

CAPACITY BUILDING WORKSHOP FOR CLIMATE CHANGE ACTIVISTS

11-13 JANUARY 2022

STRENGTHENING CIVIL SOCIETY ORGANISATIONS PLATFORM & ALSO ENGAGE KEY CLIMATE ACTORS WORKING WITH WOMEN, YOUTH, INDIGENEOUS POPULATIONS, PEOPLE WITH DISABILITIES, LOCAL COMMUNITIES TO PROMOTE INCLUSIVE AND HUAMN RIGHTS APPROACH TO CLIMATE ACTION.





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OXFAM SOUTH
AFRICA (OZA)



Facilitated by Dr. Janet Munakamwe, WITS Mining Institute, & Chibwa Consultancy Ms Fundi Nzimande, Chibwa Consultancy & MR Thembinkosi Dlamini Oxfam South Africa

Rapporteur: Corlett Letlojane Human Rights Institute of South Africa

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Contents

Acronyms	3
Acknowledgement	4
Objectives	5
Rationale	5
Introduction.....	6
Profiling of expertise, sharing or experiences in building capacities. Error! Bookmark not defined.	
Methodology of Capacity Building & Campaign for Climate justice	7
What is climate change.....	8
Sharing climate change experiences impacting negatively in communities	10
Who does climate change affect	10
Climate change and human rights	11
Regional & international human rights mechanism on climate change	13
How can communities be empowered to deal with or address climate change concerns.....	13
Lessons on the tactics of transnational corporations to silence HRDs (Strategic Litigation Against Public Participation - SLAPP)	16
The Story of Shell in the Niger Delta & Ogoni Land in Nigeria.....	17
Other institutions responsible for human rights violations found in Chapter 9 of the Constitution	19
Legislation & Policy Regulating Climate Change.....	21
International human rights obligations on climate change	22
Way Forward.....	23
CSOs roles in implementation of FPIC in communities	Error! Bookmark not defined.
Roles of Private sector in CC	25
CC Action Plans.....	26



Acronyms

ACHPR	African Commission on Human and People's Rights
CBOs	Community Based Organisations
CC	Climate Change
CCJ	Climate Change Justice
CCA	Climate Change Activists
CGE	Commission on Gender Equality
CPA	Community Property Association
DBSA	Development Bank of South Africa
FBOs	Faith Based Organisations
HRDs	Human Rights Defenders
GVT	Local Government
GMOs	Genetically Modified Organisms
LRC	Legal Resources Centre
MACUA	Mining Affected Communities United in Action
MCEJO	Mfolozi Community Environmental Justice Organisation
MENA	National Environment Management Act
NGOs	Non-Governmental Organisations
PP	Public Protector
OZA	Oxfam South Africa
R2K	Right to Know
SAHRC	South African Human Rights Commission
WAMUA	Women Affected by Mining United in Action
WHRDs	Women Human Rights Defenders



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Convener: Thembinkosi Dlamini

Facilitators: Dr Janet Munakamwe, Thembinkosi Dlamini, Corlett Letlojane
Fundi Nzimande



Rapporteur: Corlett Letlojane

Editorial Team: Dr Janet Munakamwe, Thembinkosi Dlamini, Corlett Letlojane

Stakeholders: National Climate Justice, Environmental, Youth, Indigenous, Land & GBV
Activists



Aim

Broadly, the main aim of the series of climate justice workshops is to enhance capacity of climate justice activists. Furthermore, the strategic objective is to strengthen civil society organisations (CSOs) platforms and also to engage key climate actors working with women, youth, Indigenous People and Local Communities to promote an inclusive and human rights-based approach to climate action. Overall, the subordinate objectives are listed below.

Objectives

- To deepen shared understanding of key issues on climate change
- To enhance capacity to organise, educate and campaign on climate justice issues
- To strengthen capacity to connect, network and partner with like-minded individuals including organisations for climate justice

Preamble

Climate change is real, and its horrendous effects have begun to manifest in the 21st century and thus, prompted world leaders to realise that *business* is no longer as usual. At the same time the transition towards a low carbon economy is reshaping the discourse on mining with greater emphasis on the need for transition to clean renewable energy. Climate change poses a particular threat to not only mine host communities but the planet in its entirety. The current neoliberal capitalist model that is rooted in mining and extractives is illogical and has led to climate change much as it further, threatens the health and well-being of communities. The poor working-class communities pay for excessive through their social and health well-being as the cost of climate change has surpassed the socio-economic benefits. Over the past years, there has been a clarion call to shift from fossil -carbon based fuels, to renewable clean sources of energy. In other words, the long-term goal is towards a low carbon economy or “Net Zero”. However, there are political and economic vested interests that impede progress despite scientific studies that show otherwise



Introduction

This climate change capacity building workshop supported by OZA brought together over 30 participants drawn from the marginalised communities affected by the mining and extractive corporations. The representatives comprised human rights defenders from various community-based organisations (CBOs) advancing socio-economic and ecological rights; environmental, climate change, and gender, indigenous, mining, culture, and youth. They work in life threatening risky environments and amplify the voices of vulnerable communities. These risky environments are situated in remote rural areas of KwaZulu Natal, Eastern Cape, Mpumalanga, Western Cape Provinces, and some parts of the eastern region of the Gauteng Province.

The hosting of this capacity building workshop was conducted physically by OZA after a long period of lockdown introduced in South in mid-March to COVID19 Pandemic. This was the first physical contact meeting following the covid-19 national lockdown that was declared at the end of March 2020, as a preventative measure to slow down the spread of the virus. Thus, the importance of observing the new health protocols was emphasised, including plans that were underway for the recovery. Interactive



methods were employed which facilitated a conducive atmosphere for a participatory Programme for experiential learning and cross-pollination of ideas

As the pandemic and the lockdown has been with us for nearly two years, it's devastating effects have been felt by many. Moreover, the pandemic has since claimed many lives of people who include among them our comrades and loved ones, family members as well as loss of livelihoods. It has further affected normal bereavement processes, restrictions of the number of people attending funerals, memorial services, and religious gatherings. It has also introduced social distancing rules which infringe upon practice of cultural and religion rituals of honoring deceased persons. Unfortunately, many comrades were denied the opportunity to bid farewell to their colleagues who passed on the strict lockdown and were still grieving since they had not yet found closure. In this regard, a moment of silence was observed to pay tribute to the deceased comrades for their sacrifices and selfless roles in the struggle against capitalism. Comrade Meshack Mbangula, the national coordinator of MACUA & WAMUA, honored Mama Fikile Ntshangase for her bravery in defending the environmental rights of her community. Her rejection of a R350, 000 bribe to sign an agreement to enable the mining corporation, Tendele Coal Mining (Pty) to expand a coal mine in Somkhele. She was the Vice-Chairperson of a sub-committee of the Mfolozi Community Justice Organisation (MCEJO). Her precious life was brutally ended on 22 October 2020 by unknown assassins after refusing to withdraw MCEJO legal challenges to the mine expansion, which some of the other sub-committee members had reportedly assented. This would have resulted in 21 families, including the MCEJO members evicted from their traditional lands.

Ntombiyebongo Tshabalala was a well-known R2K community activist promoting, freedom of assembly, association, expression, and good governance. She succumbed to COVID19, following the passing on of her mother and colleague in a two-day space.

Another sad matter that remains unattended is that of three miners that were reported to be trapped underground and the lack of attention clearly demonstrates the brutality of capitalism including, the shrinking space for environment activists.

Methodology for Capacity Building & Campaign for Climate justice

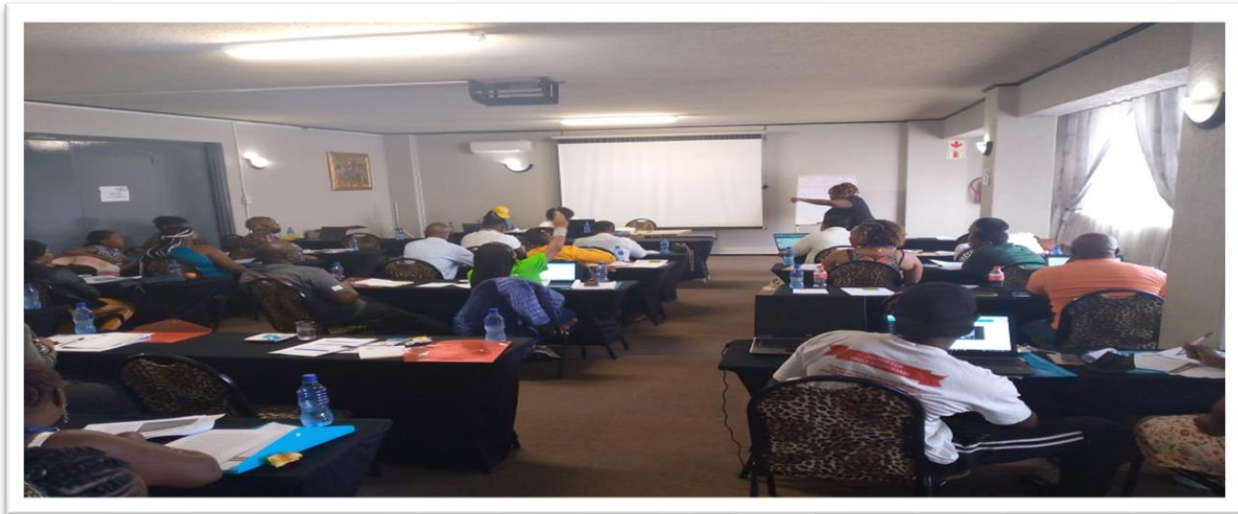
30 participants were brought together to be equipped with skills from the capacity building workshop Programme. Participants were drawn from mining impacted communities across the country. These participants are involved in climate change justice, campaign against gender-based violence, as environmental activists, human rights defenders, indigenous, youth, LGBTQI, traditional and faith-based actors.

CAPACITY BUILDING WORKSHOP FOR CLIMATE CHANGE ACTIVISTS



The capacity building workshop was facilitated with easy-to-follow methods that stimulated participatory and interactive sessions among participants, the facilitators and the rapporteur. This practical method enhanced understanding and enabled them to grasp complex concepts and information.

This workshop objective was deepened throughout the three-day capacity programme. Facilitators and participants shared their experiences, through brainstorming, thematic focus groups and cross cutting feedback sessions. A video was also screened with a purpose of stimulating diverse perspectives and questions why communities should be concerned with climate change. This provided the opportunity for deep understanding, meaning, context and practical implication of climate change for participants. In addition, climate justice podcasts from COPAC were screened as icebreakers to increase learning for participants. Furthermore, a WhatsApp network was set for continuous interactions, updates, knowledge exchange, reporting climate change incidences, particularly following the unprecedented floods in Eastern Cape and KZN provinces.

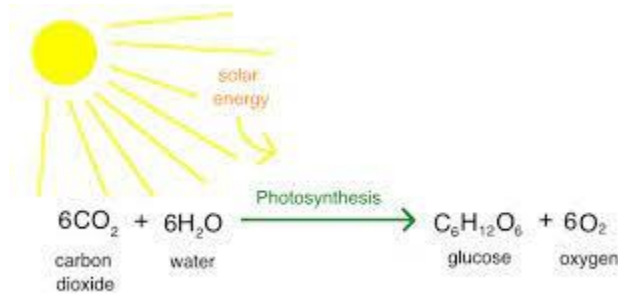


Participants appreciated this very important space and the opportunity to deepen their knowledge through on-living experiences in the mining impacted communities. Much as they gained knowledge and confidence to campaign against climate injustice and to coercively collaborate the increased capacities were demonstrated during feed-back presentations and post evaluation session. They also managed to link the 'learnings' to their lived experience through to the FPIC exercise. Participants were motivated to acquire more skills for impacting innovate activities at the grassroots. The session also underscored a practical exercise where participants designed action plans for implementing multiplier action in communities.

What is climate change



- Climate Change is the rising of the planet climate temperatures, largely due to human activities (Anthropogenic), such as burning of fossil fuels, mining, coal, oil
- Global warming – trapping of heat radiating from the earth towards space
- Greenhouse effect ¹



twinkl.com 2

- This is contributed by the following gases: water vapor, carbon dioxide, methane, nitrous oxide
- Climate change impact is indiscriminate, but the impact is more severe to others, such as populations in sub-Sahara, poor marginalised communities, women, children, indigenous populations, fishing sectors, marine environment etc.
- Ozone layer – is a region of earth's stratosphere that absorbs most of the sun's ultraviolet radiation
- Stratosphere – is the mass of protective gases clinging to our planet
- Seismic – 1. of subject to or caused by an earthquake ³:

Causes of climate change

The video screening provided useful information for participants understanding of the things that contribute to and increase climate change. They also learnt the roles they need to portray in communities and villages to reduce and slow down the increasing temperatures. The video illustrated the dire situation affecting the natural movement of the earth that has risen to about 2.12 degrees since the 19th century. This unfortunate situation is largely driven by human activities which increases carbon dioxide emissions into the atmosphere. It is concerning notwithstanding this, that little has changed in the past 40 years while the period between 2016 and 2020 has recorded the highest temperatures.

¹ Presentation facilitated by Dr Janet Munakamwe

² Climate change illustration shared by the Facilitator: Corlett Letlojane researched online.

³ Also relates to an earth vibration caused by something else (such as an explosion or the impact of a meteorite). 2. of or relating to a vibration on a celestial body (such as moon) comparable to a seismic event on earth. 3. having a strong widespread impact as provided, by Merriam Webster



Sharing climate change experiences impacting negatively in communities

Participants shared their own experiences of climate change impact in their communities and villages. These included the devastating storms, winter rainfalls, floods, overflow of rivers, expansion of the sea level, destruction of homes, schools, churches, crops, bridges, prolonged draught and increasing poverty and displacement in communities⁴. Fundi Nzimande informed participants that we no longer have natural rains but acid rains as a result of carbon dioxide emissions which ultimately damage the ozone layer.



The effects of climate change

The effects of climate change impact negatively on the general health of the hosting mine communities. While children have experienced, skin rash, and socio-economic activities have been threatened such as food production. This has resulted in high food prices and cost of living.

Who does climate change affect

Climate change impact and effect is indiscriminate to all humanity. However, other humans are affected more than others. Particularly the poor, women, communities in rural areas, children, local fishing communities, indigenous populations, marine environment, island communities. It also affects the food chain in the hosting mine communities, environmental degradation where health complication result from pollution.

⁴ Session facilitated by Fundi Nzimande



The role of women in climate change⁵

- They teach communities, the society and other women about climate change, its causes and measures to adopt to reduce the impact and damage
- Engage in water harvesting and water purification interventions and processes
- Designing wonder bags, prevent use of electricity, firewood, and less emissions
- Use indigenous food processing methods, and learning how to bank seeds
- Educate communities about organic plants, organic foods and not use genetically modified organisms (GMO's)
- Baking homemade bread and avoiding brands such as Albany bread, which has been reported for causing miscarriages and cancer
- Teach communities about seeds, which ones to choose and avoid those that can damage the environment.
- Encourage running of grain fed chicken farms and avoid promote using of GMOs
- Teach children the advantage and benefit of using natural herbs
- Know high food security risks, pesticides to use for destroying insects, for health purpose, skin, menstruation and for addressing fibrosis problem
- Advocate for inclusion of climate change programmes in school curricular
- Volunteering to teach climate change in schools, communities and in private sector

Impact of climate change in other parts of the world

The tornado experiences of Miami, Arkansas and the tsunami waves that caused devastation in four Asian countries, as well as New Zealand, Japan were offered as examples to illustrate the severity of the climate change consequences.

Climate change and human rights

South Africa is premised on constitutional human rights safeguards, protecting, equality, culture, religion, non-discrimination among others and respect of the rule of law. Public participation is a fundamental human right value which the constitution places duty on the state to adopt laws that are influenced by human rights approaches that take account of the historical context of the people of this country whose rights were grossly violated by the injustice policies of apartheid. Section 41 (1) (b) of the constitution, guarantees the **well-being of the people of the Republic** (b) binds the state to be **effective, transparent, accountable,**

⁵ Participants contribution during plenary session



and coherent for the Republic as a whole (c) to be loyal to the constitution, the Republic and people.

However, participants viewed the government as the violator of the constitution. The government has let down many communities. Recently, the government has allowed the Shell Oil Company⁶, to conduct a 3d seismic survey on the West Coast without following the due process of law⁷. This exposed the state's dereliction of duties to protect the well-being of the people of the Republic. Although the court suspended Shell from conducting the survey⁸ after pressure from the CSOs, this is an interim action that requires more campaigning to prevent Shell from searching oil and gas at the detriment of the people of South Africa.

This is not the first time that South Africa encroach upon the citizens' rights in favour of capitalists. The environmental activists and climate change defenders continue to face reprisals and extra judicial killings for promoting state accountability.⁹

The constitution also promotes the right to environment that is not harmful to the health and wellbeing of citizens¹⁰. However, the reality on the ground is totally different. Participants from Lephalale expressed disappointment to the pollution their communities are exposed to for decades¹¹. For example, a participant mentioned many people lost lives in the communities as a result of abandoned mine, which turned to be 'acidic dam'¹².

Section 24 (b) of the constitution place a duty on the state to ensure protection of the environment for the benefit of present and future generations through reasonable legislation and other measures. Participants expressed those human rights is not respected in communities, and this has resulted in communities' vulnerability to health complications, environmental hazards, and degradation of land¹³.

⁶ One of the largest major oil corporations in the world

⁷ To explore hydrocarbon reserves beneath the seabed without following due process as required by the law.

⁸ Wilmien Wicomb Legal Resources Centre attorney with Gilbert Martin Founder of the We People of South Africa

⁹ Comrade Sikhosiphi "Bazooka" Rhadebe, the then Chairperson of the Amadiba Crisis Committee (ACC) was brutally murdered on 22 March 2016 for defending his community against titanium mining activities in the Xolobeni community in the Eastern Cape province.

¹⁰ Under section 24 (a).

¹¹ Participants list as reflected on Annexure A

¹² Ibid

¹³ Ibid



Regional & international human rights mechanism on climate change

South Africa is also a state party to international and regional human rights treaties that promote protection of citizens against all forms of foreign economic exploitation as practiced by international monopolies. This provision goes as far as safeguarding citizens to fully benefit from the advantages derived from their natural resources¹⁴.

International processes seized with climate change issues

It is over three years since the Paris Agreement on climate change was signed by world leaders. However, little has been achieved that the world is moving backwards. The setback is from the big polluters of the environment. Russia, China, and United States of America have pulled out of global commitments to climate justice. While other countries continue to make positive steps to tackle climate change. This needs bigger push to raise awareness and support Morocco, Gambia and India as role models in committing to reduce global warming¹⁵.

How can communities be empowered to deal with or address climate change concerns



¹⁴ Article 21 (5) of the African Charter on Human and People's Rights. (5. States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

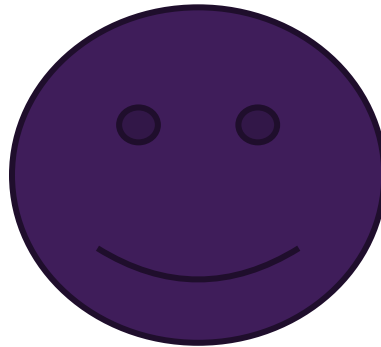
¹⁵ Morocco and Gambia, are not Global Climate Leaders and two small countries that have committed their greenhouse emissions to meet climate targets, By Brittany Gibson, 2 December 2019

CAPACITY BUILDING WORKSHOP FOR CLIMATE CHANGE ACTIVISTS



Through education and deepening of constitutional democracy and accountability principles at local, provincial and national levels

Break –away session was provided to deepne participants understanding of CC: Participants discussion were guided by this theme: **What is our role as climate change, community activists & HRDs?**



CAPACITY BUILDING WORKSHOP FOR CLIMATE CHANGE ACTIVISTS



- By conducting Training of Trainer programmes
Through sharing information and awareness raising in local communities
- Conducting reach out programmes in schools and educating children from young age
- Conducting case studies: Shell being the current climate change concern
- Engaging in public participation processes from local, provincial to national levels
- Be knowledgeable activists / self-education and adopting strategies for lobbying government officials
- Understanding the political dynamics of your community including approaching them with understanding
- Enhance community engagement on CC policies, strategies and action plans
- Conducting scientific and religious discussions
- Work in collaboration with CC movements



Networks in CCJ and environment

- Earthlife Africa, Green Peace, Gender CC, WWF

Participants shared the important public consultation meetings that were scheduled to take place across the country.

- GSC Bill – 17-19 January 2022 Eastern Cape Province
- Western Cape province 22 -23 January 2022
- Northern Cape Province 25-26 January 2022
- Free State February / March 2022
- Mpumalanga Emalahleni had taken place on 16 November 2021
- While in Gauteng province, (Ekurhuleni) communities blocked the public hearings

Lessons on the tactics of transnational corporations to silence HRDs (Strategic Litigation Against Public Participation - SLAPP)

Another way of silencing defenders in South Africa has been the use of Strategic Litigation Against Public Participation by corporations. They apply this strategy to frustrate, intimidate and harass environmental activists by draining their time and resources. This SLAPP was experienced for the first time in South Africa in a lawsuit brought against three activists accused of speaking out against the environmental damage and non-compliance with environmental and mining laws¹⁶. In a victory for civil society, the South African High Court

¹⁶Australian company Mineral Commodities (Ltd) (MRC) and its local subsidiary Mineral Sands Resources (MSR) slapped six environmental activists – two community activists, two attorneys of the Centre for Environmental Rights (CER), a private attorney and a social worker - a series of defamation suits, for an amount totaling 14.25 million South African Rands (approximately 980,000 USD). The lawsuits were brought on after three of the activists – Davine Cloete, Christine Redell and Tracey Davies - had spoken out against the environmental damage and non-compliance with environmental and mining laws by MRC's Tormin mine in the West Coast at the University of Cape Town Summer School in January 2017. Mzamo Dlamini, Cormac Cullinan and John Clarke, the three other activists, had been vocal about MRC's conduct in the Xolobeni community



ruled on 9 February 2021 that the defamation suits against six environmental activists by MRC and its subsidiary was an abuse of the legal process¹⁷.

The Story of Shell in the Niger Delta & Ogoni Land in Nigeria

The Niger Delta is described as one of the precious wetlands in the West Coast of Nigeria. The environmental damage caused by extraction of crude oil which is primarily caused by Shell is huge. The human rights and well-being of Nigerians continue to be undermined. Freedom of expression and information dissemination exposing human rights violations in the Niger Delta are met with arbitrary arrests and extra judicial killing. Pollution, poor pipeline infrastructure, and oil spillage, which Shell is the main culprit, continue to be disregarded by the government. The citizens in the Niger Delta have lost their livelihoods much as they continue to experience socio-economic and ecological injustice of which Shell is unwilling to address and take the responsibility.

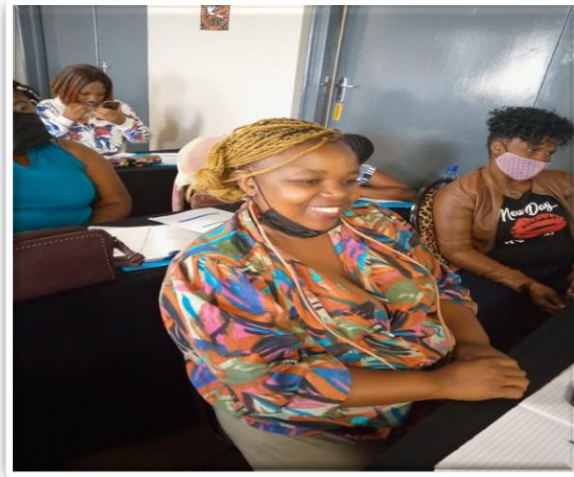
The Ogoni people on the southern east region of Nigeria suffered same fate of the ecological damage, where Shell is responsible for the damage. The environmental activists, Ken Saro-Wiwa also a member of the Ogoni community was targeted and assassinated for advocating against Shell for injustices caused in extraction of crude oil. Communities, lost livelihoods, oil spillages in the rivers, including petroleum waste dumping, which adversely affected the ecological system, fish as well as health of communities¹⁸.

As activists, how are we going to claim our power back from politicians?

The workshop also reflected on how centres of power relate to climate justice and also emphasised the need for community activists to understand the power dynamics within the context in which they operate. The subsequent section presents some of the key points that were raised.

¹⁷ This matter was discussed by the rapporteur who indicated the matter has been reported to the African Commission on Human and People's Rights.

¹⁸ Participants brought to light this case study to showcase South Africa, CBOs, CSOs and HRDs face same predicament as Nigerian activists advocating for enabling environment, including protection of citizens in the extractive industry. Reprisal, extra judicial killing of environmental activists also persists to silence environmental activist in South Africa, same as in Nigeria.



By understanding
the Centre of
Power

Knowing who is at
the echelons of
decision making
from local,
provincial to
national level
making the invisible



These are the following:
Traditional leaders
Mayor & the Executive Committee: made up of Speaker, Ward Councilors, Ward Committees
Local Councilors
Kings / Queens – Headman (Induna)
Sub Induna

Key Institutions with Constitutional mandate to promote and protect human rights found in Chapter 9 of the Constitution

These institutions were noted as key and potential to collaborate with a view of increasing understanding of climate justice and raise awareness on climate change.

- Commission for the Promotion of Culture Religion and Linguistic Communities - CRL
- South Africa Human Rights Commission – SAHRC
- Commission for Gender Equality - CGE
- Public Protector - PP
- Auditor General – AG

Civil Society Organisations

CSOs were also recognised as important drivers in promoting public participation and holding government officials to account.

- South Africa National Civic Organisations - SANCO was identified among others playing important roles in communities, however autonomy, funding, non-partisan of CSO were cited as characteristics of independent functioning, promoting climate justice and holding state accountable for human rights violations



- The other key CSOs to consider collaborating with, including monitoring implementation of climate justice policies is Legal Resources Centre. LRC is also playing instrumental roles in litigation against the government violation of the environment and the failure to protect citizens against from abusive corporates.

The rural and urban divide present politics of difference and traditional accountability nuances



Local Councilors	Traditional Leaders / Councilors
<p>They assume power through election particularly local government election</p>	<p>Assume power through blood lineage or bonafide/ succession. They act in custody of land belonging to communities. The Chieftainship existed before colonisation, this include the Khoisan, which were not recognised by the apartheid policy. The apartheid policy played dual role in appointment, recognition, authorization of functions and remuneration of chiefs. They were not recognised as traditional councilors but as chiefs/ Makhosi assuming roles as custodians of lands of communities in the previously independent Bantu stands. The chiefs also exercise authority over their own land and livestock. However, the land remains as communal with no title deeds issued. This then paves way for occupants to use as collaterals, dispose or sell with ownership titles. There are many chiefs that were marginalised and inadequately remunerated during apartheid. This left some in impoverish status and at times uneducated. Chief allocated or distributed land to communities without full ownership rights. The current Traditional / Khoisan Act grants Chiefs the authority to enter transactions with transnational corporations without consultation with communities. This is a case study which participants can engage in. This could be considered together with the Shell, Pola Community as case studies that would help unpacking the roles or authorities of Chiefs in lands that are now under extractive industries.</p>



Legislation & Policy Regulating Climate Change

For many years, South Africa has been attempting to address mining-induced environmental degradation. The Mineral and Petroleum Resources Development Act 28 2002 (MPRD) regulates mining operations in South Africa. This Act promotes public participation, meaningful consultation, particularly relates to environmental impact assessments. It recognises the natural resources as common inheritance of South Africans and empowers the government as a custodian over the mines. Furthermore, it prohibits any mining activities to be conducted by corporations or agreements to be concluded between the government with corporations without consulting mine host communities.

The Mining Charter

This document contains human rights principles that remind the state of the injustices of the past and commitment pledged to address the economic imbalances of the past. The Mining Charter seeks to put the needs of the people at the centre of development (Batho Pele). However, realisation of the objectives of the mining charter remains important only on paper and not in practice. It is a paramount document to complement legislation and the constitution for promoting human rights approaches in development. Furthermore, it is a document which ought to promote infrastructure development for protection of sea life and ocean economy sustainability. It also has the potential to strengthen the synergies in implementation of micro-economic policies with macro-economic policies.

African Mining Indaba - AMI

This is a CSO vibrant platform conducted annually and provides the opportunity to raise community voices against the injustices conduct of the mining corporations and human rights violations by the extractive industries.

Sustainable Development Goal - SDG

Goal 13 - promotes climate action, 14- life below water, 15-life on land. These goals emphasise the indispensability of climate justice to development. It calls for regulation of fossils and renewal energy.

Civil Society Parallel Reports

Civil society has contributed to advocacy for climate justice and just transition through documentation and preparation of reports. These increased awareness and adoption of resolutions for halting emissions



Water Act 1997

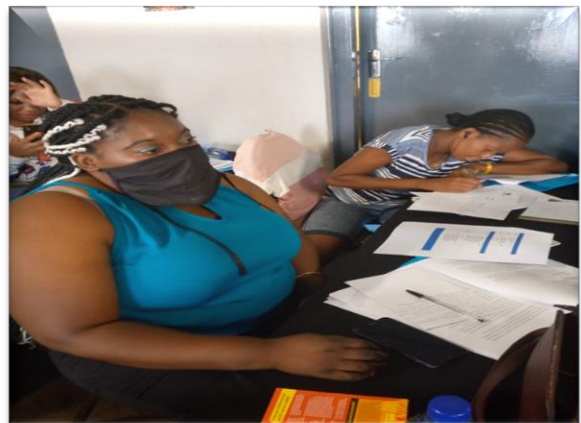
The Act provides progressive and restorative provisions that aim to include public participation and benefit in this vital resource. Section 5-7 guarantee protection of conservation, management, and control of water resources. Section 8-11 extends collaboration between the state, corporation, stakeholders, interested individuals and communities. The Act incorporates the principles of leaving no one behind and Goal 17 of SDG promoting government partnerships with CSOs. Section 3 of the Act promotes protection of water, conservation, prevention of pollution and emergency incidents. While Section 4 covers water use and licensing. South Africa has been a water scarcity country, which the mining activities contributes negatively.

Social License

The right to mine is guaranteed through this social licensing. However, this is subject to observation of legal processes aligned with the constitutional imperatives, legal frameworks which meet human rights approaches and standards.

The state has also established legal processes to enable citizens obtain title deeds over land. However, participants shared the dilemma facing them from legal and administrative conducts preventing them from obtaining title deeds. The Maroping community members have struggled to obtain title deeds due to the council reluctance to issue clearance certificate. This is because most tenants are behind with their utility bills, including water, electricity rates and taxes. CPA is an agency contracted by the government to accelerate issuing title deeds. However, the agency has only managed to reach a small number of potential owners. The process of the association is also found to be politicised

International human rights obligations on climate change



South Africa is a state party to several international human rights treatise and frameworks and has subscribed to the human rights principles codified in the Universal Declaration of Human Rights. The UDHR was adopted by the United Nations General Assembly on 10 December 1948. Although this UDHR is not legally binding, it plays an important role in promoting state



accountability to international human rights standards. The International Covenant on Civil and Political Rights, (ICCPR) and International Covenant on Economic Social and Cultural Rights (ICESCR) adopted in 1966 gives the UDHR legal enforcement. The right to self-determination is guaranteed in ICCPR which grants individuals the right to their own choices, to decide as a community and for their own destiny¹⁹. Therefore, no one has rights to come and make decisions on behalf of the community. This principle is described as **FPIC**, meaning **Free Prior and Informed Consent**. It means communities must be free from intimidation or coercion. Any development brought by corporations into communities should not be implemented before consultation. Provision should be made of full details regarding the nature, extent of investment and the full details in respect of profits. It is the responsibility of the developer to empower communities and pay all costs related to the development. The information should also include details about environmental assessment impact reports, water and infrastructure. Communities should avoid being divided but instead promote the spirit of unity and collective decision-making processes²⁰.

Three (3) things to qualify a valid consultation

1. Community should have its own consultative process,
2. It must be participatory
And informed consent

Congratulations



Nomonde Nkosi, a WHRDs in CCA was congratulated for the election as a Local Councillor during the Local Government Elections held in November 2021. Participants were inspired by this achievement and encouraged her to promote climate justice policies, and by laws at local level²¹.

¹⁹ Workshop material presentation facilitated by Thembinkosi Dlamini

²⁰ Ibid

²¹ Session facilitated by Fundi Nzimande



Way Forward

Participants considered increasing knowledge and awareness about climate change through impacting these roles:

- Organising Community Training Workshops, also targeting Traditional Leaders about climate change
- Engaging in public policy development and decision-making processes at local, provincial and national levels
- Advocacy for promoting protection and security of WHRDs promoting climate justice
- Engage key state officials, including government departments, such as COGTA adopt sustainable policies and accelerate infrastructure development to mitigate, extreme weather events from taking place in marginalised communities
- Raising awareness on the impact of climate change, particularly in rural areas, targeting, Qhebeha community in Eastern Cape province initiate engagements for raising harmful cultural and traditional practices facing girls, women and boys in rural communities
- Map out the centres of power in our communities
- Gather statistical data on the number of women chiefs. For example, KZN has female chiefs
- Monitor the processes, re-establishing, introducing appointments of paramount chiefs as recently transpired in Pola (peri urban area) on 4 December 2021
- Adopt Pola community as a Case Study – which has LGV features and chieftaincy traditional leadership structure
- Advocating for legislative review such as Traditional and Khoisan Leadership Act (Act 3 of 2019) and the Traditional Leadership and Governance Framework Act (Act 41 of 2003) for alignment with constitutional gender equality guarantee. To also include Traditional Courts Bill (B1B-2017) in the advocacy exercises to ensure women's right to access justice is not limited at traditional courts level,
- Advocate for 50% of women's representation in the National House of Traditional Leaders
- Conduct social cohesion programmes particularly, bridge the gap between the Tribal, rural as well as peri urban areas divide and nuances²²

²² Political differences affect traditional and community structures. Former President Nelson Mandela established a Commission of Inquiry in his position as the King of the AmaMpondo then which surprised many. Leading to a revolt during former president Thabo Mbeki. Today this difference remains among the communities in terms of acknowledging authorities of some chiefs, particularly to summon people.



Roles of Private sector in Climate Change



The role of the private sector remains fundamental in articulation of climate change agenda policy. This will be with a view to avoiding skewed agenda, to the benefit of mining corporates. There is a need for activists to be part of the Presidential Commission whose role is to advise the President and partaking in climate change decision making processes.

Advocacy for channeling resources and investment to communities is also of paramount importance as well as mobilising access to adequate energy and affordable renewable assets. The triple challenges of unemployment, poverty and inequality are challenges that need all the stakeholders to address.

DBSA has since allocated the Green Climate Fund to South Africa. The government is expected to support community activists with funding. More funding has been solicited from the US for running of Programmes with African agenda²³.

Proposals concerning communities affected by coal and climate change could be fundable. Support would also cover operational and overhead costs. This will contribute positively to ploughing back to communities as part of the broader strategy to address climate change challenges.

There is a need for activists to begin playing exemplary roles from home ground and communities for fast tracking practical solutions to the dilemma facing communities.

These could include but not limited to plastic removal and planting more trees, conserving energies, engagements with Local GVT, communities, adaptation of plans, designing practical steps to change and introduction of education towards affordable renewable energy.

OZA has incorporated arts in learning programmes which encourage innovative artisan roles to deepen change in communities

²³ Presentation material facilitated by Thembinkosi Dlamini



Climate Change Action Plans

Participants developed Action Plans for driving innovative climate change actions at local levels guided by the following frameworks:

1. Concrete Actions
2. Centre of Power
3. Short term goals
4. Long term goals
5. Results / impact targeted
6. Other consideration

Kindly refer to Annexure A



Photo Gallery

