

**To:** MP Chairperson of the Select Committee on Land Reform, Environment, Mineral Resources and Energy

**Attention:** Ms TC Modise, Mr Asgar A Bawa

**By email:** [bmfecane@parliament.gov.za](mailto:bmfecane@parliament.gov.za) [abawa@parliament.gov.za](mailto:abawa@parliament.gov.za)

30 January 2024

Dear Ms TC Modise

This serves to record our comments on the proposed Climate Change bill. We write this on behalf of several different organisations, faith institutions and partnerships working on community and climate change issues across South Africa. These comments are informed by participatory processes and consultative workshopping conducted in 2023 on climate impacts experienced, in particular in rural South Africa. Many of the undersigned have also made submissions during previous calls for comments.

We refer to the Climate Change Bill, which was formally introduced to the National Assembly by the Minister of Forestry, Fisheries and Environment on Friday 18 February 2022, and is currently sitting with the National Council of Provinces for concurrence and open for public comments until Tuesday the 30th of January 2024. Thank you for this opportunity to make input on the bill.

**Our general and overriding submissions are summarised below:**

We recognise the significance of the Climate Change bill and applaud the move towards having a legally binding Climate Change Act in South Africa. In particular we recognise the urgency of this in light of ongoing experiences of climate change in South Africa, such as higher temperatures, increasingly intense and frequent fires, floods, heatwaves and droughts. These cause both short term and long term climate impacts including, but not limited to

- a. Death and injury to the local population and threat to long-term public health.**
- b. Destruction and damage of infrastructure.**
- c. Disruption of food systems and water access, and associated impacts on cost of living.**
- d. Damage to and disruption of service delivery and essential services.**
- e. Reduced availability of public finances, due to resources required for reconstruction and recovery.**
- f. Exacerbation of pre-existing and intersecting vulnerabilities relating to gender, class, race and geographic location.**
- g. Depletion of resources and undermining of climate resilience in communities exposed to multiple, repetitive climate shocks.**

With the urgency of having a legally binding Climate Change Act in South Africa in mind, we would also like to note the following comments with respect to specific contents of the bill.

**I. The bill sets out principles for interpretation of the act.**

Broadly, these principles cover appropriate concerns

- a. We are encouraged by the principle for decision-making to be informed by the special needs of localities and those most vulnerable to climate impacts, making specific mention of vulnerable workers and groups such as women, especially poor and rural women, children, especially infants and child headed families, the aged, the poor, the sick and persons with disabilities.
- b. Our experience, from rural South Africa in particular, is that communities experience a range of climate impacts requiring tailored assistance, but instead are often left unassisted or supported with generic solutions. Their involvement or consultation in the developments that impact them is limited. It is imperative, to avoid this, that the principle in the bill of consultative decision-making translates into practice.

**II. The bill outlines Municipal forums as central in coordinating climate change responses within their operating areas.**

While we recognise the importance in particular of municipalities in local climate responses, we note the following from our experience of engaging with rural municipalities in South Africa, specifically Eastern Cape, Western Cape and Northern Cape:

- a. In order to effectively coordinate climate change responses, Municipal officials require capacity and an understanding of climate change to recognise its impacts and appropriate responses. This is often lacking at a municipal level.
- b. Municipal infrastructure is often in a state of disrepair due to insufficient municipal funds and mismanagement of funds at different levels of government. This undermines service delivery and exacerbates climate change impacts.
- c. We note the bill articulates potential provision of technical support for municipal forums to support their climate change response development, but this will be insufficient to address the challenges facing local communities and municipalities.
- d. Local community based organisations and faith groups often are burdened by the inability of municipalities to respond to climate impacts locally, and yet they are not required to be represented within the municipal forums, despite often being central to localised and context specific responses.
- e. Municipal forums should actively engage, provide resources and support local community based organisations working on issues linked to climate change and service delivery issues. These organisations, while not necessarily technical in their knowledge, contain local knowledge and practical experience of organising

on the ground and should be actively consulted and involved in coordinating and formulating a context appropriate local climate change response. This would also align with the consultative decision-making principle of the bill.

**III. The bill states that information provided must be made available by the Minister subject to PAIA and POPIA.**

A continuing major concern on this is that:

- a. both PAIA and POPIA have grounds on which the providing of information can be refused, for example on commercial grounds.
- b. the processes required by PAIA and POPIA are time-consuming and can be costly and overly burdensome
- c. It is important to have up-to-date and publicly available information on the performance of emitters regarding their GHG emissions reduction responsibilities.
- d. The Climate change response implementation plans and Adaptation strategy and plans required from the different national departments, sectors as well as from municipalities and provinces in particular must be publicly accessible so the public can respond adequately, and make informed input into these plans, for the protection of our rights, lives and livelihoods.

In summary, the bill should ensure that key information is readily available and accessible to anyone.

**IV. Bill has no time frames for carbon budgets, SETS or GHG emission trajectory.**

There are no timeframes or deadlines for:

- a. Assigning carbon budgets to emitters (how much companies and entities are allowed to emit in terms of GHGs).
- b. Sectoral Emissions Targets (how much each sector – such as energy, agriculture, transport – is allowed to emit).
- c. The Bill provides that the Minister must set a GHG emissions trajectory but no timeframe is stipulated for setting this trajectory.
- d. To strengthen the bill it should include deadlines for the determination of an emissions reduction trajectory, the assignment of carbon budgets and the completion of sectoral emission targets.
- e. The Bill should contain strong emission reduction targets that are based on the best available and latest science to ensure that we stay within 1.5°C of global warming.
- f. There should be a long term target of net-zero by 2050 included in the Bill. There also needs to be a clear definition of net-zero and an understanding of the conditions for its application.

With these comments in mind, we again stress the urgency of having a legally binding Climate Change Act in South Africa.

We look forward to receiving a response to our comments submitted in good faith and in the interests of advancing climate and environmental justice and upholding the rights granted to us all in the Constitution.

Yours Faithfully,

Signed

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*Compiled by Tara Nair van Ryneveld, Climate Policy Coordinator, SAFCEI & the RACR project*