



Life After Coal Campaign submission to the Presidential Climate Commission on the Just Transition Framework

29 April 2022

The Life After Coal Campaign:

Life After Coal/Impilo Ngaphandle Kwamalahle is a joint campaign by [Earthlife Africa Johannesburg](#), [groundWork](#), and [the Centre for Environmental Rights](#). We aim to: discourage the development of new coal-fired power stations and mines; reduce emissions from existing coal infrastructure and encourage a coal phase-out; and enable a just transition to sustainable energy systems for the people.

<https://lifeaftercoal.org.za/>

Introduction

1. The PCC was established “to advise the President on the country’s climate change response and pathways to a low-carbon climate-resilient economy and society”. To do so, it “facilitates dialogue between social partners on these issues—defining the type of society we want to achieve, and detailed pathways for how to get there”. The “scope and purpose”, of the framework positions it

“at the intersection of South Africa’s broader efforts to redesign the economy to the benefit of most citizens (i.e., addressing the triple challenges¹), as well as the domestic response to climate change (i.e., improving resilience and making substantial cuts to greenhouse gas emissions).”

A crucial question for us is whether the framework does in fact contribute to redesigning the SA economy, to enable the deep and just transition that is required, or whether it settles for a comfortable but unjust and ultimately unworkable programme of ecological modernisation which leaves power relations and inequalities intact. Such an approach would not be equal to the vision and “principles for a just transition”, presented in the next sections.

Vision and principles of the Just Transition Framework (JTF)

2. The Framework presents the following vision:

“A just transition aims to achieve a good life for all South Africans, in the context of climate resilient and zero-emissions development. A just transition contributes to the goals of decent work for all, social inclusion, and the eradication of poverty. A just transition puts people at the centre of decision making, especially those most impacted, the poor, women, and youth—empowering and equipping them for new opportunities of the future.

A just transition builds the resilience of the economy and people through affordable, decentralised, diversely-owned renewable energy systems²; the conservation of natural resources³; equitable access of water resources; and sustainable, equitable and inclusive land-use for all, especially for the most vulnerable.”

The framework presents three dimensions of justice that are intended to serve as benchmarks for the JT throughout the process.

3. **Distributive justice:** *An equitable distribution of risks and responsibilities that addresses the direct impacts resulting from the transition. As noted above, a successful transition necessitates an all-of-society approach, so this distribution must cover all levels of government, corporates, and citizens.*

¹ Of poverty, unemployment and inequality

² Public and community ownership of RE vs. private ownership will be a crucial determinant of whether a transformation is possible within the context of an energy transition.

³ A better formulation would be regeneration and care of ecosystems

The document proposes to achieve this by increasing people’s resilience, and raising their incomes, through sound economic policies and building people’s capacities. It is not clear what is meant by sound economic policies. However, we know that neoliberal policies are weak on industrial planning, favour finance capital and result in job losses, so that to achieve distributive justice, a fundamental change in economic policies will be required. Evidence of planning for the JT so far does not show how benefits and burdens are distributed, and how this is taken into planning, either at national level – for example, through the department of trade and industry’s masterplan processes – or how it will lead to inclusive local economic development. There is a serious lack of capacity for local economic development planning (plans after coal), and there are also no plans for the informal economy to transition from coal. During the community consultations, local government (with the exception of Gert Sibande in Carolina) was conspicuously absent. There is no clarity in industry plans on what jobs will be created, there is a bad track record for SA capital in creating jobs – so while the principle is laudable, it needs to be possible in practice and active steps have to be taken, transparently, to make it possible.

Process and editorial recommendation (1): The PCC should host public discussion(s) of what economic transformations are needed for a deep and just transition, and include the results in a new text.

Process and editorial recommendation (2): The PCC should urgently engage with local government planning departments, involve them in public consultation processes on plans for post-transition economies, and support community and working class participation in these processes.

4. ***Restorative justice:*** *The redress of historical damages against individuals, communities, and the environment, with the goal of rectifying or ameliorating the situations of harmed or disenfranchised communities. This is about moving forward constructively, in a manner that appropriately rectifies the harms of the past.*

How will this be done? The document refers to a more decentralised economy, economic inclusion, ownership and participation, youth and women, and moving away from resource intensive sectors. It foresees “free[ing] up natural assets as public goods” and creating “opportunities for rehabilitation of degraded land, air sheds, and water systems”. This is promising. However, what is needed is an acknowledgement that there are debts owed to communities in coal and other fossil fuel impacted areas (like Mpumalanga and other coalfields, the Vaal Triangle, South Durban, Richards Bay and Table View in Cape Town). [See Appendix on restorative justice.]

The Highveld communities, for example, have suffered serious health impacts through air pollution from coal fired power station, as a forced subsidy for cheap electricity that still endures today. In a judgment on 18 March 2022, the Pretoria High Court found that the poor air quality in the Highveld Priority Area (HPA) is a breach of residents’ constitutional right to a healthy environment and that this violation “necessarily violates other constitutional rights, including the rights to dignity, life, bodily integrity and the right to have children’s interests considered paramount in every matter concerning the child.”⁴ In addition, the judgment also highlighted that the rights in section 24 of the

⁴ *Trustees for the time-being of groundWork Trust & Another vs Minister of Environmental Affairs & Others*. Case No. 39724/2019, at paras [76], [241.1]. Available at <https://cer.org.za/wp-content/uploads/2022/03/TRUSTEESJUDGMENT-DATED-18-MARCH-2022-1.pdf>.

Constitution are underpinned by a set of common principles, including that of ‘sustainable development’ which includes an understanding that economic development cannot occur without environmental protection.⁵ The High Court affirmed that sustainable development is integrally linked with the principle of “intergenerational justice,” which requires the state to consider the long-term impact of pollution on future generations.⁶

This judgment does not only determine how section 24(a) of the Constitution must be applied in the context of the adverse impacts of air pollution and health-based standards, it also provides a vitally important Constitutional parameter and directive principle for the JTF process toward achieving South Africa’s just transition vision.

It is puzzling why restorative justice should be qualified by the remark that is it about “*moving forward constructively*”. This creates the impression that some stakeholders are impatient to move away from responsibility for their legacies and unwilling to invest in restoring the injustices of the past. Note that these injustices do not remain in the past, they affect people as they live in the present and move into the future. In the first place restorative justice is about redress, and about healing people and the land, the principles of “polluter pays” and the settling of ecological debt. In the community consultations, and in our ongoing interactions with communities, it is very clear that the immediate community demand is restorative justice – in terms of their health, in terms of the land (both rehabilitation and access to land, including failed land reform programmes); and of water (poor water services and lack of access to water for productive purposes), failure of local government resulting in distrust in government as a whole. Restorative justice needs to be thorough enough to restore trust in government and in the Just Transition process as it begins.

Process and editorial recommendation (3): The Outcomes for Restorative Justice in the document (page 9) are very general, and should include material redress and reparations to address historical and anticipated harms.

Process and editorial recommendation (4): Develop a comprehensive view on restorative justice needs and plans in consultation with affected communities, giving priority to the plans and proposals of such communities, including ensuring access to resources like water and land rehabilitated and released by extractive industries. Ensure that the proposed Mine Closure Policy is in line with such needs and plans. Drop the reference to “moving forward constructively” in this section.

Process and editorial recommendation (5): Engage the department of health immediately on developing a comprehensive plan to assess and monitor the health impacts of fossil fuel burning and climate change, provide appropriate environmental health programmes to address immediate and long term health issues.

⁵ Fn above. At para [40].

⁶ Fn above. At para [41].

5. **Procedural justice:** Empowering (not only supporting) workers, communities, and small businesses, with them defining their own development and livelihoods in the transition⁷—and incorporating their definitions in the ways government, corporates, and citizens respond.

The procedural justice ideal is supported by means of “Supporting worker and community organisations (unions, civics, advocacy groups, etc.) to participate actively in just transition policy-making processes, ensuring decisions are made in their best interests and allow them to take advantage of opportunities” as well as “Collaborating actively with a range of stakeholders, allowing each to play to their respective strengths, fostering a more dynamic, competitive, diversified, and equitable economy”.

Active participation for worker and community organisations is promised, and there may be some imagination of an alternative economy at work here. Following this intention entrains important considerations: to achieve this, the PCC – together with some broader alliance of interests – would have to work against a number of strong prevailing interests – both corporates and politicians⁷ who have so far denied communities a voice – to open this space and keep it open, and would have to support communities in developing their agendas, proposals and ideas into implementable policy alternatives. Communities in the consultations have argued for the Just Transition to be in the form of community based programmes and projects following the principles of the Just Transition, but also developing the Just Transition in a local, context specific way addressing local issues. This would mean building the Just Transition from the ground up. Such an approach is possible as the human, planning and other resources exist. The main challenge will be to open and keep open such a space in the light of opposition from both global, national and local level accumulation projects. An example would be the implementation of RE projects in communities.

Process and editorial recommendation (6): Support the active design and implementation of Just Transition projects proposed by communities in fossil fuel affected and other areas. Pro-active measures to make information available and understood in line with the principles of Free Prior and Informed consent for all decisions relevant to the Just Transition.

The scale of the challenge and the need for an open democracy

6. The Just Transition Framework (JTF) shows some awareness of the gravity of climate change impact and transition risks, the fact that there is limited time to respond (the report provides a table of impacts and when they are anticipated), and an appreciation of the scale of the challenge in terms of vulnerable groups, sectors affected and the institutional challenges of creating responses within current institutional and economic frameworks.

Nevertheless, the JTF misses the real urgency of an effective response to climate change and hence also the necessary speed of transition. The latest national GHG inventory (DFFE 2021) gives 2017 emissions without land use as 559 MtCO₂e, and with land use as 519 Mt. South

⁷ The ideal of communities defining their own development and livelihoods implies a supportive environment that can overcome obstacles and counter-tendencies, such as the accumulation projects of other actors in the same environment, whether legitimate or corrupt, that result in closing down opportunities (such as the combination of big agri-business and supermarkets dominating distribution networks) or officials demanding bribes for licences etc. from street vendors.

Africa’s 2021 Nationally Determined Contribution (NDC) commits to reducing emissions to between 350 to 420 Mt, including land use which is assumed to sink 12 Mt a year on average, by 2030. Meeting the NDC range would require a reduction in emissions of between 20% and 33%. If land use is excluded, the reductions are steeper at about 23% and 36%.

The NDC commitment, however, is not adequate. The DFFE holds the Climate Equity Reference Calculator (CERC) as its preferred reference for its fair share of global emissions. It claims that the lower bound meets CERC’s 1.5° pathway and the upper bound meets the 2° pathway. This is something of a stretch. CERC gives a lower equity range and an upper equity range. As shown in the table, the NDC lower bound just meets the upper equity range for 1.5°. The upper limit misses the upper bound range for 2° by 19 Mt. Moreover, as the CERC notes, its “2°C pathway should not be considered consistent with the *“well below 2°C”* provision of the Paris Agreement”.

Table 1: 2030 emissions (MT CO₂e): 2021 NDC compared with Fair Share (including FOLU).

			1.5°C pathway	2°C pathway
NDC lower limit	350	Fair Share lower equity range	274	350
NDC upper limit	420	Fair Share upper equity range	352	401

Beyond this, however, the Northern powers have exceeded their budgets by a very long way and it is not physically possible for them to sink that excess. Hence, if we are serious about meeting either temperature target, Southern countries must reduce by more than their fair shares and claim the difference as the climate debt owed by North to South.

Process and editorial recommendation (7): Review and update the 2021 NDC Update to be fully aligned with a “fair share” 1.5 degree average temperature increase limit pathway (i.e 274 – 352 Mt Co2eq). This 1.5°C limit pathway must be reflected as the upper bound if the NDC continues to express its targets as a range.

Process and editorial recommendation (8): The JTF must assert that the North owes a climate debt to the South, and that the elite globally owe a climate debt to poor and working class people.

- The JTF says the transition is towards a zero-emissions economy and society. We support this position. However, it then uses the term net-zero in relation to sectoral transitions. It should be made clear that these terms are not interchangeable. Net Zero is not zero, as Kevin Anderson of the Tyndall Centre puts it. Net zero relies on removing as much carbon as is emitted either through ‘nature based solutions’ (NBS) counted as offsets or “unproven future technologies for removing carbon dioxide from the atmosphere”.⁸

⁸ <https://www.climatechangenews.com/2020/12/11/10-myths-net-zero-targets-carbon-offsetting-busted/>

Global CO₂ emissions from 1850 to 2021 add up to about 2,500 billion tonnes (Gt) – 1,718 from burning fossil fuels and 786 from ‘land-use change’ (the destruction of forests, grasslands, wetlands etc), according to the IPCC. That leaves about 310 GtCO₂ in the budget for a two-in-three (67%) chance of coming in below 1.5°C, or 1,070 Gt for the same chance of coming in at 2°C. Annual CO₂ emissions are now around 43 Gt, so the 1.5° budget will be used up in seven years if emissions are not reduced very fast while the 2° budget will be gone in the early 2040s. If non-CO₂ greenhouse gas emissions, particularly for methane, are not reduced even faster, then the CO₂ budget will be squeezed.

It is critical that the destruction of ecosystems is reversed and that earth is restored. However, this can only compensate for the past destruction of nature. In carbon terms, it may sink a portion of the 786 Gt previously lost through land-use change but does not offset emissions from burning fossil fuels. Living carbon (from the fast carbon cycle of living organisms and the natural flux between land, atmosphere and oceans) is not exchangeable with dead carbon (fossil carbon from the slow carbon cycle).

Moreover, whereas emissions from burning fossil fuels are certain, natural sinks are inherently uncertain. Forests may burn and restored wetlands may be destroyed again. There is also a time difference: the emissions are now (and keep coming), whereas the sink works over time and may be too late. And there is a mismatch of scale: many big corporate emitters and most countries are making net zero declarations substantially reliant on NBS. Shell alone says it will need to reforest an area the size Spain to offset its emissions by 2050. Clearly there is not enough land to go round. Equally clear, is that land will be appropriated at least economic and political cost – that is, from peasants and indigenous people in the global South. This is already happening under the rubric of ‘reducing emissions from deforestation and forest degradation’ (REDD), a programme which in any case has failed to reduce overall emissions.⁹

Carbon dioxide removal relies on large scale sequestration through technologies such as carbon capture and storage (CCS) and, even more destructively, bioenergy with carbon capture and storage (BECCS). CCS is excruciatingly expensive, is primarily used for ‘enhanced oil recovery’ thus defeating the purpose, and has failed in power station pilots. . Certainly in the South African context, this so-called “clean coal technology” is a myth.¹⁰ There are several unresolved problems with CCS, aside from the high capital costs, including uncertainty around long-term leakage, and the long lead-time – possibly decades – before the technology could potentially be proven at the required scale. Although the South African Centre for Carbon Capture and Storage (SACCS) is attempting to demonstrate that CCS can actually be implemented using South African geology, it remains unproven; and there are is no reasonable indication that its feasibility will be demonstrated, at scale, in the near future. As to BECCS, burning trees in power stations already consumes whole plantations – as at

⁹ <https://features.propublica.org/brazil-carbon-offsets/inconvenient-truth-carbon-credits-dont-work-deforestation-redd-acre-cambodia/>

¹⁰ See the fact sheet and brief technical report demonstrating that there is no such thing as clean coal, including CCS - <https://lifeaftercoal.org.za/media/news/new-report-why-there-is-no-such-thing-as-clean-coal>

Britain's Drax station. The land needed to produce net zero or net negative emissions from 2050 will rival the land take for NBS.

Process and editorial recommendation (9): Clarify that the South African target is zero emissions and not net zero.

8. We have, since 2007, argued that there is no 'carbon space' for further fossil fuel developments.¹¹ Since then, the evidence for this view has piled up and now even the International Energy Agency says that existing fossil fuel reserves exceed the carbon budget further exploration is not compatible with the Paris global warming limits.¹² We emphasise that all exploration and development of fossil fuel resources, in South Africa as elsewhere, must stop if we are to avoid catastrophic climate change. In particular, fossil gas has no role as a 'transition fuel', not just because of the emissions when used but because it is accompanied by substantial emissions of methane, a very powerful greenhouse gas, all along the production line. These emissions increase as the infrastructure ages. We also believe that nuclear power is an expensive and dangerous distraction that diverts resources from where they are needed for a just transition to a system based on renewable energy and the conservation of energy.

Process and editorial recommendation (10): all exploration and development of fossil fuel resources, in South Africa as elsewhere, must stop if we are to avoid catastrophic climate change. In particular, fossil gas has no role as a 'transition fuel'.

9. The JTF points to the high numbers of people in the vulnerable groups it identifies: in agriculture it amounts to 800 000 permanently employed farm workers and an unknown number of seasonal workers, 350 000 small scale and/or subsistence farmers and 55 000 commercial farmers. There are 1,2 million people in the core coal dependent municipalities of Emalahleni, Steve Tshwete, Govan Mbeki and Msukaligwa, with 75% of the country's coal production. There are 80 000 coal miners plus other groups like coal truckers, power station workers etc, as well as informal businesses dependent on coal. Changes in internal combustion vehicle use and manufacture could affect 100 000 people in auto manufacturing, 200 000 mechanics and 150 000 people working at petrol stations. The hospitality and tourism sector has 500 000 employees and 110 000 small business owners. This is not a complete list.

Process and editorial recommendation (11): Extend the description of vulnerable groups to accurately reflect vulnerable populations beyond the above production chains.

10. The JTF proposes that in each of the sectors of vulnerable groups that it identifies, namely coal mining (and power generation), agriculture, e-vehicles and transport, as well as tourism,

¹¹ The groundwork Report 2007, *Peak Poison, The elite energy crisis and environmental justice*.

¹² IEA, 2021, *Net zero by 2050, A roadmap for the global energy sector*.

there should institutional development of forums where stakeholders can agree on strategies for the transition, where agencies will be established (with the support of the PCC and relevant government departments) to implement or oversee implementation of these strategies. The JTF is firm that the working class and communities should be capacitated and supported to participate in these forums and governance of these agencies. This is a massive institutional task to be carried out within the next 3 to 7 years.

In some sectors, serious challenges can be foreseen, for example in agriculture where stakeholders are very segmented and antagonistic on issues like land and water reform, and are very unevenly resourced. In coal mining, there is a serious trust deficit between the DMRE and coal affected communities and workers, to the point that in community consultations facilitators had to shield DMRE officials (ironically from the newly established Just Transition unit in the DMRE) from public wrath, for example in Emalahleni, Secunda and Xholobeni. The PCC faces a daunting task in making sure that resources for these activities are secured and that they are carried out in a principled manner. As the JTF itself concludes:

“In the absence of strategies to ensure fair outcomes, the costs of the transition will fall disproportionately on workers, the poor, poorer communities, and small businesses. This risk is particularly pressing in South Africa, where apartheid entrenched exceptionally high levels of spatial and income inequality, unemployment, and poverty... In this context, the most immediate task is to set up or reorganise structures that capacitate stakeholders, including affected communities, to respond constructively to the climate crisis. Key elements are systems to identify the impacts of the climate crisis and the transition on working people and their communities, and institutions with the capacity and resources to respond

Process and editorial recommendation (12): Ensure that resources are available for sectoral discussions, strategy formulation and creation or repurposing of agencies, and that such consultations take place in according with active procedural justice principles.

11. The JTF calls for a sea change in governance. It says, *“The nature of climate risks and the urgency of the transition is such that stakeholders must work intentionally, in dialogue to enhance the effectiveness of problem definition, decision making, and implementation of responses.”* Further, it must see beyond *“the short-run and immediate effects on workers and businesses”* and pay attention *“to the long-run economic and environmental damage done by high emissions and out-dated technologies”*. Hence *“any decision with a substantial long-range economic impact, especially around energy, infrastructure, and support for new economic activities, should have to spell out the implications for the just transition.”*

The challenge of governance is indeed urgent. Recent disasters of Covid and the current floods in KZN, have shown the emergence of national civil society organisations like Gift of the Givers, as well as countless local volunteer organisations to deal with these disasters, while public trust in government, as acknowledged by President Ramaphosa himself on Freedom Day 2022, has reached very low levels. A new type of governance must be worked out carefully and implemented vigorously and it should be modelled in the practice of the

PCC itself. It must herald the development of a new type of open, participatory democracy without which we will not achieve a Just Transition¹³.

The JTF, however, as section 7.4 of the document shows, remains locked into a form of stakeholder democracy where community, civil society, trade unions, government and business are notionally given equal weight. In practice, big business tends to dominate and investors are made ‘more equal than others’, as the ruling pigs put it in *Animal Farm*. The stakeholder model was roundly criticised at the community hearing in Xolobeni. Communities are not just another stakeholder, they are the majority of South Africans. Open democracy must be grounded in community or it will be nothing.

Process and editorial recommendation (13): The PCC should urgently research and convene discussions on new governance processes for the Just Transition, including a reflection on its own practice and the social partner model. The results should be reflected in a revision of section 7.4.

Meeting the challenges of Multiple Crises

The Just Transition takes place in the face of multiple challenges for South Africa. The Just Transition cannot avoid dealing with these broader challenges, and the Just Transition Framework cannot only be evaluated in terms of the criteria it has set for itself. The following should be considered.

12. Climate change is a crisis of capitalism. There are profound links between fossil fuels – coal, oil and gas - as well as nuclear, and the capitalist economy. The deep transition away from fossil fuels creates the opportunity to fundamentally redesign our economies, the relationships between people and between people and nature.

Capitalism is always expansive and makes growth the central organising principle of economy. The JTF assumes growth as a prerequisite for development. Never-ending growth, however, is not compatible with serious mitigation.¹⁴ Moreover, growth has been accompanied by growing social inequality compounded by the externalisation of environmental costs mostly onto the poor. The boom years to 2008 took GDP growth to 5.5% but were accompanied by increased pressure on the poor through escalating prices, notably for food and energy. Qualifying growth as ‘equitable growth’, as the JTF does, merely evades the issue.

In place of organising the economy around growth, we propose it should be organised around justice – economic, social and environmental. The transition should aim for a wellbeing economy in which people live and work in meaningful and positive relationships with each other and the planet.

¹³ See for example the discussion on new governance theory in Swilling, M. *The age of Sustainability. Just Transitions in a complex world*. Routledge. Open Access at <https://www.taylorfrancis.com/books/oa-mono/10.4324/9780429057823/age-sustainability-mark-swilling>

¹⁴ Anderson, K. and A. Bows, 2008. *Reframing the climate change challenge in light of post-2000 emission trends*, *Philosophical Transactions of the Royal Society*. doi:10.1098/rsta.2008.0138, Published online.

Process and editorial recommendation (14) is similar to recommendation (1) above: The PCC should host public discussion(s) of what economic transformations are needed for a deep and just transition, and include the results in a new text. This should include pathways to achieve a wellbeing economy and economic thinking critical of capitalist growth models. The JTF is an opportunity to introduce indicators other than GDP to measure social wellbeing. There is much that is not accounted for using GDP. GDP doesn't, for instance, count the cooking, cleaning, and childrearing done in households. It doesn't count the value of people's health or a clean environment. It doesn't pay attention to the distribution of income or wealth. It doesn't pay attention to quality of life.

13. South African capitalists have been allowed to drain the economy of finances through illicit and licit financial leaks. The JTF section on finance needs to reflect the lack of solidarity in the finance sector and propose measures to deal with it. Finance deals should not only focus on international climate finance. Current state expenditure needs to be reoriented within a just transition framework, with a focus on building resilience. All fossil fuel subsidies should be reoriented to renewables and resilience building.

Process and editorial recommendation (15): All climate finance deals should be open to public scrutiny and consultation.

14. Climate change is a crisis of extractivism – of the Minerals Energy Complex and its reproduction, and also crises entrained by MEC, such as the vast toxic legacies left by mining including acid mine drainage, radio-active waste where people are living in Soweto, and the ongoing rifts in the social fabric caused by the migrant labour system. The extra-ordinary influence of extractive capital, now in its financialised form, has hobbled the liberation of South Africa post-apartheid. These actors are not able to foresee, allow and even less support the radical, deep transition that is required. The incumbents are holding decision making hostage. We are therefore deeply suspicious of accepting ecological modernisation and the simple reproduction of the existing unequal social-political-economic system as an adequate response to the climate crisis.

Process and editorial recommendation (16): Problematised and consciously limit the influence of extractive industries and their representatives on PCC decision making processes.

15. The climate crisis coincides with a crisis of representative democracy; ruling party factional politics, corruption, state failure, which shows specifically in local government, health, and policing, but is actually alive in all facets of public life. This includes increased instances of a “violent democracy”, assassination of politicians as well as environmental activists, including those refusing mining in their communities, such as Mam Fikile Ntshangase and Bazooka Rhadebe, and a failure by police to investigate these. The current realities for many people living in South Africa is, unfortunately, a far cry from the core principles and vision set out in the Freedom Charter and climate change will stress the political system still further.

16. We also face a broader crisis of crime and violence, and in particular gender violence, part of a broader gender injustice crisis. Climate change will place increasing stress on social systems and make gender injustice worse.
17. Weak service delivery at local government level robs communities of resilience to face climate change. The KZN floods an example of how devastating it can be and the results, when the crisis strikes, of a city that has not prepared. Weak service delivery and corruption make the city vulnerable.
18. We need to learn from the Covid crisis. It showed us that local government (1) does not listen to its constituents, and in some cases actively shuts down their political expression (2) does not deliver services i.e. water, waste management, upkeep of roads and storm water drains; (3) local govt and other levels of govt do not have real plans for disaster management (4) public health services are inadequate and in some cases hostile or indifferent to patients.

Process and editorial recommendation (17): Research the practical and political lessons learnt in the Covid-19 and ongoing climate disasters such as the recent KZN floods to inform the JTF and planning following from it.

19. The Eskom crisis is the result of an old “cheap electricity” policy, an equally old policy of ignoring environmental issues, continuing to the present day including Eskom’s refusal to comply with Minimum Emission Standards, and the complicity of successive ministers of environment in that; state capture, DMRE obstacles to Eskom expanding into Renewables, Eskom’s parlous balance sheet which cannot accommodate RE, etc.
20. Climate change is not the only environmental crisis created by imperial capitalism. For example, we face a deepening water crisis as a result of neglect in the governance of our water systems, despite the availability – on paper – of potentially capable and democratic water governance in the form of catchment management. It is important for the JTF to be viewed within the prism of the 9 planetary boundaries – climate change; freshwater change; stratospheric ozone depletion; atmospheric aerosol loading; ocean acidification; biogeochemical flows; land-system change; novel entities; and biosphere integrity. If these boundaries, on which our survival depends, are transgressed, we cannot provide a ‘safe operating space for humanity’, irrespective of future advancements in technology i.e. we past a point of no-return and ultimately cannot address the social imperatives or ‘triple challenge’ in South Africa. Our present mode of development is pushing us over these vital boundaries. To date, we have transgressed the boundaries for climate change, biosphere integrity, biogeochemical cycles, land system change, and most recently, freshwater, according to scientists.¹⁵
21. Finally, current government plans and decisions ignore the requirements implicit in the work of the PCC. A stark example is the decision by drafters of this document to include the highly controversial, extractive and carbon-intensive development of the Musina Makhado SEZ

¹⁵ <https://www.pik-potsdam.de/en/news/latest-news/planetary-boundaries-update-freshwater-boundary-exceeds-safe-limits>

(MMSEZ) as a responsible structure that needs to participate in decarbonisation of the economy, even as it plans to add a new burden of greenhouse gases.

Process and editorial recommendation (18): Set up a task team to urgently review current proposals for carbon-intensive developments including the MMSEZ and the gas masterplan.

APPENDIX 1: Restorative justice

The Just Transition Framework describes three dimensions of justice that are needed to make the Just Transition just: restorative, distributive and procedural justice. Without these, the transition will not be just. This is not a theoretical, but an immediate issue.

In the eight PCC consultations with communities, communities made two things very clear, starting in Emalahleni and ending in Xholobeni: (1) they feel let down by DMRE, which is not doing its job in protecting them, in regulating mines' impacts on communities and the environment, including the water and air; and that the DMRE does not recognise communities' right to say no, and (2) that the government in general and DMRE in particular, has made and broken so many promises that any negotiations or consensus seeking on the Just Transition is only possible once trust in the government, by communities who currently have no such trust, is restored. This lack of trust extends to the PCC.

This means that restorative justice is the first point on the agenda for communities.

Of course the other justice points in the JT Framework are important: the process must be fair, inclusive and in particular, listen to and act on what communities have said; and benefits and burdens of the transition must be fairly distributed – or distributed in such a way that communities who have sacrificed their health and healthy environments for the production of coal fired electricity and coal – are provided with new economies (jobs and livelihoods) to replace those lost in the Just Transition.

How can trust be re-established? There are a number of immediate starting points.

First, a dedicated programme to deal with the health problems of residents in the highly polluted Mpumalanga Highveld could be designed and implemented in consultation with local communities. Such health programs, focused on all the pollution problems including respiratory conditions, cancers, as well as dealing with the consequences such as reduced working days, could be instituted immediately from local clinics to provincial and national hospitals, including local care workers.

Second, a national mine closure strategy is at an advanced stage of formulation. It aims to make the achievement of closure certificates easier by formulating the end point of rehabilitation as the result of negotiations between local communities and mine owners. Local communities will need technical and political support to properly participate in these negotiations, and to hold mine owners and DMRE officials to their word. But the outcome could be new assets, including clean water and land, that could become available to communities. Communities should be supported to participate from the great works of rehabilitation that will be required.

Third, the decommissioning of coal fired power stations, starting with Komati, could make land available that could form municipal commons and become available to communities to graze animals and plant food on uncontaminated land held by Eskom. The large amounts of clean water that will become available after decommissioning of Highveld power stations can be made available to communities.

Fourth, innovative ideas for new economies post coal should be a priority. Local governments in the area cannot bear this responsibility alone. To make this possible, planners should orient themselves to the informal, sometimes called the hustle economies, that help local residents survive. An example could be to radically improve connectivity for communities living on the Mpumalanga Highveld.

These are but a few starting points for restorative justice to become a reality for coal affected communities. All of these – and others – need to be urgently developed with the resident coal affected communities – yesterday. Their success will require not only clear political will, but also require of local, provincial and national government departments, as well as those who have profited from coal mining and burning, to fully take up their responsibilities to the coal affected communities of the Highveld and other areas. This is a precondition for a Just Transition, to re-establish trust and to signal that restorative justice will indeed be an important pillar of a Just Transition.

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