



# The Mpumalanga Highveld Air Pollution Crisis: A South African Reparations Framework for Environmental State–Corporate Harm

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## Abstract

The Highveld region in South Africa's Mpumalanga province has a dense concentration of coal mines and coal-fired power stations. As a result, the area experiences severe levels of air pollution. Despite the government's obligation, little has been done to remedy the harm experienced by the environment and people in the Highveld. The complexity of the relationship between the state and corporations contributes to the government's reluctance to hold mining companies accountable. Obtaining remedies through courts has also yielded limited success. We, therefore, make a case for the creation of African environmental reparations and submit that the Mpumalanga Highveld region evidences the need for such reparations. African environmental reparations must be guided by the principles of Ubuntu, bolstered by the *African Charter on Human and Peoples' Rights*, and employ restorative justice. Only in this way can air pollution be properly acknowledged as a multifarious harm, and the balance, harmony and unity between people and the environment repaired.

**Keywords:** African environmental reparations; environmental state–corporate harms; restorative justice; environmental justice.

## Introduction

Thick smog will greet you when you drive on the South African N4 highway into the Mpumalanga Highveld region. If you arrive early in the morning to eMalahleni—a town whose name means ‘the place of coal’—you will see thick clouds of hovering smoke. For as long as you stay in the town, you will sense the intense air pollution. You will not be the first, however, to notice the life-threatening air pollution levels. National and international groups have been denouncing the situation for years, but no satisfactory response or resolution has been found. eMalahleni's ecosystems and people continue to be devastated by air contamination.

Extensive research exists on the causes of air pollution in the area (Mathu and Chinomona 2013; Gray 2019; Hallowes and Munnik 2016, 2017). Pollution harms predominantly poor, black communities that pay the price of heavy industrial coal mining. The state has the legal mandate to address the issue, yet little has been done to remedy the harm experienced by people and the environment within the Mpumalanga Highveld region (Gray 2019; Hallowes and Munnik 2016, 2017).

Plaintiffs and local inhabitants still await access to effective remedies for pollution. State-owned entities and private corporations are behind this instance of environmental harm. The deeply embedded business relationship between entities owned by the state and those that are privately owned, including transnational corporations, underpins these harms, lack of remedies, and the state's reluctance and resistance to holding corporations accountable.



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# Mpumalanga State Of The Environment Report

**Jin-Ying Zhang**



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**Environmental Health Risk III** C. A. Brebbia,V. Popov,D. Fajzieva,2005-09-01 As problems caused by environmental exploitation increase related health issues are also becoming a major worldwide concern Containing papers presented at the Third International Conference on the Impact of Environmental Factors on Health this volume includes contributions from a variety of different disciplines and countries The papers featured are divided into the following sections Water Quality Issues Air Pollution Radiation Fields Accident and Man Made Risks Risk Analysis Emergency Response Food Contamination Electromagnetic Fields Noise Pollution Housing and Health Occupational Health Chemical Risk Assessment Remediation Social and Economic Issues Education and Ecotoxicology Studies *Sustainable Options* J. N. Blignaut,Martin P. De Wit,2004 This well researched important text argues a case for the use of environmental resource economics ERE as an analytic framework for the conceptualisation and design of sustainable policy options Sustainable options integrates economic theories and concepts on the one hand with social and environmental challenges on the other Applying ERE in a developing context like that of South Africa is critical given the country s dependence on natural and environmental assets The sustainability of the economy and the welfare of the country s people are at stake Environmental management is therefore an economic concern This is illustrated clearly in the first section of the book which examines a broad range of welfare indicators thus providing an overview of the macroeconomic performance of the South African economy Sustainable options is not only for academics and students from the economic political and biophysical sciences The book s hands on approach and explicit linkages to the real world of economic development makes it invaluable for policy makers and environmental practitioners faced with the daunting task of making trade offs between developmental and environmental concerns *Human Rights Dilemmas in the Developing World* E. Ike Udogu,Sambuddha Ghatak,2017-12-13 This book brings the quandaries that many minority groups confront in Latin America Asia and Africa into the limelight The chapters in this volume written by experts on this subject matter examine and provide invaluable solutions to the human rights infractions in Argentina Brazil Colombia Guatemala Mexico India Indonesia Malaysia Burundi Central African Republic Congo Brazzaville Angola Cameroon Gabon Nigeria and South Africa *South African Journal of Science* ,2008 Annual Review South Africa. Department of Environmental Affairs and Tourism,2002 **Renewable Energy** Mansour Al Qubeissi,Ahmad El-Kharouf,Hakan Serhad Soyhan,2020-09-09 The demand for secure affordable and clean energy is a priority call to humanity Challenges associated with conventional energy resources such as depletion of fossil fuels high costs and associated greenhouse gas emissions have stimulated interests in renewable energy resources For instance there have been clear gaps and rushed thoughts about replacing fossil fuel driven engines with electric vehicles without long term plans for energy security and recycling approaches This book aims to provide a clear vision to scientists industrialists and policy makers on renewable energy resources predicted challenges and emerging applications It can be used to help produce new

technologies for sustainable connected and harvested energy A clear response to economic growth and clean environment demands is also illustrated **A Scientific Bibliography of the Far Northern Drakensberg** Rodney Moffett, 2023-04-14

This Scientific Bibliography of the Far Northern Drakensberg is a continuation by the Afromontane Research Unit of the University of the Free State ARU to document published and other similar works on the mountains of the summer rainfall area of South Africa It follows A Scientific Bibliography of the Drakensberg Maloti and Adjacent Lowlands which was published in 2020 Moffett 2020 and which covered the area between the North Eastern Cape and the North Eastern Free State The current work extends this northward by including articles and publications dating back to 1875 E Cohen on the Lydenburg goldfields reaching as far as the Wolkberg and Woodbush near Tzaneen in Limpopo Province Figure 1 shows the boundary of the area covered and although referred to as the Far Northern Drakensberg in this work it is identical to that described as the LMEE Limpopo Mpumalanga Eswatini Escarpment by Clarke et al 2022 Although slightly separate from the lower escarpment the mountainous Barberton and adjacent Eswatini area as well as the Leolo Mountains in eastern Sekhukhuneland are also included Details on how the boundary in figure 1 was determined are given in Clark et al 2022 Bibliographies on two further ranges in the summer rainfall area viz the Magaliesberg in Gauteng province and the Soutpansberg in Limpopo province are to be the subject of future compilations **Coming Back to Earth** James

Clarke, David Holt-Biddle, 2002 This book is a current comprehensive and holistic assessment of the challenges facing a developing African state within the global context and is an up to the minute review of the state of the South African environment **Vulnerable Places, Vulnerable People** Jonathan A. Cook, 2010-01-01 the case studies and subsequent summarizing discussions provide interesting insights on the many interactions of trade poverty and the environment digestible also for those without an academic background in economics Quarterly Journal of International Agriculture While some argue that trade liberalization has raised incomes and led to environmental protection in developing countries others claim that it generates neither poverty reduction nor sustainability The detailed case studies in this book demonstrate that neither interpretation is universally correct given how much depends on specific policies and institutions that determine on the ground outcomes Drawing on research from six countries around the developing world the book also presents the unique perspectives of researchers at both the world's largest development organization The World Bank and the world's largest conservation organization World Wildlife Fund on the debate over trade liberalization and its effects on poverty and the environment The authors trace international trade rules and events down through national development contexts to investigate on the ground outcomes for real people and places The studies underscore the importance of evaluating trade from a perspective that pays attention to environmental and social vulnerability and understands the linkages between poverty reduction and environmental protection The lessons drawn provide a critical first step in developing the appropriate response options needed to ensure that trade plays a positive role in promoting truly sustainable development Academics and

students in environmental economics development economics and agriculture as well as policymakers and those in development institutions will appreciate this groundbreaking work *Economic & Social Rights Report*, 2002

**Freshwater Challenges of South Africa and its Upper Vaal River** Anja du Plessis, 2017-02-07 This book promotes better understanding and awareness of South Africa significant water problems by describing the country's and especially the Upper Vaal River's water resources. It is a go-to book for students, professionals, and regular citizens when information is required regarding the country's and more specifically the Upper Vaal River's freshwater resources. It highlights the major problems and risks which need to be addressed and give a realistic and true representation of the current water affairs.

**Southern Africa Report**, 2007 **Current Commercial Cases 2008**, **3rd Economic & Social Rights Report, 1999-2000** South African Human Rights Commission, 2001 *A Vision*, 2006 **Transformative Environmental Constitutionalism** Melanie Murcott, 2022-10-24 Given the Anthropocene's converging socio-ecological crises, particularly the dire issue of climate change, social movements are increasingly approaching the courts to advance intersecting struggles for social, environmental, and climate justice. Transformative constitutional regimes in South Africa and elsewhere that incorporate environmental and human rights protections offer potentially powerful legal norms to advance the struggles of these movements. Grappling with such norms and with problematic trends in adjudication, Prof. Melanie Jean Murcott develops a legal theory of Transformative Environmental Constitutionalism as a novel framework within which courts could adjudicate environmental law disputes, developing law for the Anthropocene's global struggles. **The Balancing of Interests in Environmental Law in Africa** Willemien Du Plessis, 2011 Now that economic development is starting to pick up in many countries in Africa, the question arises: how such development can be balanced with the need for adequate environmental protection. This crucial issue inherent in the notion of sustainable development is addressed in this innovative and path-breaking volume. For the first time, academics from seventeen African countries have joined forces to analyse the way in which economic and environmental interests are balanced in their legal systems. The authors all use a common framework to improve the comparability of the country studies. The different country-related chapters do not only provide insights into the formally applicable legal rules, law in the books, but given that the book brings together academics aware of the practice in Africa, they also describe the way in which environmental policy functions in practice, law in action. Many case studies with conceptual analyses are provided of pollution incidents and the way in which administrative agencies or courts have on those occasions balanced the interests between the economy, society, and the environment. A critical comparative analysis by the editors points at tendencies towards convergence and points of divergence between the African countries. Suggestions for policy reform are also formulated, showing African countries how they can benefit from experiences in the US and Europe. This thought-provoking volume is a must for anyone, academic, policymaker, or practitioner, interested in sustainable development generally and in Africa in particular. P. 4 of cover **Energy Law in South Africa** Willemien du

Plessis,2022-06-20 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides a systematic approach to legislation and legal practice concerning energy resources and production in South Africa The book describes the administrative organization regulatory framework and relevant case law pertaining to the development application and use of such forms of energy as electricity gas petroleum and coal with attention as needed to the pervasive legal effects of competition law environmental law and tax law A general introduction covers the geography of energy resources sources and basic principles of energy law and the relevant governmental institutions Then follows a detailed description of specific legislation and regulation affecting such factors as documentation undertakings facilities storage pricing procurement and sales transportation transmission distribution and supply of each form of energy Case law intergovernmental cooperation agreements and interactions with environmental tax and competition law are explained Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for energy sector policymakers and energy firm counsel handling cases affecting South Africa It will also be welcomed by researchers and academics for its contribution to the study of a complex field that today stands at the foreground of comparative law      **Handbook of Security and the Environment** Ashok Swain,Joakim Öjendal,Anders

Jägerskog,2021-05-28 This comprehensive Handbook tackles the increasingly urgent problem of the impact of climate change on conflict and human security It analyses the ways in which scarcity of resources leads to food water and health insecurities resulting in population migration Featuring contributions from leading international scholars chapters cover how these contribute globally to societal insecurity and violent conflict in a growing number of regions      *2nd Economic & Social Rights Report* South African Human Rights Commission,2000

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