



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

The Presidential Climate Commission
mitigation@climatecommission.org.za

23 June 2025

Dear Sirs/Mesdames

SUBMISSION ON DRAFT RECOMMENDATION FOR SOUTH AFRICA'S 2030 – 2035 NDC UPDATE

1. We submit this set of comments on the Presidential Climate Commission's *Draft Recommendation for South Africa's 2030 – 2035 NDC Update* ("the draft recommendation") on behalf of the Life After Coal Campaign¹, comprising Earthlife Africa Johannesburg², groundWork³ and the Centre for Environmental Rights⁴. This submission is further endorsed and supported by Just Share⁵ and the Green Connection⁶.

Introduction and general

2. It is important to foreground social justice in the NDC. We appreciate the draft recommendation's commitment to including procedural, distributive and restorative justice considerations in many of the elements covered. The inclusion of these forms of justice as laid out in the Just Transition Framework will help to ensure that the transition is in fact just and leaves no one behind.
3. We note that the Stakeholder Perspectives Report and the Technical Report are still to be circulated, and make these comments not having seen these reports yet. We may want to augment our input once these have been received and analysed.
4. We understand the NDC is quite significantly a political decision and statement that is tabled before the world, sending signals externally as to South Africa's commitment to addressing the climate crisis both in terms of mitigation and adaptation, as well as what our financial and technical needs are in this regard. We acknowledge that the NDC is a high-level document, and that we won't be seeing a high degree of granularity in the wording. But nonetheless, it is critically important that the NDC is worded in a manner that sets a scene for the future internal addressing of appropriate and effective climate response measures.
5. The NDC also sets expectations and a roadmap, signalling to stakeholders within South Africa what can be expected in terms of climate response. Along with the more formal policies, programmes and laws that we have, the NDC is a form of living policy that needs to be coherent with the domestic policy landscape and material realities.

¹ <https://lifeaftercoal.org.za/>

² <https://earthlife.org.za/>

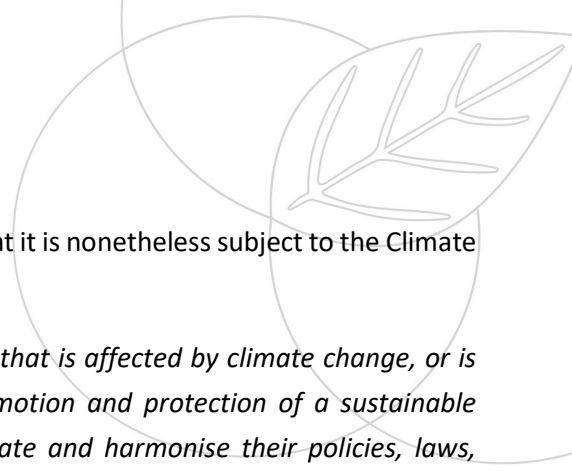
³ <https://groundwork.org.za/>

⁴ <https://cer.org.za/>

⁵ <https://justshare.org.za/>

⁶ <https://thegreenconnection.org.za/>

Cape Town: 1st floor, Birkdale 2, River Park, 1 River Lane, Liesbeek Parkway, Mowbray, Cape Town 7700, South Africa
Tel +27 21 447 1647 (Cape Town)
www.cer.org.za

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6. Notwithstanding that the NDC is a politically decided output, we assert that it is nonetheless subject to the Climate Change Act. Section 7 (1) of the Act provides that:

“Every organ of state that exercises a power or performs a function that is affected by climate change, or is entrusted with powers and duties aimed at the achievement, promotion and protection of a sustainable environment, must review and if necessary revise, amend, coordinate and harmonise their policies, laws, measures, programmes and decisions in order to —

(a) ensure that the risks of climate change impacts and associated vulnerabilities are taken into consideration; and

(b) give effect to the principles and objects set out in this Act”

7. Section 2 lays out the *Objects* of the Act, and Section 3 lays out the *Principles*. A number of these are relevant, and in particular:

Section 3 (g): *“the need for a risk-averse and cautious approach to be adopted, which takes into account the limits of current knowledge about causes and effects of climate change and the consequences of decisions and actions in relation thereto;”* and

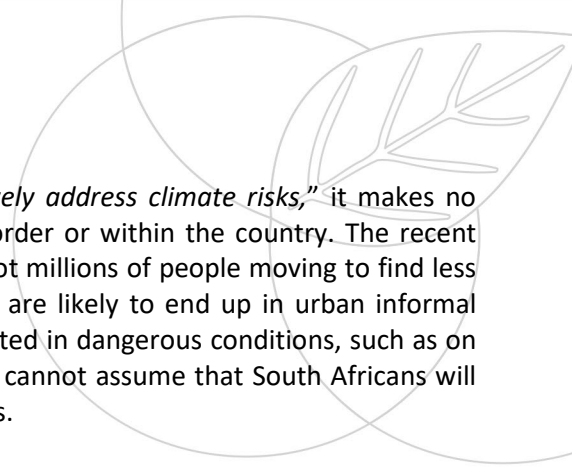
Section 3 (h): *“the need for climate change mitigation and adaptation responses to be informed by evolving climate change scientific knowledge and decisions which must be based on the best available science, evidence and information;”*

We contend that the formulation of the NDC falls within the scope of Section 7 application of the Act and these principles encompass the scope of the NDC, and must be observed by the Minister and the Department of Forestry, Fisheries and the Environment.

Adaptation

8. We support the draft recommendation’s highlighting of the urgency with which climate change adaptation needs to be implemented. We are deeply concerned about governance and regulatory delays, particularly the deferral of key adaptation provisions in the Climate Change Act. These include initiating national and sectoral adaptation planning, and municipal and provincial climate response implementation planning.
9. There exists a valid concern about lack of capacity to engage with and implement measures, particularly across organs of state. There is a need to understand what is anticipated in terms of practical implementation, and what this would cost. It is also important to foreground technologies needed for adaptation, in conjunction with strategies and priorities.
10. The draft recommendation identifies the following consequences: *“Maize yields could fall by up to 75% in extreme warming scenarios; Flooding in coastal cities like Durban already causes billions in damage; Water shortages are disrupting energy supply and food production; Heatwaves are limiting manual labour and driving fatalities, particularly among vulnerable groups.”* That compares with the southern African tipping points from Engelbrecht et al (see the groundWork Report, p.50ff)⁷ who identify a “day zero” in Gauteng; collapse of maize & cattle farming; unprecedented heatwaves; and cyclones hitting the east coast. Last year’s drought already brought southern Africa to the brink of famine with over 60 million people in need of assistance and/or short of food.

⁷ <https://groundwork.org.za/wp-content/uploads/2025/04/gW-Report-2024-Systems-Change-for-a-Just-Transition.pdf>

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11. While the draft recommendation speaks of “*collaboration to collectively address climate risks*,” it makes no mention of climate migration and climate refugees, be these cross-border or within the country. The recent regional drought created pressure that set hundreds of thousands, if not millions of people moving to find less perilous conditions⁸. Some may find their way back home but many are likely to end up in urban informal settlements with houses like ovens in the heatwaves, and possibly located in dangerous conditions, such as on floodplains. Those going to South Africa already face xenophobia. We cannot assume that South Africans will not end up seeking refuge in neighbouring countries as the crisis unfolds.
 12. We support the inclusion of a section on priority systems or resilience, and the recognition of “*the socio-economic consequences of system failure, not just on how exposed it is to climate risks*.”
 13. We welcome that the section on Agriculture and Food Security includes the promotion of agroecological practices. We do not see any of the necessary warnings of climatically, environmentally and socially dangerous agricultural practices such as chemical intensive monocropping and industrial timber plantations on the watersheds.
 14. The section on Human Health & Social Protection does address the health legacy of the toxic air pollution arising from the burning of fossil fuels, and it’s connection to climate change.
 15. We contend that this section should include stronger referencing to restoration of the land and ecosystems. Unrehabilitated mines and lands burnt by high input agriculture make adaptation challenging or impossible. Agroecological approaches restore carbon in the soil and work for mitigation and adaptation. This must be accompanied with redistribution of land and water rights.
 16. The MEL section should be strengthened by making reference to including baseline assessments, quantifying and measuring risk reduction, quantifying the costs of inaction and costs of interventions.
 17. The need to adapt in the context of protecting biodiversity (along with cross commitment linkages) should be referenced.

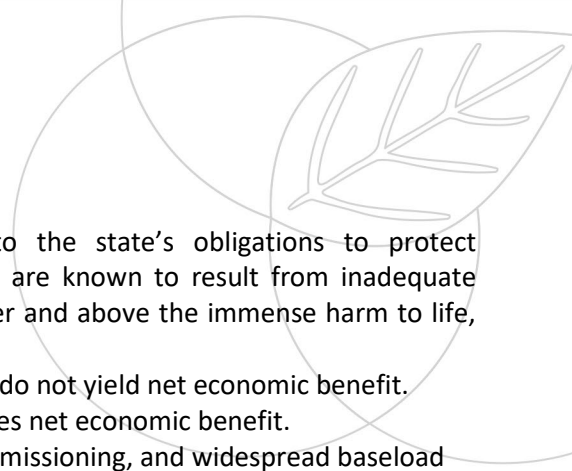
Mitigation

18. The UNFCCC’s 2024 NDC Synthesis Report⁹ indicates that full implementation of latest NDC’s submitted to the UNFCCC in 2021 is estimated to lead to 5,9% emissions reduction by 2030 over 2019 levels, whilst if conditional elements are excluded, this will result on 0,8% higher emissions in 2030 than in 2019. This is in stark contrasts to the findings of Working Group 3 of the Sixth Assessment Report¹⁰ that finds that staying within a 1.5°C temperature increase range requires a 43% reduction by 2030 (over 2019 levels) and a 60% reduction by 2035 (over 2019 levels). This clearly indicates that the global community is not doing nearly enough to reduce GHG emissions. This includes South Africa which is benchmarking its reduction targets against a fair share calculation.
19. It is widely recognised in scientific circles that the 1.5°C limit is severely at risk, if it has not in fact been breached already. This does not mean that we should do everything possible to try and remain at that level, or limit its exceedance with utmost commitment. Climate impacts and risks escalate between 1.5°C and 2°C and critical systems start failing. Every fraction of a degree of warming avoided matters.
20. Notwithstanding input from mostly business representatives at various of the dialogues hosted by the PCC, it makes no sense to minimise mitigation ambition, for reasons including:

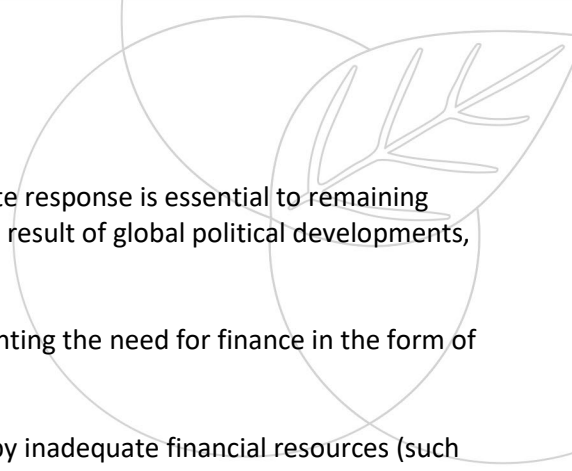
⁸ <https://groundwork.org.za/wp-content/uploads/2025/04/gW-Report-2024-Systems-Change-for-a-Just-Transition.pdf> at Page 44

⁹ https://unfccc.int/sites/default/files/resource/cma2024_10_adv.pdf

¹⁰ <https://www.ipcc.ch/report/ar6/wg3/>

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- a. Inadequate climate mitigation ambition runs contrary to the state's obligations to protect constitutional rights based on the harms and impacts that are known to result from inadequate prevention of global warming. This creates litigation risk over and above the immense harm to life, wellbeing and the economy
 - b. The modelling shows that diluted emission reduction targets do not yield net economic benefit. Conversely, Cambridge Econometric for instance demonstrates net economic benefit.
 - c. Weaker targets enable fossil fuel lock-in (delayed coal decommissioning, and widespread baseload and mid-merit gas to power), increasing CBAM-type risks and lock-in to stranded assets. Additionally gas to power will likely negatively impact electricity prices over the mid to long term.
 - d. Air quality and water impacts are not adequately modelled, but these are increasingly being understood and accurately costed, and pressure, including litigation risk, is mounting for compensation and health impact and water conservation mitigation measures
 - e. Unnecessary fossil fuel lock-in will displace RE capacity and climate smart industrialisation (as envisaged by SAREM for instance), which are far more future-proof directions for the economy to move into.
 - f. Diluted ambition will compromise access to climate finance, which is already at risk given global developments and stiff competition from other developing countries embracing decarbonisation
21. The above comments on inadequate ambition notwithstanding, within the range of what the PCC is recommending in the draft, we are of the view that the 2030 target range should be reduced to align with the ESRG modelling relied upon for the reduction targets, namely 325 MtCO₂e and 373 MtCO₂e.
22. We contend that under no circumstance should the PCC weaken the recommended 2035 range of 248 MtCO₂e to 329 MtCO₂e.
23. We assert that the NDC should be bold in stating clear commitments to phasing out fossil fuels as soon as possible, including decommissioning of coal plants as urgently as possible, and avoiding a lock-in to fossil gas electricity generation with its attendant and highly problematic methane emissions.
24. We align ourselves with the submission on the draft recommendation by Just Share, particularly the statement "It is essential that the 2030-2035 NDC update be alive to, and guard against such disingenuous arguments made by vested interests to delay and weaken a robust regulatory framework aimed at lowering South Africa's emissions." We further support that submission's recommendations on:
- a. Enhanced transparency and accountability;
 - b. Diversified stakeholder engagement; and
 - c. Evidence-based policy assessment.
25. Turning to the electricity supply sector, we wish to record concern that the IRP formulation process currently underway (for IRP 2024) is flawed in a number of ways, including:
- a. Woefully inadequate public consultation;
 - b. Lack of clarity on the impact of generation choice on GHG emissions; and
 - c. An apparent ongoing commitment by the state to make choices based on policy adjustment, resulting in choices that are neither sound from a climate perspective, nor based on least cost considerations.
26. We would like to see stronger language highlighting these discrepancies and compelling sound choices in the IRP 2024.

Means of Implementation

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27. We contend that demonstrating strong commitment to ambitious climate response is essential to remaining attractive to, and eligible for, climate finance. This is under pressure as a result of global political developments, and competition for this type of finance is fierce.
 28. We contend that the draft recommendation could be stronger in highlighting the need for finance in the form of grants and highly concessional loans.
 29. To the extent that it is true that climate governance is being hampered by inadequate financial resources (such as the full implementation of the Climate Change Act), we contend that this should be highlighted in the NDC.
 30. It is not a foregone conclusion that all of the funding and support pledged by the global north will in fact materialise. It is our view that the NDC should include reference to a commitment to do all that is possible within existing means. Domestic budget is available for service delivery and development, and it is important to state an intention to utilise such budget in a manner that mainstreams climate response. This will demonstrate climate leadership and signal the requisite commitment and initiative.
 31. While the draft recommendation does highlight the need to strengthen climate finance absorptive capacity, it would be useful politically and practically to highlight the ways in which such absorptive capacity is currently deficient. This will provide a signal in terms of how we need to make adjustments and clear obstacles in order to enhance our readiness for projects and the systems that support them.
 32. Funding can also be raised by increasing carbon taxes and levying loss and damage taxes on heavy emitters, and this class of options should be highlighted in the draft recommendation.
 33. The draft recommendation correctly identifies the under-investment in climate adaptation. When compared with mitigation (which will include the development of profit-making infrastructure such as renewable energy), climate adaptation does not appear to be attractive for investment when measured against a traditional return-on-investment approach. The reasons for this include the ongoing practice of externalising the costs of polluting and climate-harming activities. If we applied a realistic social cost of carbon lens to evaluating developments and activities, this would change dramatically.

We thank you for the opportunity to submit these comments, and would be happy to engage on any of them further.

Yours faithfully

CENTRE FOR ENVIRONMENTAL RIGHTS



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Brandon Abdnor

Senior Climate Advocacy Lawyer

Direct email: babdnor@cer.org.za