

A Legal Opinion on Mitigation and Adaptation on Air Pollution Strategies for Local Governments in South Africa

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Abstract : This paper presents an overview of the foundation and evolution of environmental related problems in local governments with specific reference on air pollution in South Africa. Local government has a direct mandate in terms of the Constitution of the Republic of South Africa, 1996 (hereafter, the Constitution). This mandate to protect, fulfil, respect and promote the Bill of Rights by local governments in respect of the powers and functions creates confusion around the role of where a local government fits in, in addressing the problem of climate change in South Africa. A reflection of the evolving legislations, developments, and processes regarding climate change that shaped local government dispensation in South Africa is addressed by the notion of developmental local governments. This paper seeks to examine the advances for mitigation and adaptation regulation of air pollution and application in South Africa. This study involves a qualitative approach that will involve South African national legislation as well as an interpretation of international strategies. A literature review study was conducted to undertake the various aspects of law in order to support the argument undertaken of mitigation and adaptation strategies. The paper presents a detailed discussion of the current legislation and the position as it currently stands, as well as the relevant protections as outlined in the National Environmental Management Act and the National Environmental Management: Air Quality Act. It then proceeds to outline the responsibilities of local governments in South Africa to mitigate and adapt to air pollution strategies.

Keywords : adaptation, climate change, disaster, local governments and mitigation

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