

The case for transparency in the Climate Change Bill

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AmaBhungane Centre for Investigative Journalism



CLIMATE CHANGE BILL

AmaBhungane is an independent, non-profit newsroom dedicated to producing world-class investigative journalism.

Our goal is to ensure that transparency and access to information is baked into the Climate Change Bill.



CLIMATE CHANGE BILL

Lots of information, lots of discretion:

23(4)(b) The [greenhouse gas emissions] thresholds... must be based on the availability of feasible mitigation technology.

Discretion without transparency is a recipe for abuse.



PAIA and POPIA

Access to information

31. Information provided to the Minister or the Department in terms of this Act must be made available by the Minister subject to the provisions of the **Promotion of Access to Information Act, 2000** (Act No. 2 of 2000), and the **Protection of Personal Information Act, 2013** (Act No. 4 of 2013).

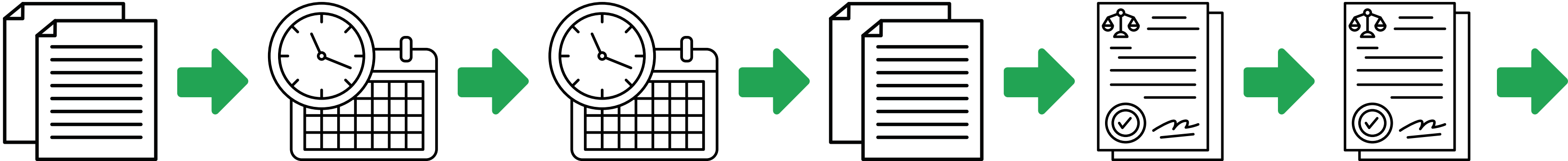


PAIA is insufficient, POPIA a roadblock

- Requests are ignored, responses delayed
- Mandatory protection of third-party commercial information
- Refusals need to be challenged in court
- Information is provided one-to-one not one-to-many
- POPIA has a chilling effect on PAIA
- POPIA applies to juristic persons, i.e. companies



A Climate Change request under PAIA



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Bill of Rights

32. (1) Everyone has the right of access to—

- (a) any information held by the state; and
- (b) any information that is held by another person and that is required for the exercise or protection of any rights.



Proactive Disclosure

Principle 29 of the Declaration by the African Commission for Human and Peoples' Rights:

Public bodies and relevant private bodies shall be required, **even in the absence of a specific request,** to proactively publish information of public interest.





Home Login

Cornubia Environmental Info Website



History

A warehouse situated at the Cornubia Business Park belonging to an agro-chemical company, UPL, was directly affected by the unrest in KZN during the month of July 2021. The warehouse was set alight and burnt to the ground. It contained a large amount of agro-chemicals and it is acknowledged that the incident has had a disastrous effect on the environment surrounding the immediate vicinity of the premises where the event occurred, as well as the surrounding ecology, including the coast and marine resources. In addition, the possibility exists that the incident may lead to adverse health impacts on communities surrounding the area and adjacent to the coastal waters, and these factors are crucial to every action that is being implemented by the various organs of state, as well as UPL and the experts appointed by it. A multi-stakeholder approach which includes experts in various fields has been adopted and the incident remains under investigation by various organs of state and the experts appointed by UPL.

Purpose

The Cornubia Environmental Information page has been developed primarily to ensure the free-flow and access to information to enhance the transparency of actions in this matter. This page serves to provide an opportunity for the various stakeholders making up the team to provide reports to the public domain with a joint objective of instant dispersal of information and openness to all interested and affected parties. Further, that all information and reports received which should be disclosed, are done so in a coordinated manner with equitable access to all interested and affected parties. The repository will avoid a situation where information is being provided piece-meal.

Contacts

Repository related queries:	enquiries@cornubiaenviroinfo.co.za
Joint-operations committee:	Bheki.Mbanjwa@kznedtea.gov.za
UPL Communications:	Thabi Ndhlovu – 061 993 6672 craig@corporateimage.co.za
eThekweni Municipality communications:	Sohana.singh@durban.gov.za
KZN EDTEA communications:	Bheki.Mbanjwa@kznedtea.gov.za
DEFF communications:	amodise@environment.gov.za
Ezemvelo KZN Wildlife:	Musa.Mntambo@kznrwildlife.com

Includes:

- Directives
- Correspondence with UPL
- Compliance reports from UPL
- Presentations to the JOC
- Scientific reports
- Toxicology results
- Inventory of pesticides in warehouse
- www.cornubiaenviroinfo.co.za



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CLIMATE CHANGE BILL

Proactive Disclosure

Information provided to any organ of state, including but not limited to the Minister, the Department, MECs, metropolitan municipalities, and district municipalities in terms of this Act must be made accessible to the public –

Within 10 days of receipt of such information by publication through proactive disclosure mechanisms without any requirement for request.



Climate change is an issue like no other ...
There is little to no margin of error: if South Africa fails to achieve appropriate greenhouse gas emissions goals timeously, the lives of all South Africans, living and yet to be born, will be placed in jeopardy.



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CLIMATE CHANGE BILL

31. Access to information

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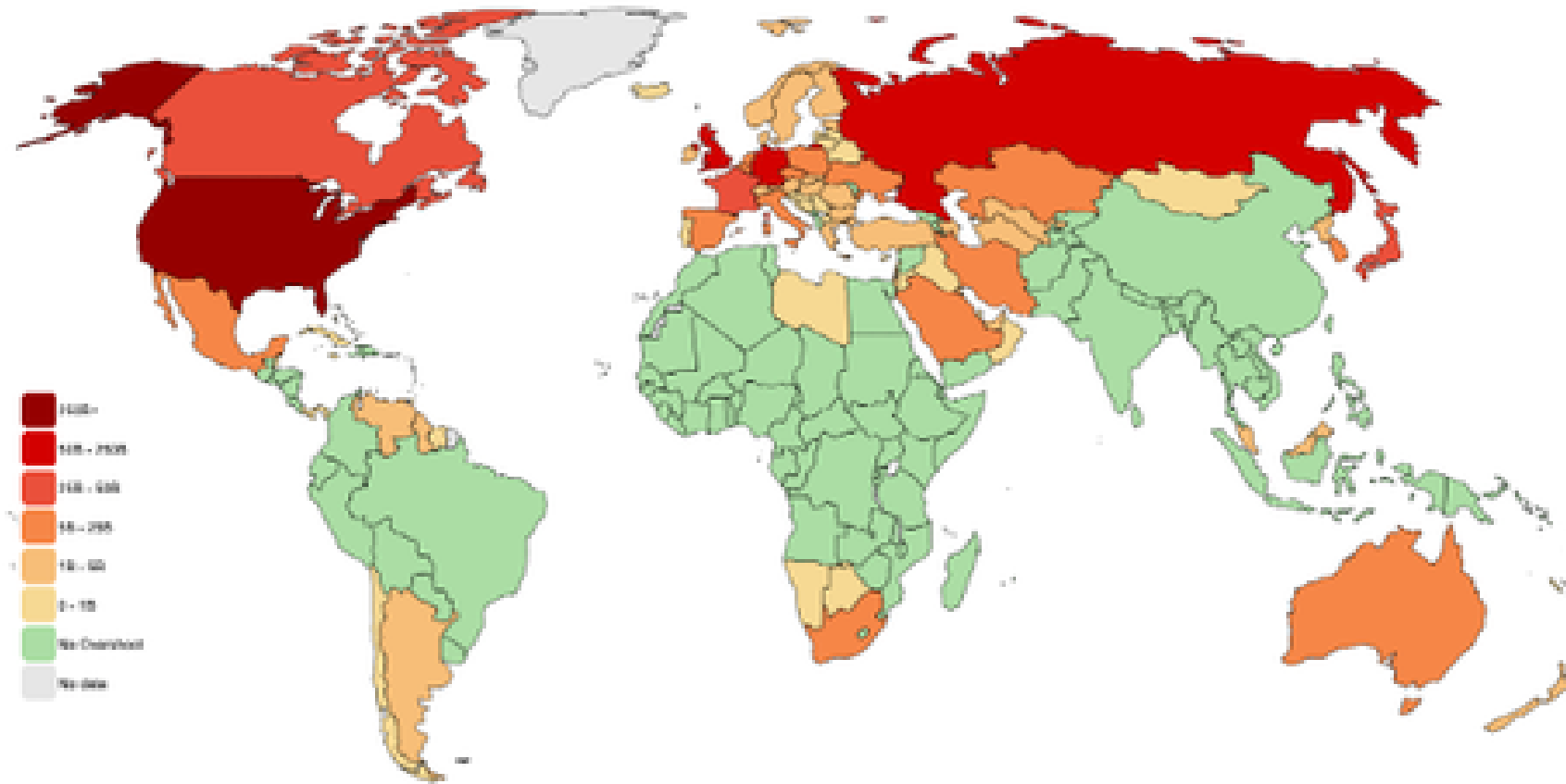
- (a) Within 10 days of receipt of such information by publication through proactive disclosure mechanisms without any requirement for request, including but not limited to
 - (i) in electronic format contained in publicly accessible online databases,
 - (ii) in electronic format contained on information storage media such as portable data drives accessible at the offices of the organ of state, and
 - (iii) inspection and/or copying of physically printed records accessible at the offices of the organ of state, where the production of such physically printed records is practically feasible having regard to cost and storage thereof; and
- (b) by the organ of state subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

(2) If provided in electronic format, such information must be provided in a file type that is readable, replicable and transferable.

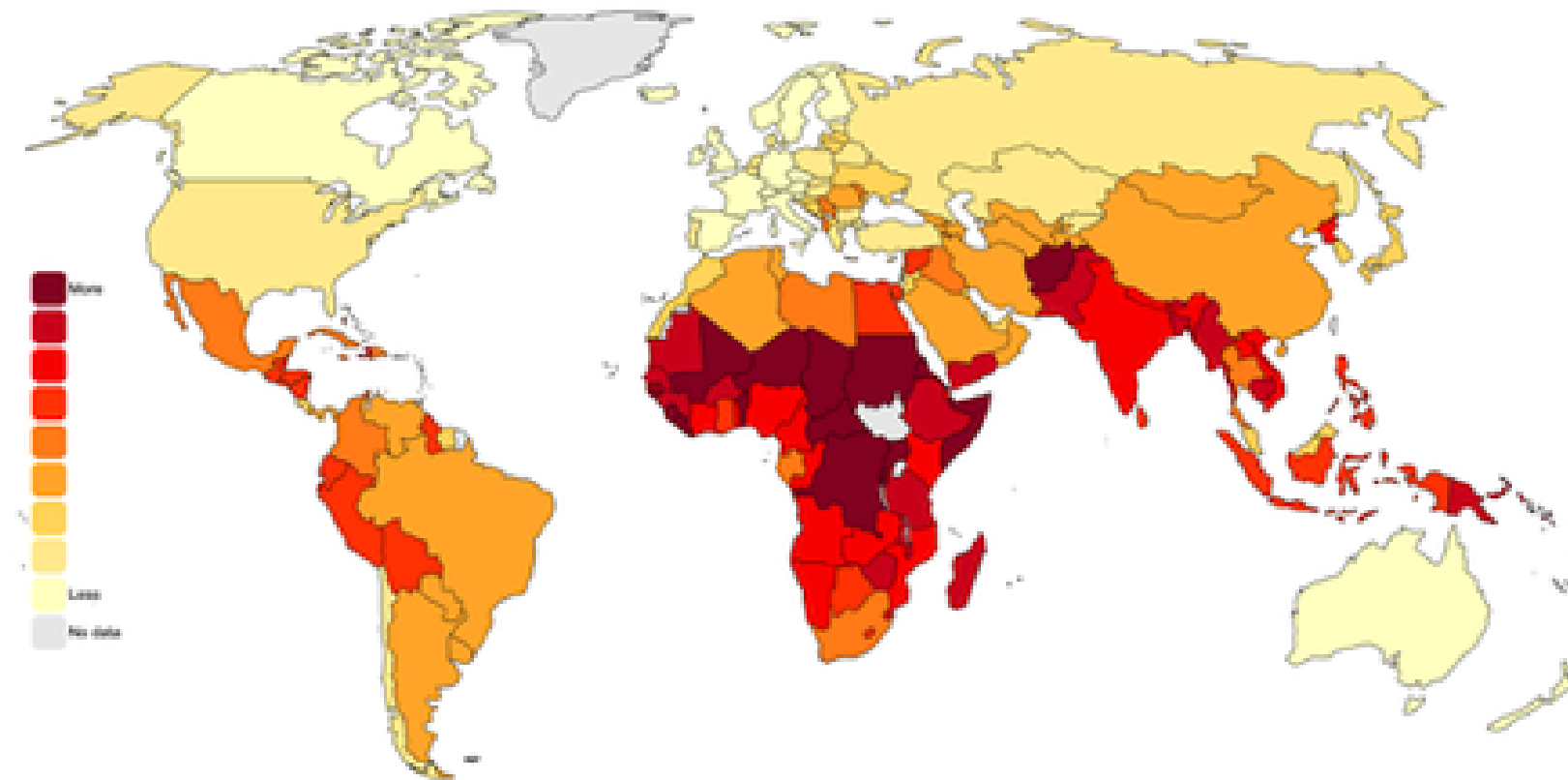
(3) The organ of state may charge a nominal fee determined by the Minister for providing information as described in section 31(1)(ii) above as well as copying of records as described in section 31(1)(iii).



Overshoot emissions
(Lancet Planetary Health)



Multi-dimensional climate
vulnerability
(ND-GAIN)



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