



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

Western Cape Government: Environmental Affairs and Development Planning
Climate Change Directorate
Per email: deadp.climatechange@westerncape.gov.za

Our ref: BA/NL
Date: 26 September 2022

Dear Sirs/Mesdames

COMMENTS ON WESTERN CAPE CLIMATE CHANGE RESPONSE STRATEGY IMPLEMENTATION PLAN

1. We address you on behalf of [groundWork](http://www.groundwork.org.za/)¹ and the [African Climate Alliance](https://africanclimatealliance.org/)² in making these comments. groundWork is a trust with its main objective being to promote increased, sustained and more effective civil society-driven environmental justice action. The African Climate Alliance is a youth-led grassroots organisation acting and advocating for Afrocentric climate justice.
2. We refer to the First Draft of Western Cape Climate Change Response Strategy Implementation Plan (“the plan” or “the draft plan”) and submit our comments thereon as follows. We trust that our comments will help to inform the evolution of the draft plan, and we welcome any invitations from DEA&DP to engage further on any issues covered in our comments, including to make oral submissions or presentations.
3. We welcome and support the Western Cape Government Department of Environmental Affairs and Development Planning (DEA&DP) publishing the draft plan, mindful of the critically important roles and responsibilities of provincial governments in helping to ensure a sound climate response and just transition to a low carbon and climate resilient economy and society.
4. Our comments are structured as follows:
 - 4.1. Overarching considerations;
 - 4.2. The inclusion of sound principles to guide decision-making under the Plan; and
 - 4.3. Specific comments on the content of the plan.

Overarching considerations

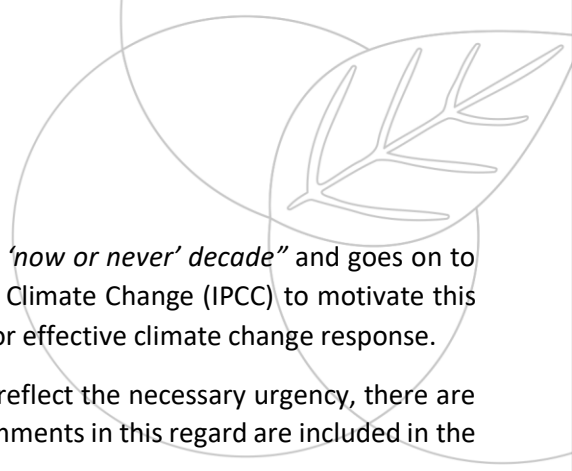
5. This section contains high-level descriptions and motivations related to certain fundamental considerations and concerns with key aspects of the plan.

Urgency

¹ See <http://www.groundwork.org.za/>.

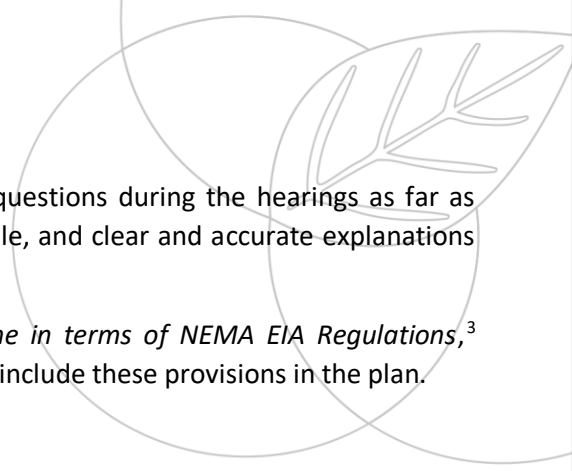
² See <https://africanclimatealliance.org/>

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6. The draft plan, on page 6, correctly asserts that “*we are currently in the ‘now or never’ decade*” and goes on to reference findings from the United Nations Intergovernmental Panel on Climate Change (IPCC) to motivate this assertion. We strongly agree that there is a critical urgency to the need for effective climate change response.
 7. We submit that while many timeframes and target dates in the plan do reflect the necessary urgency, there are instances where this urgency is not adequately reflected. Our specific comments in this regard are included in the table below.

Meaningful Public Participation

8. While we acknowledge the promising and potentially constructive mechanism of the proposed climate assembly in the plan, we are concerned at the general lack of emphasis on public participation in the plan and its component focal areas. We recommend that the plan include the establishment of a public participation protocol to be applied when implementing any measures that reasonably require public participation.
9. Given the extent and nature of the climate crisis, and the far-reaching impact on all levels of society and regions in the Western Cape, we strongly encourage a highly comprehensive and ongoing programme of meaningful public participation on the plan and its evolving workstreams. Our experience has shown that geographically remote and economically challenged communities and individuals are often effectively excluded from meaningful public participation, both online and in-person. This is often due to prohibitive data and transport costs. This challenge is exacerbated for the youth who often lack the capacity, including available time, and resources to engage.
10. The plan is, refreshingly, drafted in a relatively simple language style, and minimises the use of overly-technical or legalistic language. We submit that this approach is essential when dealing with public-facing climate response policy and engagement, and urge DEA&DP and other roleplayers to commit to an ongoing culture of plain language use to ensure ease of understanding on the part of as many people as possible.
11. The plan should also address the issue of languages used for documentation and in the conducting of proceedings, consultations and engagements. Many, if not the majority, of residents in the Western Cape have mother tongues other than English, and our experience has shown that many are excluded from meaningful engagement because of the so-called language barrier. At the very least, key documents should be translated into IsiXhosa, Afrikaans and other languages known to be the home language of sufficiently sizable groupings. Where the translation of secondary documents is impracticable, we submit that at least summary sheets should be produced in such other languages to help ensure universal understanding of all key issues.
12. Meetings and consultations should always have knowledgeable interpreters present who can translate discussions into and from the identified languages. In our experience, such interpreters need to have some subject matter knowledge of climate change and related fields in order to be effective.
13. Adequate and effective notice of engagements, consultations and meetings must be provided, along with the relevant references and resources to enable universal understanding of the nature of such events. Notices must include the use of local notice-boards, community radio stations and in all local languages.
14. Given that certain sectors of society – particularly women and youth – are shown to carry a disproportionate burden of the climate crisis impacts, we recommend that additional measures be taken to ensure adequate consultation with, and adequate proportionate representation of youth and women throughout this process.

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15. Facilitators should be appointed who are able to provide answers to questions during the hearings as far as possible. Technical information must be made sufficiently understandable, and clear and accurate explanations should be given .
 16. We recommend that DEA&DP consult the *Public Participation guideline in terms of NEMA EIA Regulations*,³ published in 2017 by the then Department of Environmental Affairs, and include these provisions in the plan.

Transparency and access to information

17. When it comes to climate change, the most serious global challenge of our time, complete transparency and automatic disclosure of information must be the default position, and any deviation from this position should be justified publicly by those wishing to do so.
18. In its current iteration, the plan does not adequately and expressly provide for sufficient access to information. Because the climate crisis impacts on every person, community, business and social activity, people need information in order to understand how the country's climate response is progressing, and how the different role-players are responding in terms of exercising their mandates and responsibilities. Transparency is also a critical measure for holding greenhouse gas (GHG) emitters accountable, particularly given our limited compliance monitoring capabilities, and enables action by civil society to enforce environmental laws, as envisaged by the preamble to NEMA.
19. In 2014, the Supreme Court of Appeal⁴ said *"It is clear, therefore, in accordance with international trends, and constitutional values and norms, that our legislature has recognised, in the field of environmental protection, inter alia the importance of consultation and interaction with the public. After all, environmental degradation affects us all."*⁵ The Minister of Environment's appeal decision LSA190924 of 5 April 2020 in terms of PAIA, which related to access to GHG emission information for a number of emitting facilities in South Africa, confirmed that *"the overall purpose of the administration of justice, requires the disclosure of the anticipated projected emissions and the data relating to anticipated and actual emission reduction."*⁶
20. Our experience has shown that, given limited compliance monitoring capacity within government, civil society and non-governmental stakeholders are often compelled to monitor, raise awareness of and prosecute social and environmental harms such as pollution and excessive GHG emissions.
21. Climate risk assessments and adaptation plans and strategies can profoundly affect the people, communities and businesses that they are intended to protect. Sound adaption will, in many cases, mean changes to, inter alia: infrastructure, human settlements, provision of essential services, spatial development, transport and the commercial and social landscape. It is therefore essential that the latest and evolving assessments and plans are easily publicly available so that people, communities and businesses can make appropriate choices and plans in response to intended and actual adaptation actions taken by state actors. Additionally, the very individuals and groupings who are ostensibly being protected often have important experience and knowledge about adaptation needs, and need to have access to this information in order to meaningfully contribute to assessment and risk management activities.
22. We recommend that the plan provides for a publicly accessible web-based information portal that provides regularly updated and well-structured data and information on all key aspects of climate response, including but not limited to the items referred to above. In Guatemala, much of the country's climate change information can

³ https://www.dffe.gov.za/sites/default/files/docs/publicparticipationguideline_intermsofnemaEIAregulations.pdf

⁴ *Company Secretary of Arcelormittal South Africa v Vaal Environmental Justice Alliance*(69/2014) [2014] ZASCA 184 (26 November 2014).

⁵ P 29 [71].

⁶ See <https://cer.org.za/wp-content/uploads/2019/12/PAIA-Appeal-Decision-Minister-Creecy-GHG-Reports-LSA190924.pdf>.

be found online, on a government [website](#),⁷ as all public and private entities are legally required to provide information directly related to climate change. Fiji's Climate Change Act⁸ provides that "*Within 12 months of the commencement of this section, the Director must develop a publicly accessible Information Platform online for the purpose of increasing the availability and accessibility of comprehensive data, information and government policies related to climate change. (2) The Director must maintain the Information Platform and ensure that it contains all data and policies relevant to this purpose*".⁹

Red Flag – the use of fossil gas

23. We note the reference to the development of a gas position in section 2.4 on page 18, and are aware of the widely expressed, but false, narrative that the use of fossil gas is necessary as a 'transition fuel' in the process of decarbonising our energy systems. We submit that the use of gas is significantly, if not entirely, inappropriate as a climate response measure.
24. The full lifecycle GHG emissions associated with natural gas, which contains more than 80% methane, includes the fugitive emissions, or leakage, of methane that occurs at various points in the production, supply and distribution chain, that is, during extraction, gas processing, liquefaction, transport, storage and regasification, and at the point-of-use. Such emissions from liquefied natural gas (LNG) have been found to be 4.2%, and from shale gas 3.5%. Emissions from pipelines are estimated to account for an additional 0.8%. It is estimated that a 2.7%¹⁰ to 2.8%¹¹ leakage rate will cancel out any climate benefits that gas may have over coal.
25. Methane is a potent GHG, with a global warming potential (GWP) that is 84 times that of CO₂, considered over a 20 year period.¹² The National GHG Inventory Report (NGHGIR) uses the methane GWP of the Second Assessment Report (SAR) (IPCC, 1996) of 21 times that of CO₂ to calculate the CO₂e of methane emissions. This is compliant with the UNFCCC reporting requirements but **grossly understates the actual global warming impact of methane emissions** considered over the more relevant 20-year time horizon. This must be borne mind by DEA&DP when updating the province's own GHG inventory report and when establishing and managing the emission reduction pathway.
26. If the omission of the fugitive methane emissions from gas transmission and distribution pipelines and the oil and natural gas industries are accounted for, the methane CO₂e emissions could possibly be comparable to the country's total CO₂ emissions, emphasising the imperative of reducing both methane and CO₂ emissions in compliance with SA's international obligations and to ensure the Constitutional imperative of limiting warming to relatively safe levels. Certainly, given fugitive emissions calculations, generating electricity from gas has been found to be at least as harmful to the climate as doing so from coal.¹³

⁷ See <http://sgccc.org.gt/informacion-general/>.

⁸ <https://fijiclimatechangeportal.gov.fj/legislation/climate-change-act-2021-an-act-to-establish-a-comprehensive-response-to-climate-change-to-provide-for-the-regulation-and-governance-of-the-national-response-to-climate-change-to-introduce-a-system/>

⁹ including— (a) the National Development Plan, NCCP, LEDS, NAP, Fijian Planned Relocation Guidelines and National Ocean Policy; (b) any report relating to the review of the NCCP, NAP and National Ocean Policy; (c) any report, statement or communication made in accordance with Part 3, including Fiji's NDC, national inventory reports and adaptation communications; (f) each carbon budget;...(h) a link to the website containing the Adaptation Registry".

¹⁰ <https://www.scientificamerican.com/article/methane-leaks-erase-some-of-the-climate-benefits-of-natural-gas/>

¹¹ Richard A Howarth *Gas Lifecycle Methane Emissions: Richards Bay Review* <https://naturaljustice.org/wp-content/uploads/2021/05/FA-12-Howarth-RichardsBayReview.pdf>

¹² Myhre, G., D. et al.: Anthropogenic and Natural Radiative Forcing. In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Chapter 8. Table 8.7.

¹³ Howarth, Note 7 *supra*

27. According to the United Nations Environment Programme (UNEP), in its May 2021 Global Methane Assessment Report, *“In the absence of additional policies and measures, methane emissions are projected to continue rising through at least 2040. Current concentrations are well above levels in the 2° C scenarios used in the IPCC AR5. The Paris Agreement’s 1.5° C target cannot be achieved at a reasonable cost **without reducing methane emissions by 40–45 per cent by 2030.**”*¹⁴
28. According to Cornell university expert, Richard A Howarth PhD, *“To only reduce emissions of carbon dioxide without reducing methane emissions is far less effective, essentially contributing nothing over the short term; global warming only starts to slow after 30 or more years of reduced carbon dioxide emissions. Increasingly, scientists are calling for a reduction of methane emissions in the face of a possible imminent threat of runaway climate disruption.”*¹⁵
29. Additionally, gas as a feedstock for electricity generation has significant security-of-supply and price volatility risks that could cause socio-economic harm. The technological, economic and political viability of domestic onshore and offshore gas extraction remains uncertain.¹⁶ Established supply from the Pande and Tamane gas fields in Mozambique is running out and the prospects of an equivalent replacement of supply remains uncertain.¹⁷ Gas prices are volatile with the spot price on LNG in Asia showing a 900% increase in 8 months in 2021, and Russia’s invasion of Ukraine causing a shock in global gas markets.¹⁸
30. The provision for any reliance on gas in the draft plan is evidently then at odds with the objectives and content of the rest of the draft plan.

Red flag – potential misuse of ‘Net Zero’

31. We note the use of “Net Zero by 2050” targets. The IPCC defines net zero is as the *“condition in which anthropogenic carbon dioxide (CO2) emissions are balanced by anthropogenic CO2 removals over a specified period.”*¹⁹ The concern that we have with using net zero as a target is that it relies on future uncertain technology²⁰ or inappropriate or inadequate nature-based solutions²¹ to remove as much CO2 as is being emitted, and thereby granting emitters and regulators a false licence to delay real and meaningful emissions cuts on the basis of solutions that may never materialise. Neither technology nor nature-based solutions are even remotely likely to come anywhere near being able to counter GHG emissions if left unabated, or at least not substantially reduced.
32. We recommend that DEA&DP takes this concern into account and ensures that all targets, pathways, strategies and measures that reference net zero are vigorously checked to ensure that any claims of CO2 removals are

¹⁴ Page 8. UNEP Global Methane Assessment report: Summary for Decision-Makers

<https://www.unep.org/resources/report/global-methane-assessment-benefits-and-costs-mitigating-methane-emissions>

¹⁵ Howarth, Note 7 *supra*

¹⁶ Halsey, Bridle and Geddes (2022) – see page 10 <https://www.iisd.org/system/files/2022-03/south-africa-no-need-for-gas.pdf>

¹⁷ Halsey, Bridle and Geddes (2022) – see page 11 <https://www.iisd.org/system/files/2022-03/south-africa-no-need-for-gas.pdf>

¹⁸ <https://www.bloomberg.com/news/articles/2022-03-05/russia-energy-chaos-triggers-the-biggest-market-shock-in-decades?leadSource=verify%20wall>

¹⁹ In other words, humanity needs to cause as much CO2 to be taken out of the atmosphere as it is emitting into the atmosphere. Humans can continue to emit greenhouse gases, as long as those emissions are being removed by natural or technological solutions. This is different from zero emissions (‘Real Zero’) which describes a situation where there are no more human caused CO2 emissions. A Net Zero benchmark allows for human caused emissions to still exist, but implies that there is an equivalent removal to offset these emissions.

²⁰ <https://mahb.stanford.edu/blog/climate-scientists-concept-of-net-zero-is-a-dangerous-trap/>

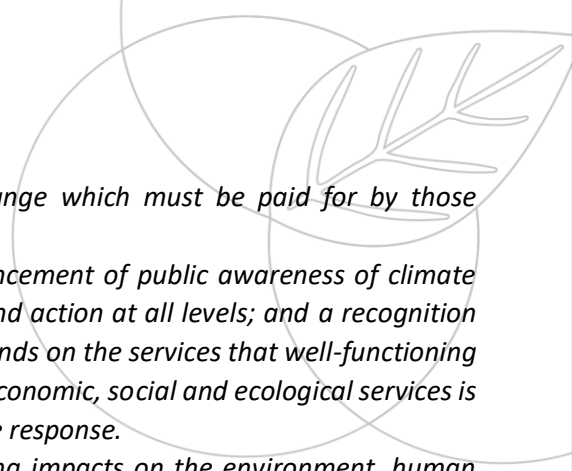
²¹ The carbon cycle has two parts: one fast cycle whereby carbon circulates between the atmosphere, land and seas, and one slow cycle whereby carbon circulates between the atmosphere and the rocks which make up Earth’s interior. Fossil fuels (coal, oil and gas) come from rocks (part of the slow cycle). Carbon emissions from fossil fuel burning are today 80 times larger than the natural flow of carbon from Earth’s interior (via volcanoes). Since the return of carbon to Earth’s interior takes millions of years, about half of the emitted carbon remains in the atmosphere for a long time and contributes to global warming. Using the fast carbon cycle to remove slow carbon cycle emissions is misleading and not practicable.

realistic and are scientifically, environmentally and economically achievable and viable before being allowed to be used as a notional offset against GHG emissions.

The inclusion of guiding principles.

33. Due to the general nature of the plan, and the many potential further plans and measures that will necessarily arise therefrom, we recommend the inclusion of principles that guide the implementation of the plan itself and any output and decision-making that emanates from the plan.
34. In our experience, the field of climate change response is complex and broad, and there is a strong potential for climate-harming activities, maladaptative and other inappropriate or harmful strategies or actions to be formulated or carried out under the guise of being sound climate response, and in terms of the plan. The inclusion of principles provides a safeguard against which any climate response implementation can be measured and evaluated.
35. The suggested principles below are, subject to a few contextual changes, a combination of those contained in the 2022 Climate Change Bill, along with a number of additions and amendments as proposed in our written submission²² on the Bill. Our additions and amendments to the principles originally drafted in the Bill are based on extensive research and global best practice benchmarking related to climate governance.
36. *The interpretation and application of this Implementation Plan must be guided by the following principles —*
- 36.1. *the national environmental management principles set out in section 2 of the National Environmental Management Act; and the Bill of Rights of the Constitution*
 - 36.2. *the principle that the climate system should be protected for the benefit of present and future generations of humankind and the environment;*
 - 36.3. *a contribution to a just transition towards low-carbon, climate-resilient and ecologically sustainable economies and societies which contribute to the creation of decent work for all, social inclusion and the eradication of poverty;*
 - 36.4. *the need for integrated management, that is cross sectoral, transboundary and long-term in the context of climate change, which requires climate change considerations to be integrated into the making of decisions which may have a significant effect on the Republic's ability to mitigate or which exacerbate its vulnerability and exposure to climate change;*
 - 36.5. *the need for decision-making to consider the special needs and circumstance of localities and people that are particularly vulnerable to the adverse effects of climate change, including vulnerable workers and groups such as women, especially poor and rural women, children, especially infants and child-headed families, the aged, the poor, the sick and the physically challenged, as well as future generations;*
 - 36.6. *the need for a risk-averse and cautious approach to be adopted, which takes into account the limits of current knowledge about the effects of climate change and the consequences of decisions and actions in relation thereto;*
 - 36.7. *the need for climate change mitigation and adaptation responses to be informed by evolving climate change scientific knowledge and decisions which should be based on the best available science, evidence and information;*
 - 36.8. *an effective climate change response which requires preventative measures to mitigate the causes of climate change and to strengthen resilience through the adoption of adaptation measures;*

²² https://cer.org.za/wp-content/uploads/2022/05/Life-After-Coal-comments-Climate-Change-Bill-2022_27_May_2022.pdf

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- 36.9. *the costs of responding to the adverse impacts of climate change which must be paid for by those responsible for causing the adverse impact;*
 - 36.10. *an integrated climate change response which requires the enhancement of public awareness of climate change causes and impacts and the promotion of participation and action at all levels; and a recognition that a robust and sustainable economy and a healthy society depends on the services that well-functioning ecosystems provide, and that enhancing the sustainability of the economic, social and ecological services is an integral component of an effective and efficient climate change response.*
 - 36.11. *the risks associated with the impacts of climate change; including impacts on the environment, human health, society, the economy, and displacement related to the adverse impacts of climate change must be fully assessed, averted, minimised, and addressed;*
 - 36.12. *the combustion of fossil fuels must be urgently phased out, with the aim of reaching zero emissions before 2050;*
 - 36.13. *The province's mitigation efforts must, at least, be aligned with the objects and requirements of international climate change commitments; including the obligation to hold the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5 °C;*
 - 36.14. *The Western Cape's natural and biological resources, including ecosystems, habitats, landscapes, and seascapes; particularly those which are increasingly vulnerable to the impacts of climate change and those which function as carbon sinks and which are essential to our resilience to climate impacts and survival, must be protected, preserved, restored, and rehabilitated, and their preservation, protection, and restoration incentivised and prioritised;*
 - 36.15. *All decision-making by all organs of state must take into consideration short and long-term climate change impacts; including the potential for decisions to exacerbate South Africa's vulnerability to climate change;*
 - 36.16. *those who knowingly and deliberately contribute to climate change through significant GHG emissions are obliged to cease and urgently reduce their emissions and should be held accountable for the loss and damages caused by those emissions;*
 - 36.17. *climate justice must be pursued, so that adverse climate impacts shall not be distributed in such a manner as to unfairly discriminate against any person; particularly vulnerable and disadvantaged persons;*
 - 36.18. *all decisions in relation to, and which have impacts for, climate change must be participatory, and transparent, and decision-makers must be accountable;*
 - 36.19. *limited "emission space" must be carefully allocated, with minimal (with the objective of zero) allocations to sectors where technologically feasible and affordable mitigation and emission-reducing alternatives are available - historical polluters should not be permitted to continue with business-as-usual;*
 - 36.20. *many decisions and steps taken today will have far-reaching and long-term climate impacts, with irreversible impacts for today's youth and future generations. Lock-in to harmful and/or risky infrastructure or commitments should be avoided at all costs;*
 - 36.21. *the enduring benefits of ambitious and early action, including major reductions in the cost of future mitigation and adaptation efforts must be recognised;*
 - 36.22. *the vital link between oceans and climate change is recognised, including the role of marine and coastal ecosystems in carbon sequestration, heat storage, temperature regulation, and improving resilience to climate impacts; and the concomitant vulnerability of marine and coastal ecosystems to climate change;*
 - 36.23. *the inextricable link between mitigation and adaptation, and the need to integrate responses is recognised;*
 - 36.24. *in considering the impacts of climate change in decision-making, consideration must be given to: direct and indirect GHG emissions resulting from the decision; the impacts of the decision on climate change resilience, whether it would exacerbate SA's exposure to climate impacts; and the ways in which the decision itself might be impacted by climate change;*
 - 36.25. *when considering and implementing climate change adaptation measures, care should be taken to avoid maladaptation - actions that may lead to increased risk of adverse climate-related outcomes, including via*

increased GHG emissions, increased vulnerability to climate change, or diminished welfare, now or in the future;

36.26. climate science is accepted and decisions must always be based on best available science; and

36.27. the co-benefits of urgently reducing GHG emissions for, for example, human health, the environment, society, and the economy are recognised.

Specific comments on the content of the draft plan

Section and page no	Clause / wording under review	Comment
Section 1, p6	Introductory paragraphs	We submit that the plan should include mention that South Africa is warming at twice the global average rate, as is recognised in the 2021 Nationally Determined Contribution (NDC) update, and 2015 NDC
Section 1.2, p8	Interpret the National Guideline for Considerations of Climate Change implications...	<p>We contend that the draft national guideline as currently drafted contains certain limitations and deficiencies, and recommend that the DEA&DP consider our comments on the draft national guideline as submitted to the DFFE in this regard.²³</p> <p>We all need this guideline to be promulgated by DFFE on an urgent basis, but recommend that the province considers and uses the guideline in the interim, along with the suggested improvements as per our comments.</p>
Section 1.3, P8-9	Community Resilience	<p>We submit that this section is significantly inadequate both in terms of scope and urgency given the at-risk nature of informal settlements to the impacts on climate change, including for severe weather events, flooding, fires and water shortages.</p> <p>Experiences in Durban during the floods of April 2022 have shown that informal settlements experience life-threatening impacts during certain conditions. This is possibly the response area that needs the most urgent and thoughtful attention in the draft plan and more generally at provincial level.</p>
Section 1.3, page 9	<p>Activity</p> <p>Review of the Western Cape Informal Settlement Strategic Framework to ensure resilience of settlements to climate change impacts</p>	We submit that the proposed review commence with immediate effect, or by 2023 at the latest.

²³ https://cer.org.za/wp-content/uploads/2021/07/LAC-Submission-National-Guideline-for-Climate-Change-Considerations_26-July-2021.pdf

Section 1.3, page 9	Action: Improving community level understanding and responses to disaster risk.	We submit that the timeframe of 2030 for commencing with this initiative is highly inadequate, and that this action should commence by 2023 already, starting with the most highly at-risk communities.
Section 1.3, page 9	Proposed additional action: Urgent risk and vulnerability assessment	We submit that the appropriate department(s) must perform a thorough risk and vulnerability assessment on an urgent basis to establish the climate risk profile of informal settlements in the province. Thereafter they must prioritise interventions and settlements to be focussed on, and create action plans, in consultations with the communities in question.
Section 1.5, page 10	Action: Improve public awareness of climate change	We submit that the awareness-raising plan must be formulated subject to a public participation process to ensure that such formulation is appropriate for a diverse range on interested parties.
Section 1.5, page 10	Action: Improve understanding of climate change impacts within government.	We emphasise the need to go beyond a communications plan, and encompass a full climate change orientation programme which includes location-specific impacts. In our experience many decision-makers within government do not understand the implications or causes of climate change, resulting in climate-harming decisions being taken.
	Generate general communication material.	We submit that the creation of material for awareness-raising should be undertaken in consultation with affected stakeholders and public education experts to ensure that the information is appropriate and relevant. Materials must be translated into all main local languages.
Section 2.1, page 15	Net Zero by 2050	We submit that the plan should add additional steps beyond completing an Emissions Pathway exercise. Once such pathway has been established it will require an action plan to implement, as well as regulatory tools to ensure compliance and achieve pathway outcomes, along with attendant monitoring and evaluation. These steps should be itemised in the plan with timeframes that reflect the urgency of the necessary mitigation. These important aspects needs to be made subject to public participation. In our experience emissions reduction related activities can tend to be dominated, or strongly influenced by large GHG emitters, and to have these processes made subject to public participation allows for a balancing of interests.
Section 2.4, Page 17	Energy Security	We submit that the energy security section should be expanded to include responses that: <ul style="list-style-type: none"> • Ensure additional energy security by enabling socially-owned renewable energy generation. A resource in this regard is the Urban Movement Incubator's Energy Democracy²⁴ project, and we urge the DEA&DP to explore this mechanism

²⁴ <https://www.cityenergy.org.za/wp-content/uploads/2022/08/UMI-ED-Feasibility-study-2022.06.22.pdf>

		<p>further to alleviate energy poverty as a co-benefit to climate response; and</p> <ul style="list-style-type: none"> • Enable and facilitate embedded energy generation, through rooftop solar PV, being fed into the grid and reducing cost, administrative and technology barriers.
Section 2.4, page 18	Action: Research and develop a gas position for the Western Cape	We are strongly opposed to gas being considered as a means of ensuring energy security. The fundamental bases of our concerns are outlined in paragraphs 23 to 29 above, and we are happy to engage the DEA&DP further to elaborate on these objections.
Section 2.6, Page 20	Resilient Built Environment	<p>We submit that the focus on the built environment is too narrow as expressed in this section. While reducing the carbon footprint in the built environment is essential, a broader approach to the built environment and climate response needs to be adopted, which considers, inter alia, other environmental factors such as biodiversity and water availability (both of which are also threatened by climate change)</p> <p>The built environment both impacts on climate change, and is impacted by climate change.</p>
Section 3.3, page 25	Community resilience	<p>This section must be made subject to appropriate consultation and public participation.</p> <p>The capacitation of organisations that are active in resilience must be undertaken in a just, transparent and equitable manner.</p> <p>Skills development should be added in to this section, providing means of capacitating community members to participate in resilience-building measures within their communities, and also attaining skills that may be marketable beyond their communities.</p>
Section 4.1, page 31	Climate Assembly	<p>We submit that this is a potentially powerful mechanism to ensure that democratic and transparent engagement in climate response strategies and measures is facilitated. We recommend the following to help ensure that the Assembly is as effective as possible:</p> <ul style="list-style-type: none"> • The Climate Assembly should be an ongoing platform that can facilitate an evolving conversation and information exchange. • The assembly should comprise chapters linked to geographic locations to enable ease of attending meetings by interested parties in such locations. • Consideration should be given to creating and hosting an online platform where assembly conversations can be held and information shared. Efforts should be made to ensure that online access to this platform is free of charge. • The assemblies should help to facilitate distributed decision making and planning, and enable deep

		<p>consideration and engagement with climate related issues.</p> <ul style="list-style-type: none"> • In general, the province should support meaningful and ongoing engagement by interested parties in the assembly. • The principles outlined with regard to public participation above should be followed.
Section 4.2, page 31	Governance	<p>In general terms, provision should be made for community and civil society representation on as many of the fora referred to in this section as possible.</p> <p>Where representation is precluded by law, transparency of the deliberations and meetings should be enabled by making minutes readily publicly available and livestreaming proceedings to be publicly available online.</p>
Section 6, page 44	Monitoring, reporting and evaluation	<p>We submit that all key information be made publicly available online in a format that is easily understandable for the public to monitor trends and performance, with underlying data also available for those seeking more comprehensive information.</p>

Conclusion

37. We request that our inputs above be taken into account when updating the draft plan, and reiterate our invitation to engage further with DEA&DP on any of the issues directly raised in this submission. We also have an extensive network of expert partners with whom we can facilitate introductions for more in-depth engagement on any of these or related issues.

Yours faithfully

CENTRE FOR ENVIRONMENTAL RIGHTS



per:

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