



Department of Forestry, Fisheries and Environment

Attention: Climate Secretariat

Email: climatesecretariat@environment.gov.za

29 April 2021

**PROVISIONAL COMMENTS ON SOUTH AFRICA'S PROPOSED UPDATED
NATIONALLY DETERMINED CONTRIBUTION IN TERMS OF THE UNFCCC
AND THE PARIS AGREEMENT**

Introduction

1. The Environmental Law Association of South Africa (ELA) and Animal Law Reform South Africa (ALRSA) make the below joint submission (Submission) on South Africa's proposed updated [Nationally Determined Contribution](#) (NDC) released for public comment in March 2021.
2. In addition, both the ELA and ALRSA request that we be added to the Climate Secretariat's stakeholder list on the NDC and related matters moving forward. The objectives of both our organisations include to raise public awareness of environmental issues in South Africa, and promote the fulfilment of the right to an environment not harmful to health and wellbeing provided for in section 24 of the *Constitution of the Republic of South Africa, 1996*. Accordingly, both organisations are well-suited to be included in the Climate Secretariat's stakeholder consultation programme concerning the NDC.
3. Before providing substantive comments on the NDC, the ELA and ALRSA wish to request that the period for consultation on the NDC be extended from 30 days to 60 days. The NDC has a significant bearing on the promotion, protection and fulfilment of several rights in the Bill of Rights, including the rights to life, dignity, equality and an environment not harmful to health or wellbeing. In addition, all human rights ultimately depend on a healthy

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environment. The Government has noted that the NDC is the cornerstone of South Africa's climate change response, thus not only is the content thereof critical, but so too is the public and civil society's participation.

4. The NDC further raises complex questions regarding South Africa's climate change adaptation, mitigation and implementation efforts. A longer period for consultation is thus warranted and would be imminently more reasonable than the 30 day period given. In view of the short time period within which to make comments, this Submission is non-exhaustive, contains only our provisional comments on the NDC, limited to the narrow issues below. We hope to be afforded the opportunity to supplement this Submission in due course.

The fishing and agricultural sectors as key mitigation challenges

5. The updated NDC proposes a significant reduction in greenhouse gas (GHG) emissions and sets mitigation target ranges up to 2030. The NDC's self-professed focus for achieving its targets in the 2020s is on 'the electricity sector', whilst in the 2030s 'a deeper transition will take place in the electricity sector, coupled with a transition in the transport sector'. The NDC states further that decarbonisation of 'hard-to-mitigate sectors' will be addressed in the 2040s and beyond. Our primary concern is that the fishing and agricultural sectors are not specifically addressed as key mitigation challenges. However, the fishing and agricultural sectors, which form part of our food systems, account for substantial use of natural resources and are a major contributor globally to environmental degradation and climate change ([Fresán and Sabaté 2019](#)).

6. Scientific research reveals that globally the agricultural sector represents a significant climate change mitigation challenge ([Vinnari and Vinnari 2013](#)):

'The agricultural sector utilizes the majority the ice-free land area; it is the largest consumer of fresh water and has substantial impact on biodiversity. Moreover, animal agriculture produces large amounts of greenhouse gases, both directly through rumination and indirectly through deforestation and desertification. Such problems are expected to become more pronounced over the next 50 years.'

7. In view of such scientific research, the United Nations Food and Agricultural Organisation (FAO) [reported](#) in 2006 that industrialized livestock production is unsustainable. Notwithstanding the FAO's findings, meat consumption in South Africa is not only increasing, but is being actively promoted and supported by Government, ignoring ecological realities. South Africans are responsible for the highest levels of meat consumption on the continent and have been globally ranked 8th in terms of the highest level

of poultry consumption per capita, and 16th with regard to beef consumption per capita ([Ndlela and Murcott 2021](#)).

8. An [IPCC Special Report](#) on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems provides key information for policy makers and indicates that:

‘By 2050, dietary changes could free several million km² (medium confidence) of land and provide a technical mitigation potential of 0.7 to 8.0 GtCO₂eq yr⁻¹, relative to business as usual projections (high confidence).’

9. According to [Harwatt 2018](#), animal to plant-sourced protein shifts offer substantial potential for GHG emission reductions. Unabated, the livestock sector could take between **37% and 49%** of the GHG budget allowable under the 2°C and 1.5°C targets, respectively, by 2030.
10. The NDC’s mitigation targets should explicitly address GHG emissions arising from the agricultural sector, with a specific focus on industrialized livestock and aquaculture production, in addition to those arising from the energy and transport sectors. Further, a just transition to a lower carbon economy must take into account the impact of our food systems on planetary health (Fresán and Sabaté 2019). [Vinari and Vinari 2013](#) make a number of proposals as to how to achieve a just transition towards plant-based diets. The NDC ought to take account of these proposals as well as similar proposals that would assist with the reduction of GHG emissions from the aforementioned sectors.
11. Around the globe, leaders and government (at all levels) are taking proactive measures to curb emissions from the agricultural, aquaculture and fishing sectors and transition to less harmful alternatives (some examples from the Land and Sea Institute are available [here](#).) Yet, South Africa continues to promote and support these sectors and has not comprehensively or coherently addressed their harmful impacts in efforts to tackle emissions and climate change. The NDC is another illustration of a failure to take reasonable measures to protect the environment for the benefit of present and future generations.
12. According to [South Africa’s Climate Scorecard](#), around 2012 agriculture, forestry and other land use constituted 6% of South Africa’s greenhouse gas (GHG) emissions. This figure excludes agricultural fuel combustion and sewage emissions which are reported as energy and waste sector emissions respectively. Based on local and global trends, it is likely that GHG emissions from agriculture have increased (and will continue to increase) significantly (see for instance the [Draft Climate Change Sector Plan for Agriculture, Forestry and Fisheries, 2015](#), at 43). There is very little data on the GHG emissions caused by fishing and aquaculture in

South Africa, but global studies indicate that there is a need for mitigation efforts in this area too ([MacLeod et al 2020](#)). The NDC must incorporate in its goals the need to obtain updated studies that comprehensively quantify the GHG gas emissions in South Africa from the fishing, aquaculture and agricultural sectors so that appropriate measures can be taken in response. Further, the NDC must incorporate the goal of updating and finalising the [Draft Climate Change Sector Plan for Agriculture, Forestry and Fisheries, 2015](#) to address key mitigation challenges arising from the fishing, aquaculture and agricultural sectors.

13. [Gosh et al 2020](#) offer a number of strategies for mitigation in the fishing and agricultural sectors. The NDC ought to be revisited with reference to these mitigation strategies for the fishing and agricultural sector.
14. Increasingly, scientific studies are illustrating the fundamental link between reducing GHG emissions and transforming current food systems – specifically a shift away from industrialised animal agriculture and fishing. There are a plethora of specific and feasible actions and strategies that the country could take to achieve realistic climate change targets and objectives, while simultaneously promoting other key goals such as securing ecologically sustainable development that promotes justifiable economic and social development. There are a number of key additional studies and resources on these matters that we have not included in this Submission. However, we are happy to provide these upon request.

Conclusion

15. Failure to explicitly address agricultural, aquaculture and fishing sectors indicates a glaring omission in the NDC's mitigation strategy. Given the constitutional mandate to protect the environment, including by addressing climate change based on science and equity, we submit that the aforementioned considerations must be appropriately taken into account. These sectors ought to be included as national priorities with corresponding actions in relation to mitigation, adaptation and means of implementation/support.
16. As set out above, this Submission is by no means exhaustive of our comments on these issues, the NDC, or other matters impacted by it. We hope to be given a further opportunity to participate in consultation on the NDC. In particular, we wish to comment on the NDC's stance on coal. For instance, the NDC states that the [Integrated Resource Plan \(IRP 2019\)](#) 'requires' a 'shift away from coal', yet Decision 6 of the IRP 2019 states that 'South Africa should not sterilise the development of its coal resources for purposes of power generation, instead all new coal power projects must be based on high efficiency, low emission technologies and other cleaner coal technologies'. Decision 6 suggests that there is no real

intention to ‘shift away from coal’ – instead, South Africa appears to be locking itself into an inefficient energy source that will soon become more expensive than alternative and cleaner energy sources. It bears mention here that the Constitution requires ‘ecologically sustainable development’, and a commitment to an energy source that undermines this constitutional mandate is disconcerting. The NDC must be clarified and should specifically address the problematic approach adopted in Decision 6 of the IRP 2019. Given that the duty to protect the environment is not subject to ‘progressive realization’, the transition to cleaner energy sources should be prioritised rather than undermined by a stated intention to continue using coal as an energy source. We hope to have the opportunity to elaborate on this topic, as well as on other issues arising from the NDC.

17. Kindly confirm receipt of this Submission and address further correspondence to the email addresses: ELA: enviro.association.sa@gmail.com and ALRSA amywilson@animallawreform.org.
18. We look forward to receiving a response to the requests made herein and are available to engage on any queries, comments, concerns which you may have in respect of the Submission.

Yours sincerely,



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