

# PARLIAMENT & CLIMATE CHANGE

## The South African Case – Research Paper

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### Introduction & Institutional Basics

*“Never before have our actions and our opportunities had so significant an impact on our world. Our choices today affect not only our own lives and those of our children, but also have direct consequences for the very shape of our planet. Weather patterns change when we act. Oceans rise, mountains crumble, deserts expand and whole species cease to be. Change is no longer felt only over the course of generations or limited to certain locations – it is noticeable, global and immediate<sup>2</sup>.”*

These were the words with which the then Minister of the Environment, addressed the South African National Assembly in 2005. Yet despite the words Parliament has been, to all intents and purposes, a bystander in the climate change debate.

Without a carbon constraint South Africa cannot continue, economically, politically or environmentally along its current trajectory. South Africa has enjoyed many years of benefiting from cheaper coal based electricity. However, in doing so it has become Africa’s leading greenhouse gas contributor and one of the most energy-inefficient countries in the world<sup>3</sup>.

Despite the fact that the sustainability question remains one of the greatest inter-related challenges South Africa faces, parliament’s role has been far from self-evident. This paper explores the following questions: How has parliament engaged with the issue and what interaction has occurred between Parliament and the relevant stakeholders on climate change, both from within the executive and in civil society? A key, related question to ask is what engagement has taken place at Parliament - who has convened such meetings and what have been the outcomes of these interactions?

For a more complete understanding of the interactions between Parliament and other stakeholders on the question of climate change, it is helpful to describe the way in which the South African Parliament works and the way in which the Constitution envisages that

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<sup>2</sup> 06 April 2005, Marthinus van Schalkwyk Minister of Environmental Affairs and Tourism, *Speech during National Assembly Debate on Budget Vote 27*, National Assembly, Parliament

<sup>3</sup> 20 May 2008, *Media Briefing: Budget Vote Speech by Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism*, National Assembly, Parliament.

Parliament give effect to the concepts of representative and more specifically for the purposes of this paper, participatory democracy.

*The Constitutional Framework:*

The South African Parliament has since 1994, transformed itself from an arcane institution benefiting a minority to an institution truly representative of the majority of South Africans. Parliament has also changed structurally in an attempt to create a more modern, responsive institution. The Constitutional framework is clear:

- The legislature's role is to pass, initiate or prepare legislation (except money bills), ensure executive accountability and exercise oversight over organs of state (section 55); and
- The executive's role is to implement legislation, develop and implement policy, co-ordinate the functions of government departments and administrations, and prepare and initiate legislation (section 85).

All oversight mechanisms laid down in the Parliamentary Rules have their origin in the Constitution. The National Assembly (NA) must provide for mechanisms:

- To ensure that all executive organs of state in the national sphere of government are accountable to it; and
- To maintain oversight of national executive authority; including the implementation of legislation; and
- Any organ of state.

S 92 (2) goes on further to state that: Members of the Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions.

*The National Assembly and the National Council of Provinces: Structure*

There is one national Parliament and a provincial Parliament for each of the nine provinces. The national Parliament has two houses - the National Assembly (NA) and the National Council of Provinces (NCOP). The NA has 400 seats and the NCOP 90. The two houses of Parliament however have distinct functions. The role of the NA is to represent the people, ensuring government by the people. The NCOP's role does not expressly include an oversight role, as its powers are to pass and initiate legislation. The composition of the NCOP is determined by provincial elections with its 90 members being made up of a delegation of 10 members from each province. Each NCOP delegation has six permanent members and four special members. The role of the NCOP is to ensure that provincial interests are taken into account in the national sphere of government. The NCOP is often perceived as the "Cinderella" chamber because it has failed to stamp its authority on the law-making and oversight role and has been hidden by the long shadow of the NA. However, it does provide the entry point for provinces into the national policy-making process and is the connection between provincial and national government. In an important way it also compensates, at least in theory, for the limited power provinces have individually (Murray & Nijzink 2000: 42).

Apart from the Constitutional framework within which Parliament had to operate after 1994, it was forced to determine its role at a time of dramatic social and political transformation. Parliament's rules were revamped in 1994 and the number of Parliamentary committees increased dramatically. Over-night Parliament changed from "a part-time, cynical rubber-stamp to a full-time, vibrant place of work" (Calland 1999:1). The apartheid Parliament had a weak committee system that did not play a significant role in law-making or oversight. When the democratic Parliament took office in 1994 it over-hauled not only the rules but also increased the number of committees. For the first time too, these committees were open to the public and the media. Overnight, committees moved from being a shadow of the executive to becoming the "engine-room" of Parliament (Calland 1999: 29).

### *Powers and functions of Committees*

The rules of Parliament also grant committees extensive powers. NA committees may initiate and prepare legislation. They must ensure that all executive organs of state are accountable to, and maintain oversight of, the exercise of national executive authority, including legislation. Committees of both the NA and the NCOP have powers to:

- Summon people to give evidence on oath or produce documents;
- Ask any person or institution to report to them;
- Receive petitions, representations or submissions from any interested people or institutions.

Committees are also empowered to monitor, investigate, enquire into, and make recommendations relating to any aspect of the legislative programme, budget, rationalisation, restructuring etc. Despite this broad mandate, committees differ in their effectiveness as overseers of executive action. The role each committee plays is strongly linked to how active its chair is (Calland 1999: 31). Currently there are 25 Parliamentary portfolio committees. Political party representation on the committees is proportional to the number of seats parties had in Parliament. The Parliamentary committee system attempts to mirror the executive structure by having a committee for each government department.

In addition, a number of joint committees comprising members from both houses exist, for instance the Joint Standing committees on Defence, Intelligence and the Budget as well as the Joint Committee on the Improvement of Quality of Life and Status of Women. Ad hoc committees are formed whenever there is a need for an investigation into a specific issue. The NA and the NCOP together appoint a number of joint committees, for example the Constitutional Review Committee. Ad hoc joint committees are formed whenever necessary. The Joint Standing Committee on Intelligence and the Joint Standing Committee on Defence are statutory committees. This means that they are either established by the Constitution or by an Act of Parliament, as well as in terms of the rules of Parliament.

While the structure, powers and duties of Parliament are spelt out unambiguously and ambitiously in the Constitution, there remains a gap between the Constitutional aspirations for Parliament and how Parliament in reality carries out its mandate. Parliament as an institution therefore continues to play its role patchily and often hesitantly. Hesitantly,

because when it has found itself having to square up against the executive, it has often capitulated.

This paper will seek to address Parliament's role in the ongoing debate on climate change issues and focus on the interaction between the legislature and the executive. It will canvas a range of sources, including Parliamentary committee meeting minutes, briefings to committees by members of the executive, budget vote speeches, parliamentary questions and civil society submissions to Parliament.

### **An overview of interactions between Parliament and various stakeholders on climate change:**

While no directly relevant climate change white or green papers have been developed, there has been an overhanging promise of one over this last year. This however has been formally delayed until 2011 and with this delay a delay on public participation and input thereof. Currently the primary legislation which governs the environment is Section 24 of the South African Constitution which states that all have a right to an environment which "is not harmful to their health or well-being" and that the environment should be protected for both current and future generations<sup>4</sup>.

In November 2004 Cabinet adopted the *Climate Change Response Strategy* which outlined South Africa's response to climate change. This document sought to address those issues identified as priority when dealing with climate change within the country<sup>5</sup>. A cabinet policy "Long Term Mitigation Strategy" was adopted in July 2008 and outlines plans to address climate change<sup>6</sup>. In April 2006 the National Treasury Draft Policy Publication *Framework for considering Market-Based Instruments to support Environmental Fiscal Reform in South Africa* was released<sup>7</sup>. This document provided detailed theoretical and practical overviews of how market based instruments might be used to address climate change as well as sustainable

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<sup>4</sup> The Constitution of the Republic of South Africa, 1996, Act 108 of 1996

<sup>5</sup> Department of Environmental Affairs and Tourism, September 2004, *A National Climate Change Response Strategy for South Africa*, ([http://unfccc.int/files/meetings/seminar/application/pdf/sem\\_sup3\\_south\\_africa.pdf](http://unfccc.int/files/meetings/seminar/application/pdf/sem_sup3_south_africa.pdf)) Last Accessed: 03/11/2010

<sup>6</sup> Marthinus Van Schalkwyk, 28 July 2008, *Government outlines vision, strategic direction and framework for climate policy*, Media statement by Marthinus Van Schalkwyk, Minister of Environmental Affairs and Tourism, Cape Town (<http://www.info.gov.za/speeches/2008/08072816451001.htm>) : Last Accessed 03/11/2010

<sup>7</sup> National Treasury Tax Policy Chief Directorate, April 2006, *A Framework for Considering Market-Based Instruments to Support Environmental Fiscal Reform in South Africa*, Draft Policy Paper, ([http://www.capeaction.org.za/uploads/Framework\\_for\\_enviro\\_fiscal\\_reform\\_Treasury\\_06.pdf](http://www.capeaction.org.za/uploads/Framework_for_enviro_fiscal_reform_Treasury_06.pdf)) : Last Accessed: 03/11/2010

development within South Africa<sup>8</sup>. In the 2009 Budget Speech the Minister of Finance included various additional measures to address climate change through reduction of emissions levels and encouragement of energy efficiency. These included: the introduction of an incentive for investing in energy-efficient equipment; increasing the levy on plastic shopping bags; a proposal to increase international air passenger departure tax; adjusting excise duties on motor vehicles in order to take into account carbon emissions; and the introduction of favourable tax treatment for income derived from the sale of certified emission reductions (“CERs”)<sup>9</sup>.

More recently as of the 1<sup>st</sup> March 2010 a Carbon Emissions Motor Vehicles tax was promulgated and has since come into effect on 1 September 2010.<sup>10</sup> This is specifically to encourage South Africans to take advantage of Kyoto Protocol establishment of a clean development mechanism<sup>11</sup>.

Other legislation which has some applicability though not climate change specific are:

Biodiversity Act (No 10 of 2004)

Protected Areas Act (No 57 of 2003)

Air Quality Act (No 39 of 2004)

White Paper for Sustainable Coastal Development (2000)

Environmental Assessment Regulations<sup>12</sup>

The portfolio committee under which the climate change issue falls has met on numerous times. These meetings have ranged from question and answer sessions, presentations to the committee (such as that on 5th April 2001 by Mr Richard Sherman of the Sustainable Energy and Climate Partnership<sup>13</sup>) and to discussions on various projects such as those operational in 2002 focused on climate change: Cities for Climate Protection, Demonstration projects linking climate change and sustainable development, Climate Change Public

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<sup>8</sup> Claire Tucker and Wandisile Mandlana, 17 April 2009, *Economic Incentives: New Laws in the Pipe Line to Decisively Respond to the Challenge of Climate Change*, Bowman Gilfillan Attorneys (<http://www.bowman.co.za/LawArticles/Law-Article?id~2132417386.asp>) : Last Accessed: 03/11/2010

<sup>9</sup> Claire Tucker and Wandisile Mandlana, 17 April 2009, *Economic Incentives: New Laws in the Pipe Line to Decisively Respond to the Challenge of Climate Change*, Bowman Gilfillan Attorneys (<http://www.bowman.co.za/LawArticles/Law-Article?id~2132417386.asp>) : Last Accessed: 03/11/2010

<sup>10</sup> South African Revenue Service, 2010, *Legal and Policy*, (<http://www.sars.gov.za/home.asp?pid=62976>) Last Accessed: 03/11/2010

<sup>11</sup> Claire Tucker and Wandisile Mandlana, 17 April 2009, *Economic Incentives: New Laws in the Pipe Line to Decisively Respond to the Challenge of Climate Change*, Bowman Gilfillan Attorneys (<http://www.bowman.co.za/LawArticles/Law-Article?id~2132417386.asp>) : Last Accessed: 03/11/2010

<sup>12</sup> Department of Environmental Affairs South Africa, 14 November 2007, *State of Environment*, (<http://soer.deat.gov.za/133.html>) Last Accessed: 03/11/2010

<sup>13</sup> 05 April 2001, Meeting Report Information, *Globe Briefing on Climate Change and Effects on Water*, Portfolio Committee on Water Affairs and Forestry, (<http://www.pmg.org.za/minutes/20010404-globe-briefing-climate-change-and-effects-water>)

Awareness and Education<sup>14</sup>. In 2005, a task team nicknamed the ‘Green Scorpions’ was formed by Minister Marthinus van Schalkwyk, (Environment and Tourism), to root out contraventions of environmental laws<sup>15</sup>.

During Budget Speeches, the minister of the Department of Environment and Tourism (DEAT) has made various commitments before parliament over the years. In

- 2005: To carrying out a Greenhouse Gas Inventory and Implementing a Climate Change response Strategy for 2005 was made<sup>16</sup>.
- 2006: To work together with the Department of Minerals and Energy and in partnership with Business Unity South Africa (BUSA), in continuing to update South Africa’s Greenhouse Gas Inventory<sup>17</sup>
- 2009: Declaring June ‘Environment Month’ with celebrations themed by ‘SA Act Now! Combat Climate Change’. As well as to Acknowledge participation in the African commitment to combat climate change along with issuing a commitment to an

*‘inclusive, fair and effective international climate change regime that achieves balance between adaptation and mitigation, as well as a balance between development and climate imperative, and a comprehensive international programme on the implementation of adaption’<sup>18</sup>.*

- 2010: Stating to Parliament that by the end of 2010 the department would release a National Climate Change policy and White Paper.<sup>19</sup>

The 2005 National Climate Change Conference, involved a broad range of stakeholders from government, business and civil society, intended to a find path which protected the climate while addressing poverty alleviation and job creation. This came to be known as the Long-Term Mitigation Scenario (LTMS) which was commissioned by the South African Cabinet in March 2006. Through the Nairobi declaration South Africa affirmed that

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<sup>14</sup> 13 August 2002, Mr Valli Moosa Minister of Environmental Affairs and Tourism, *Media Briefing: South African Tourism, Waste Management, Translocation of Animals to Mozambique and Fishing*, (<http://www.archive.pmg.org.za/briefings/aug2002/020813pcenviro.htm>)

<sup>15</sup> June 2009, 25 Degrees in Africa, *Who are the Green Scorpions*, vol 4 Journal 2, ([http://www.25degrees.net/index.php?option=com\\_zine&view=article&id=664:who-are-the-green-scorpions&Itemid=81](http://www.25degrees.net/index.php?option=com_zine&view=article&id=664:who-are-the-green-scorpions&Itemid=81))

<sup>16</sup> 06 April 2005, Marthinus van Schalkwyk Minister of Environmental Affairs and Tourism, *Speech during National Assembly Debate on Budget Vote 27* (<http://www.polity.org.za/article/van-schalkwyk-environmental-affairs-and-tourism-dept-budget-vote-20052006-06042005-2005-04-06>)

<sup>17</sup> 06 June 2006, Marthinus van Schalkwyk Minister of Environmental Affairs and Tourism, *Speech during National Assembly Debate on Budget Vote 27*, (<http://www.environment.gov.za/NewsMedia/Speeches/2006Jun6/06062006.html>)

<sup>18</sup> 18 June 2009, Minister B P Sonjica, *Speech on the Water and the Environment Budget Vote*, (<http://www.polity.org.za/article/sa-sonjica-speech-on-the-environment-budget-vote-by-the-minister-of-water-and-environment-affairs-18062009-2009-06-18>)

<sup>19</sup> 16 April 2010, Minister BP Sonjica, *Speech on the Department of Water and Environmental Affairs’ 2010/11 Financial Year Budget Vote*, (<http://www.polity.org.za/article/sa-sonjica-budget-speech-by-the-environmental-affairs-minister-national-assembly-16042010-2010-04-16>)

*“...international climate change negotiations should be based on the established principles of equity and common but differentiated responsibilities and respective capabilities” furthermore any negotiations “should take into account the priorities for Africa on sustainable development, poverty reduction and attainment of the Millennium Development Goals<sup>20</sup>.”*

By 14<sup>th</sup> September 2007 a number of persons and groups of staff were working on Climate Change issues. They were from the Ministry of Environmental Affairs and Tourism, the International Co-operation and Resource branch as well the Environmental Quality and Protection Branch. Also included were a significant number of scientists and contracted experts. Various climate change related projects and policies were in play by 2007<sup>21</sup>. Policies such as the National Climate Change Policy requires cooperation between various government departments to accomplish a single national objective as climate change is a crosscutting issue which has ramifications for numerous government departments and activities.

In May 2008 the interim report, *Long Term Mitigation Scenarios Strategic Options for South Africa*, from the Scenario Building Team was presented to Cabinet by Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism<sup>22</sup>.

*“LTMS is a multi stakeholder, research based scenario process designed to produce the information and options required by decision makers to engage in the formation of a national approach to greenhouse gas reduction<sup>23</sup>”*

The LTMS was a project that was mandated by cabinet, led by the Department of Environment and Tourism (DEAT) and managed by the Energy Research Centre (ERC). The process involved various stakeholders who came from a range of government departments, significant industry players and civil society<sup>24</sup>. The LTMS went through a process which started with a Cabinet Memo and after research conducted by the Scenario Building Team (See Appendix B) which resulted in the LTMS document which was agreed upon in July 2008 by the Cabinet. Thus far addressing the climate change issue has been at a predominantly cabinet level and had very little parliamentary involvement although as show numerous stakeholders have been consulted. Regarding this process on the 28 July 2008 this statement was issued:

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<sup>20</sup> 14 September 2009, Parliament Research Unit, *South Africa's Position on Climate Change Negotiation* (<http://www.pmg.org.za/files/docs/090916watts.pdf>)

<sup>21</sup> 14 September 2007, Minister of Environmental Affairs and Tourism, Written Reply to Question No. 1486: Internal Question Paper No. 33 of 2007 by Mr G R Morgan (DA) (<http://www.environment.gov.za/ParliamentUpdate/2007/aug/NW2247E-04102007.doc>)

<sup>22</sup> 20 May 2008, *Media Briefing: Budget Vote Speech by Marthinus van Schalkwyk, Minister of Environmental Affairs and Tourism*, National Assembly, South Africa

<sup>23</sup> May 2008, *Budget Speech Presentation*, Department of Environment and Tourism (<http://www.environment.gov.za/HotIssues/2008/LTMS/LTMS.html>)

<sup>24</sup> October 2007, University of Cape Town Energy Research Centre, *Long Term Mitigation Scenarios* (<http://www.environment.gov.za/HotIssues/2009/LTMS2/LTMSTechnicalSummary.pdf>)

*“The process will culminate in the introduction of a legislative, regulatory and fiscal package to give effect to the strategic direction and policy from now up to 2012<sup>25</sup>.”*

The main purpose of the National Energy Act, Act 34 of 2008 was to provide for energy security through diversification of energy sources, including renewable energy sources. With regards to public participation, this act has been moderately successful, largely due to a drive by Idasa and key civil society partners to inform and capacitate civil society to engage in the consultation process. As a result the public hearings on this act were extended from half a day to two and a website to offer an online portal for public submissions was built.

*‘Climate Action Now!’* – a National Climate Change Summit from the 3-6 March 2009 had over 600 stakeholders from government, public interest groups, organised labour and business as well as industry associations and academia. The aim of this summit was to update stakeholders on current South African interventions and initiatives as well as recent climate research<sup>26</sup>.

In 5<sup>th</sup> October, 2009, EMG and Oxfam held Pan African climate justice hearings which raised the voices of vulnerable Africans from all over the continent. Members of the SA parliament attended this summit including MPs from the Land Affairs Committee.<sup>27</sup> Quote from proceedings “These hearings provided an opportunity for people affected by climate change to be heard by a wider audience than they would otherwise have access to, including the media. This is important in terms of getting voices from marginalised communities to national and international decision makers.” Some of the direct outcomes of the hearings were an invitation from the Water Affairs Portfolio Committee to Parliamentary Hearings in November, as well as a commitment in principle from Parliamentarians and the City of Cape Town to take these discussions further.<sup>28</sup>

From the 17-18<sup>th</sup> November 2009 the Public hearings, chaired by Ms M Soty, on Climate Change were held. The hearings were jointly held with the participation of a number of committees, including the chairpersons of the newly formed Energy Committee and the Rural Development and Land Reform committee. Participation from a large and varied number of stakeholders took place (See Appendix 1). General Consensus was that more needed to be done to address the issue of climate change by government.

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<sup>25</sup> 28 July 2008, *Media statement* by Marthinus Van Schalkwyk, Minister of Environmental Affairs and Tourism, Cape Town (<http://www.info.gov.za/speeches/2008/08072816451001.htm>)

<sup>26</sup> December 2009, The South African Government, *The National Climate Change Response Policy* ([http://www.ccs Summit2009.co.za/Downloads/2009-03-01\\_CLIMATE\\_CHANGE\\_POLICY\\_FRAMEWORK%20 Rev%207 .pdf](http://www.ccs Summit2009.co.za/Downloads/2009-03-01_CLIMATE_CHANGE_POLICY_FRAMEWORK%20Rev%207.pdf))

<sup>27</sup> 06 October 2009, Oxfam and The Environmental Monitoring Group, Cape Town, *Cape Town Hearings on Climate Change, Food and Water*, Cape Town (<http://www.emg.org.za/documents/Climate%20Change%20Hearings%20Ctn%20Proceedings%202009%20Nov.pdf>)

<sup>28</sup> 06 October 2009, Oxfam and The Environmental Monitoring Group, Cape Town, *Cape Town Hearings on Climate Change, Food and Water*, Cape Town (<http://www.emg.org.za/documents/Climate%20Change%20Hearings%20Ctn%20Proceedings%202009%20Nov.pdf>)



A number of desegregates raised serious concerns over Eskom and its continued dependency and development of fossil fuel related energy sourcing. A call for decentralisation of energy within the country as well as independent running of Eskom was iterated. Alternative energy sources in particular solar and wind were repeatedly asked for. And poor, health issues relating to pollution, food shortages, lack of energy planning were repeatedly stated as some of the problems which the climate change issue involved. It was largely felt that rich nations, led by the United States hesitancy, were responsible for climate change problems. Furthermore it was conceded that climate change if managed correctly could be an opportunity for development of green jobs as well as an opportunity for growth instead of a hindrance for South Africa. Various Members of the Committee, such as Mr L Greyling (ID) expressed concerns that he'd had to lower his expectations especially with regard to international response. Mr M Johnson (ANC) called for a role for indigenous technology within the climate change response<sup>29</sup>.

Since these hearings, government as a whole has engaged in various summits and conferences such as the 07-18 December 2009 Copenhagen Climate Change Conference and the International Parliamentary Hearing for Southern African Legislators [Climate Change and Energy Access for the Poor] in Maputo Mozambique<sup>30</sup>. Additionally, South Africa is set to host the 2011 Annual Convention on Climate change for the COP.

### **Analysis of Parliament's Engagement on Climate Change**

The lack of decisive and effective action emanating from parliament was best captured by Greenpeace on 10<sup>th</sup> February 2010, when they projected a reminder to South Africa of her commitment to reduce CO2 emissions onto the former Athlone cooling towers. According to Brad Smith a Climate Campaigner at Greenpeace Africa:

*"The problem is that South Africa is among the top 15 CO2 emitters in the world and yet parliamentary debate on economic development has yet to take into account of the fact that there is a world-wide push to reduce emission. The country's over-reliance on coal and huge inefficiencies in the energy sector must be addressed urgently at the highest levels if South Africa is to take leadership on climate change<sup>31</sup>."*

It would seem that while a number of committees, projects and interventions have been planned, few have resulted in decisive and effective action with results yielding carbon emissions decreases. Policy has been formulated and put in place, research has been

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<sup>29</sup> 17 – 18 November 2009, Public Hearings, *Climate Change*, National Assembly Parliament (<http://www.pmg.org.za/report/20091117-climate-change-sustainable-development-public-hearings>) and (<http://www.pmg.org.za/report/20091118-climate-change-sustainable-development-public-hearings>)

<sup>30</sup> 9 March 2010, Report of the Portfolio Committee on Energy, *International Parliamentary Hearing for Southern African Legislators [Climate Change and Energy Access for the Poor]*, Maputo, Mozambique (<http://www.pmg.org.za/docs/2010/comreports/100319pcenergyreport.htm>)

<sup>31</sup> 2010, Greenpeace Africa, *Climate Change and South Africa*, (<http://www.greenpeace.org/Africa/Global/africa/downloads/Greenpeace-brochure.pdf>)

undertaken and completed – all of which agree with Greenpeace but none of which actually result in action.

*“Aggressive investment in renewable power generation and energy efficiency could provide three quarters of South Africa’s electricity by 2050, slashing over 200 million tons of CO2 emissions and protecting the climate while providing employment and growth. Parliamentarians need to recognise this and act on it – we need more leaders and fewer politicians”<sup>32</sup>.*”

South Africa’s emissions arise largely from the energy sector, particularly the liquid fuels and electricity generation sector but the climate change response strategy is being led by the Department of Environment Affairs. This department is the Cinderella of government departments, and its role in leading the climate change response is probably due to the lack of importance the issue held in the first stages of government awareness, and that its impacts were initially largely seen as environmental.

To some extent the government has engaged with the public, various stakeholders meetings, conferences and summits have taken place. Though given the lack of decisive action and results one has to question whether this has been lip service. Actual parliamentary interaction with stakeholders has been minimal at best.

A case in point is that while there have been numerous portfolio committee meetings on Climate Change and Mitigation Strategies, most of these engage with persons either from two departments in particular, DEAT and the Department of Science and Technology, or persons within parliament. It is rather the exception than the rule that parliament engages directly with the public and stakeholders. Within portfolio committee meetings most of these engagements have taken place with a field expert not with many stakeholders or the general public.

On 3<sup>rd</sup> September, the Water and Environment Committee held a workshop on climate change mitigation which the Chair of Energy attended. Many of the presentations addressed issues of energy and climate change. However, we have yet to see the Portfolio Committee on Energy hold a workshop on climate change. The Chair of Water and Environment committee emphasised that, “The Chairperson also commented that Parliament did not have a coordinated approach. Not even a single member of her Committee was yet involved in other committees. A workshop was needed to inform all Members of Parliament and Provincial Legislatures on these issues, and to build up expertise so that some Members could be dedicated to climate change matters”<sup>33</sup>.

It is worth noting that since the initial climate hearings in parliament in 2009, civil society organisations such as SAFCEI have pro-actively attempted to meet with the Committee Chair about energy and climate change issues but with no success.

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<sup>32</sup> 2010, Greenpeace Africa, *Climate Change and South Africa*

(<http://www.greenpeace.org/Africa/Global/africa/downloads/Greenpeace-brochure.pdf>)

<sup>33</sup> 03 September 2010, *National Parliamentary Workshop on Climate Change Mitigation in South Africa*

Day 2, Water Affairs and Environmental Affairs Committee Workshop,

(<http://www.pmg.org.za/report/20100903-national-parliamentary-workshop-climate-change-mitigation-south-afric>)

However, the engagement with the public has been better when it comes to specific bills relating to Climate Change – such as the National Energy Act. Engagement took place due to some civil society organisations spearheading awareness and putting pressure on Parliament without Parliament actually actively seeking to engage with the public. The Climate Change bill which is proposed may, therefore, provide a pivot for more effective public engagement with the issue in parliament and, thereby, draw parliament into a more sustained engagement with the policy area. There is no Bill as yet. It seems but a proposal as there is nothing on the Parliamentary calendar for this year which suggests it will be introduced.

The policy has yet to be released for public comment. The policy was supposed to have been drafted to include the outcomes of the 2009 climate change summit and to be have been released a few months later. However, indications are that the policy will only be finalised in 2011, and there is no indication of when the subsequent legislation will reach parliament.

Interestingly Parliament has engaged with the international community on issues pertaining to climate change. The video conferencing with the UK Parliament as well as information sessions with the Association of European Parliamentarians for Africa (AWEPA) in addition to conferences such as the Nairobi and Copenhagen Climate Change Conferences and the Southern African Parliamentary Hearing in Mozambique are cases in point.

While the Energy Committee does not engage directly, recent meetings in parliament showed the committee criticising the lack of progress made by the department in energy projects such as solar water heating, whose roll out reduces coal driven electricity and therefore mitigates climate change.

Thus, we would submit that parliament's engagement with issues of climate change has been sporadic, at best. There are a number of inter-connected reasons for this. First of all, it is not a subject that has gained common political traction; while it has been an important issue for the executive, as has been best evidenced by the LTMS process, and a range of other policy initiatives originating in the executive, parliament has not summoned the collective energy or focused interest to engage in anything other than an occasional, unsystematic fashion.

This is partly for what is euphemistically called a 'lack of capacity' – a common refrain in modern-day South African governance – which is a polite way of referring to the lack of skills or necessary expertise. Lance Greyling is one of the few MPs who have chosen to focus on climate change and sustainability issues, and he has been a persistent and impressively diligent voice of reason in parliament. But it is noteworthy that he comes from a background in NGO environmental policy and justice, and has the knowledge and skills-set to be able to take on the issues with confidence. He is in a very small minority of such MPs; few if any have his background or long-time interest in the relevant subjects.

Greyling candidly admits that “something is not right at the moment; we not getting it right in terms of our role as parliament”. In an interview for this research paper, Greyling indicates unsurprisingly that the primary need “is to build up a cadre of MPs who are sufficiently expert...a dedicated capacity to engage on climate change”. Though Greyling can be forgiven for feeling demoralised by the lack of sustained engagement by his parliamentary

colleagues, he does point to some modest signs of progress. Greyling asserts that the delegation who visited COP15 is a potential base for such a dedicated capacity, as well as the potential of the new ad hoc committee on climate change that has been formed but which has yet to meet or begin a programme of meetings or engagement.

There are however indications that there is an increased awareness amongst the leadership within Parliament to deal with climate change across Parliamentary committees. Obed Bapela<sup>34</sup>, who also fills the role of ‘Chair of Chairs’ (a semi formal position that is designed to co-ordinate the various parliamentary committees) has been tasked with creating a more strategic role for Parliament as regards its interactions on climate change. Recognising the cross-sectoral aspects of the challenge, it is envisaged that a focus group be set up by the end of October 2010. The focus group will not have the full powers of a committee but will consist of a cross-section of MPs from various committees who will propose debates and discussions on important climate change issues, develop an action plan for public participation for the envisaged climate change legislation when it is tabled and also take up certain matters of concern with the executive. In addition, it is envisaged that this focus group will draft a plan of action for a public participation process on a Climate change Bill. It is further envisaged that the focus group will identify key challenges in the climate change debate and then filter these through to the relevant portfolio committees. It will also assess progress which is being made by South Africa in the implementation of international agreements relating to climate change. Bapela has suggested that the focus group meet once a quarter and that MPs also be given maximum exposure to seminars, conferences and other research materials on climate change matters. The legislation which is being proposed will be introduced by the Water and Environmental Affairs Portfolio committee, chaired by Maggie Sotyu but Bapela envisages that the focus groups will create what he calls a ‘common perspective’ and prevent the ‘silo approach’ which committees are currently taking on issues of adaptation, mitigation and financing aspects of the climate change debate. He admits though that Parliament is lagging behind and that the public participation processes could improve. In addition, he sees a role for the South African Parliament in creating space for engagement within the Pan-African Parliamentary forum on climate change. According to Ms Joanne Yawitch<sup>35</sup>, the Deputy Director-General in the Department of Environmental Affairs a draft Green paper will be presented to cabinet within the next month if cabinet is able to fit this into its schedule. Given the possible delays, the consultation process will run until the beginning of 2011. The National Planning ministry has not been involved in the Green Paper process which might cause a further delay. Parliament’s engagement with the Green and White papers will be important. If it is to happen via the focus group Bapela mentions and then filter through to committees, then much work needs to be done if Parliament is to be prepared for the complexity of the challenge. Both Greyling and Bapela point to another challenge, that is probably not unique to the South African parliament, which is the cross-cutting, multi-sectoral dimension to climate change. Clearly, it cut across policy portfolios including: energy, environment, minerals, finance, water, economic development – to name just six. For parliament to arrive at a systematic, cross-sectoral response that matches the capacity of the executive is highly demanding.

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<sup>34</sup> Telephonic discussion with Mr Obed Bapela, ANC MP, Chair of Committees, Parliament, RSA, 2 September 2010

<sup>35</sup> Parliamentary briefing by Ms Joanne Yawitch; Portfolio Committee on Water and Environmental Affairs; 2 September 2010

As to the COP15 delegation, interestingly Greyling asserts that although the delegation had little or no contact with the negotiating team or, therefore, any engagement with the negotiating process, they did play a useful role as a go-between between the South African negotiating team and the civil society organisations that were in Copenhagen, on at least one occasion convening a meeting at which officials briefed the NGO representatives and provided them with an opportunity to put their point of view and ask questions. Greyling himself continued to act as a bridge between the civil society representatives and the negotiating team.

This points to the longer term role that Greyling, and others, believe that parliament can most usefully play: as a connecting point between the highly technical approach (perhaps inevitably) in the executive, as complex negotiating positions and policy-making processes unfold, and the broader civil society community, many of whose members hold increasingly well-informed and incisive perspectives on the challenges and solutions, but who are not always able to gain access to decision-makers in the executive.

Parliament seems to have been more open to public participation in the latter years of the climate change issue. However to date, in around 10 years of climate change meetings and researching, only two days of engagement with broader stakeholders within the public has taken place. Thus it is fair to say that not enough is being done by parliament to engage with stakeholders regarding climate change issues as well as parliament's work thereon.

**October 2010**

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## **APPENDIX 1: PUBLIC HEARINGS ON CLIMATE CHANGE**

### **Climate Change: Public Hearings Day 1 and Day 2**

**Date of Meeting:**

17 Nov 2009

**Chairperson:**

Ms M Soty

**Minutes:**

### **Climate Change: Public hearings**

#### **Southern African Faith Communities Environment Institute (the Institute) submission**

Bishop Geoff Davies, Southern African Faith Communities Environment Institute (the group), thanked the Chairperson and the Members of the Committees for the opportunity to present to them. This group was launched in 2005 to promote the Earth Charter, as the principle of its decision-making. Climate change was a moral issue, and the group was worried that the Copenhagen Council meeting was being hijacked by those with economic interests. Caring for the environment was an initiative that was a part of all faiths, especially the Christian-Judeo faith. Justice and equity was fundamental to its basic principles. Money-based interests were killing the world. There was great inequity in the world; this led to conflict and injustice. Oil and coal was being fought over, while it was poisoning the world. The sun provided all the energy that the world needed. The world had copied the American, Western system of energy production. This created the majority of the problems that they faced regarding unemployment and inequality. The economy dominated all decision-making, but the Group believed that the health of the environment and people should have been a higher priority. The world was killing their natural environment, at the expense of their people and their future.

He suggested that there was a need to establish ecological and economic justice. Countries should have spent money from their defense contracts on solar power technology. If the global temperature increased by two degrees, there would be major crises. The Group called for global justice, saying that the rich northern hemisphere was more responsible for coal burning and that they owed recompense to the world, and especially Africa, for creating economic and ecological problems for the rest of the world. South Africa however, was also a high emissions offender. There were contradictions in what the Minister of Environmental Affairs had said two weeks earlier and the Minister's plan for emission reduction was "ridiculous". Countries had to start drastically reducing their emissions by 2015. They had to make use of the sun, their best source of renewable energy.

There was a statement that South Africa wanted to ensure that reductions made would cause emissions to peak by 2015, this could have been done if they stopped using non-renewable energy and invested in renewable energy sources. The public should have had a say in the country's use of their resources and strategies regarding energy production and distribution. This climate crisis was an opportunity for a new start to live in harmony with the environment.

### **The Green Connection submission**

Ms Liz McDaid, Representative for the Green Connection, thanked the Committees for involving a greater variety of bodies on a very important issue. The earth was a life support system for the human race, as the oxygen and water that humans required to survive depended on the ecological system. South Africa faced the issues of economic inequity, job development, but climate change was an opportunity to improve everything. South Africa needed an energy system that was reliable and sustainable and created jobs, and underpinned an economy that moves forward. Climate change was a warning that the ecological system was out of balance. There were massive shortages in food production due to significantly lower rainfall, and deprived soil.

Countries like America had caused the majority of the problems that the world was facing, but it seemed that they were hiding from the consequences of their actions. South Africa could have taken an emission mitigation strategy or continued with business-as-usual. If it continued to rely on non-renewable energy sources, which would mean that it would build another nuclear power station and would continue to burn coal, the cost of everything would continue to rise exponentially. If South Africa moved to renewable energy reliance, the cost of running their economy would actually have become progressively cheaper. By as early as 2013, renewable energy usage would be cheaper than non-renewable energy. Members of Parliament needed to challenge Eskom's energy strategy. Scientific studies had proved that the energy strategies at the time were regressive and ultimately lead to bigger problems. Eskom said that it needed to build more power stations, and so had requested money from both National Treasury and through increased tariffs, without needing to account for how they were spending that money. This was not a logical way for a State to spend its money. South Africa required an integrated approach. The Orange River showed that climate change was already a present threat.

South Africa needed to change its way of spending money on energy and infrastructure. Eskom should not have been the energy planner. Eskom held the entire population and economy at ransom. The Department of Energy had to take back the role of energy strategising. The Government had to jump on the renewable energy technology bandwagon. Adaptation finance had to focus on infrastructure and housing development, with Parliamentary oversight. Marginalised poor people were in jeopardy,

independent of climate change; as these groups of people required meticulous planning and care to be integrated into their programs of adaptation.

### **World Wildlife Fund (WWF) South Africa submission**

Ms Tasneem Essop, Representative for World Wildlife Fund (WWF), noted that countries all over the world were gearing up for the Copenhagen Climate Council. Climate change was a social, environmental and economic issue and time was running out to reverse the process. The rich nations were responsible for climate change. There was a clear and present danger that the Copenhagen meeting was being set up to fail. The major members of the global team that was involved with the Council, who shared the most responsibility, were presenting arguments to lower their expectations of the outcome of the Council. The hosts had said that there was not enough time. They were talking about emerging from the meeting with a political agreement rather than a legally binding outcome. The rich nations had shifted the 'goal posts'. There was extreme pressure placed on emerging economies and developing nations. Developing nations were united against the moves made by the richer nations to dictate the outcomes of the Council.

The second major problem with the Council was that United States of America (USA) had declared themselves not ready to commit to the meeting's objectives. Other nations were hiding behind the USA's hesitancy. This was going to compromise the possibility of a positive outcome of the Climate Council. South Africa and the rest of Africa had taken a very progressive stance on their climate change ambitions for Copenhagen.

The WWF was asking for a 40% reduction in emissions from the richer nations, and would have liked the global emissions to peak by 2017. The big nations had to deviate substantially from 'business as usual'. Developing countries were voluntarily contributing drastic emission reduction programs. They also needed an adaptation strategy and public finance that accelerated and incentivised mechanisms of energy conserving infrastructure and renewable energy production. South Africa was expected to continue to push its environmental mandate, despite pressure from the rich nations to settle for a political agreement.

### **Commission on Gender Equality (CGE) submission**

Ms Yvette Abrahams, Commissioner, CGE, said that it was within the Commission's mandate to ensure that the rights of the people of South Africa were protected, especially against the threats posed by climate change. The approach of most African cultures to nature and land usage was that the land did not belong to humans, but humans belonged to the land. High growth as the primary objective had been a problem for the environment, for job sustainability and for economic stability and the credit crunch was an example of what happened because of the world economic policies. The world had tried the high emission, high growth, and fossil fuel dependency route for too

long, it was time to try something else. Anything except renewable energy usage was not sustainable. Petrol price increases led to a rise in the cost of almost everything else. The WWF suggested that there should be a full energy conservation and carbon emission analysis. It was imperative that South Africa must cut carbon emissions, adapt to energy conserving strategies, and invest in renewable energy sources. The government should have been subsidising low carbon or carbon neutral initiatives and businesses. This would not only help cut emissions, but it would create 'green jobs' which were more sustainable and beneficial for the environment.

A big concern for the CGE was preventing unwanted pregnancies, which increased the population and therefore strained the rest of the economic and social systems. They had to control unwanted population growth by empowering women to control their reproductive function.

### **Earth-life Africa submission**

Ms Lerato Margele Representative for Earth-life Africa, said that her presentation represented the interests of poor communities who were the worst affected by the effects, not just of climate change, but also of poor service delivery. Adaptation was important, but whatever decision was made regarding the future had to take into consideration the plight of the poor. When Earth-life Africa communicated climate change issues to poor communities, it usually used the analogy of a soccer match to explain the situation – by likening the poor to the people who went into the stadium at the end of the match, and were told by the rich, who already had enjoyed the match, to clean up the stadium. Similarly, the poor had to clean up the climate change mess that the rich had made.

Earth-life Africa wanted to see a proper housing and energy management system that understood the plight of the poor and compensated for their needs. Climate change was a justice and social issue, not just an environmental issue. The Copenhagen Climate Council was a talk show. There was not a need for any more debate about whether the world should act or not, but instead there was a need to do something about the problem immediately.

### **Mama Earth Foundation submission**

Ms Ruth Rubinowitz, Representative of Mama Earth, said that the delegation hoped to help contribute to a solution to the issue of climate change. People had to move past skepticism on the consequences of climate change, as it was real and it was caused by human actions. They needed a champion, or a high-profile role model to drive the strategies for climate change adaptation. Important players had to stop operating in silos, and there must be integration between all stakeholders, to communicate and share strategies to move forward. Emphasis had to be placed on the renewable,

progressive energy conservation and production strategies, to create a sustainable and economically viable system for the future.

Hybrid systems, combining both kinds of energy, were an option of mitigation that could have been explored. Europe was already using both solar and hydro power, with coal and nuclear energy. There was no viable power purchase agreement. Mama Earth Foundation wanted to see transparency with Eskom's energy planning and financial affairs. Eskom had double accountability because it was a government component. Eskom was setting the energy agenda for their future. If Government adopted the Renewable Energy Act, it would have a comprehensive plan for adaptations. There would be national laws to incentivise the implementation of renewable technologies, through activating municipalities. Government could have had an advisory committee that incorporated business executives, non government organizations (NGOs) and academics. This would aid Parliamentary oversight over the implementation of adaptation strategies. Furthermore, South Africa had to investigate Eskom's use of the country's financial resources and employ a full reassessment of their role as both energy planner and creator and distributor.

### **Free Life on Earth submission**

Mr David Lipschitz, Representative of Free Life on Earth, said that its main objective was to raise environmental awareness, and to encourage people to begin to live harmoniously with the environment. The organisation was concerned about future energy provision. There were concerns about a lack of transparency and the sustainability of the energy strategies employed by the government. Leaders were unfortunately looking at quick fixes and the jobs that they were creating were not sustainable. Instead, they had to develop a strategy that provided permanent jobs in a sustainable, renewable energy system. They had to stop relying on coal and nuclear energy, and the myth that renewable energy was not feasible had to be revoked.

Eskom controlled the energy national grid and it was owned by the government. Free Life on Earth believed that there was a need for a separate entity to take over certain management functions that Eskom had. There was a need also to restructure the supply and creation of energy so that the consumers had a choice over the energy that they got. The government had to decentralise energy distribution and creation, and to facilitate the introduction of alternative energy sources.

### **Business South Africa (BUSA) submission**

Mr Coenraad Bezuidenhout, Representative of BUSA, said that it was crucial to achieve coherent interdepartmental strategies to move forward. There was common ground between business and civil society. There was a need to move to a more diverse energy mix. At the time, low energy commitments were voluntary for businesses. A reduction in energy intensity, and therefore in carbon emissions, needed to be incentivised, which

required oversight from the Department of Trade and Industry (DTI). The country had to put forth an independent power production program, including reinstating power purchasing and finalising cost recovery mechanisms.

A number of companies were committed to positive outcomes from the Copenhagen Climate Council. They recognised the science behind the reversal path, and this meant that they had to incentivise and invest in low-emission technology, and implement already available mechanisms for energy conservation. They had to take a closer look at the food shortage problem; because it would become more of an issue as rainfall and water shortages became more prominent. The same enthusiasm for Climate Change adaptation would not be shared with certain departments, so it was crucial to get every arm of the government on board. The private sector was not an adversary in this regard. The private sector agreed that it wanted to aggressively pursue power generation and distribution alternatives to Eskom. If South Africa could not do that than it would have to face huge problems with Eskom's increases in electricity prices. Business had to show leadership with regards to adaptation.

The outcome of the Copenhagen Council was irrelevant, as South Africa had to remain motivated to change and act accordingly. Through innovation and planning, it was possible to drastically reduce carbon emissions. A simple example of this was to move transportation of goods from road to rail. The climate change policies coming out of Copenhagen should not be so binding so as to have prevented the government from achieving its national imperative. It was important to ensure that accurate reporting and verification was done, and with Parliamentary oversight a national accreditation system could have been put into place.

### **Nedbank Ltd submission**

Mr Nelis Engelbrecht, a Nedbank representative, said that Nedbank was known as the 'green bank' because of its commitment to energy conservation and low-carbon emissions. It was the first bank in South Africa to become carbon neutral and also had the first 'green' building. Large business should have been making moves to protect the environment, despite the financial costs of adaptation. While climate change was a threat to the country, it presented the biggest opportunity since the Gold Rush for companies willing to make changes. There were many challenges to accomplishing their goals. Only four carbon projects had yielded carbon credits. The Government played a huge role in raising the awareness of civil society, getting ordinary people involved. A renewable energy project had been impeded by Eskom. Adaptation to climate change would have created thousands of job opportunities. Therefore, government and private organisations had to get behind projects for renewable energy. Eskom was not prepared to sign over power purchase agreements.

The Chairperson said that the issue of climate change was clearly requiring a very

holistic approach to reach solutions. Every Department had a stake in these matters so they had to involve themselves positively.

### **South African Insurance Association (SAIA) submission**

Ms Vanessa Otto-Mets, Representative for SAIA, said that climate change represented a risk that was shared by everybody. There was a need for collaborative risk management. The role of insurance companies was as enablers of economic growth and as a safety net for catastrophic events. Industry growth was directly proportional to Gross Domestic Product (GDP) growth. All economically growing companies relied heavily on an insurance industry that was accessible, affordable, and equitable. Climate change was a shared and systemic risk that was increasing. Climate change contributed directly to risk assessments, and it affected where, when and how people could build. The insurance industry would be influenced very heavily by climate change. However, they did not have to view it as a crisis. Climate change was an investment opportunity, and the cost benefit of adaptation could be very positive. In order to achieve that, the insurance sector would have had to work together with the Government, private companies and civil society.

### **Environmental Monitoring Group (EMG) submission**

Mr Stephen Law, Monitor for EMG, said that EMG hosted hearings with Oxfam to give ordinary people a chance to communicate with the organisations. They wanted to focus on urban water programmes, as they related to the climate change crisis. One of the immediate threats of climate change was water shortage. In certain communities EMG had employed empowering practices to give these communities some initiative. Leakages in pipes in poorer communities was a big problem that they tackled by getting community members involved with actively fixing their leaks.

Ms Tarryn Parreira, EMG representative, said that land would become dryer, water scarcity would be more prevalent, and urban demands would increase with population increases. The Western Cape, which was already struggling to meet urban water demands, would face a compounded crisis, as it would have to provide more water services, with less available water and financial resources. Access to water was constrained by technological inadequacies. There was a need for demand management strategy assessments, and a strengthening of social networks, between Parliament, ordinary people, and even the Executive. The budgetary process should have been more participatory. The response to climate change required adaptation and work from everyone.

### **Groundwork, Friends of the Earth, South Africa submission**

Ms Siziwe Khanyile, Representative of Groundwork, Friends of the Earth South Africa said that the primary concern of this organisation was to challenge the trend of

globalisation which contributed to the consequences of climate change. Climate change adaptation centered on energy. South Africa had one of the most energy intensive economies in the world. The government continued to make use of fossil fuels, which were a short term energy source. There was need for renewable energy. The financing of Eskom's next power station came from the World Bank's loan, National Treasury, and ordinary people, through an increase in the electricity tariff. This power station was going to be built, to the detriment of ordinary people and the environment.

The proposal of this organisation was for energy provision based on the rights of the people. Communities had to be empowered to have informed control over their own energy needs. Energy distribution had to become decentralised. The organisation wanted to end subsidies from international institutions like the World Bank, which encouraged the removal of fossil fuels from the ground. The Government had to protect the rights of ordinary people.

### **Women, Energy and Climate Change Forum submission**

Ms Makoma Lekalakala, Representative of Women, Energy and Climate Change Forum, said that the Forum was communicating with poor people. It had serious problems with Eskom. People had unreliable electricity, which was becoming more and more expensive. The Government and Eskom wanted to make profits instead of look after the people. Climate change had to be taken seriously because it was a threat to everyone, especially the poor. Pollution was also a very big problem for the health of the community.

### **Youth in Agriculture Ambassadors submission**

Ms Wendy Tsoketse, Representative for Youth in Agriculture, said that climate change was already impacting on the quality of the soil. This had financial consequences for the farmers and the communities that depended on their crops. Vegetables were harder to grow, they were often smaller in size and changed colour because of the pollution in the ground. Poor farmers were forced to sell their livestock at a loss because they were generally unhealthy and thin. The Youth in Agriculture group had come a long way from their community to get to Parliament to voice their concerns about what was happening to them. They felt that they were wasting their time and pleaded for something to be done about their situation, and for Parliament to help them.

The Chairperson said that everybody wanted to do something about these problems. The presenters should not think that they were wasting their time. All of the Members were holding these hearings because they were serious about wanting to help.

### **Sasolburg Air Monitoring Committee submission**

Ms Lerato Maregele, Representative of Sasolburg Air Monitoring Committee, said that



there were major health challenges as a result of the Sasolburg refinery. Patients suffering from respiratory diseases were not getting proper medical attention. Many members of the delegation were ill because of the pollution, and some were retrenched because of their illness. Provincial Government was not doing its job at all. Babies were born infected by the air pollution around Sasolburg. The Air Monitoring Committee felt that the only thing that they could do was to bring this issue to Parliament.

#### **South African Bureau of Standards (SABS) submission**

Ms Vanida Lennon, Representative for SABS said that it was a non-negotiable fact that the earth was warming and that this was due in some ways to human activities. SABS was looking for a clear climate change policy. The country needed a policy framework that moved towards sustainable energy usage. These standards needed to be mandatory. The country had to make the transition to a low-carbon output, and energy conservation and efficiency strategies had to meet international standards. All domestic efforts to cut costs and carbon emissions would only work if they were well coordinated. The government had to look at every type of renewable energy technology as an option.

#### **Climate Change: Public Hearings Day 2**

Created 20 Nov 2009 - 15:33

Meeting Report Information

#### **Date of Meeting:**

18 Nov 2009

#### **Chairperson:**

Ms E Thabethe (ANC), Ms M Soty (ANC), Mr N Ngcobo (ANC), Mr P Sizani (ANC)

#### **Minutes:**

#### **Water Research Commission (WRC) submission**

Mr Chris Moseki, Research Manager, WRC, noted that there was a relationship between water and climate. The research done so far had established that vulnerability was the degree to which a system coped with climate change, whilst adaptation was the ability to adjust or be resilient to impacts. He noted that greenhouse gases were emitted from the surface of the earth into the atmosphere, thus trapping heat. Mitigation would be achieved by a shift from burning fossil fuels to using climate friendly options to generate energy.

Some of the impacts of climate change were that it had effects on changes in rainfall, a rise in temperature and a rise in sea level. These impacts in turn could lead to extreme weather conditions such as droughts and floods, leading to overgrazing in the agricultural sector, and an increase in malaria in the health sector. His message was that WRC supported the adoption of a "legally binding" agreement on the reduction of

emissions, an insistence on adaptation, and technology transfer and capacity building by developed nations to developing nations. On a national scale, government should be encouraged to maintain an enabling environment, to support environmentally friendly actions, and support adaptation action which would lead to policy.

### **EnAct International submission**

Mr Cormac Cullinan, Principal, EnAct International said that Earth's distance from the sun made for a unique planet supporting unique gases. Over time, humans had found ways to adapt to its conditions and environment, for example by mining for minerals and fossil fuel, thereby enabling the use of different sources of energy. Climate change became a symptom of such activity. He said that climate change was a government issue, and that a change in the law was needed, in order to change behaviour. He said that human rights meant nothing without the protection of the rights of the earth. Within government, he said many changes could be made for example what he called "institutional reform" in its procurement practices of buildings, goods and services, whilst environmentally friendly options ("green procurement") could be exercised.

### **Sustainable Energy Africa (SEA) submission**

Mr Sinethemba Ntantiso, representative for SEA, identified specific gaps on various issues that would need to be addressed to assist with issues of climate change. He said that more work needed to be done in the production of renewable energy. Public transport was presently fragmented into the different tiers of government, which hindered effective investment and sustainable development of public transport. Energy efficiency was hampered by shortage of staff, even though national government lent support to municipalities through the Division of Revenue Act funding. He felt that national standards on solar water heating must be incorporated into the National Building Act. In regard to people and institutional capacity, there was an excellent policy but once again there was a shortage of staff to implement. Insofar as local government mandates and delivery of electricity were concerned, there was a need to deal with energy issues systematically.

SEA had done work with major cities and towns. The few large cities in South Africa consumed half of the energy generated for the country. He said that local government needed to respond more appropriately to climate change, but that financial and service delivery constraints and human resources shortages put it in a weak position to deal with issues of climate change. However, it was noteworthy that some of these large cities, like Cape Town, Johannesburg and Nelson Mandela Bay, were paving the way forward by making initiatives with by-laws, wind farms, and solar water heating. SEA would participate in the exhibition at the United Nations Conference in Copenhagen in December 2009 (COP-15). He encouraged everyone who would be at the conference to view its work on climate mitigation and sustainable development.

### **The Wildlife and Environment Society of South Africa (WESSA) submission**

Mr Andy Gubb, Senior National Conservationist, WESSA, noted that South Africa was a country already suffering from numerous diverse problems, some of which were being exacerbated by climate change. He said that South Africa was a divided nation, consisting on the one hand of a poverty-stricken population, and on the other, a highly consumptive sector of people. Earth was experiencing a crisis and becoming incapable of sustaining itself. However, not all of South African society's problems were caused by climate change. The notion of wealth was being allowed to take hold despite the negative effects of economic growth. Some impacts were unpredictable while other more predictable impacts could be regarded as "gaps". This implied that attention must be given to these areas, especially by government and Parliament.

He noted that in future, as climate change manifested itself more prominently, the gaps identified would be in overgrazing, effluent, aquifers, job creation and economic growth, fisheries, mines, and the proliferation of golf estates. He said it was important to recognise the importance of biodiversity, and energy supply from multiple sources, instead of using coal-based energy. He said that South Africa should look internally for solutions to its problems, because often other countries' solutions "did not fit". Another clue to potential success in protecting the environment would be for government to listen to civil society. He was advocating for more efficient use of water, and the reduction of emissions, especially by "wealthy households" as well as mitigation.

### **Applied Centre for Earth Systems Science (Access) submission**

Dr N Sweijd, representative for Access, a consortium of scientific institutions, appealed for support and promotion of Access, a government programme that was engaged in a study under the auspices of the Department of Science and Technology. He said one objective of Access was to provide an African perspective on climate change. Change was inevitable, evidenced by the current extended warm period, in contrast to the pre-industrial age. He pointed to the accumulation of wealth by developed nations. These were the same nations now emitting the most greenhouse gases. South Africa was sitting uncomfortably high on the list of nations emitting the most greenhouse gases. Accordingly, it had to bear some responsibility towards finding and implementing solutions, and additionally must find a way to use climate change to its advantage. Access aimed to increase problem solving skills by means of education, and to broaden its research in order to increase knowledge and understanding of earth systems science. This would greatly benefit society by assisting forecasting ability.

### **The Green Network (GN) submission**

Ms Girlie Jili, representative for the Green Network, noted that this was established about 15 years ago, and was a community-based organisation from Pietermaritzburg. It was mainly concerned with presenting the problem of flooding in the area where the members of the Green Network lived. There had been 198 deaths and many more injuries from flooding in 1988. There was also extensive damage to homes.

The Network called for a coordinated government effort and increased funding to achieve sustainable livelihoods, a higher level of information about human rights, and education for the public on climate change. These floods were becoming a regular occurrence. Adaptation was being viewed as a possible solution. The delegation appealed for government and civil society to support and assist their cause. It furthermore advocated the use of an early warning system.

### **Mr Terry Bengis submission**

Mr Terry Bengis said South Africa, a developing nation, was lagging behind other developing nations in reducing emissions, as evidenced from comparisons with Brazil, Indonesia and others. He said that Cop-15 would present an opportunity to address the goal setting for the reduction of emissions. He referred to Section 24 of the Constitution, and questioned whether it was being implemented properly. He said that there was too much dithering about transformation, race and the energy tariffs. Instead the real issues of climate change, affecting mainly the poor of the country, were being marginalised. He said pollution and carbon emissions continued unabated. There was too much reliance on government to lead the way. He cited the spokesperson from the petroleum industry who, upon being asked the reason for not producing environmentally friendly petrol, responded that the industry could not do so because the government had not provided the guidelines for it. He said that industry needed to see climate change as an opportunity to lead. Likewise, farmers must be encouraged to use less nitrogen, and more carbon friendly fertilisers. He recommended that the highly publicised National Planning Commission should become involved with climate change so that a new policy could be adopted to encourage greater use of wind and solar power, and other forms of renewable energy, and which would reduce pollution of rivers, air and land. He said it was time that government took Section 24 of the Constitution seriously.

### **South Durban Community Environmental Alliance (SDCEA) submission**

Mr Desmond D'Sa and Mr Rishi Singh, spokespersons for SDCEA, spoke about the air quality and pollution which were the main concern for the SDCEA, with particular emphasis on big business trampling the rights of poor people. Mr D'Sa asked that Parliament assist in SDCEA's proposal that fines and penalties be imposed on those factories in the area that were responsible for contributing to the climate crisis. Mr Singh said that the area called Clairwood was situated adjacent to the harbour, and with the harbour's expansion came increased traffic of containers and trucks. There was also illegal occupation of land for the use of warehousing and panelbeating. He said there was no prosecution of these industries. All the increased activity made the already existing problems of pollution even worse. The heavy pollution carried health risks, causing some residents to move away. SDCEA called for regulation on the use of industrial chemicals, and warned against any further occupation of land in that area. It also called for the deployment of a system, possibly radar, to detect pollution.

### **The South African Human Rights Commission (SAHRC) submission**

SAHRC was tasked with assessing and dealing with complaints. Climate change brought with it human rights issues and concerns that the Constitution was being violated by big business and parastatals, such as Eskom and Sasol. Section 24 of the Constitution referred to an environment that was not harmful to health and well-being, and for the protection of the environment.

Ms Yuri Ramkissoo, another representative of SAHRC, said that South Africa was the 13th highest emitter of carbon dioxide in the world. She said that while South Africa, as a developing nation was not compelled to reduce its greenhouse gas emissions, it was an energy-intensive nation. It relied heavily on industry for economic growth, despite its wealth of mineral resources and energy. The time had come for the development and implementation of a strategy to counter the effects of climate change. Some of the effects would be on women and children, on the natural environment, on agriculture and on poverty and would affect the millennium development goals (MDG).

### **Renewable Energy Centre (REC) submission**

Mr Pierre-Louis Lemerrier, representative for REC, asked that the Ministry share its report on greenhouse gas emissions. REC believed that government had a major problem in its failure to respond to climate change. There needed to be a definition of the goal for low carbon emission, and this goal needed to be ambitious enough to steer South Africa in the right direction. He said the failure to respond would lead to problems of food security and the well-being of the nation. He also said the government had failed its citizens as it faced looming electricity blackouts. He said it was the responsibility of government to inform its citizens about low carbon emissions and the impact on climate change. Without education there could be dramatic effects. He said the capture of carbon, and the development of bio-fuels was just a smokescreen to hide reluctance to deal with climate change.

He thanked the Committees for convening the public hearings, and felt that these were an important platform in which to raise the urgency to deal with the reduction of carbon emissions and to broaden the Clean Development Mechanism (CDM) of the Kyoto Protocol.

### **Ekasi Development Projects (EDP) submission**

Mr S Tshingilane, Chairperson, Ekasi Development Projects, noted that EDP was a youth- and community-based organisation doing upliftment programmes in Soweto. It believed that the world must act together to fight climate change. He highlighted the extreme discomfort suffered by people of certain sections of Soweto during flooding. He said the impacts of the weather on those affected included: food security and famine, water availability, poor drainage, and soil erosion. In regard to soil erosion, more trees must

be planted. He noted that the Soweto Green Project had been successfully completed. Another of the projects involved the cleaning of two community parks, and a school garden.

He said that there was a raised awareness that science had discovered innovative ways of farming. EDP had also experienced many people moving to the townships from rural areas, thus resulting in reduced living space. The 2010 Soccer World Cup would not necessarily have a positive effect on these people, and he therefore recommended more involvement and funding from government in their programmes. He commented that government and the Committees played a vital role in gaining the understanding of people “on the ground”.

### **Deloitte submission**

Mr Paul Devine, representative for Deloitte, said his company was offering its support to make it possible for South Africa to attract international investment. He said that by using the Clean Development Mechanism (CDM) of the Kyoto Protocol a country could “earn carbon credits” by implementing projects that reduced carbon emissions. Besides this, there was also a voluntary means of registering projects of this kind. For this reason, Deloitte was firmly in favour of a regulatory framework for South Africa, which would enable it to register any such project which reduced carbon emissions. He said once this was in place, a significant portion of the US\$105 billion traded in this year alone, would be available to South African business. This issue would be on the agenda at COP-15, and South Africa needed to be in a position to participate in this network on a global scale. However, the regulatory framework still had to be developed, and this was hampering the acquisition of carbon credits. He could foresee that countries in Europe for example, would be willing to invest in local projects with the funds they would generate. The regulatory framework would have to comply with a number of objectives. Besides this, there was work in progress on a “carbon tax” – a system whereby a tax incentives were offered for reduction and higher payments extracted for high emissions.

### **Agricultural Business Chamber (ABC) submission**

Ms Annelize Crosby, representing both ABC and AgriSA, noted that the agricultural sector conceded that it was one of the contributors to the problems of emissions. However, the implementation of agricultural activity and use of agricultural land made it possible to provide a “sink” and be part of the solution as well. Whilst ABC acknowledged solutions offered internationally, there was a need for “local solutions” to supplement these. Farmers, she said, were already challenged to provide more and more food to the nation and now they had to cope with climate change as well. Agriculture’s response to climate change would need to be based on policies and strategies on both mitigation and adaptation. An incentive system had to be devised for adaptation measures in place. She said ABC was in support of the outcomes of COP-15.

She said Parliament must be congratulated for initiating the public hearings.

### **AgriSA submission**

Ms Crosby said that a changing rainfall pattern was not the only impact that climate change had on agriculture. Socio-economic impacts such as poverty, leading to food security issues, were also a concern. Agricultural productivity needed improvement and modernisation, to help it cope with the demand to provide food. This would enable it to adapt to the effects of climate change. She noted that currently agriculture was responsible for 14% of all emissions. In order to decrease the emission of greenhouse gases, attention must be given to conservation, the sustainable management of water, the sustainable management of manure, and the production of renewable energy. She said there was a need to reward farmers for their contribution to reduction through the carbon credit system. She called for greater investment in crop protection. She said there must be focused efforts on adaptation in order to respond to the climate change. AgriSA was also in favour of early warning systems.

### **Agricultural Research Council (ARC) submission**

Dr Mohammed Jeenah, representative for ARC, noted that ARC directed itself to climate change as it affected the epidemiology of disease. He said all crops should be adapted to climate change, and must be used for both food and biofuel. A surveillance system needed to be developed for mitigation. It currently was researching systems to improve soil by adding bacteria to it.

### **South African Climate Change Network (SACAN) submission**

Ms Dorah Lebelo, representative for SACAN, noted that women were particularly affected by climate change, and this was especially so for women stricken by poverty. This was due to gender inequality, resulting in a greater burden on women to cope with the effects of climate change. She said that attention needed to be given to the principle of fair burden sharing. With the degree of change in rainfall patterns, farming activity was dramatically affected for rural women, while in the informal settlements, such as those in the Cape Flats in Cape Town, frequent flooding was the main effect. However, despite these negative concerns, women were in a good position to develop strategies for adaptation. She said that, globally, emissions would peak by 2015, then fall thereafter. SACAN believed that binding, realistic targets must be set for reducing emissions. She called for, amongst other things, finance and the appropriate infrastructure to deal with climate change. Women should have a bigger say over shared resources, and should limit their unpaid time given to community projects. Access to land and natural resources must increase, and women must be assured of participation in developing the plans for millennium development goals.

### **350.org submission**

Ms Samantha Bailey, representative for 350.org, said this organisation was fairly new, but large. It was an international organisation, concerned with the specific goals for reduction of carbon emissions. The number 350 referred to the limit of the number of parts per million (ppm) of carbon dioxide in the atmosphere. Currently the ppm was much higher. The organisation enjoyed a worldwide support for this cause and said that South Africa had a huge stake in achieving this goal. A number of countries had added their names to the list that supported this goal, but South Africa was not on this list. Despite this, she said it had been encouraging to see that South Africa had enthusiastically participated in the worldwide day of activism to raise awareness of the goal, on 24 October this year.

### **South African Catholic Bishops Conference (SACBC) submission**

The representative for SACBC made a case for much wider use of solar power, and its enforcement through legislation. It proposed that penalties for transgression could be enforced by means of taxation.

### **Federation for a Sustainable Environment (FSE) submission**

Mr Koos Pretorius, representative for the FSE, noted the FSE's concerns about the rising level of pollution in dams and rivers as a result of mining operations. The rivers originated on the escarpment. With mining operations, water tended to collect unnaturally in a pit. This put it at high risk for pollution. Pollution had already severely affected the Loskop Dam, whilst in the Middelburg Dam the sulphate level was a concern. His focus was on the cost of these impacts, saying that eventually the cost fell in the lap of the taxpayer. To achieve a solution, mitigation had to be commenced, and the estimated cost of mitigation would be R14 billion.

### **Mental Health and Poverty Project (MHAPP) submission**

Ms Sarah Skeen, representative of the Mental Health and Poverty Project, explained that this project was located at the University of Cape Town. She presented the Committees with evidence of the link between mental well-being and climate change. Globally, extreme weather events such as the recent tsunamis and Hurricane Katrina had left people displaced, with accompanying anxiety. In terms of the link between climate change and poverty, she said that changing weather patterns could induce drought, and this in turn could lead to concerns over food security, and water supply. The cycle continued to impact on livelihoods, thus having the potential to affect mental well-being. Mental health issues needed to be considered for inclusion in disaster response plans. She said that very little research had been conducted in this arena, and



the presentation today would help to start the debate on a national level. She said that mental health and well-being needed to be recognized as a factor of human development.