



forestry, fisheries
and the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

THE PRESIDENCY

REPUBLIC OF SOUTH AFRICA

SOCIO-ECONOMIC IMPACT ASSESSMENT SYSTEM (SEIAS)

REVISED (2020): FINAL IMPACT ASSESSMENT TEMPLATE –PHASE 2

NAME OF THE PROPOSAL: CLIMATE CHANGE BILL

PART ONE: ANALYSIS FOR FINAL SEIAS REPORT

1. Conceptual Framework, Problem Statement, Aims and Theory of Change

The proposal is to introduce national climate change legislation in a form substantially as provided for in the Bill. The overarching premise for the proposal is South Africa's particular vulnerability to the impacts of climate change, the effects of which are already being experienced. Indications are that even with the implementation of appropriate mitigation and adaptation measures these impacts will increasingly be experienced across a number of sectors including water resources; agriculture and food production; forestry and fisheries; human health; energy generation; industry; human settlements and migration; disaster management; biodiversity and terrestrial ecosystems. Impacts will disproportionately affect the poor and most vulnerable groups; and, South Africa's ability to meet its development and economic growth goals, including job creation and poverty reduction.

Climate change is a global challenge requiring both international and domestic solutions. The global climate change response – in which South Africa participates - imposes obligations on developed and developing countries to mitigate greenhouse gas (GHG) emissions and adapt to climate change impacts. South Africa's international and domestic statement of climate change ambition is contained in its Nationally Determined Contribution (NDC) articulating: **(a) under mitigation:** a national GHG mitigation trajectory anticipating short-term increases in emissions, which peak by 2025 then plateau for a decade rapidly decline (in absolute terms) towards 2050; and, **(b) under adaptation:** development of a National Adaptation Plan; inclusion of climate change considerations into sub-national and cross-sector policy frameworks; building of institutional capacity; an

early warning, vulnerability and adaptation monitoring system; and, various assessments and frameworks.¹

National mitigation and adaptation objectives have - been guided *inter alia* by international agreements/negotiations; the Sustainable Development Goals; and, various domestic policies and plans, including: the *National Development Plan 2030* (NDP, 2010); and, the *National Climate Change Response White Paper* (NCCRP, 2011), the underlying objectives of which are mitigation, adaptation, job creation and poverty alleviation. The NCCRP identifies the current paucity of climate change-focused regulation as representing a fatal risk to achieving the NCCRP's underlying objectives and supporting the country's international climate change obligations; while acknowledging the need for dedicated climate change legislation. In particular, the following key policy outcomes require a legislative framework for successful implementation:

- the proposed post 2020 GHG mitigation system;
- the undertaking of risk and vulnerability assessments at various spheres of government namely local, provincial and national and the development of related responses;
- the need for alignment of policies that influence South Africa's climate change response; and,
- the need for cross-sectoral co-ordination, policy development and decision-making in order to: meet South Africa's adaptation goals under the NDC and facilitate resilience across sectors; sustainably escalate South Africa's transition to a lower carbon economy; and, enable South Africa to monitor, track, report and manage this transition for the benefit of the country.

1.1. What socio-economic problem does the proposal aim to resolve?

Unemployment is a key issue for South Africa and is a critical vulnerability that could be severely worsened by climate change. Severe income distortions further limit many people's ability to build resilience to climate change impacts. Climate change and responses thereto, will affect employment, job creation and living standards and, in many instances, this affect may be negative. Vulnerable low-income households and the marginalised unemployed will face the most severe impacts unless urgent steps are taken to reduce South Africa's vulnerability to climate and economic shocks.

South Africa is experiencing significant effects of climate change particularly as a result of increased temperatures and rainfall variability. There is evidence that extreme weather events in South Africa are increasing, with heat wave conditions found to be more likely, dry spell durations lengthening slightly and rainfall intensity increasing. Climate zones across the country are already shifting, ecosystems and landscapes are being degraded, fires are becoming more frequent, and overused natural terrestrial and marine systems are under stress (DEA 2017). The increase in frequency of extreme event will impede government to address the triple bottom challenges of poverty, inequality and unemployment. The drought that affected South Africa has the potential to undermine national food security thus making the poor extremely vulnerable. The drought will further lead to depopulation of rural towns as

¹ Including a vulnerability assessment and adaptation needs framework; and, an adaptation communication, education and awareness framework.

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agricultural jobs are lost. Under the drier conditions the opportunities for rural small holder agriculture will be put under strain. Rural livelihoods will become increasingly vulnerable under whilst infrastructure will also be destroyed by extreme events such as flooding.

Furthermore, the impact of climate change will put the water security of South Africa at risk thus leading to negative impacts to the livelihoods, health as well prospects for economic growth. It is also recognised that South Africa is a relatively significant contributor to global climate change with significant GHG emission levels from its energy intensive, fossil-fuel powered economy. On the other hand, South Africa is extremely vulnerable and exposed to the impacts of climate change due to our socio-economic and environmental context. Climate variability, including the increased frequency and intensity of extreme weather events, will disproportionately affect the poor. South Africa is already a water-stressed country and we face future drying trends and weather variability with cycles of droughts and sudden excessive rains. We have to urgently strengthen the resilience of our society and economy to such climate change impacts and to develop and implement policies measures, mechanisms and infrastructure that protect the most vulnerable.

In this context, the proposal will contribute significantly in addressing the socio-economic problems such as security of livelihoods; reduction of climate induced diseases; protection of livelihoods from extreme climate events; protection of job losses from climate sensitive sectors; protections of infrastructure and setting our society towards a low carbon climate resilient economy and society.

The proposed bill will advance the NCCRP objectives of effectively managing the inevitable climate change impacts through innervations that build and sustain South Africa's socio-economic and environmental resilience and emergency response capacity. Furthermore, through the proposed bill South Africa will be able to make a fair contribution to the global effort to stabilise greenhouse gas (GHG) concentration in the atmosphere at a level that avoids dangerous anthropogenic interference with climate system to enable economic, social and environmental development to proceed in a sustainable manner. South Africa will strive to adapt to the impact of climate change based on the risk and vulnerability reduction approach to ensure significant socio-economic benefit to the country.

1.2. What are the main root causes of the problem identified above?

What socio-economic problem does the proposal aim to resolve	What are the main roots or causes of the problem
(i) The proposal will address the vulnerability by society which are associated with climate change; protection of jobs in the climate sensitive sectors; protection of life and infrastructure against the extreme events such as flooding and fires; protection against climate induced diseases such as heat waves and malaria.	The following outline the root causes for South Africa's limitations to effectively address climate change in a coherent and coordinated manner and consequently unable to address the outlined socio-economic problems associated with climate change (i) Lack of mandates and duties within existing legislation to empower decision makers within Government to impose limits on GHG emissions within entities and across sectors in South Africa. (ii) Inadequate mandates and duties within existing legislation to direct relevant sectors and spheres of government to plan for adaptive measures in response

What socio-economic problem does the proposal aim to resolve	What are the main roots or causes of the problem
<p>(ii) The proposal aims to contribute significantly towards addressing the triple challenges of unemployment; inequality and poverty.</p> <p>(iii) The generation and release of GHG emissions in South Africa, together with emissions from other countries, contributes to global climate change. South Africa is particularly vulnerable to the impacts of climate change, requiring implementation of extensive adaptations across a number of sectors. The National Climate Change Adaptation Strategy underscores that South Africa is experiencing extreme events thus making South Africa more vulnerable to the effect of climate change. Certain parts of South Africa are prone to drought, fires, water scarcity amongst other extreme events.</p>	<p>to the anticipated impacts of climate change on their respective spheres of competence. There is a related lack of minimum criteria for climate risk and vulnerability assessments across sectors and a lack of requirements for coherent adaptation interventions.</p> <p>(iii) Lack of coherent development, alignment and integration of climate change responses across sectors and spheres of government.</p> <p>(iv) There is currently no enabling climate change legislation. To date, government has used policy measures to drive mitigation and adaptation behavioural and structural change. This approach is proving insufficient; and, the fundamental economic, environmental and social change required to achieve South Africa’s climate change policy objectives and international obligations will be unachievable in the absence of climate change-specific legal obligations.</p>

1.3. Summarise the **aims** of the proposal and **how** it will address the problem in no more than five sentences.

The proposal seeks to achieve the following outcomes: (a) under mitigation: the reduction of GHG emissions as part of South Africa’s fair contribution to international efforts to stabilize global GHG concentrations within a timeframe that enables economic, social and environmental development to proceed in a sustainable manner; and, (b) under adaptation: the effective management of inevitable climate change impacts through enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change. The proposal anticipates achieving these outcomes via a co-ordinated and integrated response to climate change and its impacts by all spheres of government, in accordance with the principles of co-operative governance, whilst also facilitating government efforts to ensure an effective and co-ordinated response across all sectors of the economy. Furthermore, the establishment of Presidential Climate Change Coordinating Commission (PCCCC) will provide the much needed institutional mechanism to oversee the Just Transition in South Africa.

1.4. How is this proposal contributing to the following national priorities?

National Priority	Impact
<p>1. Economic transformation and job creation</p>	<p>Climate change responses that improve resilience could positively impact employment in South Africa. For example, adaptation could create new jobs to which workers can migrate from sectors affected by mitigation strategies. The climate change response will attempt to reduce the impact of job losses and promote job creation during the shift towards the new green economy. The national climate change response is aimed at limiting employment contraction to those areas of the economy where excessive carbon intensity is considered unsustainable, whilst promoting and expanding the green economy sectors. The climate change responses will be to promote investment in human and productive resources and so enable sustainable growth in green sectors. Investors will be incentivised to reallocate capital to lower-carbon investments.</p>
<p>2. Education, skills and health</p>	<p>The National Climate Change Response White Paper requires the development of Sector Jobs Resilience Plans that could protect vulnerable groups who could lose their jobs or livelihoods as a result of the climate impacts, either related to physical effects or to the transition. The policy further aims to limit employment contraction in those areas of the economy where excessive carbon intensity is considered unsustainable , whilst prompting and expanding the green economy sectors</p> <p>The Bill will serve to foster a transition to a low carbon economy and in doing so will facilitate the development of employment opportunities in this sector and the upskilling and training in low carbon technologies. Over time, the shift to less energy intensive industries should promote job creation, as these producers are generally also more labour intensive. The poor are also the most vulnerable to climate change so introducing measures to mitigate and adapt to it will also serve to foster equality</p>
<p>3. Consolidating the social wage through reliable and quality basic services</p>	<p>Climate change should be part of the broader framework of education for sustainable development, and South African citizen should be equipped to re-orientate society towards social, economic and ecological sustainability. This could also be done by establishing a robust research focusing on labour requirements for green transition.</p>
<p>4. Spatial integration, human settlements and local government</p>	<p>The climate change adaptation can contribute to infrastructure that is climate resilient thus enabling services to communities that live in the climate hotspot areas.</p>

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National Priority	Impact
5. Social cohesion and safe communities	Integration of climate change into the National Spatial Development Framework. Furthermore, support for local government to development climate change needs assessments and response plan will contribute significantly to national priority. Building the capacity for local government to respond to challenges associated to climate change will be central to the implementation of the bill.
6. Building a capable, ethical and developmental state	<p>The bill will ensure that the vulnerable and poor communities are protected from the effect of climate change through among other key enhanced early warning systems and adaptation interventions. Further, the bill will contribute to the security of livelihood, ensure safety of their lives thus contribution to safer communities and social cohesion.</p> <p>The proposals set out in the Climate Change Bill serve as a critical defence against climate change impacts, by reducing the vulnerability of South Africa's food, water, health, ecosystems and human settlements to the impacts of a changing climate and in turn fostering social cohesion. The poor and most vulnerable will likely benefit the most from these interventions which will include creation of lower carbon industries, thereby reducing inequality and fostering social cohesion.</p>
7. A better Africa and world.	The draft climate change bill will enhance coordination across the three spheres of government through established institutional mechanism namely Inter-Ministerial Committee on Climate Change; Provincial Forum as well as the Local Forum on Climate Change. Furthermore, the Presidential Climate Change Coordinating Commission will enhanced engagement between key stakeholders such as government, civil society, labour and Business

1.5. Please describe how the problem identified could be addressed if this proposal is not adopted. At least one of the options should involve no legal or policy changes, but rather rely on changes in existing programmes or resource allocation.

Option 1.	The establishment of the bill will provide mandatory carbon budget thus enable enforcement of greenhouse gas emissions. Without the bill these reduction of emission will remain voluntary thus making it difficult for South African to meet its international obligation.
Option 2.	N/A

PART TWO: IMPACT ASSESSMENT

2. Policy/Legislative alignment with other departments, behaviours, consultations with stakeholders, social/economic groups affected, assessment of costs and benefits and monitoring and evaluation.

2.1. Are other government laws or regulations linked to this proposal? If so, who are the custodian departments? Add more rows if required.

Government legislative prescripts	Custodian Department	Areas of Linkages	Areas of contradiction and how will the contradictions be resolved
Carbon Tax Act 15 of 2019	National Treasury	Alignment on climate carbon budget and carbon tax.	Where the carbon budget as allocated to a person for any period under review is exceeded, that person will be subject to an administrative penalty as provided for in the Carbon Tax Act, 2019
National Environmental Management: Air Quality Act 39 of 2004.	Department of Environment, Forestry and Fisheries	Alignment on monitoring and evaluation of emission sources contributing to air pollutants and Greenhouse Gases.	Reporting fatigue: A national system called the National Atmospheric Emissions Inventory System (NAEIS) has been developed to ensure that emitters report their emissions using a single web-based emissions reporting system.

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2.2. Proposals inevitably seek to change behaviour in order to achieve a desired outcome.

Describe (a) the behaviour that must be changed, and (b) the main mechanisms to bring about those changes. These mechanisms may include modifications in decision-making systems; changes in procedures; educational work; sanctions; and/or incentives.

- a) What and whose behaviour does the proposal seek to change? How does the behaviour contribute to the socio-economic problem addressed?

The proposal seeks to change the behaviour of government and business in particular to ensure a transition to climate resilient and low carbon economy. The bill will foster institutional coherence to co-operative governance for climate change. Failure to take into account and plan for mitigation and adaptation measures across sectors and spheres of government will be addressed. On the business side reliance on fossil fuels and high energy consumption patterns and a failure to internalise the costs associated with emissions will be addressed through the climate change bill. Furthermore, general behaviour on the failure to take the potential impacts of climate change into account in business development planning will also be addressed. Addressing these outlined behaviour will contribute significantly towards addressing the priority of government in addressing social cohesion, poverty, inequality and unemployment.

- b) How does the proposal aim to bring about the desired behavioural change?

Mechanism to bring desired behavioural change can be summarised as follows:

- Development of carbon budgets, sectoral emissions targets and related mitigation plans to facilitate a transition away from high carbon consumption patterns and processes;
- Adoption of new investment behaviour and sustainable production patterns facilitated through a suite of incentives and disincentives including the proposed carbon tax, standards, government procurement;
- Programmes, research into new technologies and investment incentives, and similar initiatives, supported by relevant regulations and plans developed under the Bill;
- Requirements for cross departmental and sectoral integration of climate change considerations into planning, policy and decision making;
- Development of institutional mechanisms such as the Ministerial Climate Change Committee and the expansion of the mandate of existing forums under the Intergovernmental Relations Framework Act 13 of 2005, to serve as the Provincial Forum on Climate Change and the Municipal Forum on Climate Change;
- Assistance provided in development of relevant climate response plans or the amendment of existing plans by Sectors Departments, Provinces and Municipalities under the Bill. Institutionalizing the implementation of the developed plans into all spheres of government.
- Develop climate change needs and response assessment and a national adaptation strategy to guide a coordinated governance response pursuant to the requirements of the Bill;

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- Align and harmonise policies, plans and decisions to ensure the risks of climate change impacts and related vulnerabilities are taken into account and give effect to national adaptation and mitigation objectives;
- Develop a climate change response implementation plan across relevant sectors and spheres of government, as well as sector emissions reductions plans as a way of mainstreaming climate change adaptation and mitigation responses into decision making and planning processes;

2.3. Consultations

- a) Who has been consulted inside of government and outside of it? Please identify major functional groups (e.g. business; labour; specific government departments or provinces; etc.); you can provide a list of individual entities and individuals as an annexure if you want.

Consulted Government Departments, Agencies and Other Organs of State

Department's name	What do they see as main <u>benefits</u> , <u>Implementation/</u> <u>Compliance costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal? If yes, under which section?
<p>Government Departments and Agencies: Intergovernmental Committee on Climate Change (MINTEC Working Group 10) and National Committee on Climate Change; Written comments from representatives of the DEA; DMR; DIRCO; the Gauteng Department of Agriculture and Rural Development, the Mpumalanga Department of Economic Development, Environment and Tourism; and Eskom Holdings SOC Ltd</p> <p>Furthermore, focused discussion with the</p>	<p>Benefits were seen to be the implementation of South Africa's climate change response policy objectives.</p> <p>Costs: included a discussion about the costs incurred by Sector Departments, Provinces and Municipalities in developing and implementing the required climate change response and implementation plans</p>	<p>They support the climate change bill. Government comments focused on the institutional designs of government structures created by the Bill. A particular focus was on the role of Provinces and Municipalities.</p> <p>Detailed clarity on institutional mechanism has been addressed in chapter 2 of the policy alignment and institutional arrangements.</p>	<p>Requests were made for greater clarity in the Bill about the relationship between carbon budgets and sectoral emissions targets and modalities for their design and implementation as well as clarity regarding interrelationship with the carbon tax. This have been addressed in the current revised bill where by administrative penalties of the carbon tax will apply. The DEA and the National Treasury will ensure that the carbon tax is aligned and integrated with the proposed carbon budget system.</p> <p>Pursuant to extensive engagement with government departments, the chapter</p>	<p>Yes, under chapter 5 section 2 (3) on the carbon budget</p> <p>On institutional issue the clarity has been provided for in chapter two on policy alignment and institutional arrangements.</p>

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Department's name	What do they see as main <u>benefits</u> , <u>Implementation/</u> <u>Compliance costs and risks?</u>	Do they <u>support</u> or <u>oppose</u> the proposal?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal? If yes, under which section?
National treasury were convened.			<p>relating to the role of Municipalities and Provinces was re-written to accommodate or clarify the roles.</p> <p>The revisions to the Bill sought to bring greater clarity to the provisions relating to GHG emissions and removals, and further details will be in the relevant regulations.</p>	

Consulted stakeholders outside government

Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/</u> <u>Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal ?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
<p>Business: Business Unity South Africa (BUSAs) and the Chemical and Allied Industries Association (CAIA)</p>	<p>Benefit: The main benefit to industry was noted to be the creation of certainty regarding government climate change policy.</p> <p>Cost: this issue was not expressly addressed in the comments but was raised indirectly in relation to the criminalisation of carbon budgets and alignment with the tax and related cost implications this would have on business.</p>	<p>Supportive .</p>	<p>Requests for additional clarity to existing provisions to render them clearer, more “meaningful”, and more specific, particularly in relation to enabling provisions.</p> <p>Request for textual amendments to better align existing government policy with the wording of the Bill, particularly the design of the mitigation system. Requests made to elaborate on the architecture of the carbon budget system and incorporate additional elements contemplated in existing policy papers.</p> <p>Request for amendments to align the carbon tax with the carbon budgets and proposed sanctions in the Bill.</p> <p>Request to decriminalise the provision relating to carbon budgets.</p>	<p>The alignment of carbon budgets with the carbon tax has been resolved and clearly expressed in chapter five section 25(3). This have been addressed in the current revised bill where by administrative penalties of the carbon tax will apply. The DEA and the National Treasury will ensure that the carbon tax is aligned and integrated with the proposed carbon budget system.</p> <p>In relation to duplication with NEMAQA, the intention is for the Climate Change Bill to replace the existing climate change related regime under NEMAQA. Once developed, the Regulations already promulgated under the NEMAQA to regulate climate change will be repealed and be promulgated under the Climate Change Bill.</p>

Name of Stakeholder	What do they see as main <u>benefits, Implementation/ Compliance costs and risks?</u>	Do they <u>support or oppose</u> the proposal ?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
			<p>Concerns were raised about the appropriateness of the Minister prescribing how climate change considerations should be taken into account (as an alternative guidelines were proposed) and whether it would be better for adaptation considerations to rather be incorporated into relevant sector legislation. There was concern regarding duplication under the National Environmental Management Air Quality Act 2004 (NEMAQA).</p> <p>Requests to emphasise the role of Municipal and Sector adaptation responses. A request to include additional vulnerable sectors in the Bill and expand the provisions regarding the gathering of data.</p>	<p>In relation to Municipal, Provincial and Sector response plans, the relevant chapter was re-written and is considered necessary in order to adequately mainstream climate change.</p> <p>Schedule 1 (Functional Areas) was retained with amendments to adopt a thematic approach to mandates, to ensure that both adaptation and mitigation are included in the plans.</p>

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Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/ Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal ?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
Organised Labour: Alternative Information and Development Centre (AIDC)	Benefit: Labour, as represented through the AIDC, were generally supportive of the Climate Change Bill	Supportive	<p>There was a request to include a concept of a “just transition” to a low carbon and climate resilient economy with additional detail concerning the creation of additional jobs and Department of Labour oversight.</p> <p>Request for certain Departments to prepare “just transition plans” to address negative short-term impacts on employment and social welfare and shifts in skills and training requirements and reporting requirements by the Department of Labour coupled with a duty to make provision for workers in carbon intensive industries.</p>	The concept of a “just transition” was included in the Bill. The request to require “just transition plans” or duties on the Department of Labour was not pursued. The required content of the Sector Department plans contemplated by the Bill should be determined by the relevant Department.
Civil Society: Alternative Information and Development Centre (AIDC); SACAN; World Wildlife Fund (WWF); Project 90 by 2030	<u>Benefit:</u> NGOs were widely supportive of a Climate Change Bill as a means of facilitating adaptation and mitigation activities in the	Supportive	In general, the comments were primarily textual with a view to expanding on existing definitions and concepts or clarifying their content and strengthening the	Many commentators raised the issue of what a “sector” was defined to mean. Attempts to narrow and clarify the definition were made in subsequent drafts, mindful that the mitigation system is based on conceptual notions of sectors and IPCC sector categories. Clarity to the

Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/ Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal ?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
	<p>country to strengthen resilience and make a fair contribution to global mitigation efforts.</p> <p><u>Risk:</u> Risk of job losses, potentially inadequate mitigation and adaptation responses, lack of adequate alignment between sectors and spheres of government.</p> <p><u>Costs:</u> Not raised directly but queries were raised regarding how the relative “costs and benefits“ of the sectoral emissions targets would be accurately</p>		<p>robustness of the mitigation system design.</p> <p>Several comments wished for greater detail and specificity in the Bill on the structure and design of the Sectoral Emissions Targets and Carbon Budgets and related monitoring and reporting. They were unsupportive of the carbon tax as a compliance mechanism for exceeding the carbon budget and supportive of fines and imprisonment for exceeding a budget.</p> <p>There was a request to include a concept of a “just transition” to a low carbon and climate resilient economy with additional detail concerning the creation of additional jobs and Department of Labour oversight.</p> <p>Request for mandatory provisions in the Bill, and less discretionary</p>	<p>concept of sector was also provided in the list of “functional areas” attached to the Bill.</p> <p>In relation to Carbon Budgets and Sectoral Emissions Targets it was felt that such detail would be accommodated more appropriately in the form of regulations, but where relevant additional specificity was included. The interface of the carbon budget and carbon tax was addressed with Treasury (see earlier comments relating to carbon tax and budget alignment on this).</p> <p>The inclusion of the concept of a “just transition” was also included in the Bill. The additional proposals regarding the Department of Labour were not supported.</p> <p>Certain provisions in the Bill were made mandatory. The request to have absolute prohibitions on certain infrastructure/planning was also not accepted. The request to have the</p>

Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/</u> <u>Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal ?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
			<p>provisions. Request for absolute prohibitions on certain infrastructure and planning which is not climate resilient and low carbon.</p> <p>Request for the Bill to be developed by the Presidency and not the DEA</p> <p>Provisions are required to avoid liabilities being transferred to the state.</p> <p>Request to have a methodology for determining the costs and benefits of sectoral emission targets.</p> <p>Many NGOs requested additional incentives and guidance for fiscal support to be included in the Bill.</p>	<p>Presidency develop the Bill was not accepted.</p> <p>Provisions regarding the transfer of liabilities were not included. It was not considered possible to develop a methodology for assessing the costs and benefits of a sectoral emission target. In relation to fiscal incentives and guidance for fiscal support it was felt that this was more appropriately dealt with in policy (for example the draft Adaptation Strategy already address this issue).</p>

Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/ Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal ?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
The Public	<p>More detailed public participation will be undertaken as part of the Parliamentary public participation process at which point commentary from the wider public will be elicited.</p> <p>Benefit: The Portfolio Committee on Environment is widely supportive of a Climate Change Bill as a means of facilitating adaptation and mitigation activities in the country to strengthen resilience and make a fair contribution to global mitigation efforts. The Committee has called</p>			

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	for the development of the Bill on several occasions.			
National Economic Development and labour Council (NEDLAC)	NEDLAC was supporting of the climate change bill as the needed instruments to address the effects of climate change in the country	Supportive	<p>Number of amendments have been proposed during NEDLAC consultation include the following;</p> <p>The proposed amendments which include the establishment of the Presidential Coordinating Commission on Climate Change;</p> <p>Inclusion of policies and measures with clear definitions;</p> <p>Inter-Ministerial Committee on Climate Change to make a decision by way of consensus;</p> <p>Progress on the implementation of the mitigation plans to be considered when allocating the carbon budget;</p>	All these elements have been incorporated into the revised bill.

Name of Stakeholder	What do they see as main <u>benefits</u> , <u>Implementation/</u> <u>Compliance costs</u> and <u>risks</u> ?	Do they <u>support</u> or <u>oppose</u> the proposal ?	What <u>amendments</u> do they propose?	Have these amendments been <u>incorporated</u> in your proposal?
			<p>Pollution prevention plans to be deemed the mitigation plans;</p> <p>Categorization of regulations which should be must and that should be may. In this regard, the following regulations must be developed; regulations on the allocation, review and cancellation of carbon budget; as well as those pertain to phasing down and out of the synthetic greenhouse gases as well those relating to monitoring and evaluation of the greenhouse gases emissions.</p>	

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- b) Summarise and evaluate the main disagreements about the proposal arising out of discussions with stakeholders and experts inside and outside of government. Do not give details on each input, but rather group them into key points, indicating the main areas of contestation and the strength of support or opposition for each position

Following extensive consultations there are four main areas that remain as point of disagreement. The first one is on the definition of adaptation in which labour in particular would like to modify to can talk to industry adaptation and economic adaption to industries. The government and business are of the view that the definition should be consistent with the definition in the United Nations Framework on Climate Change (UNFCCC). In this context, the principle that is agreeable is to use the UFCCC and not develop new definitions.

The second area of disagreement is to use the polluter pay principles which is part of the National Environmental Management Act principle. Furthermore, another area of disagreement is the intention to lock the frequency of meetings of the Inter Ministerial Committee on Climate Change. Finally, the last area of disagreement is further additionally on the feasibility of mitigation technology. Labour agreed with government in keeping the broader area of feasibility. These disagreements can be easily addressed by the executive during the processing of the climate change bill .

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2.4. Describe the groups that will benefit from the proposal, and the groups that will face a cost. These groups could be described by their role in the economy or in society. Note: NO law or regulation will benefit everyone equally so do not claim that it will. Rather indicate which groups will be expected to bear some cost as well as which will benefit. Please be as precise as possible in identifying who will win and who will lose from your proposal. Think of the vulnerable groups (disabled, youth women, SMME), but not limited to other groups.

List of beneficiaries (groups that will benefit)	How will they benefit?
The Public	<ul style="list-style-type: none">• Global climate models for South Africa suggest that there will be a significant benefit to the country if global GHG emissions are reduced, as compared to a scenario of unconstrained emissions.• Citizens of South Africa are particularly vulnerable to climate change because of its dependence on climate-sensitive economic sectors, high levels of poverty and the interrelated impacts between climate change and health. Early adaptive measures will decrease the exposure to or enhance adaptive capacity to respond to impacts associated with increased incidences of extreme, weather related events, particularly on the most vulnerable, such as poor and low-income households, women and children and rural farmers. Climate change will also have a considerable impact on sectors upon which poor and vulnerable persons are directly dependent including agriculture, biodiversity, ecosystems and water supplies. Early measures anticipated to be facilitated by the Bill's implementation will in turn seek to ameliorate indirect impacts such as rising food prices, levels of disease and illness; and, conflict over natural resources.• The Bill seeks to introduce measures which will empower citizens to respond to the potential impacts of climate change and related extreme events. Further, citizens will be prepared to plan for potential extreme events associated with climate change.• Adaptation measures typically have a number of co-benefits unrelated to climate change, many of which target natural resources and agriculture in rural sectors. Examples include improvements in the efficiency of production, better access to modern technology and increased productivity, better local air quality and related health benefits, as well as better crop quality. This, in turn, will benefit

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List of beneficiaries (groups that will benefit)	How will they benefit?
	<p>rural farmers, vulnerable persons living in close proximity to large emitters, women, and households reliant on subsistence farming.</p> <ul style="list-style-type: none"> • The considerable anticipated impact of climate change on South Africa’s GDP, productivity, and unemployment can also be mitigated through early and coordinated mitigation measures and adaptation efforts. • A transition to a low carbon and climate resilient economy and society, as facilitated by the measures proposed in the Bill, will incentivise the creation of employment in lower carbon industries, providing a valuable catalyst to spur demand for new training and skills in this sector. • The general public will for the first time have an understanding of what the national GHG emissions profile is for the country. This will allow the public to be better informed about what are the sources of GHG emissions are and what actions can be taken to reduce emissions.
Business and industry	<ul style="list-style-type: none"> • Certainty to business on South Africa’s commitment and means of transitioning to a low carbon and climate resilient economy and society. • Certainty around the extent to which emitters will be required to contribute to the national effort to reduce GHGs. This enables business to plan and budget their investments in lower carbon and resource efficient technologies, well in advance, with an opportunity for the creation of new lower carbon industries and related employment opportunities. There is a growing body of evidence which demonstrates that a green economy can deliver economic benefits equal to or exceeding business as usual, particularly in relation to GDP and employment. • Shifts to renewable energy and energy efficiency (cleaner and lower cost energy options), and water conserving technologies are also cost saving measures and increase energy security for business and the wider economy.

List of beneficiaries (groups that will benefit)	How will they benefit?
	<ul style="list-style-type: none"> • Taking early action to facilitate a change towards a low carbon and climate resilient economy and society may also protect the competitiveness of industry in future from the possibility of international carbon border tax adjustments. • Business will be able to anticipate potential impact of climate change to their operations and planning adaptation interventions by benefiting from among others early warning systems.
<p>Government Departments and Agencies</p>	<ul style="list-style-type: none"> • Significant cost savings for Government can be achieved by facilitating an early adaptive response to anticipated climate change impacts. • A transition to a lower carbon and climate resilient economy and society will provide employment opportunities and opportunities for skills development; • Fulfilment of South Africa’s international obligations and a demonstration of South Africa’s contribution to the global effort to reduce GHG emissions. • A fulfilment of Government’s duty to take “reasonable measures” in relation to climate change in realising the right to an environment not harmful to health and well-being in Section 24 of the Constitution. • The legislative mechanisms will enable Government to obtain adequate and timely information relating to GHG emissions and adaptation measures which will facilitate accounting and reporting to the international community in terms of its international obligations. • Government will have sound methodological and reporting basis for reporting of emissions to support the carbon tax, carbon budget and carbon offset. These are some of the major climate change mitigation instruments that have been considered by the South African Government and have a significant role in reducing emissions in the short and long term • A legislative framework will support requests by South Africa for access to international climate change funding mechanisms such as the Green Climate Fund and others. <p>Foster a collaborative approach by the three spheres of government local, provincial and national.</p>

List of cost bearers (groups that will bear the cost)	How will they incur / bear the cost
<p>Government Departments and Agencies</p>	<ul style="list-style-type: none"> • Government (including relevant Sector Departments, Provinces and Municipalities) will likely need to carry the costs for planning (development of planning instruments); intervention programmes; capacity across the three spheres of government to enforce the legal framework; and undertaking the necessary studies and plans contemplated in the Climate Change Bill. Government can potentially rely on international funding to finance a portion of these costs. These plans may also create an additional administration burden and may require additional training to develop and implement. • DEFF has already incurred costs in the development of climate change interventions, and further costs will be incurred to enhance the existing systems, planning instruments and to develop new interventions. There is already an extensive body of research and analysis upon which can be relied upon to reduce this cost and the DEFF has also already obtained funding from a number of external resources to undertake these studies. • Human resources and capital will be required to develop and implement; and enforce the proposed Bill within the DEFF and across the spheres of government. The required work is however already well underway and in most cases has already been budgeted for. Additional resources will be required to fully enforce the Bill.
<p>Business</p>	<ul style="list-style-type: none"> • The proposed carbon budgets may have an impact on industry and the economy in the form of costs associated with upgrading or migrating to lower carbon technologies and processes and the profitability of carbon intensive operations. • It is possible that entities within certain industries could be disproportionately affected by climate change interventions. The design and phase-in period of the interventions such as targets, budgets and related flexibility mechanisms will be sensitive to these issues.

List of cost bearers (groups that will bear the cost)	How will they incur / bear the cost
	<ul style="list-style-type: none"> The relevant Sectoral, Provincial and Municipal climate change response implementation plans and related risk and vulnerability assessments require business to carry out specific assessments of climate risks associated with their operations.
<p>Public</p>	<ul style="list-style-type: none"> The development of climate change response implementation plans and other plans to foster mitigation and adaptation, and plans within sectors are likely to impact on society, more broadly. The extent and nature of such impacts will depend on the sector and the proposed adaptation response or mitigation measures. For example, climate change response implementation plans for Municipalities may impose limitations upon development in areas considered highly vulnerable to climate change impacts, which in turn may influence developmental considerations for local society. The nature of such changes will primarily be informed by the type of mitigation or adaptation response required and the sphere of government or sector responsible for implementation.

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2.5. Describe the costs and benefits of implementing the proposal to each of the groups identified above, using the following chart. Please do not leave out any of the groups mentioned, but you may add more groups if desirable. Quantify the costs and benefits as far as possible and appropriate. Add more lines to the chart if required.

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Group	Implementation costs	Compliance costs	Costs/benefits from achieving desired outcome	Comments
Government Departments and Agencies	<p>Development of climate change response and implementation plans and sector adaptation plans required under the Bill, and the amendment of existing plans, by spheres and sectors of Government.</p> <p>Development of a National Adaptation Strategy and the National Framework by the DEFF</p>		<p>Transition to a lower carbon and climate resilient society in South Africa is promoted, enhanced and supported which will result in:</p> <ul style="list-style-type: none"> - a contribution to a low carbon economy and better technological penetration. - enhanced policy co-ordination, among key sectors for emissions reduction and adaptation. - reduced costs in adaptation responses through early adaptive measures and considerable savings on GDP losses. 	<p>Economic modelling undertaken in 2014 anticipated that the impacts of climate change on GDP expected. losses over the next 35 years would be highly variable, with ranges between R 217 billion and R 651 billion with a median loss of R 259 billion.² The purpose of the Bill is to mitigate and adapt to climate change impacts and in turn to reduce associated GDP losses. The considerable variability in the range of expected GDP losses as a reference scenario, also suggests there would be a wide range in any cost benefit analysis of the anticipated benefits of the interventions in the Bill (and related policy measures) as compared to the reference scenario.</p>

² DEA, 2014: The Economics of Adaptation to Future Climates, as cited in South Africa’s Draft Third National Communication under the United Nations Framework Convention on Climate Change, March 2017, 23 (National Communication). This report used an integrated modelling framework to estimate the potential impacts of multiple climate futures on water supply and demand for different sectors, irrigated and dry-land crop impacts, and road infrastructure costs under a wide range of potential climate futures. The range of R217 billion to R651 billion was based on a what was referenced as the “Total Scenario” which only took into account climate change impacts experienced on transport networks, water available for irrigation and yield impacts on dry-land agriculture. The modelling takes into account

endogenous adaptation (i.e. market related responses to climate change impacts), but does not model the avoided or mitigated financial losses as a result of policy or legislative adaptation interventions.

<p>Business</p>		<p>Compliance with GHG mitigation requirements and interventions, requiring changes to production processes or new technologies.</p> <p>Costs associated with developing a GHG mitigation plan. A similar plan is already required under existing regulations and so the transitional cost of amending and updating these plans is likely to be low.</p> <p>Costs incurred by high emitters in changing consumption and production patterns by changing to new technologies, production processes and energy sources to reduce GHG</p>	<p>High emitting industries may be less profitable or productive which may impact the economy in the short term, with positive impacts in the medium to long term, but this is offset against the much higher costs of responding and adapting to climate change.</p> <p>Improved competitiveness in the longer term.</p> <p>Reduced risk of boarder tax adjustments/product standards or requirements for product labelling imposed by other countries in the future.</p> <p>Potential growth in employment in lower carbon sectors of the economy and a contribution towards</p>	<p>Certain industries may not be able to reduce their emissions, and this will be considered when allocating carbon budgets. Net impact will largely depend on the thresholds set in the carbon budgets, the ability to transition to a low carbon economy, availability and cost of new technology and international developments.</p>
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Group	Implementation costs	Compliance costs	Costs/benefits from achieving desired outcome	Comments
		<p>emissions. These costs cannot be quantified at this stage and will be differ from industry to industry. Regulations may also be developed under the Bill which will require Business to reflect the carbon footprint of the product on the label and related labelling standards.</p>	<p>GDP growth in this sector. A reduction in the risk of climate change to existing business (e.g. disruption in supply chains and water availability) by reducing climate change impacts.</p>	

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Group	Implementation costs	Compliance costs	Costs/benefits from achieving desired outcome	Comments
Labour	N/A	<p>Time taken to build the necessary capacities to re-skill and train (this is a continuous process).</p> <p>The move to a low carbon economy may result in the need to train and upskill employees currently trained in high carbon technologies in order to facilitate a transition to a low carbon economy</p>	<p>Transformation to low carbon jobs and workers in high emitting industries may lose jobs. Other lower carbon industries could however create more jobs in medium to longer term.</p> <p>Transferred knowledge and skills associated with the transition to a low carbon and climate resilient economy.</p> <p>Skilling and capacitation of the workforce towards new skills.</p> <p>Better efficiencies that can be achieved.</p>	<p>Net effect on employment depends on how producers adjust, and in particular on the ability to diversify investment away from emissions-intensive activities.</p>
Civil Society	None	None	None	None

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Group	Implementation costs	Compliance costs	Costs/benefits from achieving desired outcome	Comments
The Public	Potential costs in complying with the contents of relevant Municipal, Provincial or Sectoral plans. Related costs will be informed by contents of the plans in responding to and mitigating climate change.	Potential costs in changing behaviour to using lower carbon goods and services. In the longer term these may be more cost competitive (for example the decreasing cost of renewable energy).	Potential for higher cost for energy and transport depending on the quantum of the sectoral emissions targets. Benefits are the same as for Government.	The impact on the public will depend on the ability for energy and transport sectors and the extent to which the costs of compliance imposed on them are passed through from business to consumers, and the costs of technology

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Group	Implementation costs	Compliance costs	Costs/benefits from achieving desired outcome	Comments
Labour	N/A	<p>-Time taken to build the necessary capacities to re-skill and train (this is a continuous process).</p> <p>The move to a lower carbon economy may result in the need to train and upskill employees currently trained in high carbon technologies in order to facilitate a transition to a low carbon economy</p>	<p>Transformation to low carbon jobs and workers in high emitting industries may lose jobs. Other lower carbon industries could however create more jobs in medium to longer term.</p> <p>Transferred knowledge and skills associated with the transition to a low carbon and climate resilient economy.</p> <p>Skilling and capacitation of the workforce towards new skills.</p>	<p>Net effect on employment depends on how producers adjust, and in particular on the ability to diversify investment away from emissions-intensive activities. Better efficiencies that can be achieved.</p>

2.6 Cost to government: Describe changes that the proposal will require and identify where the affected agencies will need additional resources

- a) Budgets, has it been included in the relevant Medium Term Expenditure Framework (MTEF) and

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The budget for the implementation of the climate change bill has been included in the MTEF. This will include resources for the establishment of the Presidential Climate Change Coordination Commission Secretariat. Furthermore, the Department the department will use the existing systems and human resource capacity for administration purposes The Department will also leverage support from the donor partners to augment required resources for the full implementation of the bill. Not everything that will be implemented will require additional and new resources.

- b) Staffing and organisation in the government agencies that have to implement it (including the courts and police, where relevant). Has it been included in the relevant Human Resource Plan (HRP)

Most of the functions will be carried out by the existing staff component. They are currently managing the process of voluntary carbon budgets and the legislation will provide the government with the required tools to enforce the mandatory carbon budget thereby leading to the reductions of the GHGs.

2.7 Describe how the proposal minimises implementation and compliance costs for the affected groups both inside and outside of government.

For groups outside of government (add more lines if required)

Group	Nature of cost (from question 2.6)	What has been done to minimise the cost?
Government	Development of the Monitoring and Evaluation System.	<ul style="list-style-type: none">• The mitigation system relies and builds on existing systems which currently regulate GHG emissions. Funds have already been committed for staffing and for the design and implementation of the climate change systems.• Government is already making use of existing external funding mechanisms to support the implementation of adaptation and mitigation related policy, planning and implementation measures. Government will continue to capitalize on potential sources of financial support, including bilateral and multilateral funders, such as the Green Climate Fund, the Adaptation Fund, carbon markets and REDD+ mechanisms to reduce implementation and compliance

Group	Nature of cost (from question 2.6)	What has been done to minimise the cost?
		<p>costs. The Department has already submitted a summary of some of the required financial support necessary for its mitigation and adaptation Responses, to the international community as part of its NDC. Having a Climate Change Bill promulgated into law will also assist with providing the necessary policy and legislative certainty to potential funders and investors of South Africa's commitment to the appropriate application of such funds as part of its climate change response. Improved intra-governmental planning, as promoted by the Bill, will also avoid longer term costs in delaying adaptation measures, with a subsequent decrease in potential litigation and required resources (time and finance). There are likely to be a number of co-benefits from these institutions which will be able to assess and provide guidance on achieving synergies between mitigation and adaptation opportunities.</p>
Government	Development of the Monitoring and Evaluation System.	<p>In relation to mitigation and adaptation, the design of the Mitigation System and the proposed adaptation design is intended to be evidence based, but also sensitive to domestic limitations and subject to review. To this end the Bill proposes a number of mechanisms to ensure that compliance costs are minimized, including:</p> <ul style="list-style-type: none"> - Design of future national GHG emissions mitigation trajectory taking into account developmental and economic considerations; - Design of SETs taking into account relevant costs and benefits with the potential for these to be reviewed and revised, as required, including via the application of adjustment factors based on a criteria matrix which considers emissions projections, mitigation potential and associated costs. - Carbon budgets will be introduced over three successive five-year periods to create certainty and an enabling long

Group	Nature of cost (from question 2.6)	What has been done to minimise the cost?
		<p>term investment in low carbon measures. As part of the Mitigation System design, it has been proposed that the carbon budget incorporate various flexibility mechanisms, considers emissions projections, achievement, mitigation potential and associated costs</p> <ul style="list-style-type: none"> - National adaptation strategy, Risk and Vulnerability assessment to be reviewed over a period of 5 years. <p>The alignment of the carbon budgets and carbon tax has been stipulated in the bill to ensure that emitters are not penalised twice when they do not meet their carbon budget. Instead, the carbon tax shall be used to penalise entities that do not meet their budgets.</p>
Business	<p>Compliance with GHG mitigation requirements and interventions, requiring changes to production processes or new technologies.</p> <p>Costs associated with developing a GHG mitigation plan. A similar plan is already required under existing regulations and so the transitional cost of amending and updating these plans is likely to be low.</p>	<p>Companies are currently working on the implementation of the voluntary carbon budget and are slowly building the much needed capacity for compliance</p>

For government agencies and institutions:

Agency/institution	Nature of cost (from question 2.6)	What has been done to minimise the cost?
DEFF	Staff complement to administer the emissions reporting programme as well as the carbon budgets and mitigation plans.	<p>DEFF is about to conduct a business case to determine how they structure can be designed in the most cost-effective way.</p> <p>The revenues generated from the administration of carbon tax also offset the costs associated with the GHG emissions reporting programme.</p>
South African Weather Service (SAWS)	Management of the Climate Monitoring System	DEFF in partnership with SAWS have developed a National Framework for Climate Services to ensure that other government agencies and private sector climate monitoring networks contribute to national climate monitoring for disaster risk reduction through deployment of early warning systems.

2.8 Managing Risk and Potential Dispute

a) Describe the main risks to the achievement of the desired outcomes of the proposal and/or to national aims that could arise from implementation of the proposal. Add more lines if required.

- Inadequate capacity (human, institutional and financial) for coordination and development and implementation of adaptation and mitigation responses at sectoral and all spheres of government.
- Readiness of the web-based National Atmospheric Emissions Inventory System (NAEIS) to allow industry to report its emissions and mitigation plans. The provisions in the Bill relating to climate change response implementation plans and sector emissions reduction plans being inconsistently or inadequately implemented;
- Inability to meet Nationally Determined Contributions (emission targets)

b) Describe measures taken to manage the identified risks. Add more rows if necessary.

Mitigation measures means interventions designed to reduce the likelihood that the risk actually takes place.

Identified risk	Mitigation measures
Inadequate capacity (human, institutional and financial) for coordination and development and implementation of adaptation and mitigation responses at sectoral and all spheres of government.	Collaborative capacity building programmes for officials at different spheres of government. Mainstream climate change in all spheres of government as a cross-cutting issue is important, and therefore should be addressed by all sectors of the economy. Awareness raising and capacity training for individuals within Government on how to implement the Bill.
The provisions in the Bill relating to climate change response implementation plans and sector emissions reduction plans are inconsistently or inadequately implemented.	Development templates and guidelines to ensure consistency between the content of the proposed plans.
Legal challenge to the Bill by private sector interests who may contest the quantum allocation of certain targets.	Extensive public commenting period for the contents of the Bill, as well as related plans and policies including the all other interventions currently under development such as the Mitigation System design reports, transparency in

Identified risk	Mitigation measures
	the information and research underpinning those interventions.
Readiness of the web-based National Atmospheric Emissions Inventory System (NAEIS) to allow industry to report its emissions and mitigation plans.	Project initiated to finalise the modification of the National Atmospheric Emissions Inventory System.
Failure of industry to formally report their GHG emissions as mandated by the bill	Ensure that the promulgation of the bill and its associated regulations is communicated well in time by the regulator using all possible channels of communications and in particular industry associations.
Alignment with carbon tax beyond 2020	Consultations on the best method to align the two instruments is currently underway between National Treasury and the Department, and this will be finalised in early 2018.
Sectoral emissions targets and carbon budgets lead to slower economic growth as a result of a drop in output of high emitting industries, as well as potential job losses in high emitting sectors.	<p>The development of interventions such as the National Employment Vulnerability Assessment (NEVA) and Sector Job Resilience Plans (SJRPs) are currently underway (led by the Department of Economic Development) to address the just transition and ensure that there is minimum impact on jobs as the country transitions to a lower carbon economy.</p> <p>All other interventions proposed are also followed by socio-economic impact assessments to ensure little negative impact on the economy</p>
Loss of jobs due to transition	The Bill also empowers the Minister to review the national goal upwards or downward to respond to national issues/context. Ensure effective implementation of flexibility mechanisms and support to industries during the transition. Develop and support existing incentives to facilitate a transition towards a low carbon economy, and the promotion of green jobs.

Identified risk	Mitigation measures
Resistance to change.	Education, training and awareness on climate change to encourage behavioural change.
Lack of coherence and guidance for climate change planning and implementation.	<p>Adaptation: Development of guiding framework and reliance on the guidance already contained in the National Adaptation Strategy. A draft of the national Strategy has already been published which aims to serve as a common reference point for climate change adaptation efforts and to guide stronger coherence and coordination on climate change adaptation between different institutions and levels of government.</p> <p>Mitigation: Development of the Mitigation System. The System includes many different institutions, instruments, activities and role players - an attempt was made to simplify the design and reliance on existing institutions and structures to implement it as far as possible. A number of new tools and processes would also be required to operationalise the Mitigation System and these are defined in the System to aid the implementation of measures to reduce GHG emissions.</p>
Inability to meet Nationally Determined Contributions (emission targets)	Not meeting national targets will not just result in reputational risk for the country but will also have negative impacts for the economy in relation to the balance of trade. Increasingly, SA trade partners are shifting away from carbon intensive good and services. The next phase of this process involves trading only with countries that have demonstrated a shift away from carbon intensive goods and services. South Africa, because of its coal exports, Platinum Group of Metals and other primary commodities that are produced through carbon intensive processes is exposed to this risk and the bill is meant to support the transition process in a just manner.

- c) What kinds of dispute might arise in the course of implementing the proposal, whether (a) between government departments and government agencies/parastatals, (b) between government agencies/parastatals and non-state actors, or (c) between non-state actors? Please provide as complete a list as possible. What dispute-resolution mechanisms are expected to resolve the disputes? Please include all of the possible areas of dispute identified above. Add more lines if required.

Note: Disputes arising from regulations and legislation represent a risk to both government and non-state actors in terms of delays, capacity requirements and expenses. It is therefore important to anticipate the nature of disputes and, where possible, identify fast and low-cost mechanisms to address them.

Nature of possible dispute (from sub-section above)	Stakeholders involved	Proposed Dispute-resolution mechanism
Allocation of carbon budgets	Government and Industry	<p>Appointment of an independent entity that will look at the scientific and engineering evidence to inform the development of carbon budgets</p> <p>Development of regulations that will articulate the principles and procedures that are commonly agreed in the process of allocating carbon budgets.</p>

2.9 Monitoring and Evaluation

Note: Sound implementation of policy and legislation is due to seamless monitoring and evaluation integration during the policy development phase. Policies and legislation that are proficiently written yet unable to report on implementation outcomes are often a result of the absence of an M&E framework at the policy and legislative planning phase. It is therefore imperative to state what guides your policy or legislation implementation monitoring.

- 2.9.1 Develop a detailed Monitoring and Evaluation Plan, in collaboration with your departmental M&E unit which should include among others the following:

- 2.9.1.1 Provide clear and measurable policy or legislative objectives

The objectives of the bill are outlined as follows:

- provide for a coordinated and integrated response by the economy and society to climate change and its impacts in accordance with the principles of cooperative governance;
- provide for the effective management of inevitable climate change impacts by enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, 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;
-
- make a fair contribution to the global effort to stabilise greenhouse gas concentrations in the atmosphere at a level that avoids dangerous anthropogenic interference with the climate system;
- to ensure a just transition towards a low carbon economy and society considering national circumstances;
- give effect to the Republic’s international commitments and obligations in relation to climate change; and
- protect and preserve the planet for the benefit of present and future generations.
- DEFF-SARS monitoring programme for greenhouse gas emissions taxation is already in place has been in operation for the past two years.
- On-line greenhouse gas emissions reporting tools are developed to streamline the process of reporting by Industry.
- The overall approach to monitoring and evaluation of climate change in South Africa is informed by these policy directives as outlined in the monitoring and evaluation framework

Policy	Monitoring and Evaluations Focus Areas
National Climate Change Response Policy	<p>General:</p> <ul style="list-style-type: none"> • To formulate effective responses to climate change, South Africa needs a country-wide monitoring system to measure climate variables at scales appropriate to the institutions that must implement climate change responses. • To monitor the success of responses to climate change, and to replicate the ones that have worked well, we need to measure their cost, outcome and impact. <p>Mitigation and emissions:</p> <ul style="list-style-type: none"> • A national system of data collection to provide detailed, complete, accurate and up- to-date emissions data in the form of a Greenhouse gas (GHG) Inventory, and • Analyses of emission trends, including changes in emission intensity of the economy and a comparison of actual GHG emissions against the benchmark national GHG emission trajectory range. • A monitoring and evaluation (M&E) system to support the analysis of the impact of mitigation measures.

	<ul style="list-style-type: none"> • Mitigation interventions will be monitored and evaluated against the National Emissions Trajectory range. • The M&E system will assess indicators defined in desired emission reduction objectives (DEROs) and mitigation plans, including impact on emissions, implementation and wider sustainable development (SD) benefits. • Both the GHG inventory system and the mitigation M&E system to be web-based. <p>Adaptation and impact:</p> <ul style="list-style-type: none"> • Establish a system for gathering information and reporting progress on the implementation of adaptation actions. • Measure climate variables at scales appropriate to the institutions that must implement responses. • Monitor climate change impacts, risks and vulnerabilities <p>Climate Finance:</p> <ul style="list-style-type: none"> • Create a transitional tracking facility for climate finance mechanisms and climate responses. Need to track the use and impact of funds.

2.9.1.2 Provide a Theory of Change clearly describing the following components:

- Impact: the organisational, community, social and systemic changes that result from the policy or legislation;

The proposal is to introduce national climate change legislation in a form substantially as provided for in the Bill. The overarching premise for the proposal is South Africa’s particular vulnerability to the impacts of climate change, the effects of which are already being experienced. Indications are that even with the implementation of appropriate mitigation and adaptation measures these impacts will increasingly be experienced across a number of sectors including water resources; agriculture and food production; forestry and fisheries; human health; energy generation; industry; human settlements and migration; disaster management; biodiversity and terrestrial ecosystems. Impacts will disproportionately affect the poor and most vulnerable groups; and, South Africa’s ability to meet its development and economic growth goals, including job creation and poverty reduction.

Climate change is a global challenge requiring both international and domestic solutions. The global climate change response – in which South Africa participates - imposes obligations on developed and developing countries to mitigate greenhouse gas (GHG) emissions and adapt to climate change impacts. South Africa’s international and domestic statement of climate change ambition is contained in its Nationally Determined Contribution (NDC) articulating: **(a) under mitigation**: a national GHG mitigation trajectory anticipating

short-term increases in emissions, which peak by 2025 then plateau for a decade rapidly decline (in absolute terms) towards 2050; and, **(b) under adaptation:** development of a National Adaptation Plan; inclusion of climate change considerations into sub-national and cross-sector policy frameworks; building of institutional capacity; an early warning, vulnerability and adaptation monitoring system; and, various assessments and frameworks.

The overall benefits of the Monitoring and Evaluation System can be summarized as follows in accordance with key stakeholders;

- **All South Africans:** The system will provide an evidence-base for the impacts of climate change and the vulnerabilities brought about by the resulting climate change. It will also provide learning for what has worked and what hasn't in adapting to or mitigating climate change.
- **Policy-makers:** The information generated by the M&E system will inform the development, and implementation of climate relevant and climate conscious policies, strategies and laws.
- **National, provincial and local government departments and institutions:** These entities will be able to use the information generated by the system to support planning, to monitor the success of their initiatives, to map and identify gaps in implementation and in climate finance and to learn from the successful responses of others. Government will also use the system to monitor the country's progress in responding to climate change and achieving its national or international climate- relevant goals and targets.
- **Academic and research institutions:** Addressing climate research needs, including researching and developing new technologies and tools for mitigating and adapting to climate change.
- **Civil society:** Gaining an understanding of government's climate change response policies, assessing their impact and identifying areas where civil society involvement can have the highest impact in climate change response.
- **The private sector:** Identifying investment areas and opportunities within the lower-carbon and climate-resilient economy, understanding current and anticipated climate trends to inform private sector planning, benchmarking good practice responses, as well as assessing the impact and effectiveness of private sector responses.
- **South African negotiators under the United Nations Framework Convention on Climate Change (UNFCCC):** The M&E system will provide the necessary factual information to inform South Africa's positions in various negotiating areas under the UNFCCC
- **The UNFCCC:** This is the primary international stakeholder of the M&E system since the system will support, inform and institutionalise the compilation of the national communications (NCs) and the biennial update reports (BURs) under the UNFCCC;
- **Other international stakeholders:** These include international climate change research and think-tank organisations as well as international funders and cooperation partners in climate change response.

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2.9.1.3 Provide a comprehensive Logical Framework (LogFrame) aligned to the policy or legislative objectives and the Theory of Change. The LogFrame should contain the following components:

South Africa will strive to adapt to the impact of climate change based on the risk and vulnerability reduction approach to ensure significant socio-economic benefit to the country. South Africa is faced with the challenges of poverty, inequality and unemployment. Furthermore, climate change will impede the country's ability to effectively address the triple challenges. Climate change will likely accentuate inequality, undermine social cohesion if South Africa does not adopt adaptation responses. South Africa has in recent years experienced extreme weather events such as drought, flooding; sea level rise, veld fires with associated negative socio-economic impacts. South Africa's approach to mitigations is informed by two context: firstly its contribution as a responsible global citizen to the international effort to curb the global emission; and secondly its successful management of the development and poverty eradication challenges its face

2.9.1.4 Provide an overview of the planned Evaluation, briefly describing the following:

The Bill enables the Minister to obtain information and contemplates the development of regulations for monitoring the achievement of its requirements and objectives. It is envisaged that these provisions and regulations will then regulate the existing national climate change response monitoring and evaluation system. This system currently includes the greenhouse gas inventory, the biennial update report to the UNFCCC, and an annual report on climate change responses, addressing progress on both emission reduction and adaptation.

- The Bill also contains a number of review mechanisms including reporting to Cabinet and the Presidency. For example, the Minister must collate, compile and synthesise information relevant to the achievement of the national adaptation objectives and the objectives of the Bill, and thereafter publish a synthesis Adaptation Report, for consideration by Cabinet, and a Synthesis Report on Climate Change Adaptation to be used in the Republic's national and international reporting processes.
- The provincial and local climate change response implementation plans will be reviewed every five years.
- The Minister will review the National Adaptation Strategy will be reviewed every five years.
- There is also a duty for Sectoral Emissions Targets to be included in the government planning cycles and their implementation must be monitored and reported on by the Presidency. This is coupled with a duty upon Ministers to report annually on the progress achieved in relation to the

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Sectoral Emissions Target. The Minister then is obliged to collate this information and submit a synthesis report on progress to Cabinet.

- Similarly, there are monitoring and reporting obligations imposed on entities which are subject to a carbon budget, which must include an evaluation of progress in emissions reductions and an explanation of why compliance was not achieved, in the event of an exceedance

2.9.1.5 Provide a straightforward Communication Plan (Note: a common assumption is that the target group will be aware of, and understand how to comply with a policy or legislation come implementation. However, increases in the complexity and volume of new or amendment policy or legislation render this assumption false. Hence, the need for a communication plan to guide information and awareness campaigns to ensure that all stakeholders (including beneficiaries) are informed.

The draft bill will be submitted to cabinet for further approval to table in parliament. Furthermore, detailed engagements on the implementation of the bill will be discussed through MINMEC and MINTECH as well as other intergovernmental structures such as the working groups. These structures enable participation of provincial, local and sectoral leadership on climate change to lead the implementation of the bill. The department will further convene focused discussions with key groups such as organised labour, civil society as well business to share the bill for implementation once approved. There will also be parliamentary public participation process to facilitate public participation with regard to the finalisation of the climate change bill. The approved bill will be gazetted for implementation once approved.

2.10 Please identify areas where additional research would improve understanding of then costs, benefit and/or of the legislation.

Ongoing research into the economic and social costs and benefits of implementing the adaptation and mitigation measures proposed in the Bill, as the instruments evolve and are implemented and revised over time. The studies should include the quantifications of the cost associated with full implementation of the bill; detailed cost benefit analysis across key sectors.

PART THREE: SUMMARY AND CONCLUSIONS

1. Briefly summarise the proposal in terms of (a) the problem being addressed and its main causes and (b) the measures proposed to resolve the problem.

The overarching premise for the proposal is South Africa's particular vulnerability to the impacts of climate change, the effects of which are already being experienced. Indications are that even with the implementation of appropriate mitigation and adaptation measures these

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impacts will increasingly be experienced across a number of sectors including water resources; agriculture and food production; forestry and fisheries; human health; energy generation; industry; human settlements and migration; disaster management; biodiversity and terrestrial ecosystems. Impacts will disproportionately affect the poor and most vulnerable groups; and, South Africa’s ability to meet its development and economic growth goals, including job creation and poverty reduction.

The proposal seeks to achieve the following outcomes: (a) under mitigation: the reduction of GHG emissions as part of South Africa’s fair contribution to international efforts to stabilize global GHG concentrations within a timeframe that enables economic, social and environmental development to proceed in a sustainable manner; and, (b) under adaptation: the effective management of inevitable climate change impacts through enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change. The proposal anticipates achieving these outcomes via a co-ordinated and integrated response to climate change and its impacts by all spheres of government, in accordance with the principles of co-operative governance, whilst also facilitating government efforts to ensure an effective and co-ordinated response across all sectors of the economy. Furthermore, the establishment of Presidential Climate Change Coordinating Commission (PCCCC) will provide the much needed institutional mechanism to oversee the Just Transition in South Africa.

2. Identify the social groups that would benefit and those that would bear a cost, and describe how they would be affected. Add rows if required.

Groups	How they would be affected
Beneficiaries	
Government Departments and Agencies	The Bill will enhance the ability of all sector departments and spheres of government to respond to climate change in an integrated and co-ordinated manner, thereby avoiding conflicting policy decisions and directives and optimising departmental, provincial and municipal functions.
The Public:	The mechanisms proposed in the Bill will benefit all sectors of society (in particularly women and poorest households) as well as the economy, by reducing the impacts of climate change and costs associated with adaptation, harnessing co-benefits, and realizing new opportunities for growth and employment which arise as a result of a transition to a low carbon economy. It will also serve to minimize the considerable impacts on GDP associated with climate change.
Business	A low carbon Economy can deliver economic benefits equal to or exceeding business as usual, particularly in relation to GDP and employment. Early action may/will protect the competitiveness of industry in future from the possibility of international carbon border tax adjustments.
Cost bearers	
1. Government Department and Agencies.	Government will bear the costs of developing and implement the relevant plans and may also incur costs in creating the relevant administrative capacity to develop the plans and reporting

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	mechanisms contemplated in the Bill. Costs can potentially be financed by the international community. Government will bear the costs of capacity building and training within all spheres of government on the mainstreaming of climate change into relevant plans and policies. Government will also bear the costs of creating conducive environment for investments in low carbon technologies
2. Industry/Business	Industry with high GHG emissions, which will have to bear the costs of developing new technologies and process or reducing outputs to comply with GHG emission thresholds. Sectors with sectoral emissions reduction target will also likely incur costs in transitioning towards a green economy and engaging new technologies and process which are less carbon intensive. In some cases, there will be no cost, and it will be about doing business unusual.

3. What are the main risks from the proposal in terms of (a) undesired costs, (b) opposition by specified social groups, and (b) inadequate coordination between state agencies?

The following risks has been identified as key inclusive of inadequate capacity (human, institutional and financial) for coordination and development and implementation of adaptation and mitigation responses within sectors and all spheres of government. Furthermore, the provisions in the Bill relating to climate change response implementation plans, sector adaptation plans and the amendment of plans to give effect to sectoral emissions targets are inconsistently or inadequately implemented. Misalignments between carbon budget and carbon tax. Limited coherence and guidance for climate change planning and implementation has also being identified as a risk. Furthermore, the resistance to change has been identified as one of the risk. Thus far the social group have express general support to the climate change bill and some of these risk could be addressed through intergovernmental coordination mechanism, development of technical guidance and templates as well the establishment of the Presidential Climate Change Coordinating Commission (PCCCC)

Additional measures to mitigate risks associated with the Bill include:

- Education, training and awareness on climate change to encourage behavioural change;
 - The development of guidelines and templates to assist spheres of government and sectors in developing plans;
 - An alignment of the Carbon Budgets and Carbon Tax;
 - Regular review of the emissions trajectory and quantum of the sectoral emissions targets and carbon budgets during the mandated review period to adjust them to meet our international obligations and to take national objectives and goals into account.
4. Summarise the cost to government in terms of (a) budgetary outlays and (b) institutional capacity.

Government (including relevant Sector Departments, Provinces and Municipalities) will likely need to carry the costs for planning (development of planning instruments); intervention programmes; capacity across the three spheres of government to enforce the legal framework; and undertaking the necessary studies and plans contemplated in the

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Climate Change Bill. Government can potentially rely on international funding to finance a portion of these costs. These plans may also create an additional administration burden and may require additional training to develop and implement. Furthermore, government will incur the cost for the establishment of the Presidential Climate Change Coordinating Commission (PCCCC).

DEFF has already incurred costs in the development of climate change interventions, and further costs will be incurred to enhance the existing systems, planning instruments and to develop new interventions. There is already an extensive body of research and analysis upon which can be relied upon to reduce this cost and the DEFF has also already obtained funding from a number of external resources to undertake these studies.

Human resources and capital will be required to develop and implement; and enforce the proposed Bill within the DEFF and across the spheres of government. The required work is however already well underway and in most cases has already been budgeted for. Additional resources will be required to fully enforce the Bill.

The DEFF will use existing human capital and financial resources to implement the institutional mechanisms proposed in the Bill in relation to which it has responsibility, including the adaptation strategy and objectives, and the mitigation system, carbon budgets, GHG emissions trajectory and sectoral emissions targets. However, all spheres of Government will need to refine their plans and policies to facilitate climate resilience and a transition to a low carbon economy and climate resilient society.

Additional resources will be required across government, but mostly it is government departments which bear a large responsibility for implementing the plans on a day to day basis. The need for such additional resources was also anticipated in the SEIA for the Paris Agreement, which was ratified in 2016 by South Africa. For example, additional funding will be required for developing climate change response implementation plans within Provinces and Municipalities and Sector plans or amendments thereto. Support will be required in order to finance the development of sectoral emissions targets and the amendment of existing plans within relevant sectors. Again, financing from international institutions may be available to partially or fully finance such plans and several sectors already have similar plans in place.

5. Given the assessment of the costs, benefits and risks in the proposal, why should it be adopted?

The benefit associated with the proposals outweigh the costs of implementation. The early implementation of the various clauses in the bill will have long term benefits to the country in terms of ensuring safety of the communities against weather extreme events as well as security of livelihoods. Furthermore, implementation of the of the bill will should contribute significantly into to job creation especially in terms of the green economy.

The proposals set out in the Climate Change Bill serve as a critical defence against climate change impacts, by reducing the vulnerability of South Africa's food, water, health, ecosystems and human settlements to the impacts of a changing climate and in turn fostering social cohesion. The poor and most vulnerable with likely benefit the most from these interventions which will include creation of lower carbon industries, thereby reducing inequality and fostering social cohesion.

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The Bill will serve to foster a transition to a low carbon economy and in doing so will facilitate the development of employment opportunities in this sector and the upskilling and training in low carbon technologies. Over time, the shift to less energy intensive industries should promote job creation, as these producers are generally also more labour intensive. The poor are also the most vulnerable to climate change so introducing measures to mitigate and adapt to it will also serve to foster equality.

6. Please provide two other options for resolving the problems identified if this proposal were not adopted.

Option 1.	The bill will offer a coordinated and coherent response to climate change across the sectors of society. In this regard, the risk identified will be managed through enhanced institutional mechanism which is already established.
Option 2.	N/A

7. What measures are proposed to reduce the costs, maximise the benefits, and mitigate the risks associated with the legislation?

The following measures stipulated in the proposed climate change bill will help the regulated community to reduce costs and maximise benefits:

- **Mitigation Plans** – Mitigation Plans will encourage polluters to implement cost-effective and efficient mitigation actions. Early adoption of mitigation actions by companies implies avoiding the cost of inaction in the future. South African companies are exposed to the risks associated with global markets that are increasingly looking at materials and products that are produced in less-carbon intensive production processes;
- **Integrated and Automated Administration tools** - The climate change bill calls for the development of integrated and automated administrative tools for management of emissions and mitigation responses by polluters. This will streamline the reporting and accounting of emissions and emissions reduction by polluters
- **Aligning the Carbon Budget with the Carbon Tax** – The alignment of the carbon budgets with the carbon tax will ensure that polluters are not penalised twice when they do not meet their carbon budgets (emission limit). Instead the carbon tax will enforce the carbon budget such that if a polluter exceeds its carbon budget, the carbon tax will be used to penalise the polluting entity.

8. Is the proposal (mark one; answer all questions)

	Yes	No
a. Constitutional?	Y	
b. Necessary to achieve the priorities of the state?	Y	
c. As cost-effective as possible?	Y	
d. Agreed and supported by the affected departments?	Y	

9. What is the impact of the Proposal to the following National Priorities?

National Priority	Impact
<p>1. Economic transformation and job creation</p>	<p>The National Climate Change Response White Paper requires the development of Sector Jobs Resilience Plans that could protect vulnerable groups who could lose their jobs or livelihoods as a result of the climate impacts, either related to physical effects or to the transition. The policy further aims to limit employment contraction in those areas of the economy where excessive carbon intensity is considered unsustainable, whilst prompting and expanding the green economy sectors</p> <p>The Bill will serve to foster a transition to a low carbon economy and in doing so will facilitate the development of employment opportunities in this sector and the upskilling and training in low carbon technologies. Over time, the shift to less energy intensive industries should promote job creation, as these producers are generally also more labour intensive. The poor are also the most vulnerable to climate change so introducing measures to mitigate and adapt to it will also serve to foster equality</p>
<p>2. Education, skills and health</p>	<p>Climate change should be part of the broader framework of education for sustainable development, and South African citizen should be equipped to re-orientate society towards social, economic and ecological sustainability. This could also be done by establishing a robust research focusing on labour requirements for green transition.</p>
<p>3. Consolidating the social wage through reliable and quality basic services</p>	<p>The climate change adaptation can contribute to infrastructure that is climate resilient thus enabling services to communities that live in the climate hotspot areas.</p>
<p>4. Spatial integration, human settlements and local government</p>	<p>Integration of climate change into the National Spatial Development Framework. Furthermore, support for local government to development climate change needs assessments and response plan will contribute significantly to national priority. Building the capacity for local government to respond to challenges associated to climate change will be central to the implementation of the bill.</p>

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National Priority	Impact
5. Social cohesion and safe communities	<p>The bill will ensure that the vulnerable and poor communities are protected from the effect of climate change through among other key enhanced early warning systems and adaptation interventions. Further, the bill will contribute to the security of livelihood, ensure safety of their lives thus contribution to safer communities and social cohesion.</p> <p>The proposals set out in the Climate Change Bill serve as a critical defence against climate change impacts, by reducing the vulnerability of South Africa's food, water, health, ecosystems and human settlements to the impacts of a changing climate and in turn fostering social cohesion. The poor and most vulnerable with likely benefit the most from these interventions which will include creation of lower carbon industries, thereby reducing inequality and fostering social cohesion.</p>
6. Building a capable, ethical and developmental state	<p>The draft climate change bill will enhance coordination across the three spheres of government through established institutional mechanism namely Inter-Ministerial Committee on Climate Change; Provincial Forum as well as the Local Forum on Climate Change. Furthermore, the Presidential Climate Change Coordinating Commission will enhanced engagement between key stakeholders such as government, civil society, labour and Business</p>
7. A better Africa and world.	<p>South Africa' will as a responsible global citizen will contribute to the international efforts to curb global emissions and further forge partnerships with global partners to implement climate change programmes. South Africa will continue play a signification role in the global and regional climate change forums.</p>

For the purpose of building a SEIAS body of knowledge please complete the following:

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