

**POLICY  
BRIEFING**

**GOOD GOVERNANCE AFRICA**

# Climate Change Act and the role of local government

**By Busisipho Siyobi**

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## Executive Summary

South Africa's response to addressing climate change has come full circle with the passing of the Climate Change Act<sup>1</sup> in July 2024. This breakthrough comes at a time when South Africa is warming by approximately 0.2°C per decade<sup>2</sup>, contributing to climate impacts ranging from extreme heat and drought to sea level rise and flooding. The results of these extreme weather events have been devastating to livelihoods and, subsequently, socio-economic development, which have been worsening over the years. The Climate Change Act is a significant step, as it shows progression and commitment to advance South Africa's climate resilience, and to see it through achieving a just energy transition. However, the success of the overall climate change response is only as strong as its implementation. This policy briefing will assess the Act and provide a roadmap on how it can be effectively operationalised to achieve its mandate.

## Recommendations

- 1. Professionalising and reform of the public service:**
  - In the context of deep-rooted local government challenges, the operationalisation of the Climate Change Act provides an opportunity to revisit and localise the application of the National Framework towards the Professionalisation of the Public Service.
    - This approach will encourage context-driven processes that can be channelled and overseen through the Public Service Commission.
- 2. Recommitting and reinforcing institutional arrangements and programmes:**
  - Stronger utilisation of the Local Government Climate Change Support Programme by all municipalities to enable an enhanced integrated management flow.
    - This will provide better facilitation at inter-governmental and inter-departmental levels.

1 Act No. 22 of 2024: Climate Change Act, 2024. Government Gazette. Republic South Africa. Available [here](#).

2 Intergovernmental Panel on Climate Change. IPCC WGI Interactive Atlas: Regional information. Available [here](#).

## Introduction

On the international stage, the 1992 United Nations Framework Convention on Climate Change (UNFCCC) set the tone on how countries should navigate climate change based on the scientific evidence and global consensus that carbon emissions are driving global warming. In response, the Kyoto Protocol, adopted in December 1997, was developed to operationalise the UNFCCC by committing industrialised countries to limit and reduce greenhouse gas emissions (GHG) in accordance with agreed upon country-specific targets. South Africa became a signatory of the UNFCCC in June 1993 and ratified it in August 1997.

In July 2002, the country became a Party to the Kyoto Protocol and was required to report on its national emissions in the form of national communications in a non-binding way to GHG commitments given that it is a developing country. In addition, climate change factors had to be considered in relevant socio-economic and environmental policies, as prescribed in the UNFCCC. During this period, the energy sector contributed 78% of total emissions, followed by the agricultural sector with 9.3%, industrial processes at 8% and waste at 4.3%.<sup>3</sup> These figures were submitted at the 9th Conference of the Parties (COP), December 2003, as part of the first national communication. Since this point, South Africa has continued its involvement in the international negotiations and played an active role in Africa.<sup>4</sup>

With the above international climate actions, South Africa's climate change response strategy firmed up in October 2011 with the approval of the National Climate Change Response Policy, formally published as a White Paper<sup>5</sup> in the same year. This culminated through an iterative and participatory policy development process that was initiated in October 2005 upon the national climate change conference held in Gauteng in the same month and year. The White Paper articulates South Africa's vision for effective climate change response and the long-term just transition to a climate-resilient and lower-carbon economy

and society. The United Nations Development Programme believes that a just energy transition needs to be fair and inclusive. That, "the whole society – all communities, all workers, all social groups – are brought along in the pivot to a net-zero future".<sup>6</sup> In the context of this briefing, a just transition needs to ensure equality is centred in all agreements and policies in order to have green and low-carbon economies.

In this vein, the White Paper aims, first, to: effectively manage inevitable climate change impacts through interventions that build and sustain South Africa's social, economic and environmental resilience and emergency response capacity.<sup>7</sup> Second, it requires the country to make a fair contribution to the global effort to stabilise GHG concentrations in the atmosphere at a level that avoids dangerous interference with the climate system within a timeframe that still enables economic, and social development.<sup>8</sup>

Against this backdrop, the Climate Change Act (Act) is a critical legal instrument through which to achieve South Africa's climate resilience and equip it with adaptive capacities.

At COP28, December 2023, the Local Climate Action Summit<sup>9</sup> was featured for the first time, in recognition of the role of local governments play in bridging the gap between national policies and implementation. It is in this context that the role and voice of local governments should be amplified to move further on climate progress. International agreements help inform domestic policy formation and support legal instruments. However, effective implementation at the local level is invariably the key to ensuring climate resilience. Therefore, the function of local government, particularly pertaining to defining roles and responsibilities, institutional arrangements and programmes will need to be prioritised for effective implementation of the Act.

3 Mqadi, L, Winkler, H & Kallhauge, A.C. (2005) South Africa Beyond Kyoto. The Swedish Environmental Protection Agency. Available [here](#).

4 The State of Climate Action in South Africa. Priorities for Action for the Government of National Unity. (2024). Presidential Climate Commission.

5 White Paper on the National Climate Change Response. Notice 757 of 2011. (2011). Department of Environmental Affairs. Available [here](#).

6 United Nations Development Programme: What is a just transition? And why is it important? (2022) UNDP. Available [here](#).

7 Ibid.

8 Ibid.

9 The 28th Conference of the Parties of the UNFCCC. (2023). COP28 Local Climate Action Summit – 1-2 December 2023. Available [here](#).

## Acclimatising local government:

In line with chapter seven of the Constitution<sup>10</sup>, the objectives of local government are to:

- To provide a democratic and accountable government for local communities;
- To ensure the provision of services to communities in a sustainable manner;
- To promote social and economic development;
- To promote a safe and healthy environment; and
- To encourage the involvement of communities and community organisations in matters of local government.

The above objectives are to be achieved through municipalities within their financial and administrative capacity. Yet, the provision of financial and administrative capacity continues to be grossly constrained. In numerous cases, financial provision has been attained through unauthorised, irregular and wasteful spending.<sup>11</sup> For instance, in the audit results for 2022-2023, R241.1 billion was revealed in unauthorised expenditure. Of the 257 municipalities, only 34 received clean audits, with a concentration in the Western Cape province.<sup>12</sup> The outcome of poor financial management and expenditure, among other capacity issues, has resulted in poor delivery of basic services such as water and electricity, socio-economic development opportunities and inadequate safety and health measures.

Looking closely at the structure of local government, the wall-to-wall<sup>13</sup> approach aimed to create inclusive, integrated, developmental and accountable municipalities. However, it fell short on delivering.<sup>14</sup> In reality, there is inadequate connection and limited linkage to and between areas, towns and communities that municipal authorities serve. The different municipality categories: A, B and C<sup>15</sup>, have discrepancies and invariably significant gaps in taxable income, per capita spend, grant dependency, skills and competencies as well as capacity levels.<sup>16</sup> These further fuel poor service delivery and account for some municipalities not meeting their constitutional mandate.

Good Governance Africa's 2024 Governance Performance Index<sup>17</sup> comprehensively ranks and tracks the performance of municipalities at metropolitan, local and district levels. It further illustrates municipalities that have improved audit outcomes.



The significant disconnect between political governance and the economy has also led to a weakening of local government. For one, the concurrent and overlapping responsibilities among government spheres have undermined cooperative governance. The Constitution makes provision for provinces to take responsibility for municipal functions when a municipality falls short of meeting its obligations. This then creates discrepancies between well-functioning and strained municipalities. Moreover, the added layer of political arrangements and party structures characterised by hierarchical structures tend to further weaken the local government voice, with more importance given to provincial government. The changing circumstances and environment due to climate change require local government to shift gears and adapt, as it is a sphere of government closest to citizens and where negative climate impacts are felt most keenly.

In accordance with the Climate Act, metropolitan and district municipalities are now required to review, amend and submit climate change needs and context-specific response assessments and implementation plans once every five years. This sets the legal mandate on how municipalities ought to implement the Act and further provides a clear roadmap and parameters in which they fulfil their mandate.

For this requirement to be effectively implemented, professionalising the public service<sup>18</sup> is one of the key starting points that need to be revisited and applied strongly in developing climate change assessments and implementation plans through all municipal categories. The Public Service Commission<sup>19</sup> (PSC) has been integral in leading efforts toward professionalising the public

10 The Constitution of the Republic of South Africa (1996). Chapter 7 – Local Government. Available [here](#).

11 Steyn, D. (2024) Alarming Auditor-General report on municipalities. Ground Up. Available [here](#).

12 Ibid.

13 The adoption of the 1996 Constitution resulted in a wall-to-wall local government system, whereby municipalities are established for the whole territory of the Republic of South Africa and that every piece of land falls within the jurisdiction of at least one municipality.

14 South Africa Cities Network (2021). Beyond 2021: A Local Government Outlook. The Challenges and issues facing Local Government. Available [here](#).

15 Category A: Metropolitan municipalities, category B: Local municipalities, category C: district municipalities.

16 South Africa Cities Network (2021). Beyond 2021: A Local Government Outlook. The Challenges and issues facing Local Government. Available [here](#).

17 Good Governance Africa: 2024 Governance Performance Index. Available [here](#).

18 A national framework towards the professionalisation of the public sector. (2022). Department of National School of Government. Republic of South Africa. Available [here](#).

19 Public Service Commission. Republic of South Africa. Website available [here](#).

service and these efforts should be expanded to include the evolving requirements of local government in the context of meeting climate change needs. In coordination with the Department of Forestry, Fisheries and Environment, PSC, and the recent establishment of the Just Energy Transition (JET) Municipal Forum and its secretariat, should be used as an opportunity to spearhead and equip local government with meeting its climate change needs through:

- Exercising oversight of inter-governmental and inter-departmental coordination
- Taking leadership in appointing technical experts and experienced specialists to bolster personnel that are competent and skilled
- Providing clear and phased-approach implementation timelines
- Developing and consistently tracking progress using effective monitoring tools that will support local government in meeting their mandate

## Recommitting to institutional arrangements and programmes

At the national level, the Presidential Climate Commission (PCC)<sup>20</sup> is a multi-stakeholder body committed to “oversee and facilitate a just and equitable transition towards a low-emissions and climate-resilient economy and society”. In fulfilling this role, the PCC focuses<sup>21</sup> on:

- Creating a social partnership to effect a just transition.
- Defining a vision for a just transition, and means of achieving that vision, covering the necessary sectoral shifts, technological innovation, employment opportunities, and climate finance.
- Conduct independent analysis of climate change impacts on jobs, the economy, and policy.
- Monitor progress towards mitigation and adaptation goals, as well as the achievement of a just transition linked to broader development objectives.
- Engage with a wide range of stakeholders, including all spheres of government, business, labour, academia, communities, and civil society.

In line with the above mandate, the PCC published a research report<sup>22</sup>, uncovering the state of climate action in the country. It further set out priorities for action for the Government of National Unity. As a key national institutional body on climate change, the PCC acknowledges that local government is greatly challenged with resource constraints, structural issues, poor governance and planning, corrupt financial and administrative management and ineffective governance processes<sup>23</sup>. Yet, municipalities are the front-end responders to climate impacts. As such, local government should be well-equipped to play a crucial role in implementing and managing adaptation projects to improve community resilience, including disaster risk management strategies and early warning systems.<sup>24</sup>

A commitment to developing and repurposing existing institutional structures and programmes will need to be prioritised to effectively incorporate local government in communicating and delivering climate change needs and implementation plans. The utilisation of the Local Government Climate Change Support Programme<sup>25</sup> needs to be better integrated in the operationalisation of the Act by all municipalities for assessing, reviewing, amending, tracking, and reporting the progress of climate change response and plan. This programme further enables multiple stakeholders to engage and gain a deeper understanding of response plans and vulnerability assessment by all participating municipalities.

## Conclusion

The proclamation of the Act requires a well-thought-through plan and preparation that will result in a solid implementation process. With a heavily challenged local government sphere, professionalising the public service needs to be carefully considered, and the national framework needs to be applied more rigorously. In addition, recommitting to institutional programmes that are geared to provide support and meet the needs of communities tackling the climate crisis will be of great importance. This will propel the Climate Change Act into the realm of realisable objectives instead of another paper tiger.

20 An independent, statutory, multi-stakeholder body established by President Cyril Ramaphosa in December 2020. Website available [here](#).

21 Ibid.

22 The State of Climate Action in South Africa. Priorities for Action for the Government of National Unity. (2024). Presidential Climate Commission.

23 Ibid.

24 Ibid.

25 Local Government Climate Change Support Program. Website available [here](#).

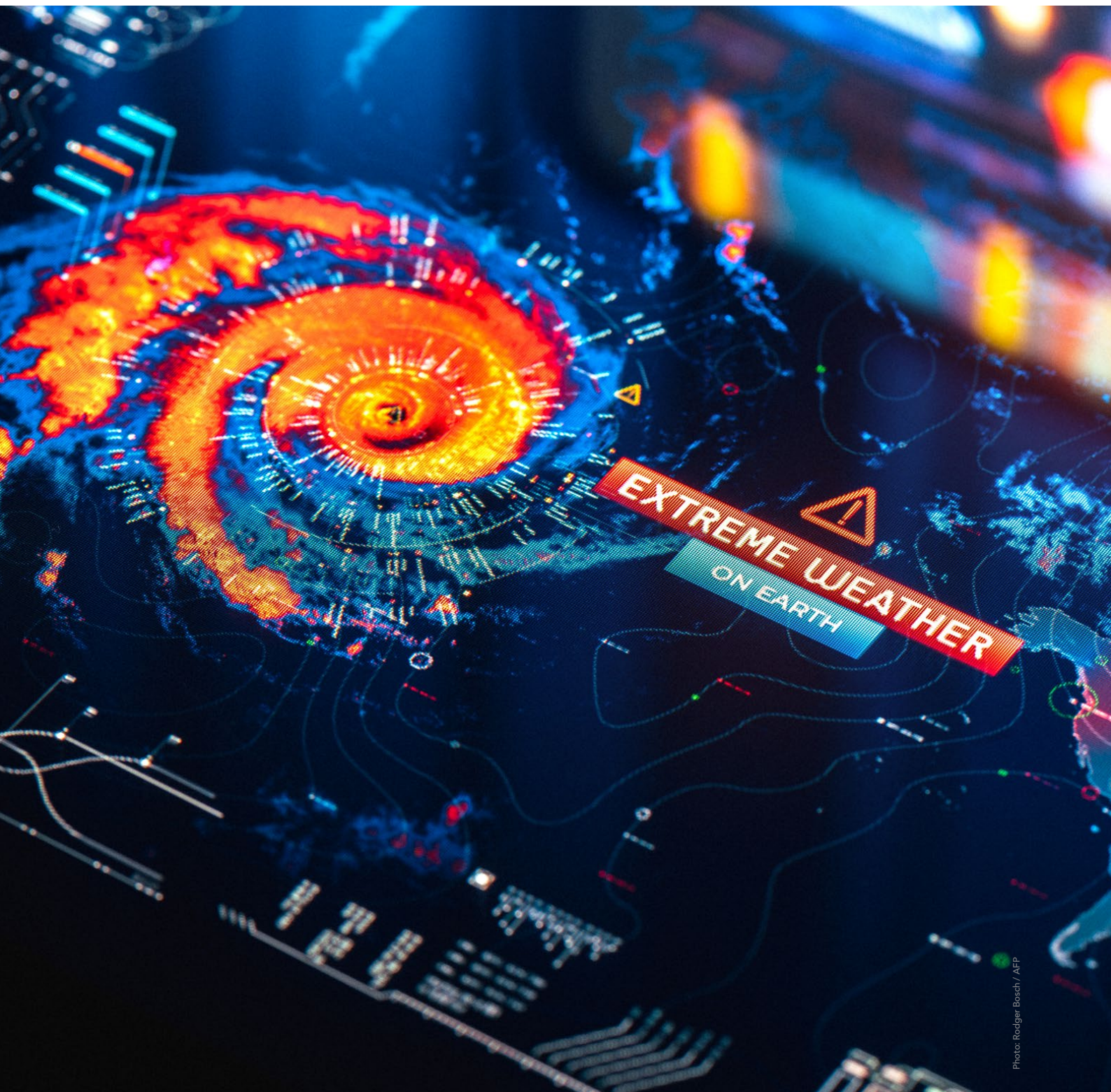


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