

# Submissions on the Climate Change Bill

*Portfolio Committee: Forestry, Fisheries  
and the Environment*

**28 October 2022**



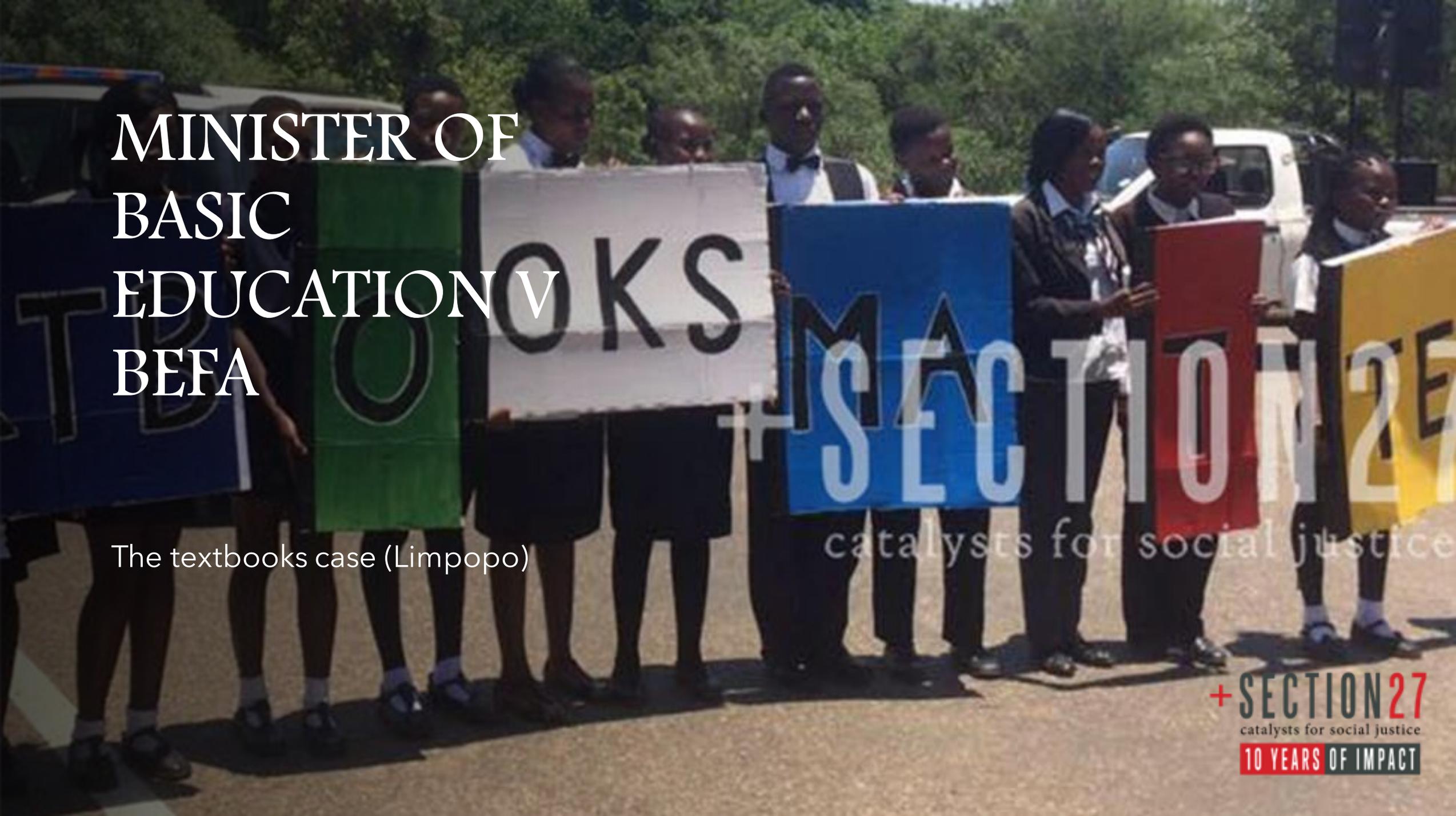
# WHO WE ARE

- A **public interest law** organisation that works to advance the rights to **basic education** and access to **healthcare services**

A group of people, mostly Black, are gathered outdoors for a protest or rally. They are wearing red t-shirts with the words "HIV POSITIVE" printed in white. The background shows a large, modern building with a grid-like facade. The image is overlaid with a semi-transparent dark red filter and white text.

# MINISTER OF HEALTH V THE TREATMENT ACTION CAMPAIGN

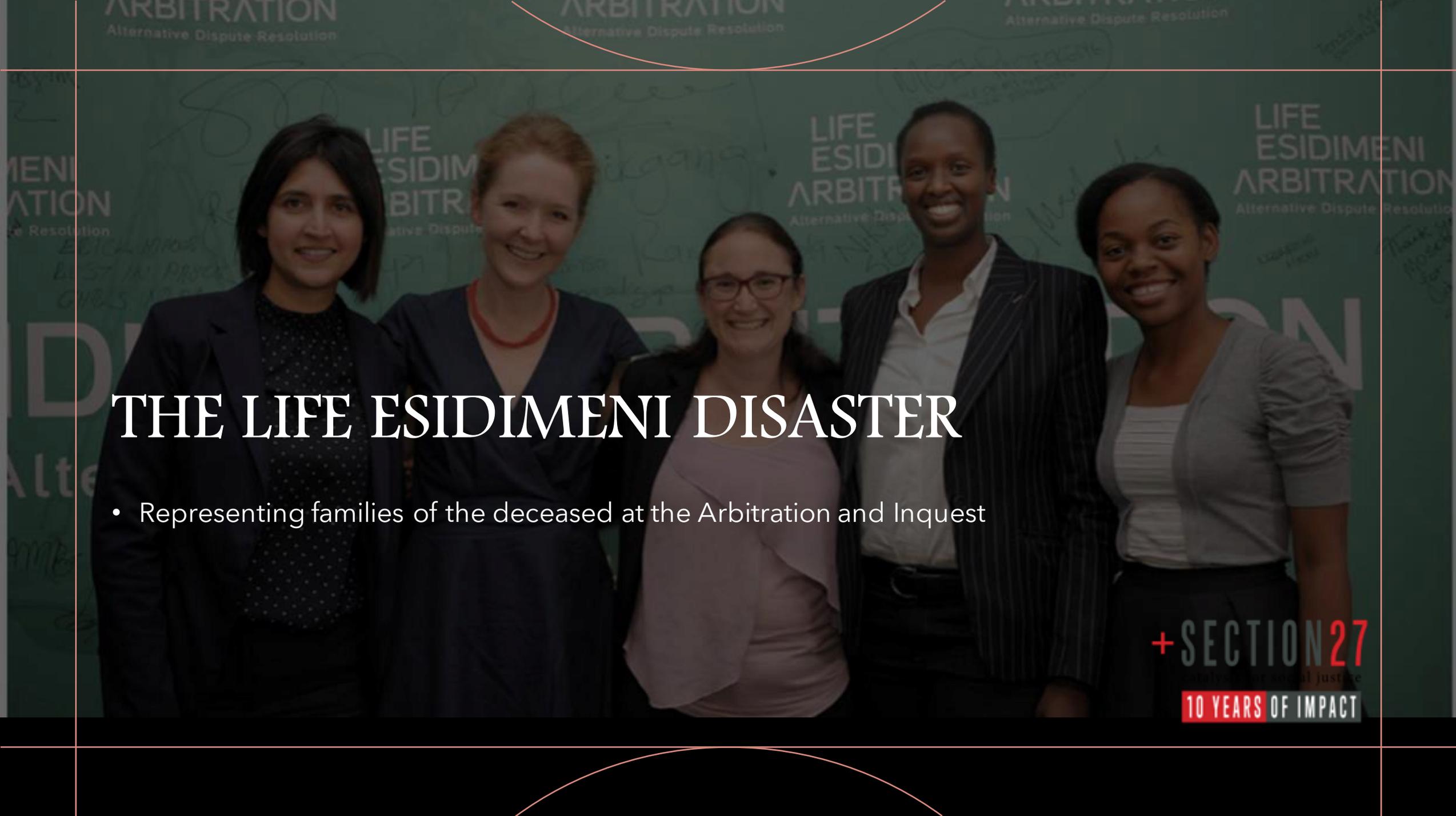
- THE NEVIRAPINE CASE

A group of students in school uniforms are standing outdoors, holding large, colorful letters that spell out 'TEXTBOOKS MATTER SECTION 27'. The letters are in various colors: blue, green, white, blue, red, and yellow. The students are of various ages and are looking towards the camera. The background shows a paved area and some greenery.

# MINISTER OF BASIC EDUCATION V BEFA

The textbooks case (Limpopo)

catalysts for social justice



# THE LIFE ESIDIMENI DISASTER

- Representing families of the deceased at the Arbitration and Inquest

**+SECTION 27**  
Pursuing social justice  
**10 YEARS OF IMPACT**



**MICHAEL  
KOMAPE**

**AGE 5**

**DIED:  
2014**

**Michael  
fell into a  
dilapidated pit  
toilet at school  
and drowned  
in excrement.**

**WHY DO WE STILL HAVE  
#UNSAFETOILETS**

**WE NEED  
ACTION, NOT**

**#TOILETPAPER PROMISES**

**+SECTION27**

catalysts for  
social justice

# Points of departure

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SECTION27's submissions focus on the human rights impact of the climate crisis and the State's corresponding constitutional obligations. Our submissions are widely supported. We have received endorsements from over **15 organisations** across various sectors in civil society.

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It is our view that socio-economic rights will never fully be realised if we do not prepare and address for the climate crisis. Our submissions proposes that:

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Schedule 2 should be amended to include the **Department of Basic Education**

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**The Bill needs to adhere to the Cabinet approved** Gender Responsive Planning and Budgeting Framework

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**For the inclusion of** a climate funding framework **which ensures adequate allocation of financial resources to departments to equip them to adapt to the risks and impacts of climate change**

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# Basic education as a key sector

*Learning from KZN April floods*



# Impact and costs of the floods

School infrastructure was severely damaged in all districts across KZN, except uThukela and uMkhanyakude Districts. A total of 630 schools were affected, with 124 school suffering extensive damage.

The total estimated cost for repairs is R296 168 200 - which will be sourced from School Norms and Standards, District Offices, and Implementing Agents. These are funds intended for other purposes and not have to be reprioritised.

DISTRICT	NUMBER
AMAJUBA	17
HARRY GWALA	9
ILEMBE	28
KING CETSHWAYO	9
PINETOWN	205
UGU	175
UMGUNGUNDLOVU	78
UMLAZI	100
UMZINYATHI	7
ZULULAND	2
Grand Total	630

# Basic education, human and societal development

“The significance of education, in particular basic education, for individual and societal development in our democratic dispensation in the light of the legacy of apartheid, cannot be overlooked. The inadequacy of schooling facilities, particularly for many blacks, was entrenched by the formal institution of apartheid, after 1948, when segregation even in education and schools in South Africa was codified. Today, the lasting effects of the educational segregation of apartheid are discernible in the systemic problems of inadequate facilities and the discrepancy in the level of basic education for the majority of learners. ... '[B]asic education is an important socioeconomic right directed, among other things, at promoting and developing a child's personality, talents, and mental and physical abilities to his or her fullest potential. Basic education also provides a foundation for a child's lifetime learning and work opportunities.” -*Governing Body of the Juma Musjid Primary School v Essay NO 2011 (8) BCLR 761 (CC) 42.*

# Inclusion of Basic Education as a key sector

A 2019 report on the vulnerabilities of the education system in East Asia and the Pacific and what interventions are necessary was published by the United Nations Children's Fund (UNICEF). Many of the threats to the education system in these regions are similar to the threats faced by the South African education system, owing to existing vulnerabilities. The report explains that there are imminent dangers to all stakeholders in the education system, and these dangers threaten to collapse the system. The report also highlights that throughout the world, the education sector plays a very minimal role in climate change discussions, however it is crucial that it is involved in the conversation.

In order for the sector to participate in these discussions it is critical that education stakeholders strengthen their capacity in understanding and addressing climate change and that they proactively participate in relevant climate change policymaking and financing processes. In our context, including the education sector in Schedule 2 of the Bill would be a step towards this.

If we intend for the constitutionally guaranteed right to education to remain realisable, we need to "climate-proof" the education system. Climate-proofing the education system requires urgent interventions, such as ensuring that education infrastructure is resilient to extreme weather events and developing methods and strategies for the continuation of teaching and learning during extreme and after weather events and ensuring sufficient places for learners in schools based on migration patterns.

Concerned that section 19 of the Bill (Sector Adaptation Strategy and Plan) does not include Basic Education as a sector that is required to formulate an adaptation strategy plan. We recommend that the department be included.

# A Gender Responsive Climate Change Act

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While the impacts of climate change are felt by all South Africans, these impacts have been found to vary disproportionately based on gender.

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Women contribute 60 - 80% of the agricultural labour force in the country so increasing drought that causes failed harvests threaten women's ability to feed and provide for their families.

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However, the government's approaches to crisis management are often siloed resulting in blind spots to gender issues that need to be rectified retrospectively.

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This is an opportunity for government to prioritise an intersectional approach to climate change, preventing the trapping of women in an inescapable cycle of poverty.

# A Gender Responsive Climate Change Act

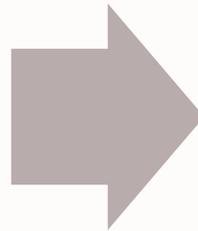
- **Recommendations:**

- The Department of Women, Youth and People with Disabilities be included in the list of functionaries under Schedule 2 of the Bill.
- The inclusion of the definition of gender mainstreaming in the definition section of the Bill. Our proposed wording:

“Gender mainstreaming is the process of assessing the gendered implications of any planned action, including legislation policies or programmes, in any area and at all levels. This requires that the needs, concerns, and experiences of all genders and gender-non confirming people as an integral part of design, implementation, monitoring, and evaluation to avoid the perpetuation of inequality. The goal of gender mainstreaming is gender equality.”

# Financing climate action

The failure to include a climate funding or financing framework in the Bill is a major oversight and compromises any implementation successes the Bill aims for and can reinforce inequality and fail to address underlying social vulnerabilities.



National Treasury has recognised that the impact and risks posed by climate change are more pronounced owing to the “perceived lack of financial resilience”. Furthermore, the department reflected on its mandate in its response to climate change as to encourage “reallocation of capital to have a more positive impact” as well as to raise funds dedicated to financing the transition to a less carbon intensive economy.

# Financing climate action

While SECTION27 welcomes the fundraising and capital reallocation to better position the country to respond and adapt to the impacts of climate change, we stress the importance of allocating this funding in a manner that is socially and gender responsive and recognises the impact of climate change on sectors like health and education.

We **recommend** the inclusion of a climate funding framework in the Bill to enable the government to implement policies, strategies, targets, and criteria in a manner that effectively responds and mitigates the impacts of climate change on the most vulnerable people living in South Africa.

# Recommendations

# Summary of recommendations

- Considering the importance of the basic education sector to human and societal development and the threat that climate change poses to children's rights in accessing basic education, we recommend that Schedule 2 be amended to include the Department of Basic Education.
- The Climate Change Bill and related documents must adhere to the Cabinet approved Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing Framework.
- The Department of Women, Youth and People with Disabilities must be included in the list of functionaries under Schedule 2 of the Bill.
- We recommend the inclusion of a climate funding framework which ensures adequate allocation of financial resources to the departments, including Basic Education and Health, to ensure that the South Africa is equipped to adapt to the risks and impacts of climate change.