

Department of Environmental Affairs

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Dear Ms Beaumont,

COMMENTS AND SUGGESTIONS ON THE CLIMATE CHANGE FRAMEWORK

We have read the latest version of the framework and we would like to tender the following comments and recommendations for the Department's consideration:

CHAPTER 2

- Chapter 2 Section 4(1): When does this start?
- Chapter 2 Section 4(2): How is it enforced and what are the penalties for non-compliance?
- Chapter 2 Section 5(4): Why is the period so long?
- Chapter 2 Section 5(5): Why is the period different from the one given in Section 5(4)?
- Chapter 2 Section 6(1)(b): Surely it must continue into the future beyond 15 years?
- Chapter 2 Section 6(4): What is the penalty for non-compliance?
- Chapter 2 Section 7(1): Change “may” to “must”. We must have a plan to phase out synthetic GHG. If we do not obligate the Minister, we may never see movement to the ultimate elimination of synthetic GHG.

Chapter 3

- Chapter 3 Section 9(2): Change “may” to “must”. Section 9(1) obligated coherency, however section 9(2) suggests that it is optional for the Minister. If there is an obligation for coherency then the Minister must be obligated to ensure it.
- Chapter 3 Section 9(3)(e): Include organised labour/trade unions to the list.

Chapter 4

- The addition of “optional” is confusing. Are the time limits optional? Are you requesting commentary as to the appropriateness of the timeframes?

Board of Governors: Lorna Fuller (Director), Glen Tyler (Chairperson),
Clifford Nxomani, Mpumelelo Ncwadi, Mark New, Zunaid Moolla and Benita Moolman

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Chapter 5

- Chapter 5 Section 10(1): Why so long?
- Chapter 5 Section 10(2): Stakeholder suggestions: Environmental NGOs, both private and public industry, organised labour, various government departments, SELGA.

Chapter 6

- Chapter 6 Section 13 is all optional as it stands. The Minister must be obligated to make regulations that bring about effective implementation of policy. We have seen what this has meant for the IRP process and do not want this to be repeated.
- Chapter 6 Section 16: Incentives and Disincentives must be separated and have its own section. A tax incentive or disincentive must not be seen as a punishment. It is not. This was voiced by numerous members of the NCCC at the previous meeting. Furthermore, taxation should be implemented at the start of the budget and not when the company or entity exceeds their budget.
- Chapter 6 Section 16: The penalties section should include imposition of a fine or imprisonment. Penalties must be harsh enough to prevent violation of the law. Companies should not view it as just another cost to factor into their budgets!
- Chapter 6 Section 18(1)(b): There should be a requirement for more than just 1. The number should be greater to reach more people.
- Chapter 6 Section 18(3): Change “may” to “must”. We need to strengthen safeguards for transparency and participation.
- Chapter 6 Section 18(4): There needs to be an additional requirement that obligates the Minister to have on record why recommendations were adopted or rejected.

General

- Nowhere in the plan is labour, jobs, jobs plan or reskilling mentioned! The word Just Transition only appears in the title.
- This document gives the Minister a lot of power and maybe even overburdens them. Should we rather not indicate which teams or departments are responsible? If no such team exists, should we not create one in the framework and fund it as well?

We appreciated the pressure and timeframe under which the Department is currently working. This work is of the utmost importance and to have the Framework passed as legislation is vital for the future of South Africa and the world. We are offering whatever support and assistance that we can muster in order to help achieve this goal.

We thank you for including us in the NCCC meetings and look forward to the eventual realization of the Climate Change legislation.

Sincerely,



Iago Davids
On behalf of the Policy Unit at Project 90 by 2030