

THE JUST ENERGY TRANSITION IN SOUTH AFRICA

A legal guidebook
for communities



Version 1
Produced by Natural Justice (2023)

 **NATURAL
JUSTICE**

ACKNOWLEDGMENTS

This guidebook was developed by the staff of the Southern Africa Natural Justice team to support and strengthen communities in Southern Africa with the Just Energy Transition.

We want to thank the various contributors, including staff at Natural Justice, the South Durban Community Environmental Alliance (SDCEA), communities from Richards Bay and South Durban for their support, and the work done by Lauren Nel through the Just Energy Transition Initiative.

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Published: Version 1 Published in 2023

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ABBREVIATIONS

CBO	Community-based Organisation
DMRE	Department of Mineral Resources and Energy
DFFE	Department of Forestry, Fisheries and the Environment
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
FPIC	Free Prior and Informed Consent
GHG	Green House Gas
GW	Gigawatt
I&AP	Interested and Affected Party
IEA	International Energy Agency
IPP	Independent Power Producer
IRP	Integrated Resource Plan
JET	Just Energy Transition
MPRDA	Mineral and Petroleum Resources Development Act
NCOP	National Council of Provinces
NDC	Nationally Determined Contribution
NEMA	National Environmental Management Act
NERSA	National Energy Regulator of South Africa
REI4P	Renewable Energy Independent Power Producer Procurement Programme
PAIA	Promotion of Access to Information
PV	Photovoltaic
UNDP	United Nations Development Programme

GLOSSARY OF TERMS

Biomass energy: This is energy that is produced by the release of heat from organic matter, such as food waste or dead plants, or from burning wood. The most common biomass materials used for energy are plants, wood, and waste.

Fossil fuels: Fossil fuels come from sources underground, known as “fossils”. As trees and plants die, they break down and become fossilised, and turn into oil, gas and coal. Burning these fuels release greenhouse gases.

Geothermal: This refers to the heat trapped under the surface of the earth. This can be used to produce energy for use by communities or governments.

Global north: Countries in the global north are considered “developed” and have large economies and well-developed services and infrastructure. Examples include many countries in Europe.

Global south: Countries in the global south are considered “still developing” and often have smaller economies and underdeveloped services and infrastructure. Examples include many African countries.

Greenhouse effect: The greenhouse effect is the process through which heat is trapped near the Earth’s surface by substances known as ‘greenhouse gases’. This is a natural process and allows for life on earth to survive.

Greenhouse gas emissions: These are what come from the burning of fossil fuels, or other human activities, which leads to the release of gases. Human activities like driving cars, generating electricity and farming can all release greenhouse gases.

Hydropower: This is energy produced by the flow of water, and hydropower facilities are found on river systems or dam walls.

Independent Power Producer: An Independent Power Producer is a company or person, which is not a public electricity utility (in South Africa, this is Eskom), but which owns and or operates facilities to generate electric power that they can sell to Eskom, other companies or to households.

Just Energy Transition: A shift from one energy system which is dependent on fossil fuels, to another energy system based on renewable energy, and which incorporates principles of environmental justice.

Legislation: Another word for legislation is law. Laws set out standards, procedures and principles that must be followed by people living in a certain country. If laws are not followed, those responsible for breaking them can be prosecuted in court.

Net-zero greenhouse gas emissions: Refers to the balance between the production of greenhouse gas emissions and the removal of these emissions from the atmosphere through natural (for example by plants) and artificial means (for example by carbon capture and storage).

Nuclear energy: Nuclear energy is produced by using nuclear reactions to produce electricity, specifically nuclear fission of uranium and plutonium. Nuclear energy is not seen as a fossil fuel, but it is seen as a non-renewable resource.

Policy: A policy outlines what government hopes to achieve, and the methods and principles it will use to achieve them. A policy document is not a law, but it will often identify new laws needed to achieve its goals.

Renewable energy: Renewable energy comes from natural resources that are not depleted and can “renew” themselves overtime. Examples include wind and solar power.

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- 4 What climate change impacts have you witnessed or experienced in your community?
- 13 How well do you think South Africa is doing with supporting a Just Energy Transition
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1. INTRODUCTION

PURPOSE OF THIS HANDBOOK

Across the world, it has been acknowledged that climate change is a reality that needs to be addressed. Climate change has caused heating of the planet and oceans, damage to the environment, abnormal weather patterns and more natural disasters.

These impacts are felt disproportionately more by Indigenous peoples and local communities in the “**global south**” – a term for those countries that experience underdevelopment and poverty. This means that **you**, in South Africa, are being impacted by climate change.

Although considered a global south country, South Africa contributes to climate change through its reliance on coal and gas, which are fossil fuels and contribute to climate change emissions. In fact, South Africa is the most polluting country in Africa and most of the climate change emissions are from the use of coal.

The purpose of this guidebook is to give you the necessary information and tools to advocate for a better future through a Just Energy Transition.

This guidebook will do the following:

1. Define the Just Energy Transition and explain how it relates to Environmental Justice.
2. Give you an overview of the current energy system in South Africa.
3. Show you the transition from the current energy system to a future JUST system.
4. Give you an understanding of public participation in laws and policies in South Africa and guide you as to the questions you should consider asking.
5. Give you an understanding of how the South African government is faring when it comes to a Just Energy Transition – what is in place and what is not in place.
6. Give you an understanding of how to participate in energy projects that may affect you and your community.

2. WHY IS THE CLIMATE CHANGING?

EFFECTS OF CLIMATE CHANGE

NATURAL GREENHOUSE EFFECT

Why the climate is changing

HUMAN MADE GREENHOUSE EFFECT



Explanation

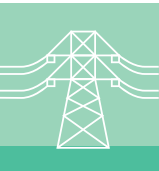
The sun's heat rays are absorbed by trees, plants, soils and the ocean. This heat is important for natural processes. In our atmosphere, we also have CARBON DIOXIDE (CO₂), which is a natural gas and is produced by humans when they breathe. Carbon Dioxide is also produced by burning coal, gas and oil (fossil fuels).

Carbon Dioxide is absorbed by plants and trees which then converts it into OXYGEN (O₂) which is released back into the atmosphere. When this system is healthy, it means that there is a balance between what is absorbed and what is released.

When the system is unhealthy, it means that something has disrupted how much heat and CO₂ there is in the atmosphere. When there is too much CO₂, it causes heat to be trapped close to the Earth's surface and creates a greenhouse effect.

THE GREENHOUSE EFFECT CAN RESULT IN EXTREME WEATHER CONDITIONS AND ANY OF THE FOLLOWING IMPACTS:

IMPACT	DESCRIPTION
Irregular rainfall patterns	Changes in rainfall patterns can mean longer and more extreme periods of drought or flooding.
Water restrictions	Droughts in areas where municipal dams are situated might mean that you experience water restrictions, or your taps run dry.
Flooding of homes and neighbourhoods	You may find that your home or local community gets flooded more often due to greater rainfall or poor infrastructure.
Effects on crops	Severe droughts or extreme flooding will affect crops, livestock, and the livelihoods of farmers.
Disasters in the form of intense storms	You may find that you experience very strong winds and rains more frequently than you did before.
Veld fires	Hot, dry and windy conditions might lead to frequent fires in the surrounding veld.
Shack fires	Colder conditions or more expensive energy sources might lead to people using fires/candles or gas more often in their homes and increase the frequency of fires.
Impacts on food	Droughts or flooding in agricultural areas might result in food shortages or increases in the price of food.
Marine life and fishing	Changes to ocean currents or temperatures can reduce fish populations because these changes affect the breeding patterns of fish or result in fish migrating elsewhere.
Heat stress	Besides the effect of heat waves on crops and animals, heat stress in humans results in lower productivity and fertility, as well as negative impacts on the immune system.
Threats to animals or livestock	Changes to biodiversity or landscapes because of changing temperatures, as well as droughts or flooding, may kill animals or affect their habitats to the extent that they cannot survive. Temperature changes may also bring pests or diseases that kill animals.
Bodily health	Air pollution will result in more breathing problems. Food insecurity can lead to hunger and malnutrition, along with water scarcity and poor water quality. The spread of more or different diseases may result due to changes in climate such as humidity or heat.
Cultural threats	Impacts to the plants and animals in your area might mean that it will become more difficult to practice certain rituals or earn a livelihood.



JUST ENERGY TRANSITION

The terms “Just Transition” and “Just Energy Transition” are often used to describe the same process. Firstly, let us break it down:

JUST	→ Right and fair
ENERGY	→ Referring to fossil fuels (like coal, oil and gas) and renewable energy (like solar, wind and biomass)
TRANSITION	→ Moving from one thing to another

The term comes from the **global north** (these are countries regarded as having developed economies such as North America and Europe) which started when countries began closing their coal mines and power stations, as they moved over to renewable energy. Workers at coal mines and power stations wanted to be included and protected in the process, as they would lose their income.

The International Labour Organisation saw this as a worldwide labour issue and defined a just transition to mean:

“ Greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities, and leaving no one behind.”

Below are definitions used in the context of South Africa.

According to Project90by2020, a Just Energy Transition is:

“ A shift from our current energy system to one that is better in terms of sustainability, environmental impact, climate change, human health and economics.”

The Presidential Climate Commission’s Just Energy Transition Framework states that:

“ A just transition aims to achieve a quality life for all South Africans, in the context of increasing the ability to adapt to the adverse impacts of climate, fostering climate resilience, and reaching net-zero greenhouse gas emissions by 2050. 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, people with disabilities, and the youth—empowering and equipping them for new opportunities of the future.”



ENVIRONMENTAL JUSTICE

What does the concept, “justice”, mean to you?

This is something to consider when we look at energy in South Africa. Just energy transitions are related to environmental justice.

Environmental Justice is about the process of decision-making and outcome of those decisions which impact the environment and communities.

When there is “environmental justice”, everyone has equal use, enjoyment and protection of their environmental resources - which includes the land and sea. When decisions are made that impact people and nature, everyone that will be affected by the decisions are represented and consulted, and the ecological, physical, social, political, cultural, economic and other factors are all considered.

Why is it important?

Environmental justice is important because:

- ▶ It is a basic human right that gives people the ability to influence and control decisions which impact their lives and the environment they depend on, and it allows them to participate meaningfully.
- ▶ Environmental justice acts as an organising mechanism which mobilises communities to exercise their rights.
- ▶ Without environmental justice, many people, especially marginalised communities, will be negatively impacted by pollution and environmental degradation.

When talking about a Just Energy Transition and its relationship to environmental justice, we need to consider the following:

PROCESS OF DECISION-MAKING

Fairness, representation, inclusion and democracy in the process of making decisions about energy

1. Have there been fair public participation processes in making laws and policies?
2. Is enough information provided?
3. Is the process of creating laws and policies transparent?
4. Who is included and who is not included?
5. Have those directly affected, and those experiencing poverty and marginalisation been considered?

OUTCOME OF THE DECISION

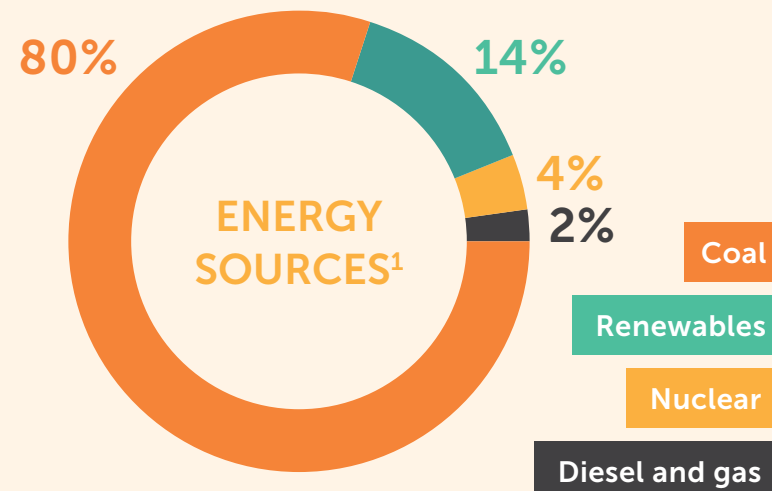
Fairness, representation and equality in the outcome

1. Who and how many people are able to access energy? Who is excluded?
2. Is this energy widespread, cost-efficient and priced well?
3. Is this energy clean and not harmful to the health of the people and environment?
4. Will future generations benefit from this energy?
5. Who has control over this energy – is it just governments, or does the community have control too?

4. WHAT IS THE CURRENT ENERGY SYSTEM IN SOUTH AFRICA?

SYSTEM

South Africa's energy system is dominated by the **state-owned enterprise**, Eskom, which produces most of the electricity for the country.



Coal

South Africa has a large amount of coal and most of our coal fields can be found in Mpumalanga. We use coal to create electricity by burning it at **coal-fired power stations**. About 80% of our energy comes from coal.



Nuclear

About 4% of South Africa's energy is generated from nuclear energy at Koeberg power station.

To get more power for South Africa and move away from energy sources such as coal, government has in the past and is looking to build new nuclear plants. However, generating electricity from nuclear power stations is regarded as high risk to humans and the environment if it is not properly managed and maintained. In the 1980s, an accident at Chernobyl, Ukraine, resulted in a human and environmental catastrophe.



Diesel and gas

South Africa also uses diesel and gas as part of its energy supply, although this makes up just 2% of the current energy supply. Diesel and gas are used to power open-cycle gas turbines to generate energy. These turbines are used to supplement the electricity supply when it is low, however this has a great environmental impact. Most of this gas comes from Mozambique through a pipeline. There are many companies that are currently looking for oil and gas both on land and in the ocean. Most of the coastline of South Africa has been sectioned into blocks where exploration activities are planned.

Many say that gas is considered a transition fuel and better than coal in terms of the impact on the climate. However, research has shown this is not the case, as methane leaks from gas pipelines and are more than 14 times worse than carbon that is emitted from burning coal and can lead to explosions.



Hydro

A small percentage of our renewable energy in South Africa, about 1%, is generated by hydropower. Water flow is used to create energy. Two of the largest hydropower stations are both built where rivers have been dammed at the Vanderkloof dam and the Gariep dam.



Solar PV and CSP

South Africa is a warm country with plenty of sunlight and we create energy from the sun through two different methods. This contributes about 3% to our energy sources.

Solar photovoltaic cells (PV) convert sunlight into energy. These are solar panels widely seen in South Africa on the roofs of homes and businesses.

Concentrated solar power (CSP) is a system that uses mirrors to reflect or concentrate light to a central area where it creates energy. Generally, at the central area there is a steam turbine that creates the heat.



Wind

Through wind, we create energy that contributes to about 4% of our overall energy.

Wind produces kinetic energy and wind turbines convert this into energy that provides electricity. Wind farms with wind turbines are found mostly in the Western and Eastern Cape.

¹ Data from the Council for Scientific and Industrial Research's (CSIR) annual statistics on power generation in South Africa for 2022. Accessed at <https://www.csir.co.za/sites/default/files/Documents/Statistics%20of%20power%20in%20SA%202022-CSIR-%5BFINAL%5D.pdf>.

HOW ARE WE DOING?



A power crisis

South Africa is currently experiencing a power crisis. Since 2008, the country has experienced loadshedding (scheduled power outages) of up to 12 hours a day. In 2022, South Africa saw its worst year of load-shedding, a 260% increase from 2021 with 81 days lost to load-shedding.



Growth in independent projects

Although load-shedding and the pressure on government to supply a steady source of electricity has led to more people using solar energy, as well as more independent projects being given authorisation to contribute energy to the national grid, the impact that these individual and independent power projects are going to have, is currently limited. We need to ask whether communities who are marginalised and poor will own and benefit from this expanded energy mix, and whether we have considered the impacts on environmental and land rights.

WHAT DO WE NEED?



The need for a transition

The power crisis compounds the urgency for an energy transition that will allow South Africans reliable, affordable and non-polluting electricity access.



Move away from fossil fuels

However, the country also needs to reduce its greenhouse gas emissions. The country has committed to do this under the international agreement, called the Paris Agreement, but also because the country has a duty to its citizens to no longer contribute to climate change.

WHAT ELSE HAS BEEN HAPPENING?

As part of Eskom's transition to using alternative energy sources to coal, and to assist with loadshedding, it has also recognised that it needs to transform itself.

1. Government is in a process of unbundling Eskom.

Process of unbundling of Eskom: This is a process to separate Eskom into three separate units: transmission, generation and distribution. This will allow for the separate units to be managed independently and not through Eskom. It will also allow for privatisation in energy.

- ▶ **Generation: To create.** This process is the generation of electricity. Electricity is generated from fossil fuels, nuclear power, burning of diesel, solar panels, wind etc.
- ▶ **Transmission: To transfer.** This process moves electricity from where it is generated along power lines to distribution stations.
- ▶ **Distribution: To share.** This process shares electricity to where it is needed in local areas.

GENERATION

TRANSMISSION

DISTRIBUTION

2. Integrated Resource Plan (IRP):

The IRP is a long-term energy plan that outlines South Africa's energy mix, including the projected contribution of various energy sources, such as coal, nuclear, gas, wind, solar, and hydro. The most recent version, IRP 2019, includes a target of adding 14.4 gigawatt (GW) of wind and 6 GW of solar photovoltaic (PV) capacity by 2030 for the generation of electricity.

3. Renewable Energy Independent Power Producer Procurement Programme (REI4P):

The REI4P allows for power to be produced by Independent Power Producers (IPPs) and not only Eskom. This is a procurement programme that aims to accelerate the development of renewable energy projects in South Africa, thereby generating more energy. The programme has successfully brought over 6 GW of renewable energy capacity online since its launch in 2011.

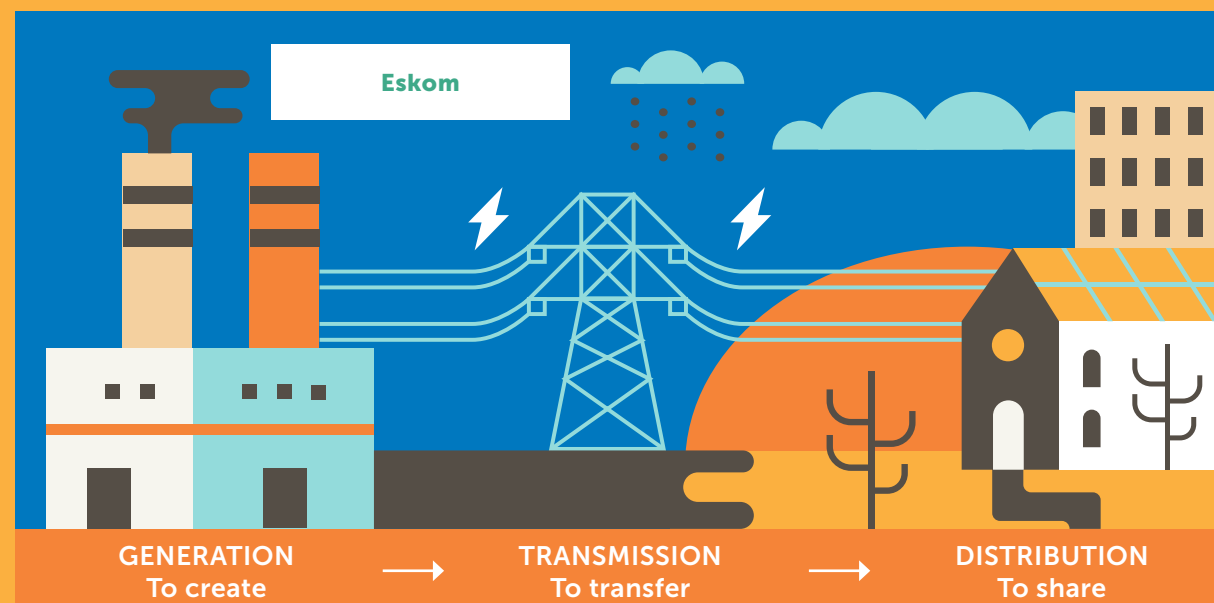
4. Presidential Climate Commission:

The Presidential Climate Commission was set up by President Cyril Ramaphosa in 2020 to oversee and facilitate a just and equitable transition towards an economy that has low carbon emissions (based on renewable energy) and is climate-resilient (not vulnerable to climate change impacts). The Commission consists of a multi-stakeholder body.

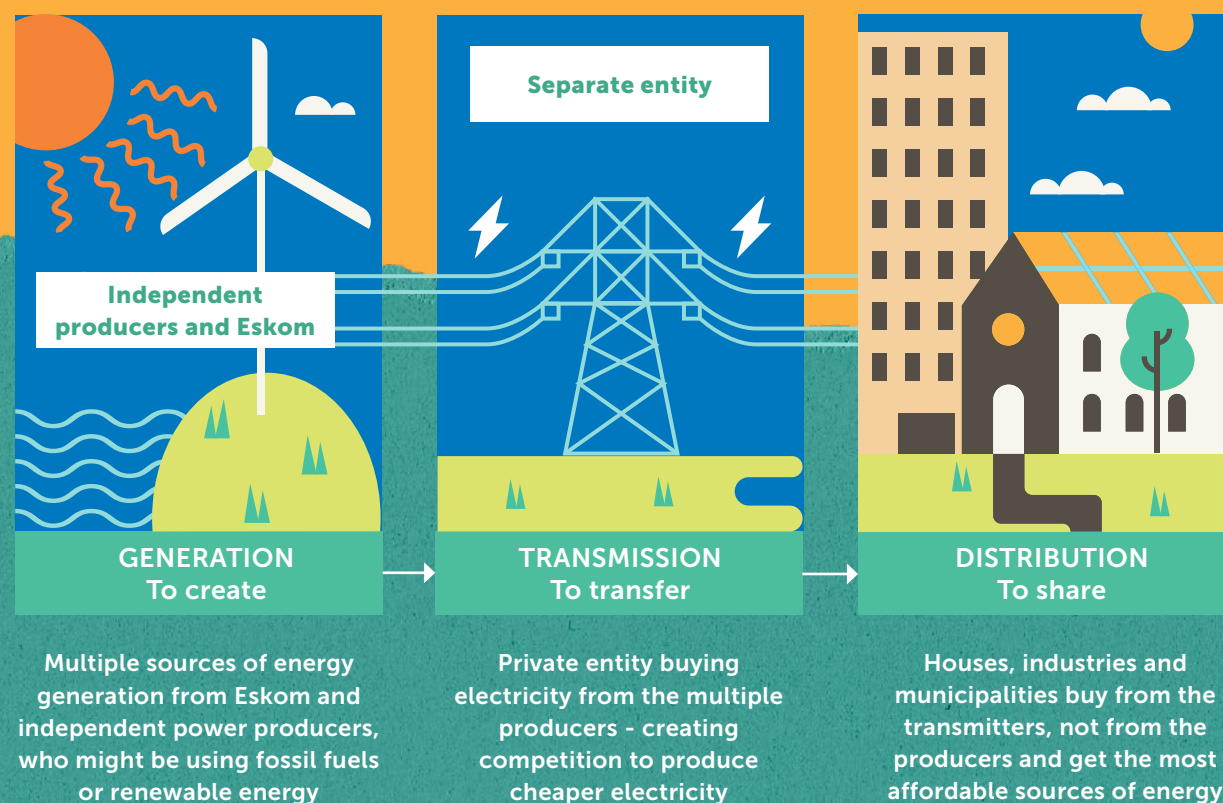
THE UNBUNDLING OF ESKOM

How it would look in practice

THE CURRENT ENERGY SYSTEM



AN UNBUNDLED ENERGY SYSTEM



Exercise

How well do you think South Africa is doing with supporting a Just Energy Transition?

RED No or little progress **YELLOW** Getting there **GREEN** Doing well

DESCRIPTION OF WHAT SOUTH AFRICA IS DOING	YOUR RATING
South Africa has used its potential for renewable energy – the sun and wind	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa has increased access to electricity for everyone living in South Africa	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa's transport is no longer contributing significant amounts of carbon dioxide through emissions	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa provides enough electricity to those living in cities	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa provides enough electricity to those living in rural areas	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa has stable electricity with no daily power cuts	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa buys significant amounts of electricity produced by private or independent power producers	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa has enough potential from sun and wind for using renewable energy for its electricity needs	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa has a local market for renewable energy	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa and its people are producing and buying local technology to produce electricity, like solar panels, batteries, inverters	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa has stopped allowing companies to explore for fossil fuels and stopped giving licenses to find fossil fuels companies to produce energy	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa has laws that support a Just Energy Transition	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
South Africa has laws that encourage investment in renewable energy	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

For the answers, see Annexure 2

WHAT THE JUST ENERGY TRANSITION LOOKS LIKE FOR COMMUNITIES

AN UNJUST ENERGY SYSTEM

Unsustainable	The system relies on non-renewable sources of energy, is influenced by costs of fossil fuels at the international level and contributes to a system that pollutes and degrades the environment.
Uses fossil fuels	Based on non-renewable energy sources, such as fossil fuels like coal and gas, which emits carbon and contributes to climate change.
Unhealthy	The production of the energy contributes to air and water pollution and leads to the degradation of the environment. This can cause health issues and can lead to a loss of livelihoods.
Expensive and wasteful	The production of the energy requires expensive infrastructure and extensive maintenance. The energy produced is not affordable for those living in poverty.

A JUST ENERGY SYSTEM

Sustainable	The system relies on renewable sources of energy, is cost effective and is the least harmful to the environment.
Uses renewable resources	Based on renewable and cleaner sources of energy like wind and solar energy. These sources of energy do not emit carbon dioxide and other greenhouse gases.
Healthy	The production of the energy has the least impact on the environment and doesn't cause health issues because it does not contribute to air and water pollution.
Affordable for all	Most cost-effective energy source over a period of time. Energy production is less expensive and easier to maintain.

Accessible for those who can afford it

Energy is produced in a way that makes it expensive to use. It is also not provided to everyone.

Is controlled by national governments and corporations

The production of energy can only be achieved with expensive infrastructure that is centralised and can only be done by people with extensive money, knowledge and skills, like corporations.

Decision-making doesn't include everyone

Communities are not part of the decision-making on the types of energy to be produced, who will control it and where it will happen. Only certain members of the community are consulted, and others are excluded

Contributes to work that can be detrimental to the health and wellbeing of workers and communities

Employment in the energy sector that is based on fossil fuels can harm the health of workers and surrounding communities. The industry employs people not from the local community.

Accessible to all

Energy is seen as a "public good", should be provided to everyone and should be affordable for all.

Is controlled and owned by communities and local governments

The production of energy is done locally (decentralised), feeds into a local grid, and contributes to local employment opportunities.

Inclusive decision-making

Communities are part of the decision-making on the types of energy to be produced, who will control it and where it will happen. This includes participation of women, elderly and youth.

Contributes to work that supports the health and wellbeing of workers and communities

Employment in the energy sector that is based on renewable and local energy sources, employs local people, and creates local benefits for communities. Harm to the health of workers and communities does not happen.

5: THE JUST ENERGY TRANSITION AND THE LAWS AND POLICIES IN SOUTH AFRICA

For a Just Energy Transition to happen in South Africa, it is government's responsibility to ensure that the right laws and policies are in place to support it. The following section explains what laws, policies and plans are in place to support the Just Energy Transition in South Africa, and where there might be issues or gaps.

It is important to understand the issues or gaps, as this is where communities may want to try to influence laws and policies. We explain how in the next section.

THE CONSTITUTION OF SOUTH AFRICA

The **Constitution of South Africa** is the highest law, which means that no other law, policy or government action can overrule the Constitution. It sets out the basic human rights of all people in the country. In relation to the Just Energy Transition, the most important rights are the following:

Section 9: Equality

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

Section 10: Human dignity

- (1) Everyone has inherent dignity and the right to have their dignity respected and protected.

Section 24: Environment

Everyone has the right —

- (a) to an environment that is not harmful to their health or wellbeing; and

- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that —
 - i. prevent pollution and ecological degradation;
 - ii. promote conservation; and
 - iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Section 25: Property

- (1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.
- (2) For the purposes of this section— the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and (b) property is not limited to land.

Section 27: Health care, food, water and social security

- (1) Everyone has the right to have access to— (a) health care services, including reproductive health care; (b) sufficient food and water; and (c) social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.

Section 32: Access to information

- (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.
- (2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

OTHER NATIONAL LAWS

The **National Environmental Management Act (NEMA)** is an important law that stems from the right to a healthy environment in Section 24 of the Constitution. It includes requirements for when decisions are made that will impact the environment, an environmental authorisation or other types of permissions which need to be granted by the Department of Forestry, Fisheries and the Environment (DFFE), the polluter pays principle, equitable access to environmental resources and creates a system through which the public can participate in environmental decision-making.

The **Electricity Regulation Act** was the first law allowing private companies and individuals to participate in the power sector as it establishes a framework for the electricity supply industry. The National Energy Regulator of South Africa (NERSA) has the primary responsibility for implementing the Act.

Extractive industries, which remove mineral or natural resources from the Earth (such as coal or gas used to create electricity), are regulated by the **Mineral and Petroleum Resources Development Act (MPRDA)**. The state is the custodian of mineral and petroleum resources. The person in charge of implementing the MPRDA is the Minister of Mineral Resources and Energy.

Carbon Tax Act: The Carbon Tax Act is aimed at reducing greenhouse gas emissions by placing a fee on the carbon emissions released by various sectors, including electricity generation, mining, and transport.



LAWS IN PROGRESS

Climate Change Bill: The Bill acknowledges the impacts of climate change and provides a framework for a response on a national, provincial and municipal level to climate change. This includes ensuring a just transition towards a low carbon economy and society by giving effect to South Africa's international commitments and obligations. The Bill was passed by the National Assembly (NA) on the 24 October 2023. Thereafter it will be considered by the National Council of Provinces (NCOP) and if passed by the NCOP, it will be sent to the President for assent (to be signed into law). This has paved the way for South Africa's first piece of legislation dealing specifically with climate change.



INTERNATIONAL COMMITMENTS

The Paris Agreement: The Agreement, signed by 196 countries at the UN Climate Change Conference (COP21) in December 2015, established the goal of limiting global temperature increase to 1.5 degrees Celsius above pre-industrial levels. This means that the Earth cannot get warmer than 1.5 degrees Celsius. To stay below this threshold, greenhouse gas (GHG) emissions must decrease by 43% by 2030. To meet these goals, the International Energy Agency (IEA) found that there should be no new investments into natural gas exploration and production.

South Africa has signed the Paris Agreement and therefore has international obligations to reduce its GHG emissions.

Nationally Determined Contributions (NDC): South Africa has pledged in its NDC (March 2021) to reduce its annual GHG emissions by 17% by 2025, and by 12-32% by 2030. The NDC is a pledge setting out how the country aims to cut emissions to address climate change. This means that South Africa should be transitioning towards renewable sources of energy as quickly as possible, and must stop investing in any new fossil fuel developments.

Just Energy Transition Partnership: In 2021, at the UN Climate Change Conference (COP26) the Just Energy Transition partnership was reached between South Africa, France, Germany, the United Kingdom, the United States and the European Union. The agreement is for the international partners to make \$8.5 billion available between 2023 and 2027 to provide support for countries to transition away from fossil fuels.

The partnership sets to achieve a pathway to low emissions and climate resilient development that accelerates the just transition and decarbonises the electricity system. The partnership identifies three priority areas to support the economy:

1. The electricity sector
2. Electric vehicles
3. Green hydrogen

The funding was made subject to an investment framework being agreed on.



The Just Energy Transition Investment Plan: This was completed in November 2022. It sets out the investment required to achieve decarbonisation as agreed to in the National Determined Contribution for the period 2023 – 2027. It focuses on these interventions:

1. Creating quality jobs
2. Increasing energy security
3. Addressing the risks of climate change
4. Boosting economic growth Gaps in the laws and policies

GAPS IN THE LAWS AND POLICIES

There are several gaps in South Africa's energy policy, some of which include:

Over-reliance on coal

South Africa has historically been heavily reliant on coal for its energy needs. While the government has made some efforts to shift towards renewable energy sources, such as wind and solar power, there is still a long way to go to achieve a more balanced energy mix.

Lack of political will in renewable energy investment

Despite setting targets for renewable energy capacity, there is policy uncertainty and delays in the implementation of the country's renewable energy procurement programme. This includes delays in the publication of the country's Integrated Resource Plan and the stop-start procurement of renewable energy. Despite recent changes in legislation to allow for an easier procurement of renewable energy for private investors and municipalities, the procurement process is still seen as problematic.

Limited access to energy

While South Africa has made progress in expanding access to electricity, there are still many people who do not have access to reliable and affordable energy. This is particularly true in rural areas, where electricity infrastructure is limited.

Limited integration of energy policies with other sectors

There needs to be a clearer picture of a Just Energy Transition across all laws in South Africa. For example, the labour laws and land laws don't address the Just Energy Transition. This means at every public consulting opportunity, a strong message of wanting a Just Energy Transition needs to be communicated.

Continued push for oil, gas and other fossil fuels

Despite the country's efforts to address climate change through reducing carbon emissions, in recent laws and policy statements, there is still a push for the exploration and use of fossil fuels.

6: LEGAL PRINCIPLES SUPPORTING COMMUNITY PARTICIPATION IN THE JUST ENERGY TRANSITION



RIGHT TO ACCESS INFORMATION

The right to access information means that individuals have the right to obtain information from the government or other public authorities about decisions, policies, and actions that affect them and their communities.

In the context of the Just Energy Transition, the right to access information is important because it ensures transparency and accountability. It allows individuals and communities to be well-informed about energy-related decisions, projects, and policies that may impact their lives, environment, and well-being.

By having access to information, people can understand the reasons behind energy transition initiatives, the potential benefits and drawbacks, and the specific plans and actions being taken. This knowledge empowers individuals and communities to participate effectively in decision-making processes, voice their concerns, and hold authorities accountable for their actions.

Overall, the right to access information ensures that the Just Energy Transition is carried out in a fair and inclusive manner, where people have the necessary information to understand and engage in the transition process and ensure their rights and interests are considered, and that they are afforded a meaningful opportunity to voice their opinions. The language in which the information is communicated is particularly important. The information must also be readily available and easily accessible. For example, project developers and/or government cannot assume that all community members have access to social media, the internet, or e-mails.

STEPS TO SECURE ACCESS TO INFORMATION IN SOUTH AFRICA

STEPS	EXPLANATION
1. Understand the Promotion of Access to Information Act (PAIA)	Learn about the law that guarantees access to information.
2. Identify the relevant public body	Determine which government department or private institution holds the information you need.
3. Submit a written request	Prepare a written request for the information, clearly stating your needs.
4. Follow the prescribed format	Ensure your request follows the specified format, including necessary details. Most government departments have a standard form that can be completed for a PAIA request.
5. Submit the request to the correct authority	Send your request to the designated Information Officer within the government public body or private institution.
6. Pay the prescribed fee (if applicable)	If a fee is required, be prepared to pay (R35) as specified by the government public body or private institution.
7. Await a response	Wait for the public body’s response within the designated timeframe (typically 30 days).
8. Review and appeal (if necessary)	If your request is denied or you’re unsatisfied, you have an opportunity to review and appeal the decision if allowed.
9. Seek legal assistance (if needed)	Consider seeking help from a lawyer or legal organization specialising in access to information laws if you encounter difficulties.

ACCESSING INFORMATION THROUGH PAIA REQUESTS



- ▶ The **Promotion of Access to Information Act (PAIA)** gives effect to the right to access information under Section 32 of the Constitution of South Africa.
- ▶ Under Section 14 of the Act, every public body that holds information will have a PAIA manual. In this manual you will find details and the required forms to submit a PAIA request. PAIA manuals can be found:
 - On the website of the public body
 - At the head office of the public body during business hours
 - A hard copy can also be requested, but this would entail a cost
 - The contact details for each public body's appointed information officer should also be published here
- ▶ Certain NGOs who request information in the public interest are exempt from paying the prescribed fee.
- ▶ If a public body has not complied with a PAIA request and no written reasons have been received within 30 days of the request, an individual may approach the Information Regulator and lodge a complaint if they believe that the public body is in breach of PAIA.
- ▶ Any person, whether you are a citizen or not, is able to make a request under PAIA.
- ▶ As part of the PAIA request to a **private body** (such as an oil and gas company) you would need to explain in your request that you are exercising a right or have a clear interest in submitting the request.
 - This right cannot only be the right of accessing information, instead, you would need to explain why the documents you are requesting is reasonably required to protect or exercise another right.
 - This can include rights that are not just constitutional rights.
 - For example, a person may require the master plans from a company that has the potential to impact the pollution levels in a community, in order to help protect the right to a healthy environment through monitoring the company's activities.
 - Or you may require records which will help you determine if you have the right to file a civil claim against an entity.

By involving the community and respecting their consent, the Just Energy Transition can be carried out in a fair and equitable manner, ensuring that the benefits of the transition are shared and the rights of all individuals and communities are upheld.

FPIC involves the right to withdraw consent. The withdrawal of consent is typically recognised where consent has been improperly obtained or where the conditions upon which consent was given have been violated. To provide certainty and manage expectations, companies may wish to agree with the community, in writing, to the terms upon which consent may be withdrawn.

STEPS TO SECURE FREE, PRIOR AND INFORMED CONSENT IN SOUTH AFRICA

STEPS	EXPLANATION
1. Identify the affected communities	Determine who will be impacted by the project or policy.
2. Provide comprehensive information	Share clear details about the project's purpose, impacts, and alternatives in a manner understandable by the community.
3. Facilitate meaningful participation	Allow open dialogue and participation from the affected communities.
4. Respect cultural and decision-making processes	Honour the cultural practices and decision-making systems of the communities.
5. Address concerns and negotiate solutions	Listen to community concerns and find mutually agreeable solutions.
6. Obtain consent	Seek consent freely given from the affected communities or respect where the affected community withholds consent.
7. Implement and monitor	If the community has given consent, carry out the project while keeping the communities informed and monitoring progress.
8. Review and adapt	Regularly assess the project's impacts and make adjustments as needed, in consultation with the communities.

FREE PRIOR AND INFORMED CONSENT

The international legal principle of Free, Prior and Informed Consent (FPIC) means that before any major decisions or actions are taken that could affect the rights or well-being of indigenous peoples and local communities, **they have the right to be fully informed, participate in the decision-making process, and give their consent freely and without pressure.**

In the context of the Just Energy Transition, FPIC is crucial because it ensures that Indigenous peoples and local communities who may be directly affected by energy projects or policies have a say in those decisions. It recognises their rights to their land, resources, and ways of life, and protects them from potential negative impacts caused by the transition to cleaner energy sources.



MEANINGFUL CONSULTATION

Procedural justice requires that affected communities are meaningfully consulted in every step of a project – design, implementation and monitoring.

Principles to consider:

1: Affected communities must have a meaningful say about a project.

- ▶ The project developers must listen to community concerns and take feedback into account when making decisions about a project.
- ▶ Public meetings should be in a language understood by the participants or translation should be provided.
- ▶ Women, the elderly and youth should be present and should be invited to voice their opinions.
- ▶ Comments and feedback should be included in the final policies, plans or project.

2: All of the information about a policy, plan or project, including the potential risks and benefits, is provided in a way that is easy to understand.

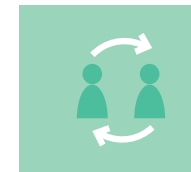
- ▶ The information must be clear and provided ahead of time. This must be provided in the languages used by the affected communities and in a manner that can be understood.
- ▶ This includes making sure that policies, plans or projects are accessible to people who cannot read, those with disabilities and that they are culturally appropriate.

3: A policy, plan or project must be designed in a way that meets the needs of the people who will be affected by them.

- ▶ It is also important to make sure that policies, plans and projects are designed in a way that meets the needs of communities who will be affected by them and/or highlight any areas of risk that there may be.
- ▶ Different opinions about a policy, plan or project should be listened to and incorporated.
- ▶ It also means using the knowledge and experiences of people who will be affected and designing the policy, plan or project based on these.
- ▶ Ultimately, the key principles of the Just Energy Transition must show up – that is, justice, inclusion, democracy.

By following these steps, we can ensure that community groups are included in decision-making processes and that programmes are designed to meet the needs of communities who will be affected by them.

7: GETTING INVOLVED IN THE JUST ENERGY TRANSITION



PUBLIC PARTICIPATION IN LEGISLATION AND POLICY

When laws are being made, parliament must engage the public, especially local communities who will be affected by the laws. The laws in a country should reflect a society's goals and values. Therefore, participation by citizens in the law-making process is one effective way the public brings social change to undesirable policies and laws. It is a tool to bring trust and consensus between the government and citizens.

WHY SHOULD YOU PARTICIPATE?

In some instances, a law or policy can limit or negatively impact your human rights. When rights are impacted or limited, it can only be where it is reasonable and justifiable in an open and democratic society. Therefore, to ensure that laws are fair, **reasonable and justifiable** and that they do not infringe on fundamental rights protected in the Constitution, citizens need to participate in the law-making process.

The Constitutional Court (the highest court in South Africa) recently held that:

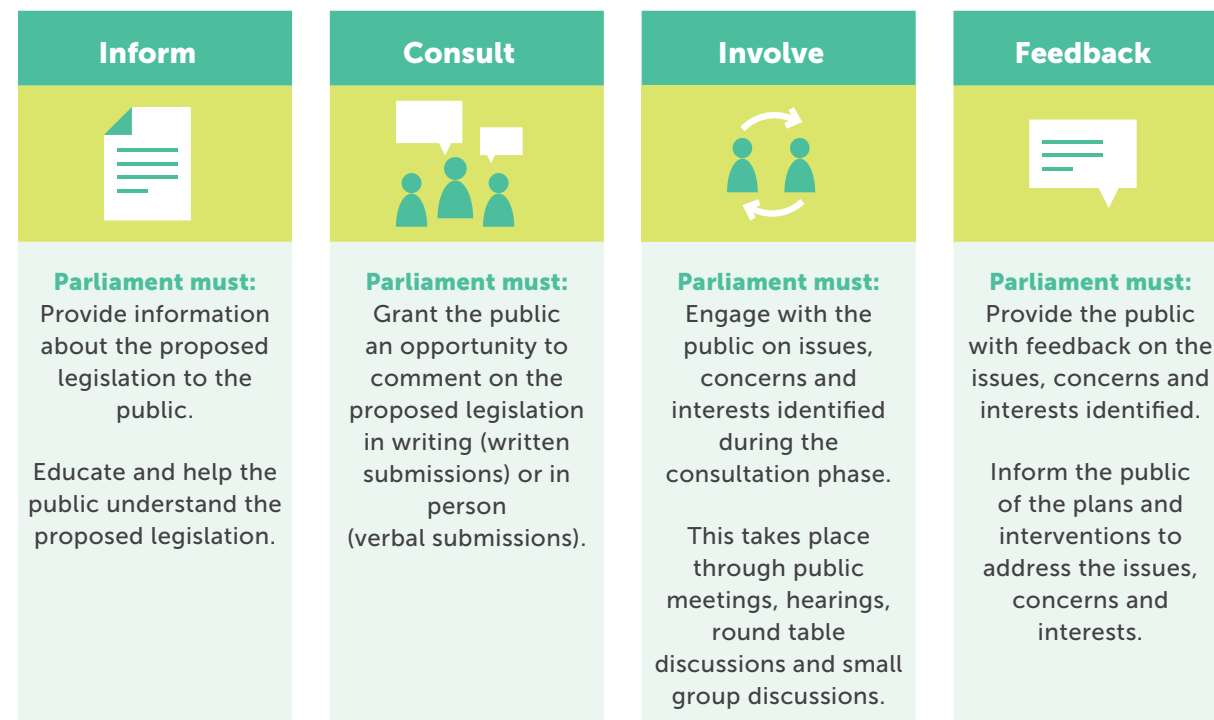
“ Public participation acts as a safeguard to prevent the interests of the marginalised being ignored or misrepresented. The significance of public participation for the advancement of South Africa’s democratic project is underscored by the colonial and apartheid governments’ complete disregard of the views of the people in legislating their lives.”

- Justice Theron in the Constitutional Challenge to the Traditional and Khoi-San Leadership Act (Mogale and Others v Speaker of the National Assembly and Others).

Section 72(c) and 118(1) of the Constitution requires Parliament and provincial legislatures to facilitate public participation in the law-making process by:

- (i) Providing **meaningful opportunities** for the public to participate in the law-making process;
- (ii) Making sure the public have the skills needed to effectively participate.

THE PROCESS PARLIAMENT SHOULD FOLLOW WHEN DEVELOPING NEW LEGISLATION



HOW CAN YOU GET INVOLVED?

1. You can make a written submission to a Parliamentary committee or comment on policy when a call is made. Also, on aspects of a Just Energy Transition you can send comments directly to the Presidential Climate Commission.
2. You can attend public meetings held on Bills by Parliament and make verbal submissions.
3. By doing these, you are able to influence the opinion of committee members who are discussing a piece of draft legislation before it becomes a law or the Presidential Climate Commission whose purpose is to facilitate a just and equitable transition.

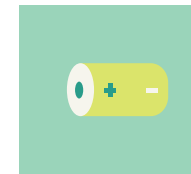
Draft Bills which are available for public comment can be found on the Parliamentary Monitoring Group website at pmg.org.za or in the Government Gazette on the Department of Government Printing Works website at gpwonline.co.za

WHAT TO CONSIDER WHEN COMMENTING ON JUST ENERGY TRANSITION POLICIES AND LAWS

When participating and commenting during a public participation process on **Just Energy Transition policies and laws** here are some questions that you may want to think about:

- Does this policy or law speak to the principles of a Just Energy Transition, as you have come to understand it?
- Does this policy or law support the development of energy resources that are sustainable, renewable, cost-effective and benefit the greatest number of people, including people who are poor and marginalised?
- How will community rights be affected by the policies and laws, and how can we ensure that communities have access to livelihoods, land and resources?

- Does this policy or law take into account the rights of workers and provide for a movement towards employment that is better for workers?
- Does this policy or law benefit the general health of people and the planet?



PARTICIPATING IN ENERGY-RELATED PROJECTS

During the Just Energy Transition, new projects will be developed, either by government, private companies, social enterprises, or even by communities themselves. Projects might include renewable energy projects, new mining areas, new grids or pipelines or new infrastructure developments. Some of these may be subjected to the **Environmental Impact Assessment (EIA)** process.

EIAs are processes where the future environmental, social and economic impacts of proposed developments are assessed and, where possible, mitigation measures are proposed which would reduce or prevent impacts on people and nature. Examples are assessments of the development's impact on water resources (such as rivers, streams, wetlands and underground water), biodiversity, the ocean, heritage, agriculture, air quality, soil, surrounding communities, the local and broader economy.

Relevant government authorities use the results of these EIAs to decide whether permission should be given for the development, i.e. if licenses or permits should be granted. If the impacts are acceptable, then an environmental authorisation is granted to the developer, with conditions attached.

TYPES OF ACTIVITIES THAT REQUIRE ENVIRONMENTAL IMPACT ASSESSMENTS

The **National Environmental Management Act (NEMA)** lists the activities which require an EIA.

- ▶ If activities fall under Listing Notice 1 & 3, it must be subjected to a **Basic Assessment process**.
- ▶ If activities fall under Listing Notice 2 it must be subjected to a **Scoping and Environmental Impact Reporting process**.

Activities under Listing 2 will potentially cause greater harm to the environment than activities under Listing Notice 1 & 3. Therefore, they must go through a stricter process. A competent authority will decide on the authorisation. The authority could be local or national government - this is dependent on the type of activity.

Mining and petroleum activities are regulated by both the **MPRDA** and **NEMA**. The Department of Mineral Resources and Energy (DMRE) is then the Department that will decide on the authorisation.

You can appeal against the environmental authorisation to the Minister of Forestry, Fisheries and the Environment, even if the DMRE granted the authorisation.

THE ENVIRONMENTAL IMPACT ASSESSMENT PROCESS IN SOUTH AFRICA

This is a summary of the EIA process for activities under the National Environmental Management Act which require scoping and environmental impact reporting.



GETTING INVOLVED IN AN ENVIRONMENTAL IMPACT ASSESSMENT

In every step of the EIA process, communities have an opportunity to get involved and raise their concerns by attending **public participation** meetings and submitting written comments. A key component of the EIA process is public participation. The inclusion of the opinions of the impacted and interested public contributes to the open, transparent, and credible nature of the EIA process. It is important that communities are involved to ensure that their environmental rights are upheld.

When a company proposes a project for which an environmental impact assessment is required, it must appoint a **environmental assessment practitioner (EAP)** to conduct the EIA.

HOW TO GET INVOLVED

- ▶ Once you hear about the development, find out who the EAP is and register as an Interested and Affected Party (I&AP) by sending the EAP an email asking to be registered. Anyone can register as an I&AP, it is not only those that live close to the proposed development. You can also phone them or send a message if they provide a number for you to do so.
- ▶ Ask for documentation about the project. It is generally available on the EAP's website, but the EAP is also required to make hard copies available at certain public places, like libraries.
- ▶ Attend a public hearing at each opportunity during the EIA process and ask all the questions you have about the project. You can also voice your objection or support during the meetings. The EAP has a duty to listen to your questions and concerns and respond to you in an objective manner.
- ▶ Submit a written comment at each opportunity during the EIA process to raise your concerns.

GETTING INVOLVED IN JUST ENERGY TRANSITION PROJECTS

As mentioned previously, new projects are being developed and considered every day. Ideally, all new projects in South Africa should be under the Just Energy Transition, although some may not fall under this category.

Just because a project is part of the Just Energy Transition, doesn't mean it is immediately a good thing. It is important to be critical of any new projects and to ask project developers for more information. Should you decide to be part of a community meeting, you may want to consider asking some of the following questions to understand the project better:

- ▶ How does this project fit into the Just Energy Transition?
- ▶ Is this project supported by the policies and plans in place for a Just Energy Transition?
- ▶ Who will benefit most from the project?
- ▶ How will you ensure youth, women and the poor are prioritised?
- ▶ What are the specific environmental impacts of the proposed project?

- ▶ What are the steps that will be taken to prevent any potential negative environmental impacts of the proposed project?
- ▶ Will the community be better off in terms of access to energy?
- ▶ How can the community be part of owning this project?
- ▶ Are there permanent job opportunities and will these job opportunities be healthy and promote worker wellbeing? Are these positions accessible to individuals of all backgrounds, or are they tailored for those with specialised skills?
- ▶ What are the potential impacts of the project on property values, land ownership or access to natural resources
 - For example, solar projects often need large tracts of land. Will this mean that land and water resources that my community had access to will now be restricted?
- ▶ What are the potential risks and benefits of different project alternatives – is this project the best one for what we want to achieve?

COMMUNITY-BASED RENEWABLE ENERGY INITIATIVES

Community-based renewable energy initiatives are small-scale renewable energy projects based within communities or on community land. They may provide local electricity for local energy needs and can take the form of community ownership, or partnerships with companies, government and NGOs.

Not only can they provide access to sustainable energy resources for marginalised communities, but they can also contribute to local jobs and economic growth. They contribute to reducing climate change impacts by curbing greenhouse gas emissions and so contribute to the Just Energy Transition. How do they provide these advantages?

- ▶ **Access to energy:** These projects can provide energy in, for example, rural regions where there have been difficulties extending the national electricity grid to these hard-to-reach areas. These initiatives provide dependable and eco-friendly energy sources, including solar, wind, and hydropower. This improves the quality of life for local communities by providing clean energy to houses, schools, hospitals and other essential services.
- ▶ **Local economic growth:** When local communities actively participate in the planning, construction, and operation of renewable energy infrastructure, these projects can generate employment opportunities and provide support to Indigenous and local businesses.
- ▶ **Just energy transitions:** These projects are for example, solar or wind farms, and therefore based on renewable energy. This allows local communities to move away from using energy that pollutes the air and contributes to carbon emissions.

Essential to community-based renewable energy initiatives is the active involvement and ownership of the community. When communities participate in the decision-making procedures, they can consent to the project and assume responsibility for the project, resulting in enduring, sustainable advantages. This approach can also instil a sense of empowerment and pride within the community, as they play an active role in their own development.



CASE STUDY – COMMUNITY BASED RENEWABLE ENERGY PROJECT- OLOSHO-OIBOR, KENYA

The community of Olosho-Oibor in Kenya has emerged as a pioneering force for community-owned renewable energy in Africa. They achieved this by successfully installing a 3kWp (kilowatt peak) solar photovoltaic panel (PV) system, connected to a battery bank, along with a 3kW wind turbine equipped with its separate battery bank. Furthermore, they included a 10kW diesel generator that can charge both battery banks. At a later stage, the United Nations Development Programme (UNDP) Small Grants Programme chipped in by contributing an additional 4kWp of solar panels to enhance the system.

This initiative started in 2009 when some residents of Olosho-Oibor were inspired by the initial installation of private solar panels in the community. They wanted to own solar panels for themselves, but it was too expensive for many community members. To overcome this, a group of dedicated community members took matters into their own hands. They initiated a collective fundraising effort, contributing \$10 per month each until they had accumulated sufficient funds to purchase a set of larger solar panels capable of serving multiple households within the area.

The community got technical assistance from the United Nations Industrial Development Organization. They now have 125 members in an energy cooperative that has raised \$4,900 for solar panels, which have been strategically installed on poles throughout the community and on rooftops. In addition to solar panels, the cooperative has also incorporated two small wind turbines into their energy infrastructure.

The operation of this renewable energy system is managed by a community-based organization (CBO), overseen by a dedicated manager who is responsible for its day-to-day operation. Instead of asking for different payments from households depending on how much each household or business uses, one fee is charged.

The system has a limited capacity, so the community members have devised strategies for managing electricity demand, which is conceptualised through community meetings. For example, during overcast weather or low wind conditions, they prioritise providing energy to essential public institutions over non-essential consumers. This means that households and shops may be temporarily disconnected to ensure that critical facilities such as the clinic dispensary, church, and the shelters for girls escaping child marriage and female genital mutilation continue to receive electricity. This approach embodies the community's collective action and collaboration in managing a finite resource.

This remarkable achievement stands as a testament to the power of community-driven initiatives in bringing sustainable and affordable energy solutions to underserved regions.

Further resources:

<https://www.reuters.com/article/us-kenya-solar-energy-idUSKBN1590LO>

<https://steps-centre.org/blog/microgrids/#:~:text=Nairobi%2Dbased%20workshop%20for%20the,owned%20and%20%E2%80%93operated%20micro%20grid>



Photo Credit: Lauren Nel, a new solar project in the making in Kenya.

LAND RIGHTS AND THE JUST ENERGY TRANSITION

In order to ensure that the Just Energy Transition is fair and equitable, the rights of all stakeholders must be respected. Communities that own, lease or occupy land must have their rights respected. This includes ensuring that:

- ▶ Communities have a meaningful say in the development of renewable energy projects on their land. They are provided with an opportunity to give Free, Prior and Informed Consent.
- ▶ Project developers must ensure that they do not create divisions in communities, that they determine if there are land claims or disputes, and ensure they act in a fair and transparent manner.
- ▶ If communities decide to move from their land, they must be adequately compensated for the land. Compensation must be fairly negotiated.
- ▶ If communities are impacted by renewable energy projects, these impacts must be avoided or minimised.
- ▶ Communities should be provided with an opportunity to benefit from energy projects through local employment, benefit sharing agreements, or by communities being given an opportunity to access alternative land.



COMMUNITY DEVELOPMENT AGREEMENTS FOR ENERGY PROJECTS

Energy companies may approach a community to make an agreement with them in which they can benefit from a project. These agreements, called Community Development Agreements or Local Benefit Agreements, can benefit both the project and communities.

- ▶ These agreements make sure that everyone involved knows their rights, roles, and what they are responsible for. This helps the project benefit the community and handle any problems that might come up. It also gives a clear way to solve disagreements.
- ▶ These agreements create a plan for sharing the benefits that come from the project. The benefits can be money or other helpful things, which are decided on through conversation and working together. Some examples of positive benefits that can be negotiated:

1. Access to clean energy
2. Water supply during project implementation
3. Local job opportunities
4. Support for local businesses
5. Capacity development and training
6. Technology transfer
7. Improved infrastructure
8. Access to credit and markets
9. Payments for environmental services
10. The creation of community development funds

It is not enough to just have these agreements on paper. We need to make sure they happen. This means helping community representatives learn the skills necessary for participation in decision-making processes. The company needs to protect the community's rights and interests.



Annexure 2:

RESULTS: THE REALITY OF SOUTH AFRICA’S SUPPORT OF A JUST ENERGY TRANSITION

RED No or little progress **YELLOW** Getting there **GREEN** Doing well

DESCRIPTION OF WHAT SOUTH AFRICA IS DOING	YOUR RATING
South Africa has used its potential for renewable energy – the sun and wind	RED
South Africa has increased access to electricity for everyone living in South Africa	GREEN
South Africa’s transport is no longer contributing significant amounts of carbon dioxide through emissions	RED
South Africa provides enough electricity to those living in cities	GREEN
South Africa provides enough electricity to those living in rural areas	YELLOW
South Africa has stable electricity with no daily power cuts	RED
South Africa buys significant amounts of electricity produced by private or independent power producers	RED
South Africa has enough potential from sun and wind for using renewable energy for its electricity needs	GREEN
South Africa has a local market for renewable energy	RED
South Africa and its people are producing and buying local technology to produce electricity, like solar panels, batteries, inverters	RED
South Africa has stopped allowing companies to explore for fossil fuels and stopped giving licenses to find fossil fuels companies to produce energy	RED
South Africa has laws that support a Just Energy Transition	GREEN
South Africa has laws that encourage investment in renewable energy	YELLOW

This publication was made possible through
a partnership with Open Society Foundation
for South Africa.

