated wood poles in other parts of the neighbourhood. It was only when the community, with the aid of academics from Michigan State University, managed to highlight that lindane was banned in some states of the United States, that government and industry agreed to remove the remaining soil. It took them less than an hour to do this, after a four week negotiation. It is in this context that groundWork has challenged for the inclusion of further chemicals in the Stockholm Convention. I attended this fourth gathering of the parties to the convention (COP4) to present the community view from South Africa and Africa.

COP4 had an exceptional ending as it ran late into the night on the final day and finally ended on Saturday morning at 4:37am with parties thrashing

out the finer details adding nine new chemicals to the convention. However, by the time delegates had rubbed the sleep out of their eyes, many felt that there were significant losses along with the major significant gains of listing the new chemicals.

The chemicals added to the Convention are: chlordcone, penta-BDE, hexabromobiphenyl, lindane, persistent perfluorinated compounds PFOS, octa-BDE, pentachlorobenzene, alpha-HCH and beta-HCH. Most of them are pesticides and flame retardants.

The most significant concern was that the control measures (finally) approved for three of the new chemicals listed are worryingly inadequate and wholly inconsistent with the Convention's objective, which is to protect human health and the environment, even though they meet the Convention's stringent criteria as candidate POPs. These three substances include two brominated flame retardants (pentaBDE and octaBDE), previously commonly used in furniture foams and in electrical office equipment. The third is perfluorooctane sulfonate (PFOS), a chemical very widely used in manufacturing and consumer products.

Even though all new production of both pentaBDE and octaBDE has recently stopped, ongoing human exposure to these chemicals comes from the products and wastes in which they are still present. The meeting (held hostage by the developed North) agreed to allow the continued recycling and reuse of products contaminated with these chemicals until 2030. In many cases, 10-20% of the composition of some plastic products and upholstery foams consists of these harmful chemicals.

Essentially, "this will permit foam in furniture containing 18% pentaBDE to be chopped up, used as backing in new carpets, and returned to our homes where exposure will continue," said Professor Katima who is the Co-Chairman of the International POPs Elimination Network. "The provisions will also allow these highly contaminated products to be exported



Air Quality

"Acknowledging that the Arctic ecosystems and indigenous communities are particularly at risk because of the biomagnification of persistent organic pollutants and that contamination of their traditional foods is a public health issue,..."

Photograph courtesy IPEN



from wealthy countries to the developing world, Africa in particular," he added.

A minor safeguard...

However, even though this provision seems to lack any control to prevent the recycling and effective dumping of these POPs in recycled products from the global North to the global South, there are some nuanced scenarios where this situation cannot occur. Effectively the South African delegation, acting in collaboration with IPEN, promoted language to reduce and prevent the likely dumping of products containing pentaBDE and octaBDE on developing countries in the name of recycling. The EU refused to accept an export ban but agreed, however, to an amendment that "restricts exports of such POPs-containing products for recycling if these recycled products are not allowed for sale in the exporting country", effectively meaning that if a country can't sell this recycled product internally, then it can't export it. Based on a recent European risk assessment of Penta- and Octa-BDE products, Directive 2003/11/EC restricts the marketing and use of certain dangerous substances and preparations. This means that there should be a ban on plastic exports from Europe if they contain more than 0.1% Penta- and Octa-BDE product. This should arguably include most of the current e-waste exports.

The third listed chemical with exemptions, PFOS, is a chemical commonly used in electric parts, pesticides, fire fighting foam, and stain removers. In toxicological tests, high doses of PFOS cause cancer, physical development delays, endocrine disruption, and neonatal mortality. It is so persistent that it has shown no degradation under any environmental condition

tested. PFOS is still produced in large volumes around the world and major economies such as China, Iran, the United States and Brazil claim that no economical alternatives to PFOS existed.

Of particular interest to African participants was the long anticipated banning of the production of lindane and its use in agriculture; however it's equally very disappointing that a loophole was added allowing parties to use existing stocks in treatments for lice and scabies. This pharmaceutical exemption (for five years with the possibility of extension) may in essence allow the disposal of existing stocks by dumping them on children's heads, which is even more worrying considering that a variety of alternative treatments for lice and scabies exist.

During the COP I joined the Arctic and Indigenous peoples delegation who organised a protest at the entrance to the meeting venue. Arctic people exhibit some of the highest biological levels of POPs and industrial chemicals even though they have no local manufacturing or participation in their production. These are people who live in Alaska, Northern Canada, Greenland and Chukotka in the Far East of the Federation of Russia. Many POPs circulate globally and are deposited in the Arctic region where they bio-accumulate in the polar food webs. Because Arctic people hunt, fish, and trap, and rely on traditional country food, particularly from the marine environment, they ingest POPs with very worrying long-term public health implications.

Other positive developments include governments agreeing a new plan to reduce DDT use and renewing efforts towards a worldwide phase out of polychlorinated biphenyls by monitoring them globally.

While IPEN is very disappointed that the agreed control measures for PFOS and the flame retardants are woefully inadequate, NGOs in the network will continue to press for improvements.

The International POPs Elimination Network however welcomes the decision of the Convention to list an additional nine POPs and will continue to promote the full and effective implementation of the Convention's provisions. ■

For background information on the chemicals listed, see the IPEN Guide to New POPs at http://www.ipen.org/penweb/documents/pen%20documents/newpopbooklet_09.pdf.



Things are Looking up for Waste Pickers

By Musa Chamane

It seems that all around South Africa there is a gradual realisation that waste pickers can add value while earning a living

Introduction

The landfill in Sasolburg is now uncontracted to any business and the local waste pickers and the ex-employees of the past two recycling companies are now reclaiming at the landfill site. The two groups of waste pickers have merged and they are now operating as a cooperative. Democratic spaces promise to widen even at a local level to accommodate the wider public. It is barely two months since the new administration has taken office and, based on positive initiatives by a state of the nation address,

things look rather promising for the poor, including the waste pickers.

Simon Mbata, the leader and a project champion of Sasolburg landfill, has been working tirelessly to secure the livelihoods of the waste pickers. Since he came back from India, after groundWork's international waste picker's exchange in December 2008, he has been negotiating with Metsimaholo municipal officials to allow waste pickers to reclaim at this local dumpsite. At the same time he has been



Robby Makgalaka, research assistant for Limpopo province, at the dump in Tzaneen. Picture by groundWork



One man's waste is another man's income. Cans are collected for recycling at the Tzaneen dump.

Picture by groundWork



negotiating with fellow colleagues to join hands and work together. After six months of negotiations and persistence, they got the approval in principle and they are now waiting for a formal agreement with the municipality. They have secured deals with a number of recycling businesses in the towns of Sasolburg and Vanderbijlpark.

Metsimaholo municipality has created 50 jobs

Since they started working together as a group two weeks back, things look bright for them. In their first week they have sold recyclables worth R25 000. The municipality is aware of what is happening at the landfill site and there are no qualms about it. The waste pickers' initiative still needs to be formalised and groundWork has supported them and will continue supporting them in their endeavours to succeed and in doing such a key activity for society, the environment and for themselves.

The Metsimaholo municipality must be praised for the progress. By allowing the waste pickers to reclaim at the landfill, it is as if they have created 50 jobs indirectly. It is encouraging to see some municipalities

taking seriously the issue of employment creation through waste recycling.

Makana Municipality in Grahamstown has called on groundWork

Makana municipality has called on groundWork to come up with a plan to incorporate waste pickers in the waste management activities of the municipality. In the Eastern Cape we held a provincial waste pickers meeting on the 26th of March, in King Williams Town. Ten landfill sites were represented in that meeting. There are a number of resolutions that were taken in this meeting. A provincial waste picker committee was established.

Following the provincial waste pickers meeting, the pickers in Makana landfill site in Grahamstown were persistent in persuading the municipality to grant them official access to the landfill. Due to the pressure on the environmental services manager to respond positively he called on groundWork to assist in devising a plan to incorporate waste pickers in waste management activities for the city. Currently waste pickers are illegally reclaiming individually at the landfill.



groundWork is currently developing a plan on how waste pickers can be involved in the waste management plan. The plan is being developed based on the research and case studies that have been gleaned from different municipalities. Emfuleni municipality has incorporated more than 100 waste pickers in their waste management plan. The waste pickers under Emfuleni Municipality are self-employed through reclaiming recyclables and selling them to the highest bidder.

The sun has risen for waste pickers in Pietermaritzburg

Waste pickers in Pietermaritzburg are now enjoying total access to the landfill after serious conflicts with municipal officials. This became so serious that one waste picker was shot by a security guard during clashes with the landfill security. The court case is in progress. It is ironic to shoot someone who is not stealing but picking recyclables at the dump.

A group of 75 waste pickers in Pietermaritzburg have an agreement with one of the local recycling businesses which has started sending seven trucks per day to the landfill to buy recyclables from waste pickers. They buy plastic, paper, cardboard, metal and computer boards from the waste pickers. The relationship between the waste pickers and the recycling business has matured. The only difference now, as compared to other dumpsites, is that in Pietermaritzburg waste pickers are working and selling as individuals. Working as individuals at landfills is very risky. People's voices are strengthened if they work as a collective.

The other challenge is that of middlemen in this landfill site. The New England Road landfill does not have a history of having too many middlemen, but they have started to flood the landfill causing a lot of divisions amongst the waste pickers. Municipalities need to learn that waste pickers have a role to play in waste management issues. By incorporating waste pickers in an orderly manner, municipalities will save space at the landfills and will also have created gainful employment for a number of people.

Recently there was a meeting between waste pickers, groundWork and the New England Road landfill manager. The manager called the meeting and he expressed the desire to incorporate waste pickers into

the system and he wanted groundWork to assist in the planning. This was quite surprising from this landfill site considering the history between the waste pickers and the municipality. The waste pickers were thrilled by the approach from their former number one enemy. The manager made it clear that the arrangement is from his desk – not the Municipal Manager level – as the waste pickers on site are forging a livelihood, and he understands their struggle. Besides making a livelihood out of the landfill, he mentioned that there is a role played by the waste pickers through increasing the lifespan of the landfill and it is wonderful that the idea has finally come to his mind. The waste pickers committee from this landfill expressed that the time has come for them to work as a cooperative because working as an individual is going to be a challenge. The preparation for a new plan has begun.

It is rather outrageous how other municipal officials block opportunities for job creation for the poor, unemployed people. They use the excuse of the landfill minimum requirements, but these are guidelines, not legislation. Formal salvaging of waste at landfills is legally recognised by the new Waste Act. What is not allowed is informal waste recycling because reclaimers expose themselves to infectious and poisonous waste at dumpsites. In dealing with waste pickers it is better to formalise waste picking at the landfill sites.

Conclusion

The new national government is hopefully coming with a philosophy that will result in a change of how local governments work. Job creation is one of the main tasks for the new dispensation. Local government level is where real delivery occurs and, should municipalities fail to create job opportunities, this means the government as a whole has failed to deliver job creation. Waste picking is now a profession for some because in my visits to 60 landfills/dumpsites in eight provinces there are more than 1000 waste pickers working at these sites. Some officials argue that promoting waste picking is inhumane but at the same time they could not provide decent jobs. I feel that we need to learn a lesson from waste pickers such as those at the Sasolburg landfill. Cooperatives for waste pickers seem to be the best way of qualifying waste picking as a profession. I sincerely hope that municipal officials will learn a lesson from the contents of this article.



Mercury & the Department of Health

By Nomcebo Mvelase

Senior Health Care Officials in KwaZulu-Natal are taking the lead in mercury phase-out within the province

It takes two hands to clap!

It is amazing how consistency, persistency and sometimes nagging can help in trying to make your statement heard.

groundWork started working with the Department of Health (DoH) in KwaZulu Natal (KZN) as far back as 2002 in trying to eliminate the use of mercury from the health care sector and to attain better management of health care waste. Before then, for the DoH, a lot of other issues were deemed important but interestingly, after the Isipingo Declaration that was signed in April, 2002, the DoH in KZN started acknowledging the fact that something had to be done to address the issues around mercury in the health setting.

I must point out, though, the fact that acting just by producing a piece of paper is very different from actually implementing actions towards the realisation of what the piece of paper says. groundWork has played a very active role in making sure that support is given to ensure that the dream to eliminate mercury becomes a reality.

Working with different key health officials and preaching the same gospel has actually borne fruit. The senior health care officials have taken the responsibility upon themselves that the message is relayed to all the health care workers from different components. They acknowledge the fact that mercury is a serious issue that should have been dealt with years ago and they even articulate the fact that they want to make KZN a province which has "Zero Tolerance for Mercury"! On the 17th of April, 2009, groundWork was requested to facilitate a workshop for the health care workers of Umgungundlovu District about the dangers of mercury. This was the first meeting where, out of many other issues, the department decided to

dedicate some time to actually plan how they can work together to eliminate the use of mercury in the health care setting. Over and above the good feeling of knowing that we are now working on a common goal, it is even more exciting to understand the fact that the DoH can trust and respect the impact of the NGOs and that they do not exist only to expose their weaknesses or maybe to shame them, but to join hands and work together in trying to deal with the issues that are affecting all of us and to ultimately make this world a healthier environment.

It is true that the drive should come from within. In that way people feel passionate and more committed to do what they do knowing that they are not being pushed to do it but that they do it because they own that particular program. Umgungundlovu District, together with the rest of the other districts in KZN, has really tried quite hard to tackle this situation. Worryingly, financial limitations are now proving to be stumbling blocks in pushing the process forward and keeping it sustained. The condemning of old stock and replacing it with the digital items is not going as fast as was anticipated and currently it does not seem like there is a sound strategy in place for the safe disposal of obsolete mercury.

Having stated all this, one lives with the fear that there is a possibility to regress from milestones that have already been achieved. groundWork is currently in a process of trying to identify possible international donors of non-mercury devices to ensure that all the good work that has already been done does not go to waste.

Nevertheless, we congratulate the Department of Health for rolling their sleeves up and joining their hands to ours. It is indeed making a good clap and so far it sounds like great music to all of us! 



DUT Students Undertake a Waste Audit

By year 3 Environmental Health students

Durban University of Technology students reflect on a waste management audit that they recently performed

As Durban University of Technology students we have come to realise that waste management is not an easy task in the medical field, especially due to the high intensity of health care workers jobs which may make it harder to comply with implementations and programmes such as recycling and 100% segregation of waste at all times. Having been offered a chance to go to three hospitals in Durban, namely R. K. Khan, Mahatma Gandhi and Osindisweni, we came to realise the fact that waste has to be properly managed from cradle to grave and it is very important to segregate waste as per different colour codes. It is highly beneficial to have someone to monitor the wards and the waste they generate, as waste management is a challenge.

The most commonly observed challenges are that there is still mixing of waste and that the doctors are not attending any training relating to the management of medical waste. Adequate funding for proper equipment also proves to be a limiting factor and the institutions seem not to have successful recycling programs in place in order to reduce the amount of waste that is generated.

For the health care institutions to have such problems, where health care waste could be improperly disposed of, could cause serious risks to the general public, municipal waste workers, employees and communities living around improperly run or illegal landfills and incinerators.

This exercise has been so important for us as future Environmental Health Practitioners in highlighting the

challenges in the health system but the reality is that there are still so many improvements that could be made, like ensuring the following:

- Proper tracking of waste from cradle to grave (Draft healthcare risk waste management regulations, 2008 16 (3) b)
- Procedures in place for needle stick injuries (Draft healthcare risk waste management regulations, 2008 16 (4) c)
- Plastic Bags that are used as liners should have a thickness of 60 micrometer or more (Draft healthcare risk waste management regulation, 2008 Schedule 2 [2.(4),(5)])
- Heavy duty gloves and boots for all workers handling waste (Health 8.2 iii)
- Eye Protection for nurses and all personnel that clean up bodily fluids. (Health 8.2 vii)
- Attention to composition of medical equipment and substitution of PVC in medical equipment.
- It could be of great help to emphasise training of doctors in terms of health care waste because they seem to be a major component that do not comply to waste segregation measures.

Lastly, we would like to thank the three infection control sisters from the above mentioned hospitals for allowing us a chance to learn so much and also to commend them for doing their very best to ensure that health care waste is given the serious attention that it requires.



Trying to Hoodwink the Public?

By Rico Euripidou

After an hiatus attributed to the DEAT's development of the High Temperature Thermal Treatment policy, Afrisam (formerly Holcim) are proceeding with their Alternative Fuels Resources Project EIA, but this time with a further twist

AfriSam has decided to proceed with their EIA project to burn Alternative Fuel Resources (AFR). However, cynically, AfriSam has also requested a change in the technical description of the project by requesting that the scope of their proposal be changed to:

"Afrisam also want to replace 'raw materials' with alternatives which have no specific benefit in terms of calorific value (and are therefore not fuels) but replace traditional raw materials (for example, limestone, iron oxide)"

They conveniently go on to state that:

"this will not necessitate amendment to the environmental application to NWDACE, but it could influence the findings of the specialist studies".

This notice introduces a major departure from the original intention of the EIA Afrisam originally submitted, which was essentially restricted to utilising AFR as an alternative fuel in their cement kilns. What is now subtly suggested is that the scope of this EIA be broadened, which basically means that Afrisam are requesting permission to allow the incineration of just about any hazardous waste as long as it can broadly be classified as a "raw material" for their processes. To state that this is just a "technical description" amendment is a gross understatement and basically changes the entire nature (and environmental and human health risks) of what Afrisam proposes to do.

For example:

- It might mean that Afrisam can include just about any hazardous waste in South Africa as long as

it is broadly classified as a raw material for their processes

- It might mean that Afrisam can blend any combination of extremely hazardous waste with other waste at their Roodepoort blending plant and burn it at Dudfield, including waste containing extremely hazardous materials such as fluoride, mercury etc.

Furthermore this proposal is in direct contradiction to the AFR policy process that DEAT undertook which was mainly justified (albeit erroneously) by the idea that AFR can recover the energy value within waste and that it would save on raw materials use of coal and save on fuel costs for the sector, save on greenhouse gases and so on.

For these reason we find it extremely worrying that their consultants, Golder Associates Africa (Pty) Ltd., sought a very short public commenting period during the public holiday period between the 10th and 20th of April and, furthermore, we find it very worrying indeed that Golder Associates can flippantly change the fundamental intention of this EIA without NWDACE and the DEAT's permission to do so, and without notifying stakeholders of the intention to do so in advance and with a reasonable commenting period.

We strongly suggest that Golder Associates advise Afrisam to revert to the original intention of their EIA, restricted to burning AFR, and to proceed with the EIA process as originally outlined or that they seek authorisation to replace raw materials in the process from the correct legislative starting point.



Bringing Law to the Streets

By Mawande Mazibuko

I recently joined groundWork as a legal intern. As someone who is passionate about the law and human rights, I wanted to bid farewell to my ignorance concerning environmental justice and desired to learn more about this field from those I consider experts!

When someone says “environment” the general response is usually conservation and nothing more. Ashamedly I admit that I was of the same thought. I was aware of some of the effects of pollution but my understanding always leaned more toward the damage it did to the earth rather than to communities of people.

My thoughts have been greatly altered and I have been re-orientated to know, without a doubt, that people are a part of “the environment” and this “environment” includes where we live, work and play. Being aware of this gave me a greater burden of concern around why there is no urgent distribution of justice as environmental injustices are so prevalent.

It is astonishing and rather ironic that a country that has a constitutionally enshrined right to an environment that is not harmful to either health or wellbeing still experiences environmental injustice.

The people that bear the brunt of all this injustice are generally those who are impoverished and live in disadvantaged communities. They are all bearers of human and constitutional rights but they do not always know how to assert these rights and make what is promised a reality.

It was with this in mind that I started looking into methods that could be adopted to ensure that people become aware of their rights and to learn how to effectively assert them. To me it seems that the most appropriate method for this is Street Law.

Street Law is a public legal education programme which instructs people on the legal system, the law and how it affects them and, as the name suggests, is designed for the person on the street. This programme

was introduced and established by the Street Law organisation and has been operating in most of the law clinics and universities in this country. I met with one of the Street Law directors, Lloyd Lots, to learn more about this programme and find ways of using it at groundWork. Essentially, the Street Law materials provide practical teaching methods such as role play and group discussions as devices to assist the people to understand the law and its application.

groundWork already has workshops that are conducted in various communities. The Street Law method would not replace any of these workshops or run as an individual workshop; rather, it would be a legal supplement to the workshop already being run. Therefore, when an air quality workshop was being conducted for instance, there would be a portion dedicated to what the law is in this regard, what the rights provided are and what the community can do to protect their rights.

With respect to environmental law, the foundational right and the one most identifiable for the people suffering injustice would be the constitutional Section 24 right to an environment that is not harmful to either health or wellbeing. Much environmental legislation has been introduced over the years but only trickles of implementation have been seen. This is why it is so important that those affected by environmental injustices are made aware of what can be done.

Measures such as petitioning, picketing and joint or individual legal action can be taken by community members who have experienced the infringement of their rights. Street Law is merely a tool for raising awareness and only once there is awareness, not only of the existence of rights but also of how they can be asserted, can the quest to make them realisable begin.

The effort to use this method of encouraging awareness of rights continues. 



Keep the coal in the hole

In a landmark ruling the Colorado Supreme Court affirmed two Water Acts. This was after BP and the State Engineers opposed a group of civil society organisations in their request for a declaratory judgement. The upshot of the ruling is that water used during Coal Bed Methane (CBM) production will now be subject to water well permitting, water court adjudication and administration in Colorado's water rights system. Previously this water was not regulated on the grounds that it is a waste product, the management and disposal of which is subject to the jurisdiction of the Colorado Oil and Gas Conservation Commission. This meant that dirty water from CBM production was not monitored and frequently polluted other surrounding water sources.

This is a rare victory for private land owners over big business, but let's face it, we can all survive without methane gas, but we can't with polluted watersheds.

<http://www.dailkos.com/storyonly/2009/4/24/724211-CO-Supreme-Court-affirms-ground-water-rights>

New Colonialists?

In a recent bi-lateral agreement forged between the South African and the Democratic Republic of the Congo governments, millions of hectares of land will be given to South African farmers to grow crops.

Apart from the colonisation process, DRC activists are also concerned about tenure security and possible loss of land for local communities, the expansion of genetically engineered crops that could impact on food security, the expansion and proliferation of plantations of timber and non-food crops and the growing of crops for agro-fuel production rather than for food. They are also concerned about labour issues, as it is their understanding and experience that South African farmers do not treat their labour very well. They are unsure as to whether the DRC Unions would be willing or able to tackle such issues.

South African NGOs have been invited to participate in debate around these matters.

www.timberwatch.org.za

Catholics on board the Environmental Justice Bandwagon

On the 19th of May, 2009, a consultative meeting was held comprising NGOs, including groundWork's Siziwe Khanyile, academics, church leadership and a variety of "experts" in various fields of environmental justice.

The reason? To assist the Justice and Peace department within the South African Catholic Bishop's Conference to think through and identify areas where they can play a part in relation to environmental justice.

Several themes emerged which demonstrated the breadth and depth of the issues that affect our communities, from sustainable agriculture to climate change.

The groups present were most keen to make sure that the Catholic Church, which is said to account for ten percent of Christians in South Africa and who are a major constituency, should and must be involved in the struggles for environmental justice.

From the perspective of the Catholic Church, Environmental Justice is also seen through a spiritual lens in that the earth is an extension of the body of Christ and that it sustains human life and should therefore, together with its people, be protected from harm.

As activists we are thrilled to have partners and allies we can call on at a senior church level to support our campaigns and whose environmental justice work we can also support.



The 2009 Goldman Environmental Prize

Winners are announced

The recipients of this year's Goldman Environmental Prize are:

Maria Gunnoe, USA - for fighting environmentally-devastating mountaintop removal mining and valley fill operations in the Appalachia coal mining area;

Marc Ona, Gabon - for leading efforts to make public the unlawful agreements related to a huge Chinese mining development project, which threatens the sensitive ecosystems of the equatorial rain forests;

Rizwana Hasan, Bangladesh - for working to reduce the impact of an exploitative and environmentally damaging ship breaking industry;

Ola Speranskaya, Russia - for transforming the NGO community in Eastern Europe, the Caucasus and Central Asia into a potent force working to identify and eliminate the Soviet legacy of toxic chemicals in the environment;

Yuyun Ismatwati, Indonesia - for implementing sustainable community-based solutions to the waste management problems, providing employment opportunities to low-income people while empowering them to improve their environment;

Wanze Eduards and Hugo Jabini, Suriname - for successfully organising their communities against logging on their traditional lands, leading to a landmark ruling for indigenous peoples throughout the Americas to control resource exploitation in their territories.

The Goldman Environmental Prize was first established in 1989, and has so far been awarded to 133 people from 75 countries. Winners are selected by an international jury from confidential nominations submitted by a worldwide network of environmental organisations and individuals.

Our very own *Bobby Peek* was, of course, a Goldman Prize recipient in 1998.

<http://www.goldmanprize.org/pressroom/highlights>

Is this democracy?

In mid-April, in the Snetton Dale area of Nottingham, U.K., more than 100 people were arrested, not because they'd actually done anything wrong, but because they were allegedly planning a power plant protest.

The police swooped on a school where climate change activists were holding a meeting, citing as their reason for the arrests 'conspiracy to commit aggravated trespass and criminal damage'. It was suggested that the planned action might have put the power supply across the region in danger, and that the police had intelligence that there was serious threat to the coal-fired power station at Radcliffe-on-Soar.

It would appear that the civil liberties that the British have taken for granted are under threat. There is an entrenched right to the freedom to protest and the right to free assembly, both of which were infringed in this police action.

Policing of climate change protests has generally been problematic. The vast police operation at a climate camp at Kinsnorth power station last year was condemned in a Liberal Democrat report for tactics that were designed to intimidate and provoke.

At protests such as these there are conflicting interests and rights: the commercial rights of owners and operators, the paying customer's rights, and the rights of those who protest to make their position known. If civil liberties and democratic rights are to be maintained, the right to protest should be seen as just as important as the other two.

For further information please go to the FoE EWNI site at <http://www.foe.co.uk>.

<http://www.independent.co.uk/opinion/leading-articles/leading-article-mass-arrests-have-no-place-in-a-democratic-country-1668276.html>





South Durban Shell Protest

On Wednesday, the 27th of May, 2009, Shell began to face chargers in New York for human rights violations in Nigeria, including summary execution, crimes against humanity, torture, inhuman treatment and arbitrary arrest and detention. This has been after many attempts by Shell to have these cases thrown out of court. Ken Saro-Wiwa and eight Ogoni leaders were executed by the Nigeria State for their resistance to Shell in Ogoniland on the 10th of November, 1995, and for the trumped up charges of killing four Ogoni Chiefs.

The residents of south Durban, the South Durban Community Environmental Alliance (SDCEA), groundWork and the Centre for Civil Society, University of KwaZulu Natal staged a protest in solidarity with the plaintiffs in the case against Shell. This is part of a global protest in support of the plaintiffs and to highlight the continuous danger Shell poses to our global existence. Shell is being accused of being the most carbon intensive oil company, and in County Mayo in Ireland, people continue to be imprisoned by the Irish State because of their protest against Shell's plans to build a gas pipeline through their farms.

In south Durban, Shell's legacy is consistent to its practices globally. Key events in south Durban have been:

- * Shell lying about the pollution emissions up until 2000;
- * In March 2001 Shell's rusting storage tank ruptured, leaking 25 tons of tetra-ethyl-lead into the community's environment;
- * This was followed by the biggest fuel pipeline leak in July 2001, where Shell's pipeline's leaked more than one million litres of petrol that settled below community homes in south Durban;
- * As recently as the 8th of August, 2008, the Shell Refinery dumped their toxic chemicals onto their neighbours, the Merebank Community; and
- * The last major explosion and fire occurred at the refinery's diesel desulphurisation unit on the 28th of October, 2006.

Shell has never been brought to court for these transgressions. On the contrary, as in the case of Nigeria, the State has colluded with Shell against the people of south Durban who have called for legal action against Shell.

In a late post script: Shell has settled out of court for 15.5 Million US dollars.

Photographs by Liane Greeff

