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8 August 2018

SOUTH AFRICAN YOUTH STATEMENT ON DRAFT CLIMATE CHANGE BILL, 2018

We, the youth, applaud and support strides made by the South African Government with regards to climate change, and would like to align ourselves with the comments expressed by the rest of the South African Civil Society Organizations (CSOs) constituency on the Climate Change Bill. We stress the need for a just transition to an inclusive, sustainable economy that would aid development and allow us to be global competitors. Cognizant of the urgency for climate action and the role of the South African Climate Change Bill in realizing our climate goals, we would like to put forward the following recommendations:

Preamble Comments

We would like to commend the recognition and emphasis on the potential for climate change impacts to undermine development goals of South Africa and the need for a just transition to a climate change resilient and equitable society.

We would further like to urge the government to continue to emphasise the integration of economic and social development and employment objectives in the environmental strategies to come from this Act.

However, we note that the Preamble briefly mentions the Paris Agreement and fails to acknowledge South Africa's Nationally Determined Contributions (NDCs). The implication of this is that the Bill does not complement the NDCs by explaining how this will be achieved besides the vagueness of the sectoral emission targets.

Chapter 1

1.1. We realize that the definitions provided does not define 'Natural Carbon Sinks', 'Greenhouse gas emissions threshold' and 'Provincial Climate Change Committee'. The definitions of these terms are important in understanding the Act - what it is attempting to achieve and why.

1.2. The Objectives of the Act make no reference to the Paris Agreement and its clear objective to cap the increase in global temperature.

Chapter 2

2.1. The two years provision to establish the National Environmentally Sustainable Development Framework is concerning and will inevitably delay the just transition. Furthermore, we encourage the inclusion of Non-Governmental Organizations (NGOs), Civil Society Organizations (CSOs) as well as womxn and youth-led organizations in the drafting of the framework would allow for a better framework with a higher chance of successful implementation.

Chapter 3

3.1. We recognize the need for methods that use certain factors and indicators in determining needs assessment and response plans and vulnerabilities to be pre-established that will allow for standardization of the assessment, while remaining relevant to the vulnerable communities.

3.2. The section on provinces and municipalities is too vague and open ended. The roles of Provincial Government and municipalities must be defined. This requires a subsection that state the specific responsibilities of the minister, and then the MEC, and then the Mayor (not merely “minister or MEC or mayor”)

3.3. Furthermore, the Bill requires language that is more accountable. The implications of weak language in the Bill such as saying the minister “might” or “may” creates a loophole for weak application.

Chapter 4

4.1. This chapter is the first and only one to recognize NGOs, the private sector and local communities in the contribution they make to climate change action. The inclusion of communities and the people working in the field of climate change are not an aim to be achieved, but a resource to help realize the objectives of this Bill.

4.2. For transparency and accountability, we request regular publishing of the indicators to measure progress towards achieving the national adaptation objectives.

Chapter 5

5.1. We insist that there be a consideration and provision for the use and protection of carbon sinks as a natural mechanism to capture and store carbon.

5.2. The current clauses outlining the sectoral emission targets are not well defined, and lead to confusion in who is responsible and who this section affects.

5.3. The carbon budget should make reference to the carbon tax and how they can inform each other but due to the fact that they are championed by different departments, this has been chosen to be left out which is a problem. This is apparent especially when people have been allocated a carbon budget and exceed it, will they pay more tax and likewise if they are below budget, will they be allocated a tax reduction.

Chapter 6

6.1. Clause 15.1.a.aa. mentions the cancellation of carbon budget, but there was no prior mention that this could be done or the how and why of it in the relevant section (13).

6.2. We call for the inclusion of NGOs, and academia in the consultation process. Stating there must be public participation is not the same as including experts on climate change and policy.

6.3. We encourage the articulation of the deliberate and substantive consideration of vulnerable communities in this clause which merely states that public participation must be allowed.

6.4. The South African National Committee on Climate Change should become a mandatory body for consultation.

6.5. The use of the word “person”, despite the definition of a juristic person, creates an issue in that the Bill does not specifically indicate the penalty for an individual “person” as opposed to a business entity or “juristic person” for non-compliance. Furthermore, the offences and penalties are not actually a good penalty system. There needs to be a distinction between a ‘natural’ person and ‘juristic’ person, especially with regards to penalties.

6.6. We express concern over section 22 which disagrees with section 6.1. about when the Act comes into action. As it stands, it is understood that presidency decides when the Act comes into operation, but apparently the section can take effect two years later. This needs to be rectified.

Schedule

With regards to the Functional Areas, we believe that more strategic partnerships could be made to achieve its objectives. The inclusion of the Department of Basic Education, the Department of Higher Education and the Department of Social Development as functional areas as strategic partners to educate and train members of society on Climate Change as well as prepare them to be active participants of a sustainable economy.

General Comments

There is very little mention of Disaster Risk Reduction. We understand communities will be assessed and allocated resources to improve how they handle climate related disasters, but the Bill does not mandate that infrastructure and systems be put in place to prevent the damage from being done in the first place. Furthermore, there is no mention of capacity building in the Bill which would compromise the implementation of the Bill and the just transition to a sustainable society.

Whilst we welcome the Climate Change Bill, the biggest problem with it is that it sets up so many additional time frameworks. That is, the framework will take an additional two years to be established, and many more to be implemented which is a huge problem if we relate it back to the Paris Agreement and its targets for 2030. Furthermore, these policies are set to be evaluated every 5 years so at present we are looking at maybe an Act in place by next year, then a framework to 2021, which leaves space for only 1 review in 2026, and not enough time to achieve the NDC and Paris Agreement by 2030.

Throughout the Bill, the Natural environment and impact on people is only mentioned a few times. One would think this bill addresses stakeholders and business entities instead of climate change, air quality and the environment. The carbon emission levels in Gauteng need to be thoroughly assessed. This should be implemented into the Bill.

The overall feeling is that the Bill is too vague. The minister is given an excessive amount of room to manoeuvre where the minister “may” (or rather “may not”) comply with the Bill’s provisions. These semantic choices create a serious threat for the accountability of the programme, and thus requires a thoughtful vigilance from non-governmental actors.

The Bill needs to give more acknowledgement and responsibility to NGOs and public individuals who currently play a fundamental role in climate change mitigation and adaptation.

The Bill must address the issues of how to deal with the governmental departments who do not comply to the duties and responsibilities prescribed to them in the Bill.

Compiled and endorsed by the members of the South African Institute of International Affairs Youth Policy Committee, South African Youth Climate Change Coalition, the Tonys Houz Children’s Foundation, 350.org, and World Merit South Africa.

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