



Comment to Parliament, Portfolio Committees and Select Committees on Climate Change

11 November 2009

1. Introduction and Mandate

The South African Human Rights Commission (hereinafter “the Commission”) welcomes the opportunity to make comments on the “*Political, Economic, Legal, Gender and Social Impacts on Climate Change*,” and would like to thank the Parliament of the Republic of South Africa for affording the public this opportunity.

In accordance with its constitutional mandate, the Commission wishes to make the following submission and to emphasise specific matters for consideration. Section 24 of the Constitution of the Republic of South Africa Act, 108 of 1996, enshrines the right of everyone –

- (a) to an environment that is not harmful to their health or well-being; and
- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that -
 - (i) prevent pollution and ecological degradation;
 - (ii) promote conservation; and
 - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Of particular relevance to this submission is section 24 (a), which places responsibility on the State to maintain a natural environment that is not harmful to health or well-being of the citizens of South Africa and section 24 (b) (i), which places emphasis on prevention of pollution and ecological degradation. Furthermore, the State has a responsibility to ensure the protection of the environment for the benefit of present and future generations.

The right to a healthy environment is fundamental to the enjoyment of all human rights and is closely linked with the right to health, well being and dignity. A sound and healthy natural environment lends an enabling context for the enjoyment of other human rights. It is therefore clear that the right to a healthy environment is a fundamental part of the right to life and to human dignity. Adversely, environmental destruction impacts on the State's ability to provide basic socio-economic services to the people of South Africa and unnatural environmental change is "discriminatory" as there will be a disproportionate impact on socially and economically disadvantaged persons or groups.

There is a consensus across the globe that the threat of climate change is very real and the effects are already being felt in many areas in different parts of the world. Unfortunately, like with many other negative global transformations, it will be the poorest people, mostly from the poorest countries of the world that will be affected the most. That is not say that developed nations and privileged individuals are immune to the impacts of climate change. As clearly defined in the United Nations Development Report, "*Climate change is the defining human development issue of our generation. All development is ultimately about expanding human potential and enlarging human freedom. It is about people developing the capabilities that empower them to make choices and to lead lives that they value. Climate change threatens to erode human freedoms and limit choice. It calls into question the Enlightenment principle that human progress will make the future look better than the past.*"¹

South Africa has abundant energy and mineral resources, but still relies heavily on industry as a contributor to the growth of the economy. Manufacturing and mining sectors are large energy users. South Africa is listed as a non-annex 1 country, which means that South Africa is not required to reduce its emissions of greenhouse gases as it is recognised as a developing country, needs to sustain economic growth. South Africa is, however, one of the world's top 15 carbon emitters and energy-intensive economy's, contributing significantly to greenhouse gas emissions at a continental level. According to the Department of Environmental Affairs and Tourism "*South Africa's per capita emissions*, is higher than those of China and India and exceeds the global average. The challenge that South Africa now faces, is to sustain economic growth and supply of energy to industrial and domestic users, while reducing fossil fuel emissions and ensuring the long-term sustainable use of mineral and energy resources.

¹ United Nations Development Programme. (2007). *Human Development Report 2007 / 2008: Fighting Climate Change, Human Solidarity in a Divided World*, United Nations, New York.

Given the current economic and financial crisis sweeping the globe, a time for change is at hand. Countries have an opportunity to invest in renewable resources and promote eco-friendly infrastructure and energy efficiency. An opportunity also exists for the investment in and support for civil society to assist in the development and implementation of a strategy against climate change. This process of reform will go a long way in stimulating economies, creating jobs in order to not only halt but ultimately reverse the effects of climate change.

2. Impacts of Climate Change

The social, environmental and economic impacts that climate change will have at local, national and a global level have been well documented. While climate change will impact on the globe in its entirety, the impacts will be felt the greatest by the poorest and most vulnerable individuals in society, particularly those with little or no access to food, water, resources, and few opportunities for meaningful public participation.

2.1. The Natural Environment

“The environment matters in its own right for current and for future generations. However, vital ecosystems that provide wide ranging services will also be lost. The poor, who depend most heavily on these services, will bear the brunt of the cost.”²

While the value of species and habitat biodiversity to the survival of humankind has been acknowledged, the impact of species extinction and pressures on ecosystems on the survival of humankind cannot yet be fully appreciated. Currently, society recognises that nature provides humans with a range of essential benefits such as food, water, fuel and soil for cultivation and carbon capture. This illustrates clearly that as humans, we are highly dependent on nature and more so, the health and robust relationships of ecosystems, species and the services that they provide. Climate change is having and will have further impacts on habitats and biodiversity, particularly on those sensitive environments and species that cannot deal with minute changes in global weather patterns. This has implications both for the species on earth that have not in any way contributed to climate change, and on humankind, which relies heavily on the balance of natural systems.

² United Nations Development Programme (note 1 above).

“Climate change and climate variability has imposed additional uncertainty on the availability of water, its accessibility and its demand. Even in the absence of climate change, present population growth trends and water use behaviour indicate that South Africa will exceed the limits of the economically usable, land-based water resources by 2050.”³ South African and sub-Saharan Africa in general, is considered a water-poor region. Erratic rainfall patterns are expected in the near future due to climate change, which will impact on the region’s water-storage systems and will possibly lead to prolonged drought episodes. In addition, it is expected that evaporation and transpiration will increase by between 5% and 15% by 2050, creating dire water-shortage problems in an already semi-arid region.⁴ This will lead to competition between individuals for these scarce resources, which could ultimately result in civil and international conflict and an increase in what is termed *environmental refugees* in countries that are better resourced.

2.2. Women and Children

The impact of climate change on women and children will be immense in the future, despite the fact that the activities of women and children in developing nations have not contributed at any significant level to climate change. The ability of countries to provide food and services to people will be affected and women and children will be the hardest hit. Impacts will be felt across all sectors that deliver services to children such as health and education. And because 70% of the world’s poorest people are women, it stands that women will be more severely affected by climate change than men.⁵ In addition, the expected increase in natural disasters such as extreme weather events will mean that more women and families will be displaced and more children will be orphaned. It is important to note that society’s activities have far-reaching consequences, as do our decisions as national and international role-players on how to deal with these pertinent issues. Compiled below, is a list of facts about women, children and climate change, taken from various reports and media sources dealing with the subject.

2.2.1. More than 46% of the world's population is now younger than 25 years old.⁶

³ The Republic of South Africa. (2009). *The National Climate Change Response Policy*, Discussion Document for the 2009 National Climate Change Response Policy Development Summit, Midrand.

⁴ The Republic of South Africa (note 3 above).

⁵ Mwebaza, R. (2009). *Gender and Climate Change: Why Women’s Perspectives Matter*, Institute for Security Studies, http://www.iss.co.za/index.php?link_id=26&mlink_id=8138&link_type=12&mlink_type=12&tmpl_id=3 (Date accessed: 04 November 2008).

⁶ UNICEF UK (2008). *Climate Change Report*.

- 2.2.2. Approximately 175 million children will be affected by climate change induced natural disasters every year over the next decade. This is 50 million more than during the ten years to 2005.⁷
- 2.2.3. Children are more likely than adults to perish during natural disasters or succumb to malnutrition, injuries or disease in the aftermath. Over 96% of all disaster-related deaths worldwide in recent years have occurred in developing countries.⁸
- 2.2.4. Women and children account for more than 75% of displaced people following natural disasters. In cases of national disasters, millions of children become displaced, lose a parent, become separated from their families, go hungry or become victims of exploitation.⁹
- 2.2.5. Factors that play a role in climate change, such as emissions from vehicles and factories, significantly harm children's health. Deaths from asthma, which is the most common chronic disease among children, are expected to increase by nearly 20% by 2016 unless urgent action is taken.
- 2.2.6. Nearly 10 million children under the age of five die every year of largely preventable diseases. Malaria, which currently claims the lives of around 800 000 children every year, is sensitive to changes in temperature and rainfall and could become more common if weather patterns change.¹⁰
- 2.2.7. In a 6-year study from Peru, researchers found an 8% increase in hospitalizations for diarrhoea with every degree centigrade increase above the normal average temperature.¹¹
- 2.2.8. Every child has access to safe drinking water in the UK, but only 1 in 3 children in Ethiopia do. By 2020, it is projected that some 75 million to 250 million people in Africa

⁷ Legacy of Disasters; Children Bear the Brunt of Climate Warming, Save the Children UK 2007.

⁸ UNICEF UK (note 6 above).

⁹ Save the Children Alliance, In the Face of Disaster: Children and Climate Change, UK.

¹⁰ UNICEF (note 6 above).

¹¹ Checkley W, Epstein LD, Gilman RH, et al: Effect of El Nino and ambient temperature on hospital admissions for diarrhoeal diseases in Peruvian children. Lancet. 2000.

will be exposed to increased water stress due to climate change. Forty-four percent of the continent's population is under the age of fifteen.¹²

2.2.9. Developing countries across Asia, Africa and Latin America are forecast to see reductions in agricultural productivity of between 5% and 25% by 2080 due to climate change. The number of children dying each year due to the effects of malnutrition – currently 3.5 million – is likely to increase as a result of climate change.¹³ Climate change could cause an additional 40 000 to 160 000 child deaths per year in South Asia and sub-Saharan Africa through GDP losses alone by 2100.¹⁴

2.2.10. Climate change can also have a significant impact on a child's ability to attend school. For instance, during the July 2007 floods in Sudan, nearly 200 schools were damaged, affecting nearly 45 000 children.¹⁵ In addition, As a result of slow-onset or recurrent natural disasters, parents may feel compelled to withdraw their children from school or send them out to work.¹⁶

2.2.11. In the agricultural sector, rural women in developing countries are the primary producers of staple food, a sector that is highly exposed to the risks that come with drought and uncertain rainfall.¹⁷

2.2.12. In many countries, climate change means that women and young girls have to walk further to collect water, especially in the dry season. Moreover, women can be expected to contribute much of the labour that will go into coping with climate risks through soil and water conservation and the building of anti-flood embankments.¹⁸

2.2.13. Typically women, particularly those in poor rural locations, are expected to assume primary responsibility for their families' care and subsistence. Nevertheless, women have historically, through statutory or customary laws, been denied access to resources, especially in terms of land ownership.

¹² Save the Children Alliance, IPCC "Summary for Policymakers" of the Synthesis Report of the IPCC Fourth Assessment Report, 2007; Population Reference Bureau.

¹³ Save the Children Alliance (note 9 above).

¹⁴ The Stern Review 2007.

¹⁵ Association for Childhood Education International, UNICEF UK Climate Change Report 2008.

¹⁶ Save the Children Alliance (note 9 above).

¹⁷ United Nations Development Programme (note 1 above).

¹⁸ United Nations Development Programme (note 1 above).

- 2.2.14. Girls are expected to assist in family chores and take on a greater burden of responsibility than boys. As such, girls are also denied access to education and resources.
- 2.2.15. A decline in food security and livelihood opportunities can cause considerable stress for men and boys, given the socially ascribed expectation that they will provide economically for the household. This can lead to an increase in the prevalence of stress induced mental illnesses in some cases. It has been recognised that men and boys are less likely to seek help for stress and mental health issues than women and girls.¹⁹
- 2.2.16. A survey conducted in 2005 by the UK Government found that 24% of the 1 000 ten to eighteen year olds questioned believed that climate change presented the greatest threat to the world's future.²⁰

2.3. Agriculture and Food Security

In some regions in the world increased rates of precipitation will be experience, while the opposite will occur in other regions. Particularly in Africa, warming is likely to be above the global average. A further reduction in water supply is expected, particularly in sub-Saharan Africa, a region that already suffers from water scarcity. This will most likely lead to major losses in agricultural production and livestock. This in turn will lead to malnutrition, hunger and exacerbate situations of poverty. According to the United Nations Human Development Report 2007 / 2008, “around three in every four people in the world living on less than US\$1 a day reside in rural areas. Their livelihoods depend on smallholder agriculture, farm employment, or pastoralism.”²¹ In addition, “By 2080, the number of additional people at risk of hunger could reach 600 million—twice the number of people living in poverty in sub-Saharan Africa today.”²²

¹⁹ Brody, A., Demetriades, J. & Esplan, E. (2008). *Gender and Climate Change: Mapping the Linkages*, Draft report, Bridge & Institute for Development Studies, University of Sussex.

²⁰ BBC News Online 'Climate change worries children (23 June 2005).

²¹ United Nations Development Programme (note 1 above).

²² United Nations Development Programme (note 1 above).

Adversely, production could be boosted in developed countries due to the increased precipitation and this will make developing nations more reliant on imports to meet their food demands. Furthermore, income generated from agricultural exports will decrease, deepening reliance on developed nations and entrenching further poverty and inequality. It is important to reiterate that sub-Saharan Africa, the world's poorest and most water-reliant region will be acutely affected by climate change through decreased water availability and drought. This will have an impact on agricultural production and more importantly, access to fresh water for human consumption.

2.4. Poverty, Inequality and the Millennium Development Goals

It is very evident that climate change will undermine all national and international efforts to reduce or alleviate poverty and inequality. The most striking aspect of climate change is that the impacts will be disproportionately experienced. The consequences of the loss of food, water, fish stocks and biodiversity and the increased incidents of drought, flooding and other natural disasters, will be felt mostly in developing countries, where billions of people rely on natural goods and services to meet their basic human needs.

People that rely most heavily on natural resources, such as subsistence farmers and fishermen, will be severely affected by climate change, contributing to increased poverty and hunger and exacerbating societal inequalities. Furthermore, the three-quarters of the world's population that rely on natural traditional remedies for healthcare and the remainder that rely on pharmaceutical drugs, will be affected by a loss of plants species. As stated in the Interim Report on the Economics of Ecosystems and Biodiversity, "*hundreds of medicinal plant species, whose naturally occurring chemicals make up the basis of over 50% of all prescription drugs, are threatened with extinction.*"²³

In the Millennium Declaration, 189 member states of the United Nations signed and reaffirmed the commitment of the international community to eradicate poverty.²⁴ The Declaration was a consolidation of eight interconnected development goals and constitutes a set of agreed and measurable targets and quantifiable indicators – namely the Millennium Development Goals (MDGs).

²³ European Communities. (2008). *The Economics of Ecosystems and Biodiversity: An Interim Report*, Cambridge, United Kingdom, p20.

²⁴ United Nations Millennium Declaration. General Assembly Resolution 55/2. 8 Sept 2000.

Anecdotal evidence suggests that the achievement of the MDGs assumes sound environmental practice and governance.²⁵ As such, climate change will clearly compromise attempts to achieve the MDGs, thereby further entrenching poverty and inequality in societies the world over. Table 1 below, lists the MDGs and briefly illustrates that ways in which climate change will compromise attempts 'to achieve these goals, through limiting access to resources and redirecting funding from poverty-alleviation strategies to anti-climate change strategies.

Table 1: The Impact of Climate Change on Achieving the Millennium Development Goals

Millennium Development Goal	Impact on Achieving Goal due to Climate Change
MDG 1: Eradicate Poverty and Extreme Hunger	<ul style="list-style-type: none"> • Climate change will impact hardest on the poorest of the poor in developing countries, compromising all poverty alleviation strategies and further exacerbating poverty and inequality. • Drought, flooding and other extreme weather events will impact heavily on the agricultural sector, thereby reducing the supply of quality food and compromise all efforts at ensuring food security.
MDG 2: Achieve Universal Primary Education	<ul style="list-style-type: none"> • Compounded poverty in developing nations will prevent access to education due to a lack of funds and resources, especially for girls, who are often expected to assist with family chores.
MDG 3: Promote Gender Equality and Empower Women	<ul style="list-style-type: none"> • As the above text bears testament, the impact of climate change will impact more on women than men, as 70% of the world's poorest people are women. • Women rely more strongly on nature and natural resources for the provision of food and services for their families.
MDG 4: Reduce Child Mortality	<ul style="list-style-type: none"> • All efforts at improved healthcare will be compromised by a lack of access to resources such as food and water. • Additional funds will have to be allocated to curbing the impacts of climate change. Some spending will therefore have to be diverted from basic-services sectors such as health and education.
MDG 5: Improve Maternal health	
MDG 6: Combat HIV, AIDS, Malaria & Other Diseases	
MDG 7: Ensure Environmental Sustainability	<ul style="list-style-type: none"> • Ensuring environmental sustainability will not be possible in the face of climate change as the impacts on habitats, biodiversity and resources will be great. • All efforts to provide universal access to water and sanitation will be compromised by the lack of a consistent water supply.

²⁵ European Communities (note 23 above).

3. Gaps in Legislation

Despite the fact that South Africa is listed as a non-annex 1 country and is therefore not legally obliged to make commitments to reduce its CO₂ emissions, South Africa is a major contributor of greenhouse gases and the largest CO₂ emitter on the African continent. South Africa, therefore, has a moral obligation to concretise plans to reduce its emissions sooner rather than later.

Currently, the only piece of legislation that makes reference to anything climate change-related is the National Environmental Management Air Quality Act (39 of 2004), where sections 43 (1) (j) and (l) dealing with “contents of provisional atmospheric emission licences and atmospheric emission licences” states that, a provisional atmospheric emission licence and an atmospheric emission licence must specify–

- (j) On-site ambient air quality measurement and reporting requirements; and
- (l) Greenhouse gas emission measurement and reporting requirements...’

Clearly, the above legislation does not set local or regional targets for air quality. The White Paper on Integrated Pollution and Waste Management of 2000 makes reference to the Framework Convention on Climate Change, but again, does not attempt to address the issue of the management of climate change and greenhouse gas emissions. The National Climate Change Response Strategy for South Africa clearly contextualises the problem of climate change in sub-Saharan Africa and highlights South Africa’s international obligations as a signatory to the United Nations Framework Convention on Climate Change (“UNFCCC”). It further lists interventions that are required to mitigate certain impacts of climate change. But the strategy fails to set implementable and measurable targets to ensure that those interventions are being effectively implemented.

As such, there is a great need for a more comprehensive legal framework for dealing with climate change. Whatever strategy is developed post-the Conference of Parties 15 (“COP 15”) in December 2009, it would need to consider the following:

- Any new strategy to address climate change would need to be developed and integrated into environmental, economic and social policies to ensure that the policies are not in conflict.

- While statistical information is essential for monitoring and evaluation, policies aimed at addressing climate change, they do not articulate the impact that climate change will have on society. Climate change strategies have to address the environmental, social and economic impacts that climate change will have at a local, national and global level in its entirety. Only when strategies are designed from a human rights and ecological perspective, will efforts be successful.
- Collaboration between government departments is needed to ensure that departmental strategies are coordinated. Provincial and local government departments should be trained and empowered to implement climate change strategies at local levels and to implement education, training and awareness initiatives at a local community levels.
- Furthermore, all efforts at addressing climate change should be coordinated with strategies being implemented by civil society and the public sector. Only a nationally coordinated effort will bring about meaningful change.
- Participation by the public in decision-making and access to information is essential to empower those individuals and groups that will be severely affected by climate change.
- Targets have to be set for the reduction of greenhouse gas emissions and these targets have to be adhered to. When setting emission targets, cumulative impacts must be considered. As such, targets for reducing emissions should be set at a regional level as opposed to target allocated per business or industry.
- In addition, targets for renewable energy initiatives should be set. The current global financial crisis provides an opportune time to shift current “business-as-usual” models to a paradigm of sustainable and responsible business. A low carbon-utilising economy is possible if a commitment and investment is made into the research and implementation of renewable energy.
- All targets have to be matched with timeframes, or South Africa runs the risk of dragging its feet on the implementation of national strategies.
- Finally, preparation is needed at national and local levels to deal with unforeseen impacts that might arise from climate change.

The United Nations Development Programme explains the gap in current climate change policies very succinctly, *“There is a significant gap between current responses to climate change and approaches that address the social and ecological challenges posed by climate change. Current climate change policy responses do not take into account multiple and interacting processes of change, the importance of linking economic and social policies with climate change policies, or the linkages between adaptations and human capabilities, and differing values. While there are many potential responses to climate change, and many potential pathways of development, responses that take into account both equity and connectivity are more likely to contribute to human security in the 21st century.”*²⁶

4. Gaps in Information and Response to Climate Change

The lack of statistics on the country’s energy sector is seen as an inhibiting factor to progress. In a report released in May 1996 commenting on South Africa’s energy policies, the Organisation for Economic Co-operation and Development’s (“OECD’s”) International Energy Agency stated that the lack of good data was a major weakness in the energy policy-making process in South Africa. It also hindered transparency in the energy sector.

Education, training and awareness on the link between climate change and human rights, as well as the current and future impacts of climate change are not being implemented. Much work has to be done by government and civil society in educating the public on climate change, both to explain the phenomena in non-technical terms and to justify the attention and spending that is being allocated to address climate change.

A coordinated effort to address climate change is needed between government, civil society and the private sector. While government departments, have the expertise and legislative power to address climate change, civil society and the private sector can contribute significantly with further expertise and resources to address climate change. A coordinated effort can only enhance strategies to address climate change and will ultimately be more effective.

5. Conclusion

Despite the recognition that South Africa is a developing country and there is a need to ensure development, a firm and decisive commitment to reduction of greenhouse gases is urgently needed from the State.

²⁶ United Nations Development Programme (see note 1 above)