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Carola Glinski

**Environmental Justice
and the South African Legal System**

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After the end of Apartheid, building a democratic South African state based on the rule of law encompassed the redress of past injustice. Part of this heritage are the great disparities in living and environmental conditions. A majority of people still live in distressing circumstances, including lack of access to resources, such as clean water or land, and exposition to pollution and natural hazards. Therefore civil society, politics and legislation have subscribed to the goal of environmental justice. Carola Glinski shows in her study the sources of environmental injustice and the emergence of the South African environmental justice movement and their demands. She analyses the potential and shortcomings of post-Apartheid legislation to ensure environmental justice in future decision-making and to address past injustice.

The Constitution of 1996 with its catalogue of social rights complemented by impressively far-reaching procedural guarantees grants individuals and NGOs extensive possibilities to use the legal system in the pursuit of environmental justice. Nevertheless, the implementation of these rights still has shortcomings in the field of substantive environmental regulation. Partially, this delay is owed to the highly participative way of decision-making and legislating. Another factor delaying the process is lack of funds.

Using the promising South African development with respect to environmental justice, the study illustrates how the legal framework can contribute to empowering civil society.