



Comments on Climate Change Bill

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Presented at Parliament, Cape Town
Based on a written submission
Publichearings by Standing Committee on Finance
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Introduction

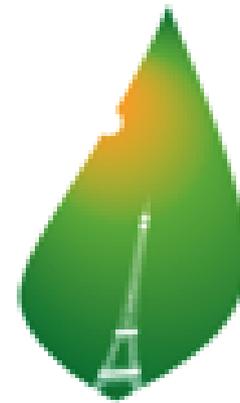
- Framework legislation on climate change is urgent *and* important
- Climate crisis requires *urgent* action, by all countries
- Wide consultation is crucial – but has been going on *since 2018*
- Parliament must act decisively and swiftly now, and turn the Bill into an Act
- Some important details can be amended now ...
- ... much else will follow in implementation

Written submission, based on research

- Presentation based on written comments, submitted to Parliamentary Portfolio Committee in May 2022
- Contributions from several researchers at University of Cape Town (UCT)
 - Andrew Marquard, Harald Winkler, Penny Price, Emily Tyler, Nicolas Simpson, Christopher Trisos, Britta Rennkamp (written inputs) and verbal inputs from others in UCT's African Climate and Development Initiative (ACDI)
 - Not claiming to represent all at UCT
 - Based on independent research, over many years
- Submission had general comments *and* detailed textual suggestions
- Available online on the ACDI web-site
<http://www.acdi.uct.ac.za/acdi/publications> and a UCT repository
<https://doi.org/10.25375/uct.21391077>

Highest level of ambition, equity and progression

- National Development Plan (NDP) aims at equity
- South Africa as responsible global citizen must fulfil international obligation
- Progression: ‘must try harder’ every 5. years: each successive Nationally Determined Contribution (NDC) must reflect “highest possible ambition” and equity (Article 4.3)
- More stringent mitigation targets ...
- ... more ambitious adaptation goals, and
- Implement policies to achieve goals
- Act = crucial legal basis



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Highest level of ambition, equity and progression

- National climate policy (2011 White Paper)
 - States: “The stabilisation of GHG concentrations in the atmosphere at a level that prevents dangerous interference with the climate system requires the implementation of a sufficiently **ambitious and effective global agreement on GHG emission reductions**. In this context, as a **responsible global citizen**, and in keeping with its developing country status, its capability and its share of responsibility for the problem, South Africa is committed to making a **fair contribution** to the global effort to reduce GHG emissions”; and
 - Defines: “ **Equity** – ensuring a fair allocation of effort, cost and benefits in the context of the need to address disproportionate vulnerabilities, responsibilities, capabilities, disparities and inequalities.”

Highest level of ambition, equity and progression

- SA's updated Nationally Determined Contribution (NDCs)
 - Is framed by section 1.c “Progression and highest possible **ambition**, in the light of **equity** and national circumstances”
 - Specifies goals for adaptation, in line with the National CC Adaptation Strategy
 - “By comparison to the targets contained in South Africa's first NDC submitted in 2015, South Africa's updated mitigation targets represent a significant **progression**”, while also analysing fair shares
 - Specifically refers to: “The Climate Change Bill, which has been considered by both houses of Parliament from 2018, is planned to be finalised in 2021, and as framework legislation, will provide a firm legal basis for further action, including mandatory second and subsequent phases of the carbon budget programme, as well as the establishment of sectoral emissions targets (SETs). “

Highest level of ambition, equity and progression

- National Development Plan (2011) outlines six interlinked priorities, the first of which is:
 - “Uniting all South Africans around a common programme to achieve prosperity and **equity**”
- SA’s updated Nationally Determined Contribution (NDCs) is framed by a section on
 - “Progression and highest possible ambition, in the light of equity and national circumstances”

Textual suggestions

§ 1 Definitions: add “progression” (possible language is suggested in written submission, for your consideration; on this and following suggestions)

§ 2 – equity already included; add responsibility for Loss & Damage

§ 3 – include precautionary principle in 3 a; amend text on equity and CBDR in 3c; add ‘reduction of inequality’ in 3d

Policy coordination with Nationally Determined Contribution (NDC)

- Paris Agreement and SA NDC are listed in ‘definitions’
 - Need to be included in operational section
- Low-Emissions Development Strategy (LEDS)
 - Specify that LEDS provides a long-term perspective on near-term mitigation
 - Just transition to net zero CO₂ emissions by 2050
- Clarify institutional roles to implement NDC – an all-of-society approach required
- Act must enable coordination across all government departments
- ... and enable reporting internationally

Policy coordination with the NDC

Textual suggestions

§ 7 a bis – add text to ensure implementation of policies is consistent with national GHG emission trajectory (in § 21), applicable sectoral emissions targets (§ 22), ensure compliance by companies by mandatory carbon budgets, and empower Minister to take steps if not (§ 24) and international commitments – notably under Paris Agreement (§ 26)

§ 16 – add text, so that goals form part of NDC

A national GHG emissions budget

- Proposal that Act include a national GHG emissions budget (specify the 'area under the curve' of trajectory)
 - 5 – year budgets, starting with a firm one for 2021-2025
 - ... And two indicative budgets (2026-2030, 2031-2035)
 - ... on track to net zero CO₂ emissions around 2050
- This approach is better in that it provides
 - Flexibility – compared to targets for every year
 - Clear policy signals to private sector and society
 - Consistency with science – easy to relate to global carbon budgets
- National GHG emission budget to be used as benchmark for allocating sectoral emissions targets (SETs)
- Sum of all company-level carbon budgets within a sector have to remain within SET (basis of Minister's steps to ensure compliance, on previous slide)

A national GHG emissions budget

Textual suggestions

- § 21 – provides for a trajectory; budget to be added by adding sub-sections
- 21.5 Minister determines national GHG emission budget (NGEB); takes steps to ensure policies in place to remain within budget, reviews and revises
- 21.6 if GHG emissions exceed NGEB for a 5-year period – additional mitigation measures
- 21.7 Minister coordinates with colleagues, ensuring mitigation targets in *then current* NDC are achieved, and showing progression

Fund mandates for climate action

- Climate action require fiscal support, and capacity-building in government
- Bill lacks provisions to fund mandates
 - SA should get international support – and use investment from Just Energy Transition Partnership for accelerated mitigation in coal, and social justice
 - ... but not a substitute for budget allocation
 - ... and investments by SA private sector
- Review budgetary implications of requirements in the Bill, and process to review every [1][3][5] year(s)
- Capacity-building to be formalized, and have clear legal basis

Mandatory annual reporting

- Reliable data = fundamental basis for action
- Annual reporting mandatory
 - By data providers, including companies
 - On emissions, under this Act, aligned with Carbon Tax Act
 - On impacts, needs provision in this Act
- Specificity of information - detailed, so enable DFFE to monitor effectively

Mandatory annual reporting

Textual suggestions

§ 27

(1) (c)– Minister to ensure mandatory annual report (to enable effective M&E), and assess progression

Add – sufficient detail, for environmental integrity; apply Paris TACCC principles domestically (transparency, accuracy, completeness, comparability and consistency); avoid double counting

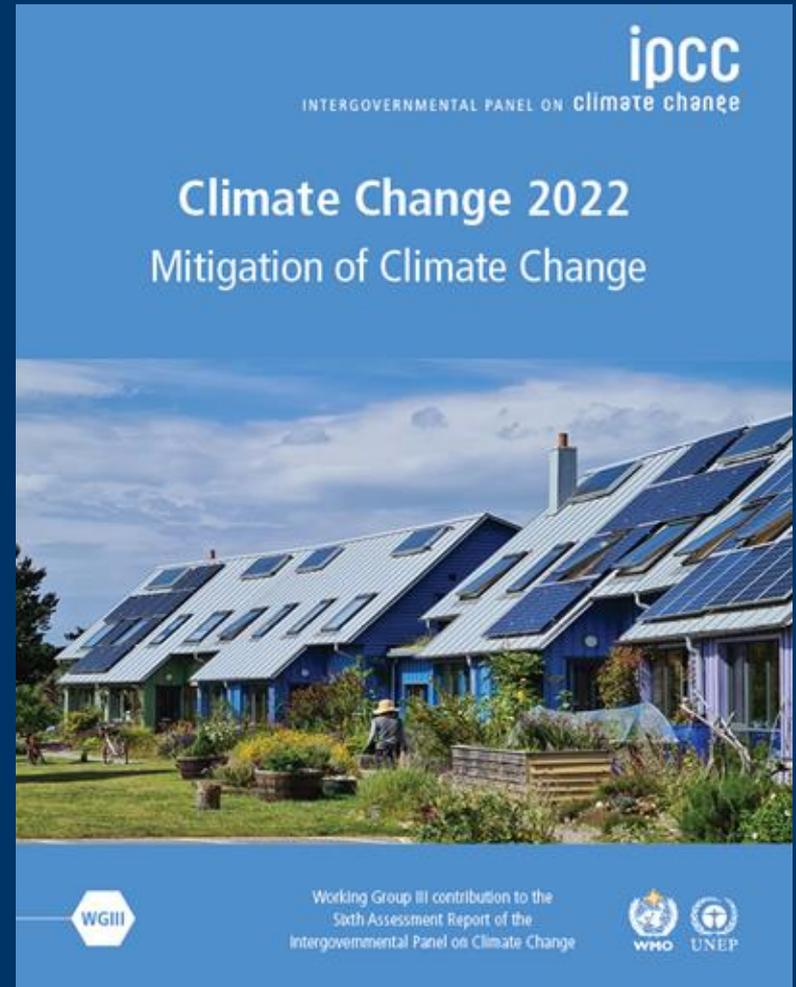
Further important points raised in the written submission

- Institutional arrangements for international reporting and markets under Paris Agreement
- Establish a scientific body on climate change
- Specify further functions of Presidential Climate Commission (PCC)
- Just transition to net zero CO₂ emissions around 2050 (in LEDS)
- Include responsibilities for Loss & Damage
- Cross-sectoral governance and implementation
- Access to information
- Stakeholder consultation and advice

for details on points above, including textual suggestions, see written submission <http://www.acdi.uct.ac.za/acdi/publications>



**The evidence is
clear:
The time for
action is now**



Thank you!
Questions?

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Links to detailed submission

<http://www.acdi.uct.ac.za/acdi/publications>

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