



FE Overberg (RF) (Pty) Ltd – Executive Summary: Human Rights Due Diligence

This Human Rights Report was drafted on behalf of Red Rocket South Africa (Pty) Ltd (“Red Rocket”) in compliance with the United Nations’ Guiding Principles on Business and Human Rights. These Guiding Principles require corporate entities to perform a human rights due diligence process in order to identify, prevent, mitigate, and account for how the entity addresses their impacts on human rights.

Red Rocket performed the due diligence process for its wind farm projects and its solar farm projects in various jurisdictions. This report addresses wind farm projects developed within the Republic of South Africa.

The due diligence process requires a comparison of the internationally recognised bill of human rights to the national legislative framework of South Africa, as well as to the practice in place on a wind farm site within South Africa. The international bill of rights analysed in this comparative assessment consists of a consolidation of the Universal Declaration on Human Rights (“UDHR”), the International Covenant on Civic and Political Rights (“ICCPR”), and the International Covenant on Economic, Social and Cultural Rights (“ICESCR”). These three sources have been endorsed by the International Finance Corporation of the World Bank Group (“IFC”) as encompassing a comprehensive list of the internationally recognised human rights.

The national legislative framework of South Africa is strong in its response to the international bill of rights. Whereas the practice of a wind farm site has greater need for supplementation in order to avoid or mitigate impacts to human rights. This being said, with adequate internal supplementation to the legislative framework and to site practice, it should be possible to avoid or sufficiently mitigate the impact of all human rights.

The national legislative framework allows for the possibility of involuntary expropriation of land under certain circumstances. Naturally, if any involuntary expropriation of land were to take place, this would impact human rights related to property ownership and freedom of movement. However, the impact to these rights can be avoided by putting in place appropriate mechanisms to only acquire land through a willing buyer, willing seller, arrangement. Where such an arrangement is not possible, the

impact to the right can be mitigated and remedied rather than avoided with appropriate compensation (and/or other appropriate assistance).

The practices in place on a wind farm site which have the potential to impact human rights are broadly as follows:

- Drinking water is required to be brought in specially for the workers on site, therefore, failure to adequately supply water could impact various human rights.
- Wind farm sites occupy vast pieces of land, which requires the construction of temporary basic facilities at the various working areas. Failure to properly maintain or provide basic facilities could impact a worker's human rights.
- Many workers on a wind farm site are not from the local community, therefore, they are provided with accommodation by Red Rocket's site contractor. Failure to ensure this accommodation meets a minimum standard of living which respects human dignity, could impact the workers' human rights.
- When recruiting from the surrounding community to perform hard labour tasks, unofficial preference is given to male workers over female workers. In the absence of objective criteria connected to the inherent requirements of the job which necessitate the employment of males, males and females should be given an equal opportunity to apply for the work. Differentiation based on arbitrary preference could impact the human rights of female workers.
- All workers must be trained on the grievance mechanisms in place, and have access to expeditious and effective dispute resolution. Where workers are not sufficiently informed of the available mechanisms, they will not be able to utilise them. In turn, this affects their ability to access such mechanisms, which has the potential to impact their human rights.
- Monthly prayer sessions are held with the full site in attendance. This prayer session is the manner in which a mandatory work-related meeting is commenced. This practice has the capability to create undue social pressure on persons not comfortable with participating in a religious event. Failure to ensure genuine freedom of choice as to whether to attend could impact various human rights.
- Red Rocket and its main site contractor do not typically employ foreign nationals to be based on a wind farm project site. However, foreign nationals are allegedly employed by

subcontractors of the main site contractor, including the security service provider. There are numerous requirements for a foreign national to be able to lawfully work in South Africa, it is crucial that any visas, permits, registrations, be verified so as to ensure that foreign nationals are not open to exploitation and/or unable to properly benefit from employment-related rights. Failure to properly verify may unduly impact the rights of minorities.

The recommendations in this report are all under the theme of internally supplementing what is already in place. If additional mechanisms are put in place, it is likely that all impacts on human rights can either be avoided entirely, or remedied and mitigated.

With relatively minor additional action and intervention, a wind farm project developed within the jurisdiction of South Africa can fully support and respect the enjoyment of human rights of all persons affected by the project.