



27 May 2022

## Joint Adaptation Network submission on the Climate Change Bill (B9-2022)

### **Joint-submission submitted by**

The Adaptation Network [<http://www.adaptationnetwork.org.za/>]

### **Joint-submission by**

- AquaLinks Research and Implementation [Marieke de Groen]
- Anglican Church of Southern Africa Environmental Network (Green Anglicans) [Rev Rachel Mash]
- Climate Systems Analysis Group (CSAG) of the University of Cape Town (UCT) [Alice McClure]
- Conservation South Africa (CSA) [Charissa da Costa]
- Delta Environmental Centre [Malusi Vatsha]
- Environmental Monitoring Group (EMG) [Mandy Moussouris]
- GenderCC SA – Women for Climate Justice [Ndivile Mokoena]
- Indigo development & change [Shannon Brandt]
- Kulima Integrated Development Solutions Pty Ltd [Katharine Vincent]
- Project 90 by 2030 [Tina Schubert]
- Southern African Faith Communities' Environment Institute (SAFCEI) [Francesca de Gasparis]
- Women's Leadership and Training Programme [Sibongile Mtungwa]
- Pieter Botha [Individual member]
- Eromose Ebhuoma [Individual member]

- Felix Kwabena Donkor [Individual member]
- Dr. Henry B Tantoh [Individual member]

## **I. INTRODUCTION**

The Adaptation Network is a platform for sharing experiences, practical approaches and frameworks relating to climate change adaptation. Membership includes 495 representatives from civil society, government, parastatals, academia and business. This submission was developed based on inputs from these members, as well as verbal inputs from an online civil society consultation process held on 18 May, which included 72 participants, with a focus on the adaptation aspects of the draft Climate Change Bill.

Members of the Network collectively possess and have access to a vast amount of theoretical knowledge, practical experience and insight related to climate science, adaptation and sustainable development.

This submission represents the views of some Network affiliates, namely AquaLinks Research and Implementation; Anglican Church of Southern Africa Environmental Network; Climate System Analysis Group of the University of Cape Town; Conservation South Africa, Delta Environmental Centre; Environmental Monitoring Group; GenderCC SA – Women for Climate Justice; Indigo development & change; Project 90 by 2030; Southern African Faith Communities Environment Institute (SAFCEI); Women’s Leadership and Training Programme and individual members of the Network.

## **II. GENERAL COMMENTS AND RECOMMENDATIONS**

There is a clear urgency for action to address the impacts of climate change from an adaptation perspective: the latest Intergovernmental Panel on Climate Change (IPCC)’s Sixth Assessment, Working Group II (AR6 WGII) Report, “Climate Change 2022: Impacts, Adaptation and Vulnerability”<sup>1</sup>, states: “The scientific evidence is clear: climate change is a threat to human well-being and the health of the planet. Any further delay in concerted global action will miss the brief, rapidly closing window to secure a liveable future.” As it stands, we feel that the Bill does not adequately reflect the urgency of this need, nor put in place the mitigation actions required to limit emission to keep global warming below 1.5°C that would be required to keep adaptation needs to more manageable levels.

The current Climate Change Bill has a sense of urgency in making plans, but lacks clarity on timeframes for action and little recognition of existing strategies and structures that can be relied on to begin urgent implementation, particularly in the sphere of climate change adaptation. The Bill needs to reflect plans and structures that are already in situ and talk to their immediate implementation. The Adaptation Network further recommends that the Climate Change Bill make specific reference to the use of scientific information from the IPCC’s latest reports to inform the risk assessments and adaptation plans to be developed under the Bill.

---

<sup>1</sup> [https://report.ipcc.ch/ar6wg2/pdf/IPCC\\_AR6\\_WGII\\_SummaryForPolicymakers.pdf](https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_SummaryForPolicymakers.pdf)

The Bill includes a recommendation to allow for the establishment of a Presidential Commission on Climate Change, which has proven a useful mechanism for responding to climate change since the current commission was established. However, such a commission needs to be strengthened as a required and independent multi-stakeholder advisory body, and does not replace the need for other existing stakeholder engagement mechanisms such as the National Committee on Climate Change (NCCC), which is not mentioned in the current Bill. There are various places in the Bill where stakeholder consultation should be strengthened and required to improve the country's response to climate change, and such consultation needs to include specific affected stakeholder groupings such as women and youth, who are likely to be differently impacted by climate change and will need to be part of an all-society response to this problem. As for adaptation, no mention is made in Chapter 4 on stakeholder engagement in adaptation plans. The Bill must aim to address structural inequalities faced by women, youth, children, people with disabilities and the groups most vulnerable to the impacts of climate change, and specifically gender-sensitive and gender-responsive policy programs need to be incorporated in all national and local adaptation plans.

The Bill needs to create an "all-of-government approach" to combating climate change, particularly for the implementation of adaptation. At present the Bill focuses on the need for provincial and local spheres of government to act to address climate change, but clause 17 can be strengthened to increase focus on the roles of ministries in addressing this issue and mechanisms for coordinating a joint response. This aspect could also be addressed by establishing a multi-sectoral steering committee to guide the implementation of the National Adaptation Strategy and Plan, as well as by the appointment of climate focal points within each Ministry. At the same time, the powers of the DFFE need to be enhanced to ensure proper monitoring and enforcement of the provisions of the Bill.

The AR6 WGII IPCC report highlights the negative economic impacts from climate change especially in high-risk sectors. We recommend the inclusion of a specific section in the Bill looking at the financial aspects of the response to climate change, including implications for the fiscus, climate finance considerations and the development of economic assessments under the Bill. Climate finance sources need to be transparent and accessible to ensure funding is available to drive the implementation of local adaptation.

The Bill currently lacks an adequate compliance mechanism to ensure that all of the bodies that need to act to respond to climate change do so timeously and adequately. There need to be clear and strict penalties and consequences in the Bill for the role-players who fail to set the adaptation plans in motion. These need to also be accompanied by efficient monitoring and evaluation measures that include a range of stakeholders, including Traditional Authorities, as well as ensuring that climate responses do not lead to maladaptation.

### III. SPECIFIC COMMENTS AND RECOMMENDATIONS

Section	Page no.	Clause to be reviewed	Comment
Preamble	2	Preamble	<p>Ensure that the Bill is aligned to the realisation of a wider range of socio-economic and environmental rights guaranteed by the Constitution: While the Bill acknowledges the Constitutional right that everyone has to an environment that is not harmful to their health and well-being, and to have the environment protected for the benefit of current and future generations, there is also a need to ensure that the Bill is aligned to the realisation of a wider range of socio-economic and environmental rights guaranteed by the Constitution. Socio-economic rights provided for in the Constitution such as the right to clean water, health, food and housing are central to adaptation and resilience measures, yet will be under threat if climate change is not adequately addressed.</p> <p>We appreciate the acknowledgement of the urgency in addressing climate change as expressed in the preamble, both in terms of addressing the country’s mitigation responsibilities and the country’s vulnerability and exposure to impacts and urgent need to adapt.</p> <p>The Preamble should also note not only the ‘anticipated impacts arising as a result of climate change’, but also the ‘actual’ impacts that are already being experienced.</p>
Chapter 1: Interpretation, objects and application	4	Clause 1: Definitions	<p>Include more relevant definitions related to climate change adaptation: The Bill does not provide definitions of certain key terms related to adaptation such as “Ecosystem-based Adaptation (EbA)”; “exposure”; “resilience” and “climate finance”:</p> <p><b>Addition of Ecosystem-based Adaptation as a term in the definitions:</b> Suggested text as follows:  “Ecosystem-based Adaptation (EbA)” means the use of biodiversity and ecosystem services as part of an overall adaptation strategy to help people adapt to the adverse effects of climate change.<sup>2</sup></p> <p><b>Addition of “exposure” to climate change impacts as a term in the definitions:</b> Suggested text as follows:</p>

<sup>2</sup> As defined by the Convention on Biological Diversity (CBD)

			<p>"Exposure" means the presence of people; livelihoods; species or ecosystems; environmental functions, services and resources; infrastructure; or economic, social or cultural assets in places and settings that could be adversely affected<sup>3</sup></p> <p><b>Addition of Resilience as a term in the definitions:</b> Suggest text as follows:  "Resilience" means the capacity of social, economic and ecosystems to cope with a hazardous event or trend or disturbance, responding or reorganising in ways that maintain their essential function, identity and structure as well as biodiversity in case of ecosystems while also maintaining the capacity for adaptation, learning and transformation.<sup>4</sup></p> <p><b>Addition of definition of "climate finance":</b> The definition of the term climate finance would help to clarify which sources of funding are included when using this term.</p> <p><b>Addition of "health and wellbeing" to the definition of "just transition"</b></p>
	6	<b>Clause 2:</b> Objects of the Act	<p><b>2(b) Must include "reducing risks". Change text to:</b> <i>"provide for the effective management of inevitable climate change impacts by enhancing adaptive capacity, strengthening resilience, reducing vulnerability to climate change and reducing risks, with a view to building social, economic and environmental resilience and an adequate national adaptation response in the context of the global climate change response"</i></p>
	7	<b>Clause 3:</b> Principles	<p><b>3(e) Add cross sectoral, transboundary and long-term to integrated management. Change text to:</b> <i>"the need for integrated, cross sectoral, transboundary and long-term management, in the context of climate change, which requires climate change considerations to be integrated into the making of decisions which may have a significant effect on the Republic's ability to mitigate or which exacerbate its vulnerability to climate change"</i></p> <p><b>3(g) Remove "causes" as for our purposes we know what the causes of climate change are and the current wording provides an escape clause for action. Change text to:</b> <i>"the need for a risk-averse and cautious approach to be adopted, which takes into account the limits of current knowledge about the effects of climate change and the consequences of decisions and actions in relation thereto"</i></p> <p><b>3(j) Suggests that those pushing for the implementation of mitigation must pay. Change text to:</b> <i>"the costs of responding to the adverse impacts of climate change which must be paid for by those responsible for causing the adverse impact"</i></p>

<sup>3</sup> [https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC\\_AR6\\_WGII\\_SummaryForPolicymakers.pdf](https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf)

<sup>4</sup> [https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC\\_AR6\\_WGII\\_SummaryForPolicymakers.pdf](https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf)

Chapter 2: Policy Alignment and institutional arrangements	9	<b>Clause 7:</b> Alignment of Policies	<p><b>Mandate stakeholder inclusion in advising government’s response on climate change:</b> The section on the Alignment of Policies is weakly worded in terms of the inclusion of organised labour, civil society and business. This section merely states that “In order to give effect to the principles and objects set out in this Act, organised labour, civil society and business <b>may</b> advise on the Republic’s climate change response...”, rather than stating that these key stakeholders <b>will</b> be included in processes to determine the state’s climate change response.</p> <p><b>7(1)(a) ‘reduce risks’, not ‘ensure that risks,’ and take ‘are taken into account’ out in order to oblige positive action, not just taking into account. Change text to:</b> <i>“reduce risks of climate change impacts and associated vulnerabilities”</i></p> <p><b>7(2) add research organisations. Change text to:</b> “In order to give effect to the principles and objects set out in this Act, organised labour, civil society, business and research organisations may advise on the Republic’s climate change response, the mitigation of climate change impacts and adaptation to the effects of climate change towards the attainment of the just transition to a climate resilient and low carbon economy and society.”</p>
	8-9	<b>Clauses 8 and 9:</b> Provincial Forums on Climate Change (8) and Municipal Forums on Climate Change (9)	<p><b>Mandate the establishment of technical support structures:</b> The Bill notes that Provincial and Municipal Forums on Climate Change “may establish an intergovernmental technical support structure...if there is a need for formal technical support” to the forums. We believe that this wording should be stronger and should mandate the establishment of such support structures to draw on scientific and technical skills to address climate change that are not available in politically elected structures to guide an effective climate change response.</p>
	9	<b>Clause 10:</b> Presidential Climate Commission	<p><b>Mandate the continuation of the PCC with independently appointed commissioners:</b> The current instantiation of the Presidential Commission on Climate Change has been successful in bringing together expertise from a range of stakeholder grouping to address climate change, and should be continued. The PCC should include a range of skilled and experienced commissioners who are independently appointed, such that the panel includes expertise in the fields of mitigation, adaptation, loss and damage and climate finance. The current wording provides only the potential for this body to be established by the President, as the President “<b>may</b>” establish such a body. However, the functions provided for this body under Clause 11 such as being an advisory body on addressing climate change and monitoring and evaluation on implementation are essential. The role of this body with regards to other existing structures such as the National Climate Change Committee should also be clarified.</p>

			<p><b>Include existing stakeholder consultation bodies such as the multi-stakeholder National Committee on Climate Change (NCCC):</b> The current version of the Bill makes no mention of existing bodies such as the NCCC, Inter-Ministerial Committee on Climate Change and the Intergovernmental Committee on Climate Change under the National Climate Change Response Policy, which have previously played an important role in information sharing, improving collaboration, as a platform for stakeholders to make input on government processes and for holding government accountable on its commitments. While the PCC has an important role to play, this does not replace the role of the NCCC.</p>
9	<p><b>Clause 12:</b> Process of appointment for the Presidential Commission</p>		<p><b>Allow independent appointments and recommendations from stakeholder bodies to nominate representatives to the PCC:</b> The currently described process for nominating representatives to the Presidential Commission on Climate Change does not include an option for stakeholder bodies to nominate and recommend appointees to the PCC, as happened with the appointment of the current commissioners, which we would recommend in future, as well as an independent appointment process rather than this body falling under the mandate of the Presidency. It is important that such a body include subject experts to advise on addressing climate change.</p>
9	<p><b>Clause 13:</b> Reporting to Government:</p>		<p><b>Mandate reporting from the PCC:</b> This important function of reporting to government, particularly if this panel is to plan a role in guiding climate responses and monitoring implementation, should be mandatory, not only at the President’s request.</p> <p><b>Reporting should be on 11(a), 11(b) and 11(c). Change text to:</b> <i>"The President must require the Presidential Climate Commission to provide a report on any advice it provided to government in terms of section 11(a), 11(b) and 11(c)."</i></p>
9	<p><b>Clause 14:</b> Administrative and technical support</p>		<p><b>Adequate resourcing of the PCC:</b> This body must be empowered with the resources to collate the latest science to inform government and decision-making and help with target setting.</p>
	<p><b>Addition clause (before or after Clause 15):</b> The functions of other national departments</p>		<p><b>Include a chapter and clauses on the roles of other national departments in addressing climate change:</b> The Bill currently makes reference specifically to the roles of local and provincial government, and places much responsibility of the Department of Environment, Forestry and Fisheries (DFFE), but makes little reference to the responsibilities of other national departments in facilitating climate change response. The mechanism for collaboration between different organs of state can be strengthened.</p> <p><b>Create a multisectoral Steering Committee in recognition of the need for collaboration between different organs of state in an “all-of-government” approach:</b> The mechanism for collaboration between different organs of state can be</p>

			<p>strengthened. We recommend the development of a multisectoral Steering Committee to support, coordinate and improve accountability for the implementation of the National Adaptation Strategy and Plan which includes roles and responsibilities for adaptation actions.</p> <p><b>All Ministries to appoint climate focal points to ensure mainstreaming of climate change across all Ministries:</b> The appointment of climate focal points will help to ensure accountability and performance of each Ministry and can help to strengthen climate change obligations of all state-owned entities and their decision makers to take climate objectives and principles into account in their activities.</p> <p><b>Strengthen the role of National Treasury in addressing climate change:</b> National Treasury has a key role to play in mainstreaming climate change responses into national budgetary activity; in supporting financial measures such as the carbon tax and on other matters related to climate finance such as the costs and spending associated with climate change impacts and responses. In this role National Treasury should report to the Ministry responsible for climate change (i.e. the DFFE) on carbon budgets, tax collection and response impact related expenditure.</p> <p><b>Addition of a section on the role and powers of the DFFE:</b> Enhance the power of the DFFE for enforcement and monitoring of mitigation and adaptation as outlined in the Bill, including technical evaluation by the DFFE to ensure that plans are technically sound. The DFFE should report regularly (perhaps quarterly) to Parliament on progress of the implementation of the Bill to ensure that climate change remains on the agenda.</p>
Chapter 3: Climate change response: Provinces and municipalities	10	<b>Clause 15:</b> Climate change response	<p><b>Build on the climate change response plans that are currently in place to shorten timeframes for implementation of actions:</b> The National Climate Change Response Policy (NCCRP) already requires that “Climate change considerations and constraints will be integrated into municipal development planning tools such as Integrated Development Plans, and municipal service delivery programmes” and states that “Each province will develop a climate response strategy, which evaluates provincial climate risks and impacts and seeks to give effect to the National Climate Change Response Policy at provincial level.” To increase the ambition and shorten timeframes for the climate change needs and response assessments, these should build on what has already been conducted under the Local Government Climate Change Support Programme (LGCCSP), rather than to focus on developing new climate change response plans for all provinces, metropolitan or district municipalities.</p>



			<p><b>Clarify the distinct functions of local and provincial governments in implementing policies:</b> While the Bill notes that Provincial and Municipal Forums on Climate Change will be established and coordinate climate action at provincial level and report to the President’s Coordinating Council, it remains unclear who is responsible for implementing policies other than the Minister and provincial and municipal forums on climate change in each province, which have yet to be established.</p> <p><b>Review timelines for municipalities to undertake climate change needs and response assessments based on capacity needs and existing assessments:</b> As specified previously in this document, timeframes should reflect urgency. However, the proposed timelines for a Mayor or a District or Metropolitan municipality to undertake a climate change needs and response assessment (one year of the publication of the National Adaptation Strategy and Plan) as well as a climate change response implementation plan to be developed (within two years of undertaking the climate change needs and response assessment) may prove challenging for many municipalities if the proposed Bill does not take into account whether the municipalities have the necessary skills and expertise to achieve this.</p> <p><b>Note the need to provide funding and capacity support for local and provincial government to play their roles:</b> Local and provincial government require empowerment through funding and capacity building to implement their climate change response implementation plans, particularly with regards to adaptation, within the urgent timeframes specified.</p> <p><b>Mandate stakeholder consultation in the development of climate change response implementation plans:</b> Local stakeholders have unique insights into local vulnerabilities and adaptation needs and should be included in the development and implementation of climate change implementation plans, particularly with regards to implementing local adaptation responses. Traditional authorities also need to be included in the development as well as monitoring and enforcement of these plans and in decision-making processes, related to their critical role in land use/ allocations and natural resource management.</p> <p><b>Enhance the power of the DFFE for enforcement and monitoring of climate change response implementation plans as outlined in the Bill:</b> Technical evaluation of plans should be conducted by the DFFE to ensure that plans are technically sound. The</p>
--	--	--	---

			<p>DFFE should report regularly to Parliament on progress of the implementation of the Bill to ensure that climate change remains on the agenda.</p>
Chapter 4: National adaptation to impacts of climate change	11	<b>Clause 16:</b> Adaptation objectives	<p><b>Define timeframes more clearly for incorporating adaptation objectives into national planning instruments, policies and programmes:</b> The Bill currently states very vaguely that the Minister must determine a date for this to take place within a year of the coming into operation of this act, but there is no reason this date should not be specified given the urgency for taking action, such that this can begin to be implemented immediately. There is also no timeframe specified for amending these objectives at present, and it is at the Minister’s discretion.</p>
	11	<b>Clause 17:</b> Adaptation scenarios	<p><b>Ensure that new adaptation scenarios build on the existing Long-term Adaptation Scenarios (LTAS) work and remove delays in taking action:</b> It is unclear how Clause 17 relates to the previous Long-term Adaptation Scenarios Flagship Research Programme (LTAS) (2012-2014), which should be built upon in future scenario planning work and known sensitivities. Building on what is currently in place can shorten timeframes for implementation of actions.</p> <p><b>The term exposure should be used along with the term “vulnerability” throughout this clause.</b></p>
		<b>Clause 18:</b> National Adaptation Strategy and Plan	<p><b>Clarify how the National Adaptation Strategy and Plan relates to the existing National Climate Change Adaptation Strategy (NCCAS):</b> Clause 18 of the Bill states that adaptation should be managed in accordance with a National Adaptation Strategy and Plan, but does not indicate how this relates to the recent National Climate Change Adaptation Strategy (NCCAS), a 10-year plan due to be reviewed every 5 years which states that it serves at South Africa’s National Adaptation Plan. The timeframe of publishing this within two years of the operationalisation of the Act should be amended to match this existing timeframe, such that the existing NCCAS can continue to serve its purpose without delay until it is reviewed and updated.</p> <p><b>Establish a multisectoral steering committee to coordinate the implementation of the National Adaptation Strategy and Plan:</b> A multisectoral steering committee can play a key role in preparing, implementing and monitoring the implementation of the National Adaptation Strategy and Plan.</p> <p><b>Mandate the inclusion of non-governmental organisations, the private sector and local communities (including Traditional Authorities) in the management of adaptation measures:</b> The Bill is currently weakly worded, noting that that these stakeholder groupings should be included only “where relevant”, when these stakeholder</p>

			<p>groups should be consulted in the planning of all adaptation measures to ensure inclusivity, transparency and accountability.</p> <p><b>Clarify sources of information for “best available science, evidence or information”:</b> While the Bill makes reference to relying on the use of the latest science, we recommend stating some of the sources for this information such as the latest IPCC reports (currently the latest Climate Change 2022 report, Impacts, Adaptation and Vulnerability by the IPCC). Further this section should state the importance of the inclusion of information on the differentiated impacts on different vulnerable stakeholder groups, such as women.</p> <p><b>The National Adaptation Strategy and Plan must include an enforcement mechanism:</b> The National Adaptation Strategy and Plan must set targets for implementation and clarify who is accountable for implementation, and the Bill should also clarify who would be held accountable if timelines are not met and the strategy and plan are not implemented.</p> <p><b>State the need to avoid maladaptation:</b> The Bill should state specifically that actions taken to address climate change should specifically avoid maladaptive practices and the Bill should note the need for specific instruments to stop practices that are maladaptive.</p>
	12	<p><b>Clause 20:</b> Adaptation Information and Synthesis Adaptation Report</p>	<p><b>Build on the existing National Climate Change Information System (NCCIS) to collate adaptation information:</b> Clause 20 should make specific reference to building on the existing National Climate Change Information System (NCCIS) that all entities should use as the monitoring platform for the implementation of the Bill. The NCCIS should be used to collate information on adaptation and mitigation projects being implemented in South Africa by a wide range of stakeholders.</p> <p><b>Note the need to gather a wide range of information from a variety of stakeholders, including valuing indigenous knowledge:</b> The Bill does recognise the need to use the latest science but should explicitly note the source of such information. We suggest referencing the use of information from the latest IPCC reports (such as the recent IPCC 6<sup>th</sup> Assessment Report (AR6): Climate Change 2022: Impacts, Adaptation and Vulnerability). The Bill should also make specific reference to the use of indigenous knowledge and the need to work closely with a range of stakeholders to gather information on adaptation, including NGOs who have access to valuable information on how to achieve and maintain adaptation from the various communities they interact with.</p>

			<p><b>Outline specific timeframes for reporting:</b> The Bill should be specific in the timeframes for the requirements for the provision of information, rather than leaving this to the sole discretion of the Minister and noting that this may be "within a reasonable time or on a regular basis".</p> <p><b>Improve access to information and information sharing:</b> The Bill should support the National Climate Change Information System where relevant information should be regularly published not only on emissions, but also adaptation planning and actions by a range of stakeholders. For example, the Bill currently does not require companies, financial institutions and state entities to disclose climate change risk and prepare for those risks and opportunities.</p> <p><b>Include gender and age disaggregated data when assessing climate change:</b> The Bill should specify the need for data to be disaggregated into gender and age if climate responses are to appropriately respond to local and differentiated needs.</p>
Chapter 6: General matters and transitional arrangements	17	<b>Clause 27:</b> Regulations	<b>The powers of review should sit with an independent body such as the PCC, not only with the Minister:</b> The Bill currently places the power of making regulations and reviewing and revising these solely with the Minister. An independent body may be well placed to assess and advise when such a review may be required.
	18	<b>Clause 28:</b> Consultation	<b>Specify stakeholder consultation and consultation with affected groups:</b> The Bill currently specifies that the Minister must consult with various organs of state, but does not specify stakeholder consultation or consultation with specific affected groups such as women and youth.
	18	<b>Clause 29:</b> Public participation	<p><b>Include public participation in all processes:</b> The Bill must include stakeholder consultation in all processes, including processes at provincial and municipal levels, particularly with regards to adaptation actions which require action and input from all stakeholders.</p> <p><b>Notify stakeholder grouping of public participation processes through appropriate mechanisms:</b> Rather than relying only on government Gazettes and a single newspaper to notify stakeholders of opportunities for public participation, specific stakeholder groupings should also be notified through established multistakeholder bodies specified above. To reach local communities, where a majority of people who are vulnerable to climate change reside, the Bill must also use local community radio stations and newspapers.</p> <p><b>The Bill must ensure the inclusion of all key stakeholder groups in public participation processes, including youth and women:</b> As the impacts of climate</p>

		<p>change will be differentiated, so different stakeholder groupings must be included in public participation processes. For example, the youth are aware of the current climate crisis and how it affects them, but they are not empowered to take the necessary action as they often feel excluded from public participation processes.</p> <p><b>Require the inclusion of the option of oral representations:</b> The Bill is currently weakly worded that the Minister, MEC or mayor "may in appropriate circumstances allow any interested person or community to present oral representations or objections". This should rather be a requirement that this be allowed, as oral presentations can increase the accessibility of such processes to local communities and community-based organisations.</p>
19	<b>Clause 31:</b> Access to information Section	<p><b>Information must be easily accessible to all groups of stakeholders, including youth:</b> Rather than relying on onerous requests for access to information, information relating to climate change responses should be made readily available to stakeholders and the general public through the National Climate Change Information System.</p>
	<b>Clause 32:</b> Offences and Penalties	<p><b>Regulations relating to preparing and implementing adaptation actions should include offences and penalties for the failure to act:</b> This clause should be more specific on areas that will require regulation, rather than leaving it to the Minister's discretion to make regulations regarding a wide range of implementation actions. Penalties should be considered for failure to act in the implementation of clauses such as 15(1), 16(1) and 17(1) of the Bill.</p> <p><b>It should be an offence for providing false, misleading or incomplete information:</b> This offence should relate to the various provisions of the Act, not only the requirement to submit a greenhouse gas mitigation plan.</p> <p><b>Include instruments to prevent maladaptation:</b> There is also a need for instruments for preventing maladaptive approaches, that do not meet specific criteria as outlined by the regulations of the Bill.</p>
	<b>Additional Clause:</b> Financial implications	<p><b>Include a section on the financial implications of the Bill:</b> While the Memorandum of the Objects of the Bill does mention "5. Financial implications for the state", this section is very vague and would be improved by the addition of a clause on this topic. This section should consider implications not only for the national budget, but also reference financial measures such as the carbon tax and on other matters related to climate finance such as the costs and spending associated with climate change impacts and responses. There is a particular need for transparent and accessible climate finance and to remove barriers to access to adaptation finance at the local level. This clause should also include the specific</p>

			<p>reference to loss and damage due to climate change, which is currently not considered in the Bill, yet is in line with the "polluter pays" principle supported by South African legislation.</p> <p><b>Include the development of economic assessments:</b> We encourage that the Minister be mandated to develop economic assessments under the Bill, that inform the sectors at risk, the estimated costs associated with such losses to the sectors at risks and how including adaptation and mitigation measures can support economic investment, returns and overall benefits for the people of South Africa.</p>
--	--	--	---