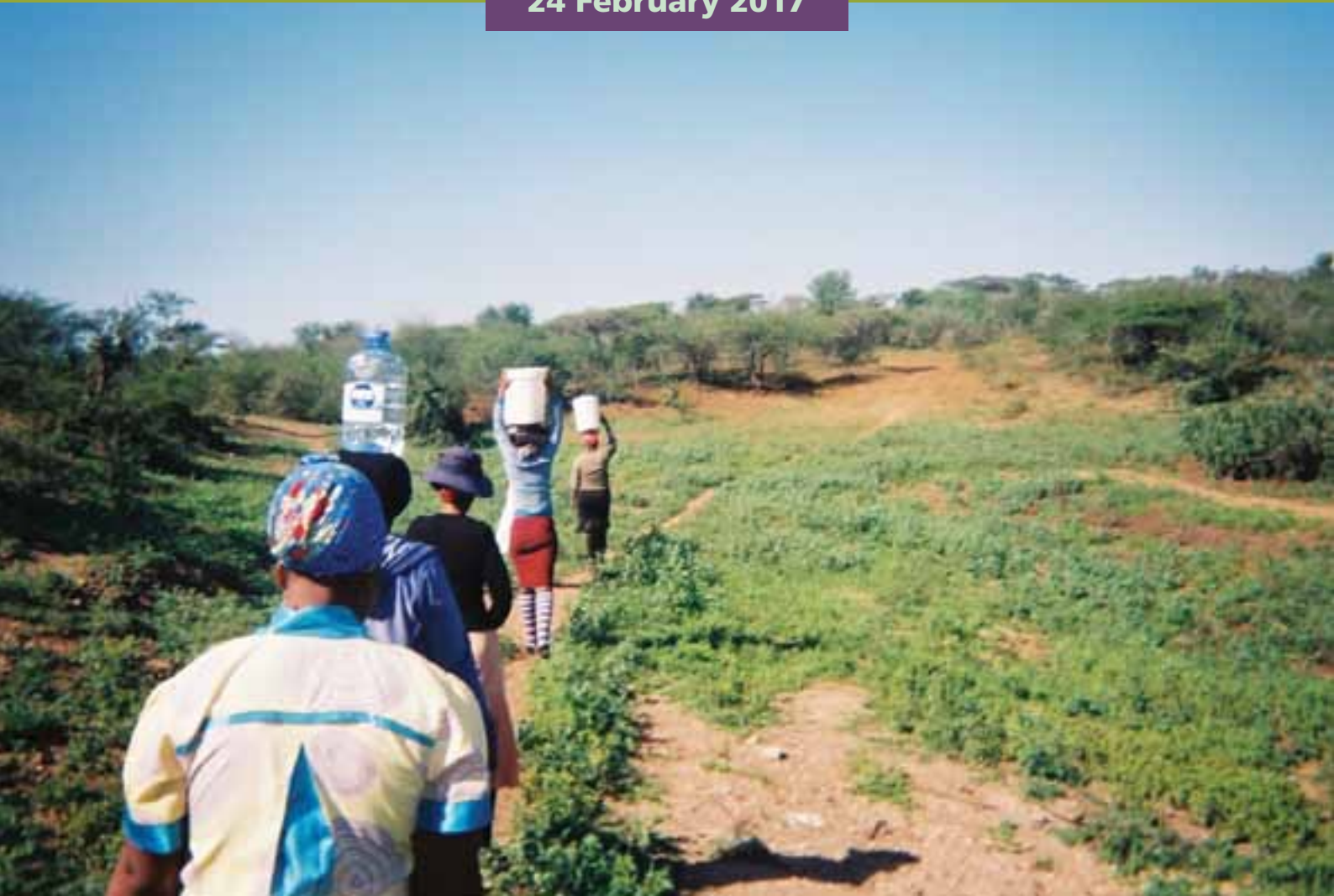
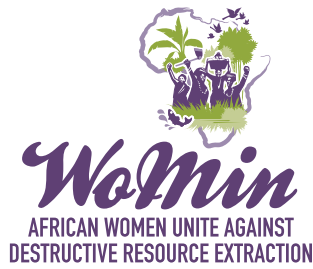


# 'NO LONGER A LIFE WORTH LIVING'

Mining impacted women speak through participatory action research in the Somkhele & Fuleni communities, Northern Kwazulu Natal, South Africa

24 February 2017





*WoMin is an African gender and extractives alliance. We work with more than 50 allies in 14 countries across East, Southern and West Africa.*

## Publisher

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## Main mission

WoMin's main mission is to:

- support the building of women's movements to challenge destructive extractivism
- propose development alternatives that respond to the majority of African women's needs.

## Our approach

Our approach to making change happen includes:

- political education
- participatory research
- women-led grassroots-driven campaigning
- alliance and women's movement building
- solidarity.

## Our focus

Our focus areas are:

- fossil fuels energy and climate justice
- extractivism, militarisation and violence against women
- women's rights, consent and democratised socioeconomic decision-making.

## Thank you

WoMin thanks Bread for the World, Africa Groups of Sweden, Fastenopfer and Norwegian People's Aid for their support to this project.



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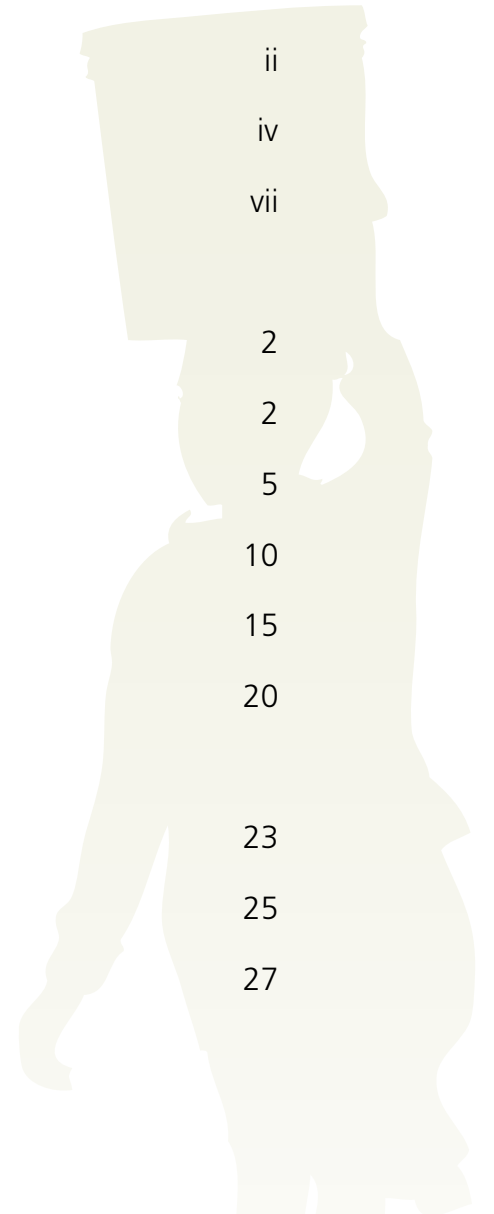
**Photographs:** Lebogang Tlhako

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# Executive Summary

Water is essential to survival, and to the reproduction of all peoples. For this reason, it is guaranteed as a fundamental right (section 21(1) of the Bill of Rights) in the South African Constitution, echoing similar provisions in international frameworks such as the Universal Declaration on Human Rights. Yet nearly 5-million people across South Africa do not have access to piped water<sup>1</sup> and source their drinking water from rivers, streams and dams.

South Africa is, at the time of writing, afflicted by the worst drought in a century. In 2015, five provinces were declared disaster areas.<sup>2</sup> Tens of thousands of people, predominantly rural dwellers, have lost access to water supply as rivers, streams and dams have dried up and municipalities fail to provide the needed water supplies. This report is the story of two such communities – the Somkhele and Fuleni communities – in northern KwaZulu-Natal who face the twin crisis of water grabs by a coal mining operation and drought, linked to climate change. This is a story about the water crisis, as told by women in these two communities. They are the ones that carry the brunt of the crisis, but they too are the ones that carry the hope for a different more just future.

This report is based on a Participatory Action Research (PAR) project conducted in the Somkhele and Fuleni communities over a period of eight months between April and November 2016. The PAR was led by a research team of ten women activists, five from each of the two communities. The research conducted by the women identified problems related to the mine's water grabs, the drought and accompanying water scarcity, and the water pollution in the area. The research also addresses the outright failure of the municipality and the national Department of Water Affairs to regulate water licensing, and meet constitutional, legal and policy commitments concerning the water rights of all citizens.

Somkhele has a population of 180,000, and Fuleni is home to approximately 16,000 people. Nearly 54 per cent of the households in these communities are female headed.<sup>3</sup> The two communities are in the uMfolozi River catchment area, a critical source of water for an estimated 2-million people.

People in these communities have historically relied on crop and livestock farming, supplementing remittances from male migrants to industry and mines in other parts of

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1 2011 National Census <https://africacheck.org/reports/claim-that-94-of-south-aclaim-that-94-in-sa-have-access-to-safe-drinking-water-doesnt-hold-water/>

2 <http://www.news24.com/SouthAfrica/News/5-provinces-declared-drought-disaster-areas-20151113>

3 KwaZulu-Natal Informal Settlements Status (2013)  
<https://wazimap.co.za/profiles/municipality-KZN275-mtubatuba/>

the country. In recent years, farming has been decimated by the combined effects of drought, water grabs and water, air and soil pollution attributed to mining activities in the area.

The province of KwaZulu-Natal, particularly the uMkhanyakude District in northern KwaZulu-Natal, has been severely afflicted by the drought.<sup>4</sup> In 2015, preliminary assessments of drought damage to livestock and crops in the province stood at more than R400-million (just over US\$28.5-million at December 2016 rates).<sup>5</sup>

The water crisis has led to the suspension of farming activities which are heavily reliant on rains as the source of irrigation. Livestock, in which the wealth of rural dwellers is vested, has been decimated by the drought, with animal carcasses and skeletons dotting the dry terrain.

The water crisis has contributed to increased hunger, poor health, greater poverty and the intensification of women's unpaid work as they walk greater distances in search of safe free drinking water and labour to take care of sick family members.

Local coal mining is one substantive cause of the water problems afflicting both communities. Somkhele is home to the Petmin Group owned Tendele coalmine which began operations in 2007 and, if a mining licence is issued, Fuleni will soon be home to the highly contested Ibutho coalmine. Despite the Tendele coalmine having operated for seven years without an official water licence, the Department of Water Affairs granted the company a water licence in 2014 allowing it to exploit underground and surface water sources. The main source of surface water for the mine is the already stressed uMfolozi River, which has now dried up. And indications are that the uMfolozi River will be the primary water source for the proposed Ibutho mine. Women who participated in the research in both communities hold the Tendele coalmine principally responsible for water grabs and air, water and soil pollution, said to have destroyed crop and livestock farming in the area. In Somkhele women allege that the mine has pumped water from the uMfolozi River, the main water supply for the local communities and fenced off communal water sources.

The gendered division of labour in these two communities assigns women primary responsibility for domestic responsibilities related to water collection, food production, processing and preparation, and family care. In families, women bear the brunt of the water scarcity and associated ill health, and this is a key reason for the PAR's focus on women.

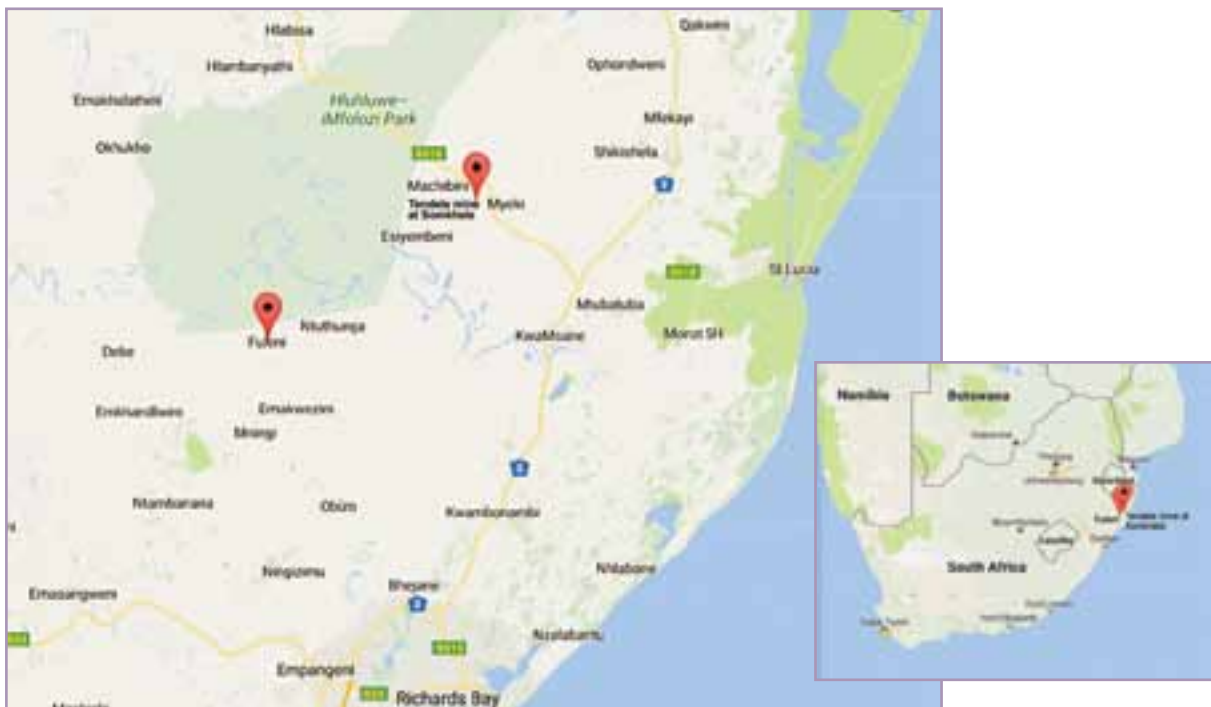
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4 <http://www.iol.co.za/news/south-africa/kwazulu-natal/drought-north-kzn-a-disaster-area-1968408> 2 <http://www.news24.com/SouthAfrica/News/5-provinces-declared-drought-disaster-areas-20151113>

5 <http://www.news24.com/SouthAfrica/News/kzn-farmers-hardest-hit-by-drought-20151118>

# Introduction

The Somkhele and Fuleni communities are located in northern KwaZulu-Natal just over an hour away from the Richards Bay coal terminal, the largest coal export terminal in Africa. Somkhele is immediately impacted by the Tendele coalmine, owned by the Petmin Group, which began its operations in 2007. In Fuleni, a substantial part of the community is deeply immersed in a battle, running over some years to stop Ibutho Coal's application to mine there. In 2015, five provinces including KwaZulu-Natal were declared disaster areas due to a drought, the worst in 100 years, and northern KwaZulu-Natal, where these communities are located, has been particularly afflicted.



Somkhele and Fuleni are in close proximity to the Hluhluwe-iMfolozi Park, the oldest protected nature and wilderness reserve in Africa, established as a rhino sanctuary 110 years ago. The wilderness reserve attracts tourists from all over the world annually and local people utilise the reserve to sell their arts and crafts. In addition, some parts of the wilderness reserve were the royal hunting ground for King Shaka and previous kings, dating back more than 250 years, and hence have great historical and cultural value to the Zulu nation. The Tendele coalmine borders part of the park, as does the Zululand Anthracite Colliery (ZAC) owned by Rio Tinto. Should Ibutho Coal receive a licence to commence mining operations, the reserve will be almost totally enclosed

by coalmines. The impacts of this would be catastrophic to the reserve and the rhino population, not to mention the local communities of Fuleni who stand to lose their homes, water supplies, grazing and farming land, sacred natural sites (including burial grounds), and social amenities such as schools, clinics, and access to transport. The people of Ocilwane, a village in Fuleni, know only too well the challenges that arise with a relocation as they were once forcibly relocated 60 years ago from Empangeni to pave the way for the Owen Sithole Agricultural College.<sup>6</sup> The prospect of the Ibutho coalmining project commencing operations and the community being relocated is a terrifying one for them.

The combined populations of Somkhele and Fuleni is approximately 200,000 with more than half the households headed by women. The two communities are in the uMfolozi River catchment area and have historically depended on the uMfolozi River to supply water for people, livestock and fields. The uMfolozi River is a critical source of water for an estimated 2-million people in the region. By the end of 2015, the uMfolozi River had dried up as a combined result of increased coal mining activities in northern KwaZulu-Natal, and the drought. Consequently, other smaller tributaries, rivers, streams and dams, all reliant on the mother uMfolozi, have also dried up. In addition, in some parts of the Somkhele community, water problems have been exacerbated by the Tendele mine fencing off water sources which community members had long relied upon.

Somkhele and Fuleni were, in the past, thriving agricultural communities but the combined effect of the drought, the air and water pollution from mining activities, and the water grabs have decimated local food production. In Somkhele, households immediately adjacent to the mine – eSiyembeni, eMachibini, Dubelenkunzi, Myeki and eZimambeni – have lost their farming lands, with no compensation, leaving them without the means to produce. All of this combines to deepen hunger and poverty in these communities.

*“We never used to buy food, instead each year we had food in reserves. Our money was spent on savings, investments (burial societies, insurance), medicines for livestock and farming implements. But now because our diet has changed due to inadequate food and limited variety, our little money is spent on medical bills and water. The pollution and lack of clean water is also contributing to diseases in our households. We now have to look for R600 to have clean water and no one is employed in many of our households to avail that kind of money.” – Mrs Shange from Somkhele*

In response to the water crisis, the Mtubatuba Local Municipality, in the case of Somkhele, and the Uthungulu (King Cetshwayo) District government, in regard

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<sup>6</sup> <https://saveourwilderness.org/about/fuleni-community/>

to Fuleni, have been trucking in water tankers to the communities. The supply is experienced as inconsistent and inadequate to meet local water needs. Participants in the PAR mention that supplies are often exhausted before all community members have received their share.

The trucking in of emergency water supplies has created various challenges. First, it has led to some people being excluded on the basis of patronage to the local leadership – traditional and elected local councillors – and for others because of the distance to the water collection points. Second, because the public supply is inadequate, room has been created for private water vendors to sell water to desperately poor households. In addition, the PAR has exposed the sale of water by drivers of public waterkans.

*“How are we supposed to survive without water, we are dying, our animals and crops are dying, we cannot continue like this much longer and most of us are unemployed, where will we get the money to buy water?” – Zandile from Somkhele*

Limitations in water supply and corruption mean that many families in the Somkhele and Fuleni communities do not enjoy access to municipal water services. The result is that women are forced to walk long distances – some up to a four-hour round trip for 20 litres of water – across isolated and dangerous terrain in search of water. In the PAR, sexual assaults on women and at least one murder of a woman walking to fetch water were mentioned. Women in these two communities have moved from anger to despair over the lack of access to water.

Somkhele and Fuleni are patriarchal Zulu communities with a gender division of labour assigning women the primary responsibility for all domestic and care work in the home. This means women and girls are primarily burdened with the responsibility for ensuring a steady and safe supply of water to their families. The water pollution, water grabs and drought therefore bear down most heavily on women in both communities.

The water crisis and its impacts on these two communities, and on women specifically, have spurred women to understand the water problem and take action, hence the PAR

*“Yes, we have a drought currently, but it is not the first time that we have had a drought in the area. We still survived previous droughts and we could farm and keep our livestock. We had springs that we could go to, little streams that never dried and kept us going. The problem is that because of mining the river has dried up even more than usual during droughts because of the water being used to wash the coal by mine, we suspect that has affected these water sources that never dried up.” – A woman from Somkhele*



# Methodology

PAR is a powerful approach to research which supports people's organising and action to change their lives. It is a form of knowledge construction that is collective, rooted in people's experiences and lives, and respectful of the knowledge that people hold. PAR empowers people by assisting them to understand the world through their efforts to collectively change it. It shifts power in the research process by deeply involving those who would otherwise normally be the subject of the research. In WoMin's PAR approach, women in communities shape the research agenda, determining the research focus and questions to be explored. In PAR, "communities of inquiry and action evolve and address questions and issues that are significant for those who participate as co-researchers" (Reason and Bradbury (2008) 1).

WoMin is a women's rights alliance supporting women's organising and movement-building informed by feminist principles. PAR is a critical part of what we consider to be a feminist praxis and therefore lies at the heart of our approach to assisting change.

WoMin started working with women in Somkhele and Fuleni in September 2014 in advance of a southern African women and coal exchange, which was implemented in January 2015.<sup>7</sup> Women from these two communities participated in the exchange, following which WoMin sustained a relationship involving solidarity, advice, support to actions, and training. In September 2015, WoMin proposed a PAR project as a tool for supporting women to strengthen their local organising. The early part of the research focused more broadly on mapping the history of life in Somkhele/Fuleni from the perspective of women and, in the case of Somkhele, exploring the gendered impacts of the Tendele coalmine. A small hiatus in the PAR followed when a WoMin staff member transitioned from the organisation, but WoMin continued to sustain a relationship of solidarity and support – women activists participated in WoMin's regional movement-building school in March 2016, and WoMin supported women-led actions in both communities in the first half of 2016. In June 2016, WoMin moved into a second phase of the PAR – the initial research outcomes were reviewed by a meeting of close to 50 women from both communities who prioritised three 'issues' for further research and action: (1) unaccountable corrupt traditional leadership, (2) livelihood alternatives (specifically livestock farming), and (3) the water crisis. It was resolved to focus on water given the immediacy of the problem and its commonality to both communities. Moreover, by June 2016 incidents of repression and threat against anti-mining activists had deepened and the water focus was considered a strategic, but lower risk focus, for

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<sup>7</sup> See <http://womin.org.za/images/docs/women-stand-their-ground.pdf> for the declaration emerging from this meeting

organising and action. Water is a problem bearing on all women and was, therefore, considered to hold the greatest potential to support women's organising.

In this same meeting, a research team of ten women, five from each community, was nominated to implement the PAR with the support and solidarity of WoMin. The team comprised Smangele Nkosi, Medical Ndziba, Nkonsingphile Mashazi, Nelisiwe Mchunu and Zandile Mzimela from Somkhele; and Lebogang Ngobeni, Silindile Ndimande, Thobekile Dlamini, Khangeziwe Ndumisa and Nomvelo Shange from Fuleni.

The major objective of the research was to enable women to analyse their situation, build awareness and develop solidarity in the struggle for water rights related to both the mining and the drought. The research would empower women with the necessary tools, information and skills to enable them to question their situation and gather evidence to confront duty bearers. The PAR was critical to support women's organising and build a wider movement in the long term.

The research was mainly conducted in nine villages: four in Fuleni namely Ocilwane, Nomvunula, Ntuthunga 1 and Ntuthunga 2; and five in Somkhele namely Myeki, Macibini, Ezimanbeni, Dubelenkunzi and Siyembeni. Over 200 women participated in the research from both communities. The research started in early June 2016 with an intensive five-day training, research design and pilot-in-field process. On the first two days, the research team was introduced to PAR, agreed on the key questions to address and identified the main methods and tools to use. The next three days were spent on the ground, meeting with women, and facilitating some of the research. The research team met every night to review the day, identify learnings and adapt the strategy and methods to be employed in the day to follow. In the next six weeks, the local research team independently continued the research with women in all nine villages. Interviews were also set up with officials at the Mtubatuba Local Municipality responsible for Somkhele and the Uthungulu (King Cetshwayo) district council, which is accountable to Fuleni. These interviews were jointly conducted by the community research team and the WoMin researcher, and represented an important opportunity for grassroots activists to obtain information, present their perspectives and demand some accountability from local government.

In the early stages of the research, the team was asked to identify the spaces where women congregate. This was critical to informing the research process and the timing of activities. Target spaces were stokvel (savings) and burial societies, social grant payment points, church meetings, and water collection points/sources. Methodologically, the research used door-to-door interviews and group discussions where women were found. The PAR research tools used were:

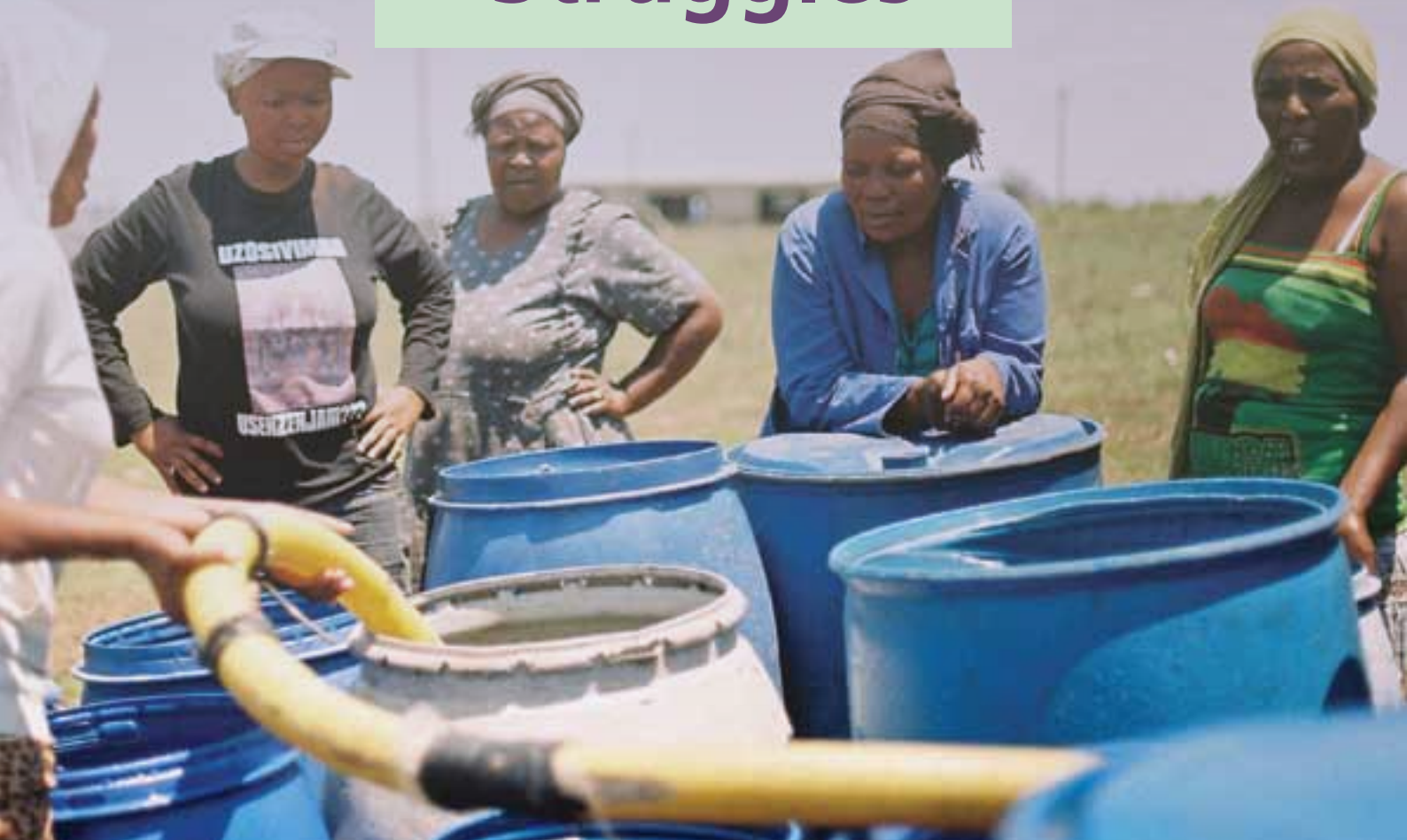
- mapping before and after the mining/drought to establish where the water resources were found then and from where they are sourced now
- timelines to explore the history of the growing water crisis in both areas
- transect walks to identify water points, including those at a great distance entailing a roundtrip of nearly four hours
- a financial pie chart to establish what proportion of total family income was being used to purchase water or deal with the effects of polluted water
- time analysis to establish what the typical division of labour (and relative hours spent on tasks by men/women and girls/boys) was in families prior to and after the mining/drought.

Three months into the research, a women's Water Assembly was held in KwaMbonambi on 12 August 2016 for women to report the initial findings of the research to other women in their communities as a key accountability of the research team, and for women in both communities to receive information on their water rights and the duties and obligations of government.

Numerous challenges were encountered during the second phase of the PAR process starting in June 2016. First, the PAR coincided with local government elections and so in the run up to and after the elections it was not possible for women to conduct the PAR. They faced accusations of campaigning for the 'opposition' and were feeling increasingly at risk of attack by the traditional leaders, key figures in the main political party, and local government councillors. This also meant that local councillors and traditional leaders could not be interviewed. Second, municipal officials were very difficult to get hold of before the elections, and post the elections, municipalities were moving through transitions and officials were not available. All of this delayed the research.

Mining is a very sensitive and highly contested question in both communities. In the past year, incidents of violence perpetrated by the tribal police, youth and even workers have been reported. The targets of the violence are those raising questions about the mining, and demanding transparency and accountability from local community leadership and the Tendele mining company. Men, including local indunas, making representations on behalf of women to the Chief in Fuleni have been repeatedly fined. The research process very carefully considered the safety of women with the result that the research was put on hold during the local government campaigning and elections. In addition, the Women's Water Assembly was also held outside of both communities to protect women. We have withheld some names and pictures, and used pseudonyms in this report to protect some of the research participants.

# Women's Everyday Struggles



## Drought

South Africa is experiencing the worst drought in recorded history with five provinces including KwaZulu-Natal, Mpumalanga, North West, Limpopo and the Free State declared disaster areas in 2015.

The drought was highlighted as a major problem during the PAR. In most villages, water had previously been readily available from natural water sources such as streams, rivers, dams and even springs. Over the last two years, these water sources have dried up. Participants from the communities attribute the water scarcity to the drought but also to

the Tendele mine which they contend is draining water out of the uMfolozi River, a key water source for an estimated 2-million people in the region including the Somkhele and Fuleni communities. Tributaries, streams and dams that feed from the mother uMfolozi River have dried up. In addition, the Isijombolo River from Esiyembeni, Somkhele and the KwaNovunula and Mthipile Rivers from Fuleni are other water sources that have dried up. Many traditional natural resources, which people rely on for livelihoods and sustenance have become extinct during the drought. Wild fruits, plants and grass such as the *incema*, used for roofing houses, are no longer readily found. In addition, many women in Somkhele and Fuleni traditionally make reed mats with a special grass which is now extremely difficult to find. The drought has contributed to the decimation of crop and livestock farming in the area.

The drought and water scarcity has also ended some Zulu cultural practices that involve running water. For instance, family members bathe in the river as part of the death ritual of a close relative. Young women also bathe in the river when they come of age. Those who have kept the traditional customs are forced to use a bucket of water within the yard of the homestead.

In March 2016, in the midst of a severe drought and extreme water shortages, the chief executive officer (CEO) of Petmin announced that Tendele would be moving to exploit underground water aquifers to 'wash coal' for export. This would allow the Tendele mine to operate its three plants at maximum capacity for a full year to 'service the market' whilst surrounding communities suffer without water.

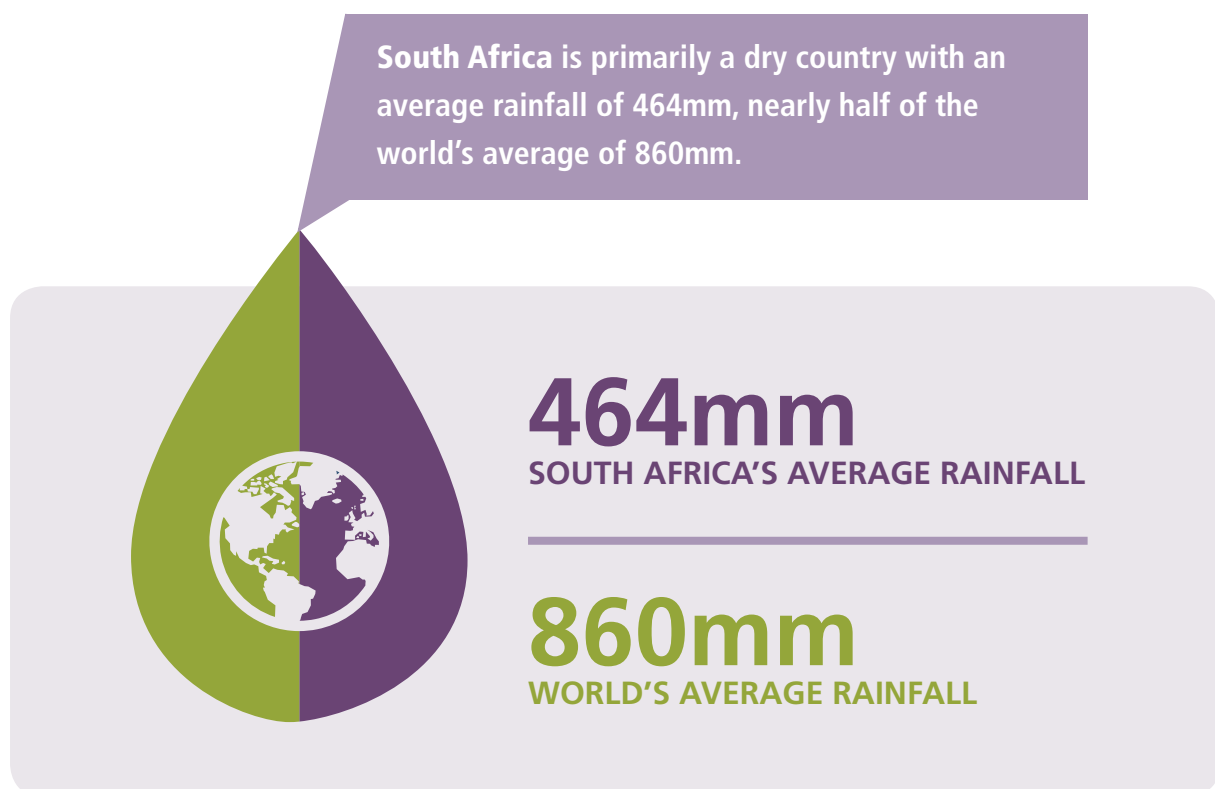
### → Policy and legal information

The Water Services Act of 1997 (WSA) may limit or prohibit water usage during water shortages and outlines conditions under which water services are provided. For example, the Act allows municipalities, as water service providers, to create by laws which may provide for general limitations on or the discontinuation of water services in the event of national disasters (i.e. droughts) which cause disruptions in supply. The provisions of this Act have not been applied in relation to the Tendele mine, which has continued to enjoy full water services, including the exploitation of water aquifers, in the midst of an extreme drought, which has had particularly severe impacts in northern KwaZulu-Natal, where the Tendele mine operates.

The long drought in South Africa is linked to the El Niño weather phenomenon, which is the most severe in 50 years, and has caused intense drought in South Africa and other parts of southern Africa.<sup>8</sup> El Niño interferes with normal weather patterns, "bringing

8 <http://phys.org/news/2016-02-drought-el-nino-threatening-southern.html>

heavy rains and drought to different parts of the world".<sup>9</sup> Scientists report that 2015, the hottest year in recorded history, was also characterised by a 'super' El Niño. Scientists argue that the global average warming effects of greenhouse gases linked to human activity, and the El Niño effect have combined to cause this record hot year; they believe El Niño is responsible for eight to ten per cent of the warming. Rising temperatures linked to climate change extend and intensify the effects of El Niño with a 2014 study<sup>10</sup> concluding that "super El Niño events could double in the future due to climate change". South Africa is primarily a dry country with an average rainfall of 464mm, nearly half of the world's average of 860mm. El Niño has manifested itself in drought resulting in a more or less 10 per cent decline in average rainfall predicted for 2016. This reduction in average rainfall translates into severe shortages of water. Despite clear scientific evidence of the relationship between fossil fuels energy and climate change, the South African government and its energy parastatal, Eskom, remain on course to expand coal fired energy with the October 2016 announcement of the private sector first bid window winners of South Africa's first independent coal-fired power stations.



9 <http://blogs.ei.columbia.edu/2016/02/02/el-nino-and-global-warming-whats-the-connection/>

10 <http://www.nature.com/nclimate/journal/v4/n2/full/nclimate2100.html>



## Water theft

The Somkhele and Fuleni communities have always depended on the uMfolozi River as their main source of water. In the past, the local municipalities supplied water from the uMfolozi River to the communities. However, community members could access the water from the river through tributaries and dams, as well as by drawing directly from the uMfolozi River with buckets.

The Tendele mine has been pumping water from the river to the mine since at least 2007. The mine's demands, combined with the drought, have dried up the uMfolozi River over the last two years, leaving people in these dependent communities without a key means for livelihoods and basic survival. Research participants feel the water has been stolen by the mine. A more commonplace term used in the literature on land and natural resources is that of 'resource grabs'. Water grabbing refers to a situation where powerful actors take control of or reallocate to their own benefit water resources at the expense of previous (un)registered local users or the ecosystems on which those users' livelihoods are based.<sup>11</sup>

Water grabbing in these areas has taken two forms. First is the draining of water from the uMfolozi River by the mine, which has choked off the subsidiaries and contributed to the river running dry. The second form of water grabbing occurred when the mine fenced off water sources used by the community at the time it commenced its operations.

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<sup>11</sup> <https://www.tni.org/en/publication/the-global-water-grab-a-primer>



**“... the uMayenge River in Macibini had been partly fenced off and then dammed by the mine. This river has now run dry.”**

In the course of the research, participants indicated that the uMayenge River in Macibini had been partly fenced off and then dammed by the mine. This river has now run dry. Most community members relied on the river for their everyday domestic use and for crop and livestock farming.

Research by the Centre for Environmental Rights (CER) and WoMin tells us that Tendele has been issued two water use licences (WULs) for its Somkhele mine. It was first issued a WUL by the Department of Water Affairs (as it was then) in 2010 which only authorised it to take water from the uMfolozi River. As Tendele started taking water from the uMfolozi River in 2007 (when it commenced operations) and 2010 (when it obtained its first water use licence), it was illegally taking water from the uMfolozi River for this three-year period. Tendele has argued, in response, that it first “submitted an Integrated Water Use Licence Application (IWULA) to the Department of Water Affairs and Forestry in KwaZulu-Natal in May 2002, with another application in 2006. These licences were still pending when we commenced operations in 2007, and our initial period of operation was with the approved use of water under a licence held by another lawful user”.<sup>12</sup> The NWA does not permit water use “under a licence held by another lawful user”. Each water user must obtain its own licence. Tendele has, therefore, not been in full compliance with all national legislation governing mining, including the use of water. Instead, they were in direct contravention of those laws for the first three years of its operations.

Moreover, the 2010 WUL only authorised Tendele to take water from the uMfolozi River; it did not permit the mine to store water, use underground water or divert or impede the flow of water in a water course. It only obtained a WUL for those activities in 2014 (as relayed by the Minister of Water and Environmental Affairs to Parliament in 2011 and 2016 respectively). It would therefore seem that Tendele has been illegally conducting other water uses not specified in its 2010 WUL in the three-year period between 2011 (when the Minister of Water and Environmental Affairs’ list was given to Parliament) and 2014 (when it obtained its second WUL).

<sup>12</sup> Tendele mine response to WoMin article in *Amandla Magazine*, September 2016.



The Department of Water Affairs (DWA) (now the Department of Water and Sanitation, DWS), responsible for issuing water licences, failed to fulfil its responsibilities to monitor and hold accountable the Tendele mine for its failure to operate without a proper license for the first three years of its operations. Nor has the DWS properly monitored the mine's adherence to the restrictive water use terms of the 2010 WUL. When Tendele was issued water use licences in 2010 and 2014, the DWS failed to take into account existing water use rights in respect of the uMfolozi River and other communal water resources.<sup>13</sup> The DWS has effectively endorsed the illegal use of water for at least a six-year period by not penalising Tendele, and has handed over a licence to water already enjoyed informally by other users for many decades. The DWS is fully complicit in this water grab from the Somkhele and Fuleni communities and other users similarly impacted. The mines have captured decision-making power around water, including the power to decide how and for what purposes water resources are used now and in the future.<sup>14</sup> This is the hallmark of corporate capture of natural resources and state power of policy, regulation and oversight.

### → Policy and legal information

Section 27 of the South African Constitution provides as follows: Everyone has the right to access sufficient food and water. The State (which includes the three tiers of governance – national, provincial and local) must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of these rights. The State, through the DWS, therefore has a responsibility to ensure the realisation of the right to access water by these communities, as set out in the WSA.

The women of Macibini mention that even when the municipal taps were installed in the community over 13 years ago, water supply was irregular. As backup, the community would draw water from the local river which they can no longer do.

Officials from the municipalities under which the two communities fall concede that the drought represents a significant challenge and that mining activities have increased the water demands on the uMfolozi River. An official from the Mtubatuba Local Municipality noted that most of the surface water had dried up in the uMfolozi River and that the municipality was “excavating”<sup>15</sup> (digging up) some parts of the uMfolozi River to access water to supply to the local population.

<sup>13</sup> In terms of section 27 of the National Water Act of 1998, in issuing a water use licence, the responsible authority must address all relevant factors, including all existing lawful water uses, the socio-economic impact of the water uses if authorised, and the likely effect of water use to be authorised on the water use resource and on other water users.

<sup>14</sup> Ibid

<sup>15</sup> The official indicated that whilst most of the river had dried up, they could get water by digging up parts of the river.

## Case Study Phindile's story: Tendele and its Razor Wire

For **Phindile Ndhlovu**<sup>16</sup> a 60-year-old grandmother from Dubelenkunzi in Somkhele, the water grabs combined with the drought have profoundly impacted her life. Phindile lives with her daughter and two grandchildren. Their household is right next to the razor-sharp wire fence of the Tendele mine. The land that they live on has been in Phindile's family for many decades and when she became widowed, she moved there to live with her father, who has since died. Phindile's family had for many years survived on crop and livestock farming until the Tendele mining operation began and most of their land and water sources were fenced in. At the time of the mine's arrival, Phindile's father was still alive and was advised that he would be relocated as his lands would become part of the mine site. The family lost access to farming land, water and natural resources such as wood they collected and used for cooking. All they were left with was the homestead. When they questioned this, they got no response from the mining company. Eventually



The mine razor wire, next to Phindile's homestead

*"A white man came and said we would be moved but then left and was replaced by another who said those plans had been discussed. Perhaps the one who left never gave him the information. We did not get any letter or formal document; all these were done in verbal discussions."*

**Phindile Ndhlovu**

Phindile's father died and she was left to battle the mine to relocate her as the family's entire means of livelihood had been taken. Phindile indicated that the family never received any form of compensation.

Phindile has faced many challenges accessing water and providing food for her family. Phindile's eldest grandchild, Zanele,<sup>17</sup> 14 years of age, is mentally challenged



<sup>16</sup> Phindile Ndhlovu is a pseudonym. Her identity has been withheld for safety reasons.

<sup>17</sup> Permission was granted by the mother and grandmother for the child's identity to be revealed, but due to the sensitive nature of the situation the report will use a pseudonym, Zanele, to protect the child's identity.

and an asthmatic. Water is essential for her care and hygiene. Phindile's daughter was recently employed out of the area as a part-time security guard, which means that Phindile is now fully responsible for taking care of her grandchildren, including Zanele, and her younger cousin. Phindile's health has deteriorated in recent years as she suffers from arthritis and cannot walk long distances to fetch water. Even though there is a communal standpipe not far from her house, the water flow is inconsistent forcing the family to go further afield to a dam (historically a livestock watering point) to get water which she uses for bathing and laundry. Water from the standpipe close to her home is used for drinking and cooking but the water flow is irregular and does not meet their needs. Most of the community members do their laundry at the dam. Community members disapprove when Phindile takes Zanele to the dam to do laundry – they do not understand her mental disability and disapprove of her washing Zanele's soiled clothing there. Phindile cannot leave Zanele at home unattended when she does these chores. On one occasion, Phindile left Zanele with her young cousin (Phindile's grandson) and a man from the neighbourhood attempted to rape her. Fortunately, Zanele's cousin screamed for help and the man ran away. Phindile lives in constant fear that if she left Zanele at home the same man or other men in the neighbourhood might rape her.

In addition, the razor wire erected so close to the homestead has been a source of danger to Zanele whose hands and fingers have been sliced.

*“We no longer have a life worth living here, I just want to be relocated. When it's windy outside, Zanele starts to cough because of the dust and it's very difficult for her, the clinic is far, I must hire a car in an emergency and we hardly have any money. If we move to land like we previously had, we can go back to proper farming and survive on it.” – Phindile Ndhlovu*

Phindile recently secured a tank to store water from the communal standpipe. This means the family has safe drinking water and she only has to walk to the dam to collect water for bathing and laundry. She no longer does laundry at the dam to avoid being harassed by other community members. Phindile's wish is to be relocated to another piece of land where she can have enough land for farming and easy access to water for household and farming use.

Phindile is but one example of many people living in these communities whose lives have been heavily impacted by the loss of land and the scarcity of water.



## Water scarcity, women's labour and safety

Water is the very essence of life with the right to water recognised as a basic human right not only by the South African Constitution but by various international human rights frameworks including the Universal Declaration of Human Rights.

### → Policy and legal information

In November 2002, the Committee on Economic, Social and Cultural Rights (CESCR) adopted General Comment 15 on the right to water. Article I.1 states. "The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights." Comment 15 also defines the right to water as the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic use.

Despite human rights provisions at the international and national levels, about 5-million South Africans do not enjoy access to piped water, a situation which impacts most heavily on women. According to the 2011 Statistics South Africa national household survey 89.5 per cent of South African households have access to piped water – 43.3 per cent in their homes; 28.6 per cent in their yards; 2.7 per cent using a neighbour's tap; and 14.9 per cent via a communal tap.<sup>18</sup>

<sup>18</sup> Stats SA 2011 General Household Survey <https://africacheck.org/reports/claim-that-94-of-south-aclaim-that-94-in-sa-have-access-to-safe-drinking-water-doesnt-hold-water/>

In Somkhele and Fuleni, the drought and water grabs have combined to create great water scarcity such that women walk an average round trip of two hours and a total of four to six hours in a day – one trip in the morning and one in the late afternoon – to collect water. They carry an average of 25 litres on their heads in each trip.

The pathways to these water sources are often rocky, thorny and meandering. The water found there is usually dirty, lined with animal excrement and animal carcasses. The water is not safe for human consumption but the situation is so dire that people are left with little choice. The research participants believe that some of the dams<sup>19</sup> are contaminated with coal dust from the mine and they worry about their health. The women in these two communities do not only have to walk long distances for water but also put their lives and bodies at risk on the way. About two years ago, a woman's body was found dumped at the dam in Ebishi forest where many women from Ntuthunga in Fuleni fetch water. Two young girls aged 16 and 17 years are reported to have quite recently been raped on their way back from fetching water and firewood in the Ebishi forest.

In Fuleni, the water supplied by the municipality is inadequate to meet all household water needs and is therefore reserved for drinking purposes. Water from unsafe sources is used for bathing, laundry and cleaning. In Ntuthunga 1 in Fuleni, the women allege that water from the communal taps runs once a month for half a day. Additional drinking water is obtained via the municipal water tankers but this is also irregular and unreliable.



A water source in Somkhele with dirty contaminated water

### Case Study **Zinhle's story: I spend all of my time fetching water**

Zinhle (22) who runs a household with six young children has no one to assist her fetch water. She has been the head of the household since she was 17 years old. The six children she looks after include two of her own aged 17 months and three years, and the four others are those of her sisters', aged between three and 12 years. Zinhle's sisters left home to look for work in Durban and have never returned or sent child support. The family survives on the social grant of Zinhle's two children which amounts to slightly over R600 per month.



<sup>19</sup>There is at least one dam per village in most of the villages. Many of these dams are man-made and constructed for farming and livestock purposes. However, due to the coal ash and other pollutants from the mine, the water is contaminated and cannot be used for farming or livestock.

Zinhle waits for the three older children to go to school every morning and then treks with the 17-month-old on her back to the dam in Ebishi forest, whilst neighbours babysit the two three-year-old children for the three hours she is away. In the late afternoons, she waits for her 12-year-old nephew to return from school to babysit the children so she can make her second trip of the day back to Ebishi. She is unable to work as she has no one to assist her care for the children. Once a month she leaves the children with a neighbour to go and collect the grant money.

*“I would really like to get a job and be able to support my family, but how can I get a job? I spend all my time on fetching water and looking after the children. Even if I was offered a job today that would not help me as I would have to be away from home, what will the children drink, how will they bath, they need to go to school clean?” – Zinhle*



A grassmat Zinhle was working on

Zinhle is talented in making the local grassmats used in traditional ceremonies and weddings. Because she does not have the capital to buy the equipment and materials, she works for other people and earns just R40 to R60 per month. She can work from her home and at the same time look after the children. The grass must however be soaked in water before weaving which means more three-hour-round trips to the dam in the Ebishi forest. She indicated that if water was readily available she could make more mats and earn a little bit more money.

The PAR identified a number of child headed households (CHH) in the two communities. A report by KZN Human settlements (2010) indicates that the province has 24,000 CHH and the number is said to have increased in the last 5 years. These households are generally the poorest and most marginalised.

Many women in Somkhele and Fuleni used to do craft work (necklaces, beaded plates, grassmats etc) which they sold to tourists in the Hluhluwe-Mfolozi wilderness reserve. Many earned as much as R1,000 to R3,000 per month on crafts in addition to their agricultural outputs. The water crisis has destroyed agriculture and craft-based livelihoods which require women's time and water. The PAR has evidenced the hours women spend collecting water which diverts them from productive income-earning activities. The research informs us that, in the last few years, traditional craft has become scarce and prices have, as a result, increased.

*“Not many people can do the craft work now and those who do have had to increase their prices as the materials have become difficult and expensive to source and the time to make these items is limited” – Medical from Somkhele*

Women who participated in the research spoke of their exhaustion, their depression and their experience of total dehumanisation. Women spend so much time fetching water and tending to household chores, they have little or no time to rest, socialise or enjoy life.

*“We have been reduced to animals now. Our lives do not matter, that is why no one cares about our suffering over water.” – A woman from Somkhele*

Women also feel that cultural practices, which subordinate women to men and dictate that women take sole responsibility for domestic and care work have burdened women greatly during the water crisis. In short, women feel deeply oppressed. These same cultural practices exclude women from participating in community decision-making.



**“ The water crisis has destroyed agriculture and craft-based livelihoods which require women's time and water. ”**

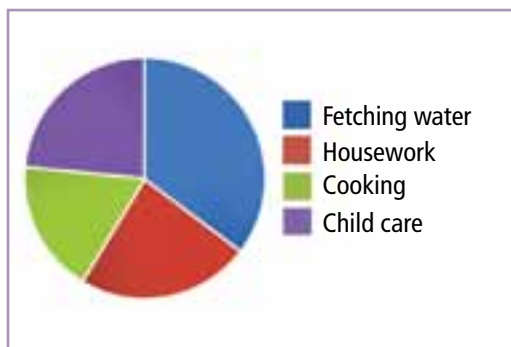
## Case Study **Nomcebe's story: I don't want to be a slave**

Nomcebe (19) from Fuleni has a 14-hour work day which starts at 5am and consists of a host of household chores – fetching water, cooking, cleaning, laundry – whilst her brother (close in age to her) wakes at 8am, eats food prepared by his sister, bathes in water fetched by her too, and comes and goes from the home as he pleases. He is not expected to make any contribution to household chores. Nomcebe's experience is no different from many households in the two communities. The water crisis has exacerbated the domestic work burden for women who now spend four to six hours a day fetching water. Their work is unrecognised and unsupported by men in their families and the wider community. They are barred from participating in community decision-making processes that have created the problem in the first instance – by permitting the mining in the case of Somkhele – and not holding the mine and municipalities accountable for problems related to water pollution and water supply and related corruption.

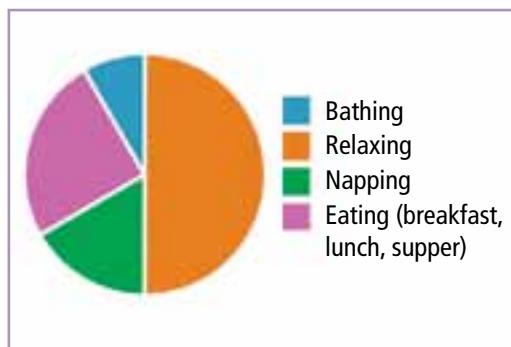
The women in the PAR indicated that just as some cultural practices have shifted or died away altogether during the dire period of water scarcity, so too should cultural practices that prohibit men from contributing towards domestic and care work in families and communities.

*“I used to think that the way things are is the natural order of things, but now I am questioning it. It is just selfish and unfair; I don't want to be a slave to male members of society, neither do I want a daughter of mine to grow up to become one. I also do not want a son of mine to grow up with such a selfish mentality. We need to help each other, then life will become a bit easier for all of us especially where we are with the water situation.” – Nomcebe from Fuleni*

### 24-hour working day clock



Time chart Noncebe



Time chart Noncebe's brother





## Municipal water, corruption and local power politics

The Mtubatuba and Mfolozi local municipalities have responded to the water crisis by providing water via water trucks, which local residents call 'waterkans' (water cans in English). The municipal water supply is infrequent and inadequate. Some of the villages are too far off the grid serviced by the waterkans and thus never receive water. The municipal officials concede that supplying water via the waterkans is a costly and unsustainable strategy, but is currently the only option to ensure citizens have access to a basic water supply. Various problems surround the supply of water via these trucks.

According to the municipal officials, the waterkans used to supply water are not municipal owned, but subcontracted through a tender process. The municipalities maintain a monthly roster of waterkan visits to local villages. And each community has a designated representative who is required to sign off the delivery sheet once water has been supplied to the community. The municipality does not issue guidelines as to the amount of water each household should receive on each visit.

**Case Study** Zama's story: Local politics at play

Zama Makhanya's household (in Ntuthunga 2 in Fuleni) barely accesses water from the waterkans as they are slightly off the main route and the water supply is exhausted before it reaches them. Her family has a Jojo<sup>20</sup> tank to collect rain water, but as the rains have been limited, little to no water has been harvested. Zama normally stays home with her grandchildren, which isolates her, a situation exacerbated by the distant location of the house from the main thoroughfare. This means she is the last to hear about the arrival of the waterkan, which comes once every three to four weeks. By the time she reaches the waterkan she is at the end of the queue and rarely receives water. She also complains about local community politics which mean that some families are privileged over others for water access.



Typical household water drums

The PAR tells us that there are men in both communities holding leadership positions in either local government or in the traditional governance system who use their power to influence how water is distributed. The waterkan drivers who have no specific instructions as to how the water should be distributed are subject to instruction by these leaders. Women allege that these leaders give preference to their own families, and use water to maintain local patronage relations. These men also punish those who have been known to challenge their authority by depriving them of access to water. The person who is appointed in each village to sign off the waterkan delivery sheet is usually not elected by the community but nominated by people who hold local power and to whom they are beholden.

Women like Zama who should be given preferential treatment due to their age and household size, are sidelined because they are not in the 'inner circle' of these power brokers.

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20 A Jojo tank is a common name referring to a large plastic water tank used to harvest rainwater and store water.

*“I am not related to these big men so it is very difficult for me and my family to get any favour. The relatives to the councillors and people around him get so much water and when its our turn its finished.” – Zama Makhanya*

This problem is not peculiar to Zama and her village but repeats itself across other communities in Somkhele and Fuleni. In Ezimanbeni (Somkhele), a group of women approached the local government councillor (voted out in the last elections) to raise their concerns over water scarcity. They were insulted by the councillor who later instructed the waterkan drivers to block access to water by these women and their families. These women, two of whom were part of the PAR research team, were forced to look for alternative water sources. Water has become a tool of punishment and patronage.

*“The water and accompanying problems like hunger have taken away our spirit of community. No one cares about the other, each just thinks for themselves. Long ago when you didn’t have something you could always rely on neighbours, but now, it is very hard to get help. Everyone is thinking if I give, what will happen to me? Others have taken advantage and use our helplessness to exploit us. It’s a very sad situation.” –*

**Zama Makhanya**

In the Fuleni ward, the local government councillor of 15 years is a most feared man and few community members dare challenge him. The women allege that the councillor is known for perpetrating and supporting violence in his ward of jurisdiction.

*“The challenge we have is that we have nowhere to run for help. The chiefs, indunas and the councillors are all in bed together. So, if you went to complain or ask for help from any of these, particularly as a woman, they will come down on you. There is no space to complain, complaining is perceived as a challenge to their authority.” –*

**Sthoko from Fuleni**

Harassment and intimidation has been employed to silence those organising for water rights, as well as those who oppose the mining. In Somkhele, for example, local government councillors, the chief and the traditional council/police, and some local business owners have harassed, threatened and used violence against people organising to challenge the mine.

In 5 February 2016 some community members from Somkhele, including an activist working with WoMin, were severely beaten up by the ‘police’ of a pro-mining village headman. The community members had been involved in organising against the corruption, failed promises and negative impacts of mining.

An elderly woman activist from Macibini Village in Somkhele, who has been a vocal critic of the mine, was in the past threatened with violence to her person, family and property.

*“You can’t speak about mining. Those who benefit get very angry and ensure that you get excluded from other community fora and they threaten you. I was warned that if I didn’t stop hosting meetings at my house, my family would be harmed and my house burnt down.” – **Elderly woman activist from Macibini Village***

The PAR also surfaced problems of corruption related to municipal water provision via the waterkans. Women research participants mentioned that the waterkans sometimes turn back before the water is depleted and the drivers then sell the water to desperate community members. The inadequate supply of municipal water, and associated corruption, means that commercial waterkans can make profit through the sale of water, a very basic human need, to water starved communities. These private waterkans sell 5,000 litres of water for R600 (around US\$45 at December 2016 conversion rates), a significant cost given the high levels of unemployment and poverty in these communities.

### → Policy and legal information

The Free Basic Water Policy (2001) put in place to fulfil constitutional obligations related to water rights, stipulates that government must supply 6,000 litres of water per household per month free of charge and accessible within 200m of the household as per Reconstruction and Development Programme (RDP) standards. Any excess water consumed in addition to the 6,000 litres is charged at standard rates set by the DWS.

An official from the Uthungulu Municipality acknowledged they are aware of corruption on the part of the subcontracted waterkan drivers. The municipality has put in place various measures to deal with this problem, including letting go of some contractors and installing tracking devices on the water trucks. The municipality has also introduced elaborate logs for water deliveries and worked to create awareness within the communities to report corruption to the municipality.

The officer from the same municipality also admitted they had no policy regarding the supply of water by commercial vendors and as such, there was no monitoring of how these commercial waterkans operate, where they get the water from and how safe the water is.

## → Policy and legal information

The WSA allows for Water Service Providers, who can only operate with the approval of the relevant local municipality. The Act also allows for a Water Service Intermediary who may be registered with the municipality (if so required by that municipality's bylaws) and whose performance and compliance is monitored by the relevant municipality. Furthermore, the Water Service Intermediary provides water services on the basis of a contract and it is under this category that the waterkans arguably falls. These commercial water suppliers are, therefore, in contravention of the Free Basic Water Policy and the WSA.



## Desperate measures – coping with the water crisis

Most of the water collected from the dams is filthy giving rise to gastrointestinal problems, such as vomiting, nausea and diarrhoea. In a province with the highest rate of HIV prevalence (25.8 per cent) and the highest number of infected pregnant women (39.5 per cent) in the country,<sup>21</sup> consuming dirty water invariably aggravates sickness in those who are already infected.

Women report using Jik bleaching liquid to purify the water. Some women use cement and ash, while others boil the water or let it stand overnight before use. These methods for purification are not scientifically proven, and in the case of bleach, extremely dangerous to human health. The PAR identified the case of a family from Macibini (Somkhele) whose members were admitted to hospital after consuming water they had attempted to purify with cement. Cement contains highly toxic compounds such as lime, crystalline silica and chromium that can damage lungs, corrode human tissue and cause allergic reactions.<sup>22</sup>

21 [https://en.wikipedia.org/wiki/HIV/AIDS\\_in\\_South\\_African\\_townships](https://en.wikipedia.org/wiki/HIV/AIDS_in_South_African_townships) and <http://www.avert.org/professionals/hiv-around-world/sub-saharan-africa/south-africa>

22 <http://elcosh.org/document/1563/d000513/cement-hazards-and-controls-health-risks-and-precautions-in-using-portland-cement.html>

While people in many of South Africa's affluent suburbs have swimming pools, use clean water in their gardens, and bathe as frequently as they wish, women manage the water crisis in these communities by reusing water two to three times – the water will first be used for bathing, then laundry and finally for cleaning. Women report that the same small bucket of water for bathing is typically used sequentially by all household members beginning with the youngest child and ending with the woman of the house. The water used is not thrown away but kept overnight and used the next day for cleaning and laundry.



Water collected from a dam in the Ebishi forest, Fuleni

The uMkhanyakude District under which Somkhele falls has an obligation, according to its own policy, to supply the following to local citizens:

**Basic water supply** of 5L/pp/per day – max 800m walking distance

**Communal water supply** of 25L/pp/per day – max 200m walking distance

**Yard tap connection** of 60L/pp/per day – single tap on property

Many families, where finances permit, install tanks to harvest rain water. However, there has been little rain for years and most of the women in the PAR agree that the water harvested is dark in colour and is most likely contaminated by coal dust. The harvested water is generally used for laundry and/or bathing. Women are of the view that the water from the dam and home tanks causes skin problems and vaginal infections.

Some of the women who participated in the research believe the water sources have dried up because the water spirits, believed to represent the ancestors, are angry about the mining activities happening on 'sacrosanct land'. They also believe the land is barren and livestock are dying because of the grave relocations that took place before the Tendele mine began operations. The graves were relocated to the bottom of a hill which



Part of the research team in Somkhele at a contaminated dam.

gets waterlogged during the rainy season. The water pushes the caskets out of the ground exposing the blankets and clothing of deceased people. In Zulu culture, there is a strong belief in and respect for ancestral spirits, and the mismanagement of the graves has created a great deal of trauma and unhappiness for members of the Somkhele community.

### → Policy and legal information

Regulation 3 of the National Water Standards Regulations (NWSR), 2001 stipulates that a “basic water supply of a minimum quantity of potable water of 25 litres per person per day or 6,000 litres per household per month should be made available. Further, Regulation 4 of the NWSR stipulates that in the event of an interruption of water service provision, an alternative of at least 10 litres per person per day should be made available and the interruption should not last longer than 24 hours. The experience of the majority of families in Somkhele and Fuleni indicates a clear violation of these regulations by the DWS.



# Women Fight Back



The women of Somkhele and Fuleni have organised, fought back against the mine, and demanded their rights. The women of Ezimanbeni, for example, organised themselves and went to the councillor's home to raise their concerns about water and the negative impacts of the mining. Despite a punitive response from the local government councillor, the women were not cowed and continued to mobilise in other villages. In Macibini, women marched on the offices of the Tendele mine, which they hold directly responsible for problems of water pollution and scarcity, in July 2016. Through the PAR, the women have been able to meet with duty bearers such as municipal officials and demand their accountability. In September 2016, the Uthungulu District Council Municipality sent a contractor to clean a community tank in Ocilwane and indicated they would return to Fuleni to fix an old windmill.

In August 2016, women convened a women's water assembly, a space which gave them an opportunity to deepen their analysis of the water problem and gain information on their rights to water. Later in August 2016, women from Somkhele and Fuleni testified at the People's Tribunal



Women in Fuleni having a chat before collecting water from the dam in Ebishi forest

against Corporate Impunity in Swaziland. They found this a powerful space to present their experiences, learn from other struggles, and build solidarity with activists in South Africa and elsewhere in southern Africa.

Women from both communities are utilising the information gathered in the PAR to raise the predicament of households headed by children or those with disabled children to relevant government departments such as Social Welfare and to the local clinics. At the time of writing the report, the Ndhlovu family were receiving some diapers for Zanele from the local clinic.<sup>23</sup> Members of the research team are also maintaining close relationships of support to households in distress.

Women are acting collectively to support and protect each other from harm. This acts as a powerful counter to the divisiveness and conflict introduced by the mine. Women typically go in the safety of a group to fetch water. In Fuleni, women have organised to fetch water at specific times of the day when a substantial number of them can move together for safety. The time spent walking to fetch water is used to reflect on what is happening in the community and for women to plan what they can do together to improve their lives. Women in these two communities are building a collective voice to raise their issues and begin to demand lasting solutions from local, provincial, and national government.

**“Women are acting collectively to support and protect each other from harm”**

21 The clinic is very far from the Ndlovu residence. Members of the PAR research team support the family by collecting the diapers and delivering them to Ndlovu homestead.

# Women's Recommendations



This report makes the following recommendations based upon the demands made by the women from the two communities at the Women's Water Assembly and through the PAR:

- The DWS must not issue a water licence for Ibutho Coal in Fuleni on the basis that coal mining there will exacerbate the already critical water, environmental and ecological challenges facing the community.
- Government should revoke the water licence for Tendele coalmine and shut the mine down for the pollution of water sources and gross human rights and environmental violations.

- The municipalities must urgently address the water challenges confronting communities in their jurisdictions and give the women access to municipal water delivery schedules. Women should be appointed as community liaison officers to prevent gatekeeping and water distribution along partisan lines.
- Municipalities should develop clear procedures to make sure all households, and particularly those which are most vulnerable, receive a fair, equitable and guaranteed water quota.
- The municipalities should create a platform for women to directly access officials to raise any service delivery concerns they may encounter and not have to go through highly patriarchal local community and traditional structures.
- The municipality must investigate and take immediate action to address corruption in the supply of municipal water. Legal action must be taken against offenders.
- The municipalities must respect and adhere to the Constitution and the free water policy of the DWS. Drought relief measures for people and cattle should be implemented by the DWS and agricultural adaptation support provided by Department of Agriculture.
- There must be a change in cultural practices that enslave women and exclude them from community decision-making.
- Other organisations and communities should rally behind the Somkhele and Fuleni communities as they continue their fight against the Tendele mine and Ibutho Coal.

## References

- Denzin, K and Lincoln, Y (2000). *Handbook of Qualitative Research*. Sage Publications
- KwaZulu-Natal, Human Settlements (2010). Research on child-headed households
- Reason and Bradbury (2008).
- Republic of South Africa, Constitution of the Republic of South Africa of 1996
- Republic of South Africa, Free Basic Water Policy of 2001
- Republic of South Africa, National Water Standards Regulations of 2001
- Republic of South Africa, National Water Services Act of 1997
- Republic of South Africa, Disaster Management Act of 2002
- uMkhanyakude District Municipality Bylaws

## Web sources

- '5 Provinces declared disaster areas' 13 November 2015 <http://www.news24.com/SouthAfrica/News/5-provinces-declared-drought-disaster-areas-20151113> accessed 23 October 2016
- 'A global water grab: The Primer' 20 October 2014 <https://www.tni.org/en/publication/the-global-water-grab-a-primer> accessed 23 November 2016
- 'Cement hazards and controls health risks and precautions in using portland cement' <http://elcosh.org/document/1563/d000513/cement-hazards-and-controls-health-risks-and-precautions-in-using-portland-cement.html> accessed 24 November 2016
- 'Claim that 94% in SA have access to safe drinking water ... doesn't hold water' 29 April 2013 <https://africacheck.org/reports/claim-that-94-of-south-aclaim-that-94-in-sa-have-access-to-safe-drinking-water-doesnt-hold-water/> accessed 18 November 2016
- 'Drought: North KZN a disaster area' 8 January 2016 <http://www.iol.co.za/news/south-africa/kwazulu-natal/drought-north-kzn-a-disaster-area-1968408> accessed 24 November 2016
- General Comment 15. The right to water. UN Committee on Economic, Social and Cultural Rights, November 2002 [http://www.un.org/waterforlifedecade/human\\_right\\_to\\_water.shtml](http://www.un.org/waterforlifedecade/human_right_to_water.shtml) accessed 20 November 2016

'HIV and AIDS in South Africa' <http://www.avert.org/professionals/hiv-around-world/sub-saharan-africa/south-africa> accessed 25 October 2016

'KZN farmers hardest hit by drought' 18 November 2015 <http://www.news24.com/SouthAfrica/News/kzn-farmers-hardest-hit-by-drought-20151118> accessed 19 November 2016

Mtubatuba Municipality in uMkhanyakude, KwaZulu-Natal <https://wazimap.co.za/profiles/municipality-KZN275-mtubatuba/> accessed 20 November 2016

'Somkhele tensions heat up' 24 June 2016 <https://saveourwilderness.org/about/fuleni-community/> accessed 22 November 2016

'South Africa's weather and climate' [www.southafrica.info/travel/advice/climate.htm](http://www.southafrica.info/travel/advice/climate.htm) accessed 20 October 2016

'The human right to water and sanitation' 29 May 2014 [http://www.un.org/waterforlifedecade/human\\_right\\_to\\_water.shtml](http://www.un.org/waterforlifedecade/human_right_to_water.shtml) accessed 22 November 2016

[www.jojotanks.co.za](http://www.jojotanks.co.za) accessed 18 October 2016



### **A note on this research series – Women Building Power**

Under the Women Building Power knowledge hub of the African women-led women's rights fossil fuels energy and climate justice campaign we are producing three series:

- (a) practical energy resources to support grassroots women both respond to energy poverty and organise for the wider systemic changes needed to achieve energy and climate justice;
- (b) popular papers, based on in-depth research, addressing the energy question beyond the local and mainly oriented to supporting campaign positioning and strategy; and
- (c) participatory action research reports addressing key questions which affected women in communities supported through the campaign have identified as the focus for their research and action.

The full collection at this time can be accessed on the WoMin website:

<http://womin.org.za>



# *WoMin*

**AFRICAN WOMEN UNITE AGAINST  
DESTRUCTIVE RESOURCE EXTRACTION**

*WoMin is an African gender and extractives alliance.  
We work with more than 50 allies in 14 countries  
across East, Southern and West Africa.*

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