


YOUTH CLIMATE JUSTICE

School of Law, UCC, Ireland

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Case Law Database



**AFRICAN CLIMATE ALLIANCE &
OTHERS, V. MINISTER OF MINERAL
RESOURCES & OTHERS
[#CANCELCOAL]**



Child-friendly summary



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OVERALL SUMMARY

In 2021, a youth-led civil society organisation, with 2 other NGOs, brought a case against the **government in South Africa** on behalf of children and youth. They argued that the government's plan to build new coal plants threatens several constitutional rights of the people of South Africa, specially the **right to be heard**. In 2024, the court agreed with the petitioners and said the government's coal plan was against the law. The judgement said the government didn't properly think about how coal would hurt the environment and affect children's rights.



THE CASE

In 2021, the youth-led **African Climate Alliance**, **Vukani Environmental Justice Movement in Action** and **GroundWork**, represented by the **Centre for Environmental Rights**, brought a case against the government in South Africa on behalf of children and youth. 8 young people told their own stories in “**affidavits**” submitted to the court.



They argued that the government's plan to build new coal plants threatens several constitutional rights of the people of South Africa, including their environmental rights, the well-being of present and future generations, the **best interests of the child**, the rights to life, dignity, and equality, among others.

*Tricky words in
BOLD explained at
the end!

MEET THE PETITIONERS!



Credits: INSIGHTSIAS

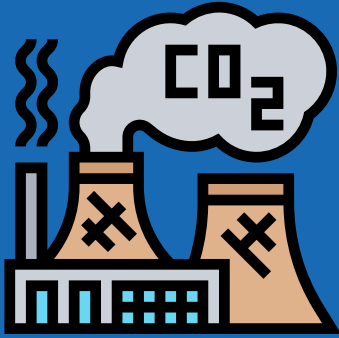
African Climate Alliance, Vukani Environmental Movement, and GroundWork are 3 non-profit organisations focused on advancing environmental justice. Prior to launching the Cancel Coal case, they had long been arguing that increasing the exploitation of coal for energy in South Africa was against the law due to the health and climate impacts.

South Africa relies heavily on coal for energy. Coal is one of the biggest causes of pollution and climate change, but the South African government was **planning to increase the exploitation of coal for energy** - this was part of **South Africa's Integrated Resource Plan for Electricity (IRP)**. Instead of using coal, the petitioners said South Africa should switch to cleaner, renewable energy like solar and wind power, which would help protect the air, water, and land from pollution and gas emissions.

WHAT ARTICLES OF SOUTH AFRICA'S CONSTITUTION DID THEY CITE?

- **Section 7(2):** The State has an obligation to respect, protect, promote and fulfil the rights in the Bill of Rights.
- **Section 9:** Right to equality.
- **Section 10:** Right to dignity.
- **Section 11:** Right to life.
- **Section 24:** Right to a healthy environment.
- **Section 28(2):** Best interest of the child.
- **Section 27:** Rights to healthcare, food and water.

FOR EXAMPLE:



Toxic air pollution emitted from coal-fired power stations can lead to disease, death and disability. Health conditions can include lung cancer, strokes, and chronic bronchitis and asthma (Section 11, South African Constitution)



Health impacts, in turn, result in affected people not being able to attend at work, or having to be let go as a result of disabilities (Section 10, South African Constitution)



Coal-fired power is one of the leading causes of climate change. This increases the risk of heat waves, floods, and other severe weather events (Section 24, South African Constitution)

WHAT DID THE COURT DECIDE?

In December 2024, the court **agreed with the applicants**. The judgement said the government's coal plan was **unconstitutional and unlawful**, because it did not consider the impact it would have on children and youth. The court reminded the government that it has a responsibility to protect the environment for everyone now and in the future. It also said that, **under Section 28 of the Constitution**, the government must protect children from harm and neglect. The court ordered the government to pay for the legal costs of the young people and their lawyers.

WHY IS THIS CASE IMPORTANT?

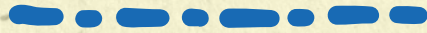
This case isn't just about coal - it's about protecting the planet for everyone, especially young people who will live with the effects of climate change in the future, and about putting children's needs and voices at the centre of climate decisions. By pushing for clean energy instead of coal, these youth groups are fighting for a healthier environment for South Africa. The court said that a decision about climate is only valid if it includes considering information from and about children. This will also be important for other countries in the Global South that heavily depend on coal. This case can motivate other people around the world to lead their own cases against their governments.



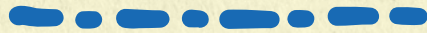


EXPAND YOUR KNOWLEDGE!

- The **Right to be Heard** means that children should be taken seriously by adults and have a say on issues related to the environment and climate change. Governments should involve children when making decisions about the environment and climate change, and make sure they give feedback to children about how their views were considered. It's recognised by international legal instrument such as the UN Convention on the Rights of the Child (Article 12).



- In all actions affecting children, including when making decisions about the environment and climate change, governments must consider how children will be impacted, and how they will support the wellbeing and development of children growing up today and in the future. This is called taking in consideration "**the best interests of the child**".

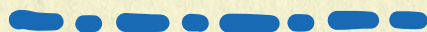


- **#CancelCoal** is the name that young people and environmental groups involved in this case used to spread their actions. Using the hashtag on social media helps their message spread quickly, connect people across the country, and inspire others - especially youth - to take action against climate change.



- **South Africa's Integrated Resource Plan (IRP)**, is the government's official plan for how the country will produce electricity in the future. It explains:
 - How much electricity South Africa will need.
 - What types of energy will be used - like coal, solar power, wind power, and others.
 - When and where new power stations will be built.

In the 2019 IRP, the government included a plan to create 1,500 megawatts of new coal power. That means building more coal-fired power stations to make electricity by burning coal.



- An **affidavit** is a written statement where someone tells their story and presents evidence to the court. The person signs it and usually does it in front of a special official to show they are serious and not lying.