

# Activists and South African govt lock horns over coal pollution

By [Tim Cocks](#)

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South Africa's failure to tackle toxic levels of air pollution produced by burning coal is a violation its post-Apartheid constitution, activists and a UN rights expert said in court on Monday.



General view of the coal-based Kriel Power Station owned by state power utility Eskom in Mpumalanga, near Kriel, South Africa, February 17, 2020. Reuters/Mike Hutchings/File Photo

Campaigners are suing the South African government in the High Court, hoping to force tougher action against heavy polluters such as state power company Eskom and liquid fuel producer Sasol. The campaigners say tougher action is required to enforce a constitutional guarantee of the right to an environment not harmful to health.

Environment minister, Barbara Creecy, acknowledges that air pollution is a problem, but her submission to the court says the constitution does not require the ministry to impose stiffer rules. Using the constitution to try to force the minister's hand violates the separation of powers, she argues.

The ministry says that environmental concerns conflict with economic considerations: the need to generate power, nearly 90% of which comes from coal, but also jobs in a coal belt with high poverty rates.

A spokesman for the Department of Environmental Affairs said he could not comment while the matter was before the court.

## Singing activists

The hearing is virtual, but a few dozen singing activists gathered outside the High Court in the capital Pretoria to protest against the coal industry, waving banners with slogans such as "coal kills" and "united against deadly air".

"We're asking for accountability from government for its failure so far to ... implement its own plan. We view the levels of unsafe air pollution as a public health crisis," Tim Lloyd, lawyer for the Centre for Environmental Rights, told Reuters in a videocall.

A 2012 South African government plan set goals to address air pollution in the Highveld.

Representatives of Eskom and Sasol had yet to respond to requests for comment sent on Friday.

Activist groups including Groundwork say there are "dangerous levels of air pollution" in the Highveld Priority Area, which comprises parts of Gauteng, the province in and around Johannesburg, and Mpumalanga, where coal is mined and burned to generate electricity.

The activists' submission to the court cites a South African Air Quality Management Systems report covering 2015 to 2018.

## **Premature deaths**

The report shows that air quality at monitoring stations in the Highveld exceeded the lower of the World Health Organisation's (WHO) guideline for smaller particulate matter on most days and its guideline for bigger particulates on more than half of the days monitored.

"Air pollution in the Highveld Priority Area is responsible for premature deaths, deterioration of the lungs and heart ... diseases such as asthma, emphysema ... and cancer," the claimants said in their court submission, which is backed by David Boyd, UN special rapporteur on human rights and the environment.

A study in February by medics at George Washington University estimated that in 2018 particulates from the burning of fossil fuels killed 8.7-million people globally, equating to nearly a fifth of worldwide deaths that year

The 30,000 sq km Highveld area is home to a dozen Eskom coal-fired power stations and some Sasol petrochemicals plants.

While the court submission from the environment ministry's lawyers acknowledge that "air quality in the area is ... indeed very poor at certain hotspots" and that the 2012 plan has not yet achieved its aims, they say the right to a healthy environment is an aspirational, long-term goal and must be balanced against economic needs.

"The minister is not under any legal or obligatory duty ... to make regulations for the Highveld Plan," they said.

*Additional reporting by Tanisha Heiberg and Alexander Winning in Johannesburg*