

THE JUST ENERGY TRANSITION (JET) IN SOUTH AFRICA:

Approaches to accessing information
and knowledge for transition-affected
communities

Report 2: Advocacy Pathways to Unlocking Jet Information
and Knowledge



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This report was written by **Timothy Lloyd, Head of Climate Justice and Sustainability (CJS)**, ALT Advisory, and it was edited by **Michael Power, Director, ALT Advisory**.

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ACRONYMS AND ABBREVIATIONS

African Charter	African Charter on Human and Peoples' Rights, 1981.
African Commission	African Commission on Human and Peoples' Rights
Aarhus Convention	Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 1998
ATI	Access to information
ATI Network	Access to Information Network
AU	African Union
Bali Guidelines	Guidelines for the Development of National Legislation on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 2010
CALS	Centre for Applied Legal Studies
CoGTA	Department of Cooperative Governance and Traditional Affairs
CSO	Civil society organisation
DFFE	Department of Environment, Forestry, and Fisheries
DMR	Department of Mineral Resources
DoH	Department of Health
DPW	Department of Public Works
DTIC	Department of Trade, Industry, and Competition
EDP	Economic Development Plan
E-GIS	Environmental Geographical Information System
Escazu Agreement	Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, 2018
Framework Report	Presidential Climate Commission <i>A Framework for a Just Transition in South Africa</i> (June 2022)
GHG	Greenhouse gas
IPP	Independent Power Producer
IPPP	Independent Power Producers Procurement Programme
JET	Just energy transition
MPRDA	Mineral and Petroleum Resources Development Act 28 of 2002
NEMA	National Environmental Management Act 107 of 1998
NDMC	National Disaster Management Centre
PAIA	Promotion of Access to Information Act 2 of 2000
PCC	Presidential Climate Commission
SALGA	South African Local Government Association
UN	United Nations
UNECE	United Nations Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change, 1992

EXECUTIVE SUMMARY

This exploratory research set out to re-examine and consider ways to potentially reset the governance culture and practices surrounding the proactive publication, accessibility, and dissemination of relevant information as South Africa enters this new era of a just and equitable transition toward a low-carbon and climate-resilient society. With the overall objective of enhancing access to JET-related information and knowledge that supports transition-affected communities and stakeholders to defend their rights and advance their priorities, the three-phased approach has produced information-sharing and advocacy tools in the public interest.

The first output developed through this exploratory research is a **Best Practice Report**, which documents applicable international law and standards, developments, and best practice guidance that support the flow of JET-related information and knowledge to the public. It also interrogates the challenges identified in the implementation of the Promotion of Access to Information Act 2 of 2000 (“PAIA”). This provides the legal basis in support of the general narrative that public access to these records through proactive publication and maximum disclosure by information holders must be recognised as a prerequisite for the just imperative that is central to the JET in South Africa.

Building on the findings and conclusions in the Best Practice Report, this report — referred to as the **Advocacy Report** — is the third and final output developed through this process. It presents:

- An introduction to the **Climate Resilience Africa web portal** — a user-friendly guide to a growing collection of online resources that inform and support South Africa’s JET. This online guide is the result of the second phase of this research, which entailed the scoping and collation of web-based sources of information and knowledge that currently exist to serve transition-affected communities, and the identification of gaps in, or barriers to, JET information and knowledge that restrict the ability of transition-affected communities to vindicate their rights and advance their priorities. During this information-gathering process, exploratory consultations were held with over 20 multi-disciplinary stakeholders representing civil society, academia, and government bodies, and seven PAIA requests were lodged with six different public bodies, for access to over 40 different records. The objectives behind these information requests were to obtain copies of the identified records for publication on the Climate Resilience Africa web portal, and, in the JET context, to test whether the PAIA request process generally does result in swift, inexpensive, and effortless access to the records sought.
- **Seven potential strategic advocacy pathways** towards unlocking broader access to categories of JET information and knowledge that advance the JET programme in South Africa. The proposed approaches entail legal strategies, policy and systems development opportunities, educational tools and capacity-building initiatives, and the establishment of digital platforms for the continuous disclosure and widespread dissemination and uptake of JET-related resources. These advocacy pathways are grouped into pathways seeking to overcome systematic challenges toward fostering a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, and pathways in pursuit of specific sub-categories of information and knowledge that would support transition-affected communities and stakeholders to defend their rights and advance their priorities.

On the basis that the risk of regulatory capture must be overcome in the JET context for the justice pillar to be realised and sustained in South Africa, this Advocacy Report also considers the key role of the Presidential Climate Commission and the Presidency's JET Project Management Unit as pivotal convenors in this context. It is critical that in the ongoing performance of their respective functions, the Presidential Climate Commission and the JET Project Management Unit embrace the principles of open government and environmental democracy, establish further mechanisms for the regular flow of information and knowledge within their control, and promote the proactive disclosure and dissemination of information and knowledge during external engagements. As one of the structures that is primed to take the advocacy pathways forward into the implementation stage through such engagements, this Advocacy Report also spotlights the revival of a civil-society Access to Information ("ATI") working group.

The Best Practice Report, the Climate Resilience Africa web portal, and this Advocacy Report were compiled to support the work of an advocacy platform such as the ATI working group. These resources are also intended to strengthen the civil service through steering bodies such as the Presidential Climate Commission and the JET Project Management Unit, as we strive for transparency and an open and responsive government to ensure South Africa's just and equitable transition toward a low-carbon and climate resilient society.



Photo: Daylin Paul

1. INTRODUCTION

1. Rooted in the principles of procedural, distributive, and restorative justice, key institutions such as the Presidential Climate Commission (“PCC”) are in the formative and important stage of building a model for inclusive and collective decision-making to advance priority actions related to South Africa’s Just Energy Transition (“JET”). A prerequisite for the just imperative at the centre of this national programme of work is public access to relevant, timely, accurate, and reliable sources of information and knowledge that will either enable or hinder energy transition processes. International human rights law and the access to information (“ATI”) best practice guidelines emphasise that the free flow of relevant information is critical to empower affected communities to participate actively and effectively. The outcomes of informed public participation can instill good practice in public and private administration that, in turn, promotes greater access to information and a better understanding of the importance of access to justice.
2. This is the overriding principle presented in the [Best Practice Report](#)¹ — the first of three outputs published through this exploratory research — which considers this new era of a just and equitable transition toward a climate-resilient society as an opportunity to re-examine ways to potentially reset the governance culture and practices surrounding the publication and dissemination of relevant information. This research adopts the fundamental understanding of access to environmental information in its broadest terms, meaning the surroundings within which humans exist, and on which a society depends, made up of land, water, the earth’s atmosphere, micro-organisms, plants and animal life, and the conditions that have an impact on human health and well-being. Considering the far-reaching environmental implications of South Africa’s JET, information and knowledge relevant to the various processes in this context that are either planned, or underway, typically fall within this all-encompassing definition of environmental information.
3. The Best Practice Report details applicable international law and standards, developments, and best practice guidance that support the flow of JET-related information and knowledge to the public. It also identifies the challenges in the implementation of South Africa’s Promotion of Access to Information Act 2 of 2000 (“PAIA” or “Act”). These key legal provisions and examples of modern information-sharing technologies provide a basis for this defining JET phase of the just transition in South Africa to serve as a catalyst for access to information, transparency, and accountability.²
4. Drawing from these international norms and standards that promote the free flow of environmental information as a vital pillar for the realisation of the universal right to a clean, healthy, and sustainable environment, and other interdependent human rights, the Best Practice Report advocates for the following anchor principles and practices toward ensuring a JET:
 - 4.1. **A JET that embraces environmental democracy:** The PCC’s Just Transition Framework (“Framework Report”) adopted in May 2022, and the subsequent JET Implementation Plan published by the Presidency in November 2023 (“JET Implementation Plan”), seek to implement systematic change in South Africa’s energy governance and broader economy.³ Public authorities hold information on behalf of and in service to the public. Access to information is a fundamental right

1 T Lloyd ‘The Just Energy Transition (JET) in South Africa: Approaches to accessing information and knowledge for transition-affected communities’ ALT Advisory and the African Climate Foundation (2024) (“Best Practice Report”). (Available [here](#).)

2 *Id.*

3 Presidential Climate Commission *A Framework for a Just Transition in South Africa* (June 2022) (“Framework Report”). (Available [here](#).); The Presidency of the Republic of South Africa *Just Energy Transition Implementation Plan (November 2023)* (“JET Implementation Plan”). (Accessible [here](#).)

guaranteed by section 32 of the Constitution. It is also protected under the African Charter on Human and Peoples' Rights ("African Charter"),⁴ and other binding international instruments to which South Africa is a Member State. The fulfilment of this right must be recognised as being indispensable for the protection of the rights and interests of individuals, nurturing South Africa's democracy, and achieving a just and equitable transition. This is dependent on direct and indirect actors, both public and private, promoting the principles of openness and transparency in all aspects of decision-making processes to ensure a JET. Where a conflict arises between South Africa's information laws and international human rights law, the most favourable provision for the full exercise of the right of access to information should prevail.

- 4.2. **JET information as a special public interest category:** Considering the far reaching environmental and social implications of South Africa's JET, there is an inherent public interest in the information and knowledge held by public bodies responsible for driving JET-related processes, information held by other actors involved in implementing JET-related processes, and information held by actors that enables or hinders the realisation of a JET. Public access to JET information is therefore important as an absolute value, as well as in the role it plays in fostering meaningful participation and contributing to public debate on a wide range of current issues in this context. Automatic access to relevant information and knowledge — including through proactive publication — should be considered an essential governance practice for public and private bodies directly and indirectly involved in South Africa's JET.
- 4.3. **Proactive publication of JET information:** Public bodies have a positive duty to voluntarily disclose and disseminate JET information and knowledge in the public domain that is necessary to comply with international law obligations. It is generally considered good practice today for private bodies in possession of environmental information to put mechanisms in place for public access, consultation, and awareness. The more JET information and knowledge there is in the public domain, the less need there is for specific information requests. Public and private bodies should exercise voluntary disclosure procedures — in terms of sections 15 and 52 of PAIA — in line with the Information Regulator's Guidelines for Making Information Electronically Available ("Electronic Information Guidelines").⁵ This will enable people to access JET information and knowledge as swiftly, inexpensively, and effortlessly as reasonably possible. A proactive environmental information policy that regularly compiles, updates, and disseminates information may include decisions, authorisations, plans, agreements, compliance and expenditure reports, and studies that inform decisions and plans. Notably, emitters should be required to publicly disclose their emission data, emission reduction plans, climate vulnerability assessments, and the risk of stranded assets.
- 4.4. **Heightened obligations toward specific groups:** Consistent with the commitment in the PCC's Framework Report to find ways to better integrate children, the youth, and women into policymaking, the active participation of these special status groups must be prioritised in JET processes, and just transition processes more broadly. Considering the best interests of the child — enshrined in section 28(2) of the Constitution — additional resources are required to prepare and communicate JET information and knowledge through appropriate platforms. Civil society organisations and academia are recognised as important role-players and information amplifiers to empower the public to engage in JET processes.

4 African Charter on Human and Peoples' Rights, 27 June 1981. (Available [here](#).)

5 Information Regulator of South Africa *Procedures for Making Information Electronically Available* (March 2022) ("Electronic Information Guidelines"). (Available [here](#).)

- 4.5. **PAIA requests as a last resort:** If South Africa’s energy transition is to be “just,” compelling a requestor to submit a PAIA request should be a measure of last resort, not the default position for public and private bodies in possession of relevant information and knowledge. The analysis in the Best Practice Report illustrates that once an information seeker is required to rely on PAIA, its strictures can in many instances undermine swift, inexpensive, and effortless access to information, contrary to the Preamble and objectives in the Act. A response to an access to information request must adhere to the principle of maximum disclosure and information holders should consider waiving any request fees to encourage public involvement in the JET processes.
- 4.6. **Strengthening the civil service:** The realisation of a JET will depend on, among other key factors, overcoming the risk of regulatory capture where public authorities are more responsive to the regulated community and those in positions of power, while discounting access to information needs of the broader public. In the course of modernising access to information governance and improving corporate transparency in the JET context, the general functions, powers, and resources of the Information Regulator should be considered.

Unlocking categories of information and knowledge that will advance the JET programme in South Africa

Building on the findings and conclusions in the Best Practice Report, this report is the third and final output developed through this exploratory research (referred to hereafter as the “Advocacy Report”). This Advocacy Report documents the following:

1. An introduction to the **Climate Resilience Africa** [web portal](#), the second output developed through this research — a user-friendly guide to a growing collection of online resources that inform and support South Africa’s JET. This online guide is the product of the second phase of this research, which entailed the scoping and collation of web-based sources of information and knowledge that currently exist to serve transition-affected communities, and the identification of gaps in, or barriers to, JET information and knowledge that restrict the ability of transition-affected communities to vindicate their rights and advance their priorities.
2. A **set of potential strategic advocacy pathways** towards unlocking categories of JET information and knowledge that advance the JET programme in South Africa. These advocacy pathways are intended to promote broader access for transition-affected communities and civil society actors in support of implementation monitoring and impact evaluation, and to establish an overriding culture of transparency and accountability in private and public information holders.

Information note 1: Unlocking categories of information and knowledge that will advance the JET programme in South Africa

2. AN ONLINE GUIDE TO JET INFORMATION AND KNOWLEDGE

5. On the basis that public authorities hold information on behalf, and in service, of the public,⁶ and in recognition of international best practice to voluntarily disclose environmental information and knowledge to reduce the need for resource-intensive information requests, the second phase of this research explored the web-based sources of JET information and knowledge that currently exist.
6. The online source scoping and collation approach followed the initial sub-categories of JET information and knowledge outlined in Information Note 2 in Best Practice Report. This aligns with the priority actions in the PCC work programme for the 2023/2024 period, and the work portfolios under the Presidency's JET Implementation Plan.⁷ It is important to emphasise that this approach is not intended to unnecessarily restrict the sources of information and knowledge that could potentially fall within the scope of what is contemplated by a "just" energy transition together with necessary climate change mitigation and adaptation planning, but it provides a useful lens for interventions in the progression of this intersectional work. These general sub-categories of JET information and knowledge are:
 - 6.1. Information and knowledge that supports the **low-carbon transition from coal to renewable energy sources, while protecting the rights and needs of poor and vulnerable communities;**
 - 6.2. Information and knowledge that supports **South Africa's resilience in response to climate change;** and
 - 6.3. Information and knowledge that **monitors and evaluates financial flows towards achieving South Africa's JET.**
7. Combining these sub-categories, the Best Practice Report collectively refers to this body of information as that which is relevant to the "JET through climate-resilient development". This is based on the understanding that: the energy transition in South Africa cannot be "just" without public access to relevant information and knowledge, among other procedural prerequisites; and a JET cannot be realised if it does not secure developmental pathways that are climate-resilient, now and in the future.⁸
8. Using the above framing, the source scoping exercise produced **over 40 publicly accessible web-based sources**. The sources include official websites for key government departments, repositories, databases, mapping and screening tools, registers, implementation monitoring systems, and licence application portals. The subject matter covered across this initial set of web-based sources is diverse. It includes electricity planning and procurement, marine special planning and protection, environmental risk profiling, climate change response planning, mining and extractive activities, early warning systems, disaster management and emergency funding, and sustainable finance.
9. The overarching objective of this information-gathering process is to develop a comprehensive and accessible web-based resource that consolidates and provides access to JET-related information and knowledge sources for the public benefit and in support of transition-affected communities. These online JET information and knowledge sources are presented through the Climate Resilience Africa [web portal](#). The features of this open-access resource are described below.

6 Refer to Bali Guideline 3 on pages 30-1 of the Best Practice Report above n 1.

7 Refer to pages 12-3 and 15-6 of the Best Practice Report above n 1.

8 Refer to paragraphs 15-6 in the Best Practice Report above n 1.

The Climate Resilience Africa web portal

The Climate Resilience Africa web portal is a user-friendly guide to a growing collection of online resources that support South Africa's JET through climate-resilient development. This information and knowledge can be used to ensure that the activities behind South Africa's JET are "just" and that we are on the path to a climate-resilient society. **The primary purpose of this consolidated web portal is to highlight and disseminate online resources that inform decision-making processes that will either enable or hinder a JET.** This is as opposed to resources that explain what the energy transition is, and how it should unfold to be "just", although such guidance is equally important and is therefore identified in the web portal, where available.

Organised across the three sub-categories of JET information and knowledge, this collective knowledge base serves as a reference guide to web-based resources that are automatically available to the public to enable the full protection and exercise of constitutional rights. Under each of these sub-category pages, the user will find:

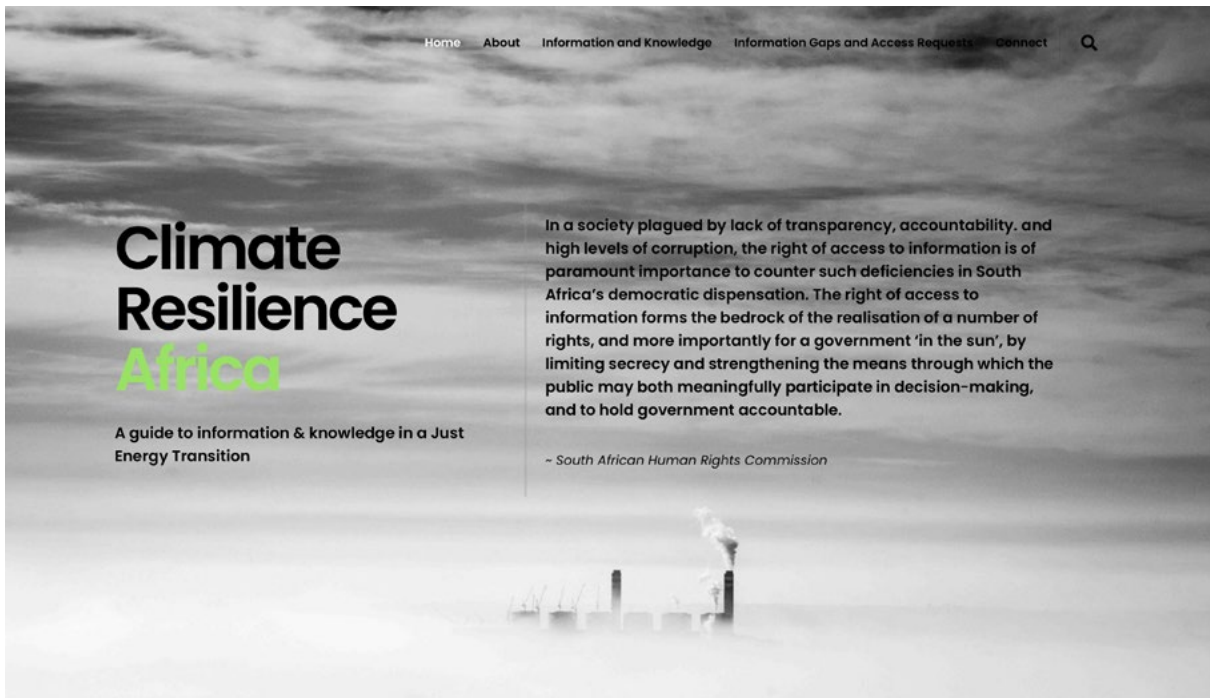
- **The name of the online resource, resource owner, and weblink;**
- **An overview of what the resource offers;**
- **Navigation notes and directions to other relevant resources to consider together;**
- **The identification of limitations and/or gaps in the information available; and**
- **Links to any available training and capacity-building material.**

These online resources are published in accordance with section 15 of PAIA, which makes it compulsory for government departments and agencies to list the categories of records that are automatically available to the public, and section 52 of PAIA which provides that private bodies may voluntarily list categories of records that are automatically available to the public. This is also consistent with the Electronic Information Guidelines published by South Africa's Information Regulator, to enable the continuous flow of information, regulatory compliance, and transparency and accountability across government departments and private organisations.

Building a JET information commons

The Climate Resilience Africa web portal is intended to be a living resource with a current focus on South Africa. It has been developed to, over time, include regional coverage. All contributions to the web portal are encouraged for the public benefit: to promote open governance, protect constitutional rights, and secure climate justice. The intention behind the web portal and the advocacy pathways to follow is to gradually develop a virtual JET information commons; meaning a shared information and knowledge base to be curated in support of the respective JET-related activities of civil society and community-based actors, and to better coordinate and focus information seeking initiatives undertaken in the public interest.

Information note 2: The Climate Resilience Africa web portal



<https://climateresilience.africa/>

2.1. Key findings during the online scoping process

10. This phase of the exploratory research produced several thematic findings across the three sub-categories of JET information and knowledge, some of which confirmed the anticipated findings noted at the outset of this exploratory research. Aside from the identified information gaps summarised in the section below, the following findings are specifically highlighted for the purposes of guiding the set of potential advocacy pathways formulated in section 3 of this report:

10.1. **Underutilised resources:** A useful body of online resources already exists based on electronic information systems that can both assist governmental decision-makers in the JET context and capacitate civil society actors for public participation processes. For example, the Department of Forestry, Fisheries, and Environment, together with various partners, has developed more than fourteen information and data tools. Some of these tools draw from the Environmental Geographical Information System (“E-GIS”), including risk profiling information at a municipal planning level. There is also a suite of climate information services, including real-time mapping and early-warning systems to support climate-resilient planning at national and municipal levels, and disaster management and emergency responses in terms of mitigating loss and damage from climate change-induced events.

10.2. **The advantage of visual mapping aids:** Among the E-GIS tools are best practice illustrations of interactive visual mapping platforms as a way of conveying layers of complex data for public consumption. These examples include, but are limited to, the Renewable Energy Application Database, the National Oceans and Coastal Information Management System, the Independent Power Producer Project Map, the Mpumalanga Green Cluster Project Map, #PowerTracker, and the South African Weather Service portal. By integrating these mapping tools together with other available resources registered in the Climate Resilience Africa web portal, a user can piece together environmental characteristics, stresses, and risk profiles or alerts for a particular location, and, to an extent, a specific project site.

- 10.3. **Pockets of underlying data are outdated:** Despite the encouraging breadth of publicly accessible e-tools and databases, there are instances where the underlying data or records require updating. This issue is flagged in the Climate Resilience Africa [web portal](#) where applicable. Related to this, there are also instances where information systems are offline for either scheduled maintenance or due to platform malfunctions. Generally, there is no indication as to when the maintenance will be completed or when the platform error will be resolved. In principle, these e-tools align with the objectives of PAIA as voluntary mechanisms which enable the public to obtain access to information reasonably swiftly and inexpensively. However, access should also be timely, and information should be accurate, to ensure that users are able to rely on credible information and data during participatory processes.
- 10.4. **Need for training, awareness, and capacity-building:** This theme is associated with the resource underutilisation finding above, but it's a standalone observation that deserves specific attention. Across the first iteration of online resources registered in the Climate Resilience Africa [web portal](#), and based on the available content, evidence of training and capacity-building programmes to promote the existence and application of the e-tools appeared to be the exception. Both for the benefit of public officials from a cooperative governance perspective and for public awareness and uptake. The development of these online resources is therefore only the starting point. Together with the necessary platform maintenance, it is important that the existence and potential uses of such online resources are regularly publicised and directly communicated to relevant government decision-makers to ensure that these valuable resources are not wasted.
- 10.5. **Limited finance mobilisation monitoring and conceptual challenges:** This is one of the anticipated findings which was confirmed during this phase of the exploratory research. Cognisant that this is the first iteration of resources presented through the Climate Resilience Africa [web portal](#), the finance mobilisation sub-category of JET information and knowledge turned up the least publicly accessible online resources. In part, this is an understandable consequence of conceptual uncertainty around the definitions of terms such as JET finance, transition finance, climate finance, and the need for associated tagging methodologies.⁹ The fact that this is a comparatively scarce sub-category of information and knowledge at this foundational stage of South Africa's JET through climate-resilient development is problematic for several reasons. This includes the reality that achieving the priority actions in the PCC's work programme, and the Presidency's JET Implementation Plan are largely dependent on the mobilisation and transparent allocation of available funds toward projects that adhere the principles in the Framework Report and JET Implementation Plan. One of the key integrated documents that is currently available online to monitor finance allocations is the JET Project Grant Register.¹⁰ It was confirmed by The Presidency in response to a PAIA request, as outlined in information note 3 below, that this Register will be updated on a quarterly basis.

9 For example, tagging involves the identification of finance streams and project types that fall within a definition of a just transition project. Refer to Trade and Industrial Policy Strategies Just Transition Project Tagging Tool in section 3 below.

10 The JET Projects Register provides a description of the project area, implementing entity, allocation amount in USD and ZAR, funding source, project status and activities, and timeframes. The latest version (November 2023) is available [here](#).

11. Conducted in parallel with the scoping process, the information gathering phase of this exploratory research also involved consultations with information and knowledge seekers and bearers in the JET context. Importantly, a number of these multi-stakeholder exchanges are ongoing, and a plan is underway to form a civil society working group at the intersection of JET and ATI, introduced in section 3 below. Among the outcomes from this consultative approach, existing information requests through PAIA were identified, as well as strategic gaps in JET information and knowledge. These engagements in the collective pursuit of JET information and knowledge for public access and dissemination are summarised in the following section.

2.2. Stakeholder consultations and access to information requests

12. To ascertain what activities were already underway at the intersection of access to information and the JET through climate-resilient development, and the common needs and challenges in relation to access for transition-affected communities, exploratory consultations were held with over 20 multi-disciplinary stakeholders representing civil society, academia, and government bodies. This was in addition to engagements in workshops on JET-related topics ranging from energy procurement and transparency to the role of disaster management systems to reduce loss and damage resulting from extreme events attributed to climate change.
13. The stakeholder profiles and interrelated subject matter covered during these engagements included, but were not limited, to:
 - 13.1. Environmental and climate justice advocates on expert studies, health impact assessments, and **reporting, disclosure, and accountability related to greenhouse gas emission reduction and air pollution prevention.**
 - 13.2. Investigative journalists and legal and policy researchers related to **transparency in energy planning, electricity procurement and licencing, and open governance in South Africa and Africa.**
 - 13.3. Socio-economic rights advocates and disaster management officials related to early warning systems and **climate change adaptation planning, forecasting, monitoring, and evaluation.**
 - 13.4. Public health professionals related to national **climate change and adaptation planning to improve the resourcing and resilience of the health sector.**
 - 13.5. Governance and training specialists involved in **socio-economic and enterprise development duties related to large-scale renewable energy independent power producers**, including monitoring, evaluation, and reporting.
 - 13.6. Community-responsive mining and social justice advocates related to the role of publicly **accessible databases for mining applications, authorisations, social and labour plans, and compliance reports, for the benefit of both transitioning-out and transitioning-in communities.**
 - 13.7. Economists and sustainable financing experts related to **climate finance and transition finance tagging tools, green finance taxonomies, monitoring agreements with international finance institutions, and JET project pipeline reporting.**

14. These stakeholder consultations produced common perspectives across civil society representatives, academic researchers, and government actors towards unlocking categories of JET information and knowledge. These are:
 - 14.1. Support for a JET that embraces open governance and environmental democracy through the proactive publication of information and knowledge using electronic systems as part of this new information age. This avoids the burdensome strictures of PAIA. It was apparent during the stakeholder consultations that volunteering information is not only necessary to empower transition-affected communities, but also to build technical capacity and improve cooperative governance at the national, provincial, and municipal levels of government.
 - 14.2. Growing recognition of the role of JET information and knowledge bases for Africa. This should consider states' regional obligations, continental vulnerability to the effects of climate change, energy access and low-carbon transition programmes, and existing communities of practice contributing toward climate-resilient development initiatives including those described in the African Union Climate Change and Resilient Development Strategy and Action Plan (2022-32).¹¹
 - 14.3. Valid concerns regarding the recurring three-part challenge in (1) obtaining consistent access to sources of current JET information and knowledge; (2) ensuring maximum dissemination of information and knowledge to organisations and transition-affected communities in need; and (3) considering the often technically complex nature of such information, the training support and capacity-building resources required to enable the use of JET information and knowledge toward just outcomes. There is consensus, however, that issues two and three should not be relied upon by information holders as reasons to refuse access to sources of JET information and knowledge.
 - 14.4. The identification of cross-cutting sources of JET information and knowledge in the public interest, which are either deliberately withheld by public and private information holders, or there is no efficient system to promote the free and regular flow of these sources of JET information and knowledge to feed into participatory processes. In some instances, it became clear during the consultations that multiple stakeholders were either already in pursuit of the same source of JET information and knowledge or there was at least a shared interest in accessing particular records for various purposes.
15. One of the combined outputs of the collation and stakeholder consultation processes that underpinned the formation of the web-based resource is a list of sought-after records and information that should be automatically available in the public domain. At this exploratory stage of this project, the targeted information is predominantly held by public information bodies but includes third-party records filed by private bodies across the sub-categories of JET information and knowledge.

¹¹ African Union *Climate Change and Resilient Development Strategy and Action Plan (2022-2032)* (June 2022). (Available [here](#).)

16. In our efforts to obtain these records, **seven PAIA requests were lodged with six different public bodies, for access to over 40 different records.** The objectives behind these information requests were two-fold:
- 16.1. To obtain copies of the identified records, and related information, for publication on the Climate Resilience Africa [web portal](#), or at least partial access to the records in question; and
 - 16.2. Building on the systematic challenges and case study illustrations in the Best Practice Report, demonstrate that where an information-seeker is required to submit a PAIA request for JET information and knowledge that is inherently in the public interest, it generally does not result in swift, inexpensive, and effortless access to the records sought in accordance with the Preamble and objectives of the Act.
17. Overall, these PAIA engagements with public bodies achieved both objectives. At the date of finalising this report, the outcomes and notable issues that arose during these respective engagements are summarised in information note 3 below. The current version of the tracking table that reflects the status of pending information requests is available on the Climate Resilience Africa [web portal](#). This table will be regularly updated for the purposes of coordination and information-sharing where records are obtained.



Photo: Daylin Paul

Seeking JET information and knowledge through PAIA

During the second phase of this research, PAIA requests were lodged with the following public bodies:

- **Department of Forestry, Fisheries, and the Environment (“DFFE”);**
- **Department of Health (“DoH”);**
- **The Presidency;**
- **Department of Trade, Industry, and Competition (“DTIC”);**
- **Department of Cooperative Governance and Traditional Affairs (“CoGTA”) for records held by the National Disaster Management Centre (“NDMC”); and**
- **Department of Public Works (“DPW”) for records held by Infrastructure South Africa.**

Together, these information requests cover a range of pertinent JET-related issues and include both stand-alone records and subsets of information and data, such as current municipal climate change response plans, implementation progress reports, and emergency relief expenditure reports. A **tracking table is annexed** to this Advocacy Report reflecting the status of our PAIA requests as at the time of going to publication. The latest version of the tracking table is also available on the Climate Resilience Africa [web portal](#). Moving forward, the intention is for this table to publicise broader civil society information-seeking initiatives with the purpose of advancing South Africa’s JET programme, including links to further relevant information.

To date, the headline outcomes from the tracking table are as follows:¹²

- Officials at the DFFE, The Presidency, and the NDMC initially considered whether the records, and related information in question could be disclosed without the need for a formal PAIA engagement; in every instance, there was ultimately an instruction to prepare and lodge a formal PAIA request.
- All of the PAIA requests were framed in terms of section 15 of PAIA requesting that records be voluntarily disclosed without an access fee and the lapse of a 30-day response period, and that the requested records are automatically available for public access in the future; in every instance, the PAIA process has taken its course, including the payment of an administrative fee ranging from R35.00 to R100.00, and a processing fee of R889.00.
- The only outcome received within the stipulated 30-day period is the response from DTI; one of the DFFE requests for climate change records is still in process after almost 60 days; and the requests to DoH for public health sector records and to the Presidency for JET plan records concluded after more than 60-days.
- Despite general delays in outcomes, the majority of the climate change records, public health sector records, JET plan records, and energy portal and economic zone records were disclosed. Outcomes from CoGTA and DPW were still pending at the time of publication.
- Access requests for air pollution records held by DFFE were refused on policy-making grounds.¹³ Aside from the overbroad nature of section 44 as a discretionary ground of refusal, the concern around this denial is the clear public interest in the air pollution records requested, and that these are key records to inform an ongoing consultative forum established by the Minister of Forestry, Fisheries, and the Environment on the issue of air quality compliance.¹⁴ Interested and affected forum members are unable to fully participate without access to such records. Addressing air pollution has important links with the principles in the PCC’s Framework Report.¹⁵

Information note 3: Seeking JET information and knowledge through PAIA

¹² As there are references to specific provisions in PAIA in the tracking table, it is suggested that readers less familiar with the workings of PAIA review information note 12 in the Best Practice Report above n 1.

¹³ Section 44 of PAIA provides that the information officer of a public body may refuse a request for access to a record of the body if the record contains an opinion, advice, report or recommendation obtained or prepared; or an account of a consultation, discussion or deliberation that has occurred, for the purpose of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law.

¹⁴ Further information on the National Environmental Consultative and Advisory Forum is available [here](#).

¹⁵ Framework Report above n 3 at pages 8-9.

18. As reflected in the tracking table annexed to this report, one of the PAIA engagements involved the JET Project Management Unit currently housed in the Presidency. This was one of the three interactions where the information holder was requested to volunteer the requested records, and related information, in accordance with section 15 of PAIA without the need to trigger the administrative and protracted PAIA process. Despite an initial willingness from members of the JET Project Management Unit, a request form in terms of PAIA was ultimately required by the Presidency's legal division. The integral role of advisory and implementation bodies such as the PCC and the JET Project Management Unit is addressed in the section below as one of the overarching considerations to unlock categories of JET information and knowledge.

2.3. Overcoming the risk of regulatory capture: The key role(s) of the PCC and JET Project Management Unit

19. Under Bali Guideline 7 for the implementation of Rio Principle 10, captured in section 3 of the Best Practice Report,¹⁶ it is emphasised that the biggest obstacle to accessing information is the lack of understanding of public authorities and a poor attitude towards cooperation with the public, or respect for basic rights. A common root cause is the issue of “regulatory capture” in which public bodies come under the influence of the regulated community and become more responsive to those in positions of power and influence, while automatically discounting the interests of affected parties, and the public in general.
20. The prioritisation of the interests of those in positions of power and influence is reminiscent of the system of government in South Africa before 1994, which resulted in a secretive and unresponsive culture in public and private bodies, as reflected in PAIA's Preamble. Evidence of such conduct was also revealed in more recent times during the Commission of Inquiry into State Capture.¹⁷ The Best Practice Report posed the question as to whether the JET through climate-resilient development could provide the impetus to overcome this systemic barrier toward proactive publication and maximum disclosure in the public interest.¹⁸ The simple answer is that for the justice pillar to be realised and sustained, the risk of regulatory capture *must be overcome in the JET context*.
21. As centralised advisory and steering bodies, the PCC and the JET Project Management Unit are pivotal convenors that drive the JET through climate-resilient development, as described in information note 2 of the Best Practice Report.¹⁹ Relevant developments associated with the functions of both the PCC and the JET Project Management Unit include the following:

¹⁶ See the summary of Bali Guidelines 1-7 in section 3.3.1 of the Best Practice Report above n 1; Commentary on Guideline 7 can be found on pages 32-3 *Id*.

¹⁷ For example, see the Judicial Commission of Inquiry into allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State Report, Volume 5, Part 2, on the South African Broadcasting Authority (Accessible [here](#).)

¹⁸ Best Practice Report above n 1 at page 33.

¹⁹ *Id* at pages 15-6.

- 21.1. **PCC:** the mandate and activities of the PCC in terms of the Framework Report are provided in section 2 of the Best Practice Report.²⁰ The initial categorisation of JET information and knowledge aligns with the priority actions in the PCC work programme for 2023/2024; progress updates against this work programme are presented in the PCC's recently published Third Annual Review for the period 1 April 2023 – 31 March 2024.²¹ In relation to the PCC's role and responsibilities in the public interest, a notable development is that upon the enactment of the Climate Change Bill — described under Advocacy Pathway 6 below — the PCC will be listed as a Schedule 3 public entity in terms of the Public Finance Management Act. The PCC will continue to comprise representatives of government, organised labour, civil society, traditional leaders, the South African Local Government Association ("SALGA"), and business, to advise on South Africa's climate change response. **The PCC will also be required to submit its reports, studies, strategies, recommendations, and related information to the National Assembly, and publish these records on its website.**²²
- 21.2. **JET Project Management Unit:** currently located in the Presidency's Project Management Office, the JET Project Management Unit comprises a management team contracted to provide a roadmap for the implementation of the JET Implementation Plan. It will also convene roleplayers and build partnerships, solve JET implementation problems, mobilise and guide multiple sources of JET finance, and ensure transparent monitoring and evaluation.²³ According to the PAIA response received from the Presidency, the JET Project Management Unit comprises nine staff members with multidisciplinary backgrounds, including civil service, public finance, private finance, communications, development economics, data analysis, environmental sustainability, and monitoring and evaluation. Among other priority actions, the JET Project Management Unit is currently focusing on financing solutions for electricity grid investments, stakeholder preparation for the repurposing and repowering of Eskom's power stations, management of the JET Grant Mapping Register, finalising monitoring baselines, and mobilising JET finance.
22. Although these bodies hold different mandates, the PCC and the JET Project Management Unit are both responsible for and have sight of a wide range of JET information and knowledge within their domains. **It is critical that in the ongoing performance of their respective functions, the PCC and JET Project Management Unit embrace the principles of open government and environmental democracy. This can be achieved, at least in part, by establishing mechanisms for the regular flow of information and knowledge within their control and promoting the proactive disclosure and dissemination of information and knowledge held by public and private stakeholders during engagements.**

20 *Id.*

21 The Presidential Climate Commission Third Annual Review (April 2024) ("Third Annual Review"). (Accessible [here](#).)

22 See sections 10-14 of the Climate Change Bill, 2022, which is currently before the President for assent. The latest publicly available version is [here](#).

23 The JET Implementation Plan is introduced on page 14 of the Best Practice Report above n 1. The governance and institutional arrangements can be found on pages 55-7 of the Implementation Plan, including an organisational diagram.

3. UNLOCKING CATEGORIES OF JET INFORMATION AND KNOWLEDGE

23. The phases of this exploratory research have revealed multiple measures and actions that may be considered with the objective of enhancing access to categories of JET information and knowledge, especially for transition-affected communities. The following section provides the focal points for seven potential advocacy pathways to address distinct, but interrelated issues, in the realm of the JET through climate-resilient development.²⁴
24. **The proposed approaches entail legal strategies, policy and systems development opportunities, educational tools and capacity-building initiatives, and the establishment of digital platforms for the continuous disclosure and widespread dissemination and uptake of JET-related resources.** Each option would require engagement with a range of public bodies, including the Information Regulator, DFFE, the JET Project Management Unit, the PCC, DMRE, Eskom, the South African Weather Service, and SALGA.
25. These advocacy pathways are not in order of priority. They are grouped into pathways seeking to breakdown systematic challenges to generally foster a culture of transparency and accountability in public and private bodies, and pathways that are focused on the proactive publication of specific information and knowledge. A common theme throughout these pathways is disclosure and dissemination of JET-information and knowledge for the purposes of participatory monitoring, evaluation, and learning.

Pathway 1: Engage the Mandate of the Information Regulator to promote the free flow of environmental information

Consider interventions to support and trigger the duties and responsibilities of the Information Regulator through the development of educational tools, legislative reform interventions, and enforcement measures to protect and fulfil the provisions in PAIA.

26. The extensive functions and duties of the Information Regulator in terms of section 83 of PAIA are highlighted in information note 13 in the Best Practice Report.²⁵ These include conducting educational programmes, monitoring the implementation of PAIA and the dissemination of accurate information, and advocating for legislative reform connected to the objectives of PAIA.
27. In accordance with this mandate, the Best Practice Report also refers to the Information Regulator's pending review of six statutes with a bearing on access to information held by public and private bodies, including PAIA.²⁶ It was reported that the Information Regulator intended to submit its recommendations to the National Assembly before the end of the 2022/23 financial year, although it appears that the annual report for this period is yet to be published at the time of finalising this report.²⁷

24 Best Practice Report above n 1 at pages 15-6.

25 Refer to pages 56-8 of the Best Practice Report above n 1.

26 *Id* at page 90.

27 The Information Regulator's annual reports are available [here](#).

28. One of the points of consensus during the stakeholder consultation phase is to consider opportunities to engage the mandate of the Information Regulator to give effect to the Preamble and objectives in PAIA. Relevant examples of complaints lodged with the Information Regulator in an effort to set favourable precedents were also shared during consultations. These include a partially successful enforcement decision against the National Nuclear Regulator,²⁸ and a pending investigation against Sibanye Stillwater Limited for access to annual compliance reports in relation to its social and labour plans.²⁹
29. **Approaches to engage the Information Regulator’s office may include the following:**
- 29.1. Prepare a set of proposals that highlight relevant content in the Best Practice Report to support the proactive publication of information and knowledge in support of a JET through climate-resilient development. This could include the roll-out of the Electronic Information System Guidelines. These submissions could focus on the development of the Information Regulator’s educational programme to advance public understanding in accordance with its mandate and the “enablers” in the Information Regulator’s Strategic Plan for 2022/3 to 2026/7.³⁰
- 29.2. Prepare an advocacy submission in support of the Information Regulator’s legislative review process, which, among other issues, could focus on the systematic challenges and case study illustrations presented in the Best Practice Report. Trends in annual reports submitted by information officers of public bodies through the Information Regulator’s online portal, in terms of section 32 of PAIA, will also provide further evidence that can guide specific advocacy initiatives.³¹
- 29.3. Identify potential test cases to exercise the Information Regulator’s complaint mechanism and investigative powers where there is merit in challenging the decision of an information officer, of either a public body or private body, to refuse access to sources of JET information and knowledge based on the grounds of refusal provided in PAIA.

Pathway 2: Capacity-building campaign for the deployment and public uptake of current environmental information systems

Consider interventions to encourage relevant government bodies to update and expand existing e-tools systems and the roll-out of a nation-wide public awareness, training, and educational programme on the availability and practical application of existing e-tools.

30. The suite of publicly accessible e-tools managed by DFFE is referred to above as an example of the underutilised online resources that already exist to promote the free flow of environmental information. These available e-tools are described in the Climate Resilience Africa [web portal](#), including interactive mapping platforms, central databases, and document registers. Several tools convey layered information captured in the DFFE’s E-GIS system, covering a range of topics relevant to South Africa’s JET through climate-resilient development, such as large-scale renewable energy projects, air quality management, climate change vulnerability and adaptation practices, greenhouse gas (“GHG”) reporting, coastal preservation, protected area management, and municipal risk profiling.

28 Information Regulator of South Africa *OUTA-NNR (Complaint Ref No: CI 312/22 & CI 323/22) (January 2024)*. (Available [here](#).)

29 Information Regulator of South Africa “Media Briefing Address by Adv Pansy Tlakula: Chairperson of the Information Regulator SA” (26 March 2024). (Available [here](#).)

30 Information Regulator of South Africa *Strategic Plan 2022/23 – 2026/27*. (Available [here](#).)

31 The online portal is available [here](#). Section 83(4) of PAIA empowers the Regulator to request the head of a private body to furnish it with reports about requests for access to records of the private body.

31. These are examples of the government's positive obligation to proactively publish environmental information in the public interest. Integrated environmental information systems support the performance of public functions, consistent with comparative regional and international best practices. These include, but are not limited to:
 - 31.1. The Rio Declaration read together with the Guidelines for the Development of National Legislation on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ("Bali Guidelines");³²
 - 31.2. The Declaration of Principles of Freedom of Expression and Access to Information in Africa ("African ATI Declaration");³³
 - 31.3. The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the "Escazu Agreement");³⁴
 - 31.4. The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the "Aarhus Convention");³⁵
 - 31.5. South Africa's binding obligations in terms of the Paris Agreement and the United Nation's Framework Convention on Climate Change ("UNFCCC").³⁶
32. However, the development of accessible information systems is not sufficient on its own to comply with South Africa's international obligations and relevant best practice guidelines. With reference to the three-part challenge described in section 2.2 above, and in addition to the expectation that such e-tools are based on reliable information and data, states are also required to facilitate and encourage public awareness and educational programmes. This is both to build-capacity within the civil service, including cooperative governance, in terms of the best available knowledge for decision-makers, and to empower civil society, including journalists, media outlets, and human rights defenders with an understanding of the utility of online resources.³⁷
33. The UN Human Rights Council has specifically noted that the internet provides the means for making information available to societies in ways that are unprecedented and for facilitating searches and requests for information through the development of appropriate platforms.³⁸ The deployment of e-tools via the internet can hold great benefit for participatory use in development planning processes, including at a municipal level, and for communicating early warning notifications and updates during climate change-induced emergencies. However, the UN Human Rights Council has also acknowledged the challenges that remain in this area, including the gender digital divide that undermines women's and girls' full enjoyment of human rights.³⁹
34. During the source scoping phase in the development of the Climate Resilience Africa [web portal](#), general implementation issues were flagged against several online JET information and knowledge systems. This included outdated underlying data and information gaps, and extended downtime in system operation. There were also limited signs of ongoing public awareness and education on how to use online resources for the benefit of the civil service and civil society. Examples of these implementation challenges and barriers include DFFE's refusal to disclose the air pollution records which should be published on the South African Air Quality Information System for stakeholder

32 Refer to section 3.3.1 and information note 7 on pages 37 in the Best Practice Report above n 1.

33 *Id.* Refer to pages 23-4.

34 Refer to information note 6 on page 35 in the Best Practice Report above n 1.

35 *Id.* See the multiple citations of the Aarhus Convention on pages 19,30, 33-4 and 42.

36 *Id.* Refer to pages 38-42.

37 *Id.* Refer to information note 3 on pages 20-1, and information note 9 on pages 40-1.

38 See information note 3 on pages 20-1 in the Best Practice Report above n 1.

39 *Id.*

engagement,⁴⁰ and outdated climate change records available on the Lets Respond Guide and Toolkit as part of the Local Government Climate Change Support Program.⁴¹ The latest versions of these records could be published through the Lets Respond platform, and linked to an ongoing awareness, training, and educational programmes.

35. Initiatives toward capacity-building and the deployment and public uptake of current environmental information systems may include the following:

35.1. To ensure system reliability in accordance with best practice guidelines, engage the DFFE to prepare a revision programme, with sufficient budget, to run a comprehensive update to, and expansion of, the existing body of e-tools. Where applicable, this could require the collaboration of partner organisations initially involved in the development of these platforms.

35.2. Explore the prospect of joint collaboration between the DFFE, the Information Regulator, and SALGA to roll out a public awareness, training, and educational programme on the practical value and application of existing e-tools. Such workshops could be prepared for both the civil service and civil society actors in accordance with international obligations and best practice guidelines.

Pathway 3: Develop a central JET Implementation Plan web platform

Consider interventions to facilitate the automatic and continuous sharing of information and knowledge managed by the JET Project Management Unit for the benefit of tracking JET finance mobilisation and allocation to legitimate JET-related priority areas.

36. Information and knowledge that monitors and evaluates financial flows toward achieving South Africa's JET is one of the three general sub-categories of information and knowledge in information note 2 in the Best Practice Report.⁴² This is on the basis that the achievement of the priority and longer-term actions related to the energy transition to a low carbon economy and climate-resilient society are largely dependent on the mobilisation and appropriate allocation of finance.

37. Although there are limited publicly available resources at present for tracking and evaluating JET finance flows, it is evident that this aspect is receiving attention from various actors, including the PCC and the JET Project Management Unit. In addition to the JET Project Management Unit's JET Grant Mapping Register, which is a promising start in terms of a consolidated database that is accessible to the public, important workstreams and helpful guidance tools include, but are not limited to, the following:

37.1. The PCC's State of Climate Finance report, the development of recommendations on a just transition financing mechanism (in collaboration with the JET Project Management Unit), and the preparation of a municipal JET pipeline together with SALGA.⁴³

40 The South African Air Quality Information System is available [here](#) and presented in the Climate Resilience Africa [web portal](#).

41 The Let's Respond Guide and Toolkit is available [here](#). It is one of the resources available on the National Climate Change Response Database available [here](#). During the course of the same PAIA engagement, the DFFE was requested to indicate when this Database will be updated, and how regularly this will occur. No indication was provided at the time of finalising this report.

42 Best Practice Report above n 1 at pages 15-6.

43 See the PCC's Third Annual Review above n 21 at pages 31-3. See further information on the PCC website available [here](#).

- 37.2. The JET Project Management Unit's establishment of a JET Funding Platform ("Funding Platform") which, according to its PAIA response and the JET Implementation Plan, will serve as a "matchmaker" between funders and JET beneficiaries, provide project support, and present analysis on the deployment of grant funds to JET projects.
- 37.3. Relevant National Treasury instruments, as presented in the Climate Resilience Africa [web portal](#), such as Green Finance Taxonomy⁴⁴ and the forthcoming climate budget tagging system.⁴⁵
38. The JET Implementation Plan confirms the "recognition that, to date, grant funding for the JET has largely been used for upstream technical assistance and capacity building, with limited direct benefits accruing to communities and workers".⁴⁶ It appears that one of the resolutions to address this is the appointment of an Advisory Board for the JET Platform, broadly representative of government, business, trade unions, and civil society organisations.⁴⁷ Based on the Presidency's PAIA response it is understood that the members of the Advisory Board will be published, and that the Funding Platform is progressing to the proof-of-concept stage to test projects and donors. Notably, along with publishing updates to the JET Implementation Plan's Risk Register, and the Monitoring, Evaluation, and Learning Framework, the JET Project Management Unit is also preparing special operating procedures for:
- 38.1. Registering funders on the Funding Platform;
 - 38.2. Onboarding and registering projects;
 - 38.3. Monitoring, evaluation and learning requirements for matched projects; and
 - 38.4. Capturing funded project information in the JET Grant Mapping Register.
39. In relation to tagging projects that may be suitable for the Funding Platform and the PCC's just transition financing mechanism, informed stakeholders pointed to ongoing research on tagging methodologies to channel finance flows and data collection. Specifically, a User Guide for a Just Transition Project Tagging Tool ("Tagging Tool") has been developed by non-profit research institution, Trade and Industrial Policy Strategies. This Tagging Tool enables interested parties to apply a six-step assessment to a so-called just transition project to test whether it meets the necessary credentials.⁴⁸ One of the resources that guided the framework behind the Tagging Tool is the National Treasury's Green Finance Taxonomy.
40. Through the course of the stakeholder consultation phase of this research, several perspectives were shared around the growing, but seemingly disconnected, ecosystem of definitions, concepts, frameworks, and institutions operating in the JET financing space. This includes separate but overlapping funding pipelines such as the Infrastructure Fund which is managed by Infrastructure South Africa ("ISA") and operated by the Development Bank of South Africa.⁴⁹ According to its Construction Book, its energy sector projects include transmission infrastructure replacement and repurposing projects at Eskom's power stations, linked to priority areas in the JET Implementation Plan.⁵⁰ Emergent funds are also being established by the government,

44 National Treasury *South African Green Finance Economy (March 2022)*. (Available [here](#).)

45 See National Treasury *Medium Term Expenditure Framework Technical Guidelines (2024)*. (Available [here](#).)

46 JET Implementation Plan above n 3 at page 60.

47 *Id* at page 61.

48 Trade and Industrial Policy Strategies *Just Transition Project Tagging Tool (2nd iteration): A User's Guide (March 2024)*. (Available [here](#).)

49 Further information is available [here](#).

50 See Infrastructure South Africa *Construction Book (March 2024)*. (Available [here](#).) At the time of finalising this report, a PAIA request is pending with the Department of Public Works for access to the funding pipeline records and implementation progress reports.

such as the Climate Change Response Fund “in order to counter the severe effect of global warming and climate change”.⁵¹ A common theme in this context appears to be a learn-by-doing approach through testing tools such as the Tagging Tool.⁵² This requires effective monitoring and evaluation systems, updated at regular intervals, to track the outcomes and impacts achieved from JET programmes and projects to improve policy and decision-making.⁵³

41. Initiatives to facilitate access to information and knowledge held by the JET Project Management Unit and to promote JET stakeholder monitoring, evaluation, and learning may include the following:

41.1. Recognising that the JET Project Management Unit is part of a monitoring and evaluation working group convened by the PCC, engage with the JET Project Management Unit to assess the public benefit in the development, and maintenance, of a central web platform as part of its “participatory monitoring, evaluation, and learning” system.⁵⁴ This could serve as a proactive information-sharing channel for its Risk Register, Monitoring, Evaluation, and Learning Framework, the JET Grant Mapping Register, and the records related to the Funding Platform, among other potential content.

41.2. In collaboration with active civil society coalitions such as Fair Finance South Africa,⁵⁵ develop a coordinated capacity-building programme through testing existing just transition and climate finance tagging frameworks and tools. This approach would contribute data for evaluation and learning to improve new iterations of these planning resources to ensure that allocations directly address legitimate JET-related priority areas and benefit transition-affected communities in need.

Pathway 4: Proactive disclosure and dissemination of Independent Power Producer economic development plans

Consider the long-term strategy to achieve the regular publication of economic development plans and quarterly implementation reports for gathering, collation, and dissemination to interested and affected parties, including transition-affected communities.

42. The Independent Power Producer (“IPP”) Project Map and Database is another example of an interactive visual mapping tool that can be viewed together with other publicly available online resources like the DFFE’s Renewable Energy Database and the #PowerTracker. These are all described in the Climate Resilience Africa [web portal](#). However, even when these central databases are combined, key gaps in project-based information remain, including the social and economic development performance of IPPs currently in operation across South Africa.

43. One of the recurring issues highlighted during the stakeholder consultations is the importance of access to IPPs’ economic development plans (“EDPs”) and quarterly implementation reports to promote transparency and accountability and cultivate

51 Parliament of the Republic of South Africa ‘Government Establishes Climate Change Response Fund’ (9 February 2024). (Available [here](#).)

52 Trade and Industrial Policy Strategies is exploring the option of digitising this framework tool to enhance user access, data collection, and learning.

53 JET Implementation Plan n 3 above at page 283.

54 *Id* at pages 283-4.

55 Fair Finance Southern Africa is a civil society coalition working towards ensuring Development Finance Institutions invest in a socially and environmentally responsible manner in South Africa and Africa. The coalition focuses on issues of climate change and transparency. Further information is available [here](#).



Photo: Daylin Paul

public trust.⁵⁶ According to the most recent Independent Power Producers Procurement Programme (“IPPPP”) Overview Report, which is published by the IPP Office on a quarterly basis:⁵⁷

“IPPs are required to report on their economic development achievements on a quarterly basis against their annual economic development obligations to ensure developmental impact is adhered to and maximised.”

44. Based on the information-gathering phase of this exploratory research, these EDPs and quarterly reports are not automatically available to the public for monitoring and dissemination. Informed stakeholders pointed to previous attempts by interested and affected parties to request access to these records since the inception of the IPPPP but these requests have reportedly been met with refusals to disclose such information. During the consultation phase, there was general support among the same grouping of stakeholders for an intervention to achieve the automatic and continuous disclosure of this body of records to understand and follow investment activities in light of adjacent-community’s needs, and to evaluate the sustainable impact of investments.⁵⁸
45. Considering the guarded track record surrounding these plans and quarterly reports, this is one of the pockets of sought-after records that was not pursued through a PAIA request, at this stage, for the purpose of potentially crafting a longer-term, multi-stakeholder advocacy pathway.

56 See Inglesi-Lotz “Exploring the impact of institutional quality to South Africa’s transition to renewables” (2024) *Energy Sources, Part B: Economics, Planning, and Policy*, 19(1). (Available [here](#).)

57 Department of Mineral Resources and Energy *An Overview - Independent Power Producers Procurement Programme* (December 2023). (Available [here](#).)

58 Also refer to page 21 of the PCC’s Third Annual Report above n 17, regarding communities’ part ownership of renewable energy projects through the IPPPP. For further reading on the role of community trusts, see *Intellidex Communities in Transition – The Role of Community Ownership in South Africa’s REIPPP Programme* (May 2021). (Available [here](#).)

46. An approach to the IPP Office — located within the Department of Mineral Resources and Energy (“DMRE”) — may include the following:

46.1. On the assumption that it will be required by the DMRE as the information holder, prepare and submit a PAIA request with the prospect of internal appeal proceedings, a complaint to the Information Regulator, and / or strategic litigation with the objective of gaining access to these records on a continuous basis.

46.2. If the above process is successful, develop a digital record processing and sharing system to contribute to the dissemination of EDPs and quarterly reports to relevant civil society organisations and community-based organisations.

47. The need for the publication of these IPP records also arose in the interest of preventing the same pitfalls associated with the disclosure of, and instances of non-compliance with, the mining industry’s social and labour plans. Notably, the DMRE does house a registry of operating mines by province, grouped according to the mineral produced, on its website. However, this database does not link to site-based documents such as licence documents, environmental management programmes, or social and labour plans. Related to this issue, as the Department’s SAMRAD licencing system is dysfunctional, it has identified a bidder to develop a new mining licensing system (referred to as a cadastre).⁵⁹ This database must be publicly accessible for interested and affected parties to monitor applications both for fossil-fuel-based commodities that South Africa should be phasing out, and commodities known as transition minerals required for the low carbon transition, in terms of the Framework Report and the JET Implementation Plan.⁶⁰

Pathway 5: Establish an integrated National Climate Change Centre

Consider the functionality of existing climate change and disaster management information platforms and communication channels to support and equip communities that are vulnerable to climate change-induced events.

48. The PCC’s Second Annual Review confirmed that embedding climate and social resilience through the implementation of the National Climate Change Adaptation Strategy (“National Adaptation Strategy”) remains an ongoing focus area in its work programme during the 2023/24 period.⁶¹ This is to strengthen climate governance and community-resilience through awareness and improved access to resources, adopting climate-sensitive approaches to infrastructural planning and investment, and to improve responsiveness during and immediately after climate change-induced disasters.⁶²

49. The National Adaptation Strategy was adopted by the Cabinet in 2020 and serves as South Africa’s current National Adaptation Plan in terms of its Paris Agreement commitments under the UNFCCC.⁶³ In time, this will be superseded by the climate adaptation provisions in the Climate Change Bill outlined under Advocacy Pathway 6, below. The National Adaptation Strategy provides a common vision of climate change adaptation and climate resilience for South Africa and sets out priority interventions

59 Department of Mineral Resources and Energy ‘Media Statement: DMRE Announces the Preferred Bidder for the Mining Licensing System’ (31 January 2024). (Available [here](#).)

60 Existing online sources of information related to mineral extraction are presented in the Climate Resilience Africa [web portal](#) in anticipation of emergent developments including the cadastre system and the proliferation of critical minerals. Commentary on critical minerals as part of the low-carbon energy transition is available [here](#).

61 Department of Forestry, Fisheries, and the Environment *National Climate Change Adaptation Strategy* (August 2000) (“National Adaptation Strategy”). (Accessible [here](#).) Also, refer to page 20 of the Framework Report above n 3.

62 Refer to page 13 of the Best Practice Report above n 1.

63 *Id* at subsection 3.5.1.

for key sectors.⁶⁴ The nine strategic interventions include mainstreaming adaptation responses into sectoral planning and implementation, developing an integrated climate services system, building capacity and awareness among decision-makers, and developing a monitoring and evaluation system for short-term (one to three years) to long-term (10 years) adaptation actions.

50. Strategic intervention two identifies actions to develop a coordinated climate services system that provides climate products and services for climate-vulnerable sectors and locations in South Africa.⁶⁵ The Climate Services Register contains an extensive list of climate change information services, the majority of which are presented in the Climate Resilience Africa [web portal](#). These include publicly accessible real-time mapping platforms maintained by the South Africa Weather Service and the National Disaster Management Centre. **At the top of the list of priority actions under this strategic intervention is the establishment of a National Climate Centre together with the establishment of an interactive online climate service platform.**
51. **The National Adaptation Strategy emphasises that it is critical that sound information and data on climate change is available for informed planning and disaster responses and that forecasts are disseminated in ways that are gender-responsive and acknowledge the situations of different social groups in South Africa.**⁶⁶ This is consistent with various practices and principles highlighted in the Best Practice Report, including Bali Guidelines 4,5, and 6.⁶⁷ However, it became evident during the resource scoping and stakeholder consultation phases of this research that many of the publicly accessible climate services and products are, at the least, partially based on outdated information — such as the existing National Climate Change Information System⁶⁸ — or they are completely defunct. Informed stakeholders also confirmed that the South African Weather Service is supposed to house the National Climate Change Centre; however, it is reported to be under-resourced in terms of the operational costs required for the upkeep of its observatory infrastructure. It appears to be for this reason that the PCC has reported that it is working with a consortium of climate science institutions and the South African Weather Service to assess capacity in the scientific community for climate services, including infrastructure, digital platforms, and resilience planning.⁶⁹
52. Against this backdrop, one of the PAIA engagements with the DFFE included a request for records that monitored and evaluated progress against the actions under the various interventions under the Implementation Framework in the National Adaptation Strategy. This monitoring and reporting function to ensure the effective implementation of the National Adaptation Strategy, across all affected sectors, is particularly important given South Africa's international climate change adaptation obligations mentioned above, and the obligations in terms of the forthcoming Climate Change Act. At the time of finalising this report, it is understood that these monitoring-related records will be disclosed by the Department though their form and content is unknown.

64 See the vision, guiding principles, and strategic objectives and interventions on pages 19-22 of the National Adaptation Strategy above n 61.

65 The National Adaptation Strategy defines climate information services as: "science-based information, weather forecasts, climate predictions and climate projections that can empower decision-makers to manage the risks and opportunities of climate variability and change". *Id* at page 31.

66 *Id*.

67 Refer to pages 31-2 in the Best Practice Report above n 1.

68 This information system is described in the Climate Resilience Africa [web portal](#). The National Climate Change Information System is accessible [here](#).

69 PCC Third Annual Review above n 21 at page 27.

53. An approach to strengthen climate governance and community resilience through monitoring, evaluation, and awareness may include the following:

- 53.1. In support of the PCC's related activities, engage with the South African Weather Service to assess the resource needs required to establish the National Climate Change Centre and to maintain an interactive, up-to-date, online climate service platform and the associated actions envisaged in the National Adaptation Strategy.
- 53.2. Considering the climate information initiatives under the AU Climate Change Resilient Development Strategy and Action Plan (2022-30),⁷⁰ explore the available platforms for regional partnerships and resource sharing in the context of meteorological observation networks, early warning communication systems, and climate-resilience planning.
- 53.3. As part of DFFE's emerging Loss and Damage work programme in the context of the UNFCCC, conduct research into the effectiveness of the existing communication strategies, plans, and systems employed by the South African Weather Service and the National Disaster Management Centre to disseminate early warning alerts to vulnerable locations, as well as emergency response information in the event of a climate change-induced disaster.

Pathway 6: Automatic disclosure of records under the Climate Change Act

Consider the steps required to achieve the legal recognition of GHG emission-related records as a specific category of information required to exercise and protect constitutional rights and explore interventions to improve departmental monitoring and evaluation systems in preparation for the Climate Change Act.

54. The general objective of the Climate Change Bill, which is currently before the President for assent is to provide a coordinated and integrated response to climate change, and to ensure a just transition towards a low carbon economy and society. Once assented to, the implementation of this legislation will result in the development of climate change response plans, adaptation strategies, sector emission targets, carbon budgets, mitigation plans, and implementation progress reports, among other instruments.⁷¹
55. Access to information is addressed in Section 31 of the Climate Change Bill. It requires that information submitted to DFFE in terms of the Bill is made available to the public, subject to the provisions of PAIA, and the Protection of Personal Information Act. The Preamble in the Climate Change Bill rightly emphasises that climate change represents an urgent threat to human societies and the planet, and that current and anticipated impacts have the potential to undermine the achievement of South Africa's developmental goals. For this reason, it can be argued that there is an inherent public interest in the formation of effective regulatory instruments that will give effect to the Climate Change Bill and ensure the protection of a range of interdependent human rights, including in section 24 of the Constitution.⁷²

⁷⁰ See n 11 above at pages 69-70.

⁷¹ Climate Change Bill above n 22. See sections 18-9 and 22-4.

⁷² The public trust doctrine is one of the binding environmental management principles in section 2 of the National Environmental Management Act 107 of 1998 ("NEMA"). Section 3 of the Climate Change Bill requires that its interpretation and application must be guided by these environment management principles, among other safeguards. Refer to the introduction section, Case study 4: *ArcelorMittal South Africa v Vaal Environmental Justice Alliance (2014)*, and Case study 2: *Baleni and Others v Regional Manager Eastern Cape Department of Mineral Resources and Others (2020)* in the Best Practice Report above n 1.

56. With respect to the categories of information that should be automatically disclosed considering the overriding public interest, the Best Practice Report presents examples of comparative legal regimes that promote environmental information, or subsets of environmental information, as special categories that must be published. According to the Aarhus Convention, information that relates to emissions to the environment is a designated category of information where the public interest automatically overrides any competing interest.⁷³ This is based on the principle that an emitter loses any proprietary interest over substances once they enter the environment and leave the area of the emitter's effective control, *despite any commercial interests*.⁷⁴
57. As reflected in information note 3 above, one of the PAIA requests to the DFFE included access to a list of GHG emitters, copies of the latest GHG Reports, Pollution Prevention Plans, and progress reports. Subject to the redaction of personal information and third-party content that the DFFE deems to be financially and/or commercially sensitive, it intends to release these records. The point is that the provision of such information and knowledge should not require a protracted PAIA process. Furthermore, the operation of the DFFE's online GHG reporting platform through which these records could potentially be published is currently suspended.⁷⁵
58. A key related issue, as illustrated in Pathway 5 above, is the development, maintenance, and disclosure of monitoring and evaluation systems as an essential component of an effective response to climate change. According to section 19 of the Climate Change Bill, read with schedule 2, national departments and state-owned entities are required to develop and implement sector adaptation strategies and plans, including the DFFE, DMRE, and DoH. These plans must be revised every five years to accommodate monitoring and evaluation results and the best available science, evidence, or information. Foreshadowing these requirements, the PAIA request to the DoH for public sector health records included access to resources developed through the implementation of the National Climate Change and Health Adaptation Plan (2014-2019), and implementation progress against the National Climate Change and Health Adaptation Plan (2019-2024). In a belated outcome it has been confirmed that access will be granted to a bundle of 1481 hardcopy pages for physical collection.
59. **An approach to ensuring automatic and continuous access to categories of records and the establishment of monitoring and evaluation systems, may include the following:**
- 59.1. Develop a short-to-longer-term advocacy and dissemination strategy for the publication of emission reports, mitigation plans, and progress reports. This could include an assessment of the potential policy and legal recognition of this body of records as a specific category of information required to exercise and protect particular constitutional rights, in light of applicable case law.⁷⁶
- 59.2. Engage selected departments and / or state-owned entities to understand the systematic challenges in adhering to the monitoring and evaluation sections in the National Adaptation Strategy, in preparation for the implementation of the forthcoming Climate Change Act.⁷⁷

73 See n 35 above.

74 Best Practice Report above n 1 at page 34.

75 The National Greenhouse Gas Reporting Regulations, 2017, and the National Pollution Prevention Plan Regulations, 2017, will continue to be operative under the Climate Change Act, once it is assented to.

76 Refer to section 5 of the Best Practice Report above n 1.

77 See sections 12 and 13 of the National Adaptation Strategy above n 61.

Pathway 7: Public disclosure and open governance through Eskom’s JET Office

Consider the potential for Eskom’s JET Office website to serve as a central clearing house for the automatic publication of all decommissioning, repowering, and repurposing project data and records, and accessible tools to support the PCC’s Just Transition Consortium for Research on Employment and Work.

60. Eskom’s Just Transition Office (“JET Office”) working toward Eskom’s vision of net-zero carbon emissions by 2050 is one of the information holders cited by way of example in information note 2 in the Best Practice Report.⁷⁸ Given its position as a central stakeholder and duty-bound role-player, Eskom is understood to be one of the key public bodies that is directly involved in implementing the JET. This is through its own initiatives and as a prominent participant in various JET governance structures that require the cooperation of several actors in the development, financing, and gradual implementation of plans, studies, and strategies. In short, **Eskom is one of the public bodies that feeds into all three subcategories of JET information and knowledge. It is therefore fundamentally important that Eskom practices openness and transparency through the communication of regular progress updates and the proactive publication of all JET-related documentation.**
61. Under the first subcategory of JET related information — information and knowledge that supports the low-carbon transition from coal to renewable energy sources, while protecting the rights and needs of poor and vulnerable communities — the PCC’s work programme has focused on specific, interdependent, matters, including:⁷⁹
- 61.1. What a just energy transition could look like at Eskom’s Komati power station as a coal-fired power plant that is transitioning out;
 - 61.2. The development of new economies in transition-affected areas, such a Mpumalanga; and
 - 61.3. Attention around employment should be at the forefront of electricity planning in South Africa, cognisant that jobs will be lost in the coal value chain, while many jobs will be created in alternative energy value chains.
62. Under the “Tracking the Just Transition” section of the PCC’s Third Annual Review, instructive lessons summarised from the PCC’s report titled “Early Lessons and Recommendations from Komati’s Decommissioning and Repurposing Project” (“Komati Report”) are included.⁸⁰ The following key findings and conclusions from this study, including stakeholder dialogues in the Komati community, are extracted from the Third Annual Review:⁸¹
- 62.1. “Access to information and transparency was lacking during the decommissioning process, which led to unequal engagement between communities”; and
 - 62.2. “At an innate level, communities did not understand all the implications of the just transition and requested more accessible language to explain it, along with practical and relevant demonstration of deliverables”.
 - 62.3. Despite the principles in the Framework Report and the binding environmental management principles in NEMA, a community activist emphasised that “until all the requested information [is] in the public domain, there could not be procedural justice”.⁸²

78 Best Practice Report above n 1 at pages 15-6.

79 National Adaptation Strategy above n 61 at pages 12-3.

80 Presidential Climate Commission *Early Lessons and Recommendations from Komati’s Decommissioning and Repurposing Project (November 2023) (“Komati Report”)*. (Available [here](#).)

81 PCC Third Annual Review above n 21 at page 35.

82 Komati Report above n 80 at pages 10-11.

63. Eskom's JET Office has established a dedicated webpage, which can serve as a platform to publish JET-relevant information and knowledge. This webpage is presented in the Climate Resilience Africa [web portal](#). It provides definitions, a vision and strategy, objectives, factsheets, video clips, and project-based documents such as the Komati Environmental and Social Management Plan.⁸³ This is in addition to Eskom's Data Portal, which publishes up-to-date data and statistics for its fleet of power stations, including regulated air pollution and GHG emissions.
64. Insights shared during the consultation phase of this research confirmed that there is limited knowledge of any regular engagement channels between civil society coalitions, including those with community-based representatives, and Eskom's JET Office. Considering that Eskom's Grootvlei, Camden, Hendrina, Arnot, and Kriel power stations will reach their scheduled end-of-life by 2030, it is understood that the Oxpeckers Center for Investigative Environmental Journalism is seeking Eskom's current decommissioning repurposing schedule and associated planning documents through a PAIA request, to feed this information into its #PowerTracker interactive mapping tool; a response from Eskom remains outstanding at the time of finalising this report.⁸⁴
65. **An approach to promote open governance and consistent and timeous communication with workers and surrounding communities through Eskom's JET Office may include the following:**
- 65.1. Advocate for the JET Office website to serve as a central clearing house for the automatic publication of all decommissioning, repowering, and repurposing project-related data and records. In accordance with the recommendations in the Komati Report, specific records could include project schedules per station, details regarding the upcoming consultations and the preparation of economic diversification plans for surrounding districts and regions, updates on project delays, where applicable, and financing arrangements along with reporting on allocations.⁸⁵
- 65.2. New economic clusters will be needed in Mpumalanga to create new jobs and replace jobs where they may be lost in the declining coal industry and guided by the PCC's Just Transition Consortium for Research on Employment and Work.⁸⁶ Civil society actors, among other stakeholders, could contribute an open-access electronic database of existing higher education and training courses and training institutions that will provide skills and knowledge to realise South Africa's low-carbon era. The database may include details such as eligibility criteria, costs, duration, internships, and career pathways.
66. These seven advocacy pathways are neither all-encompassing, nor would their collective achievement necessarily resolve all tensions that exist, and are foreseen, at the intersection of various JET processes and public access to information. The intention, rather, is to present actionable measures with potential entry points for stakeholder consideration depending on various competencies, current focus areas, and strategic plans. Together, these advocacy pathways set the stage for the coordinated implementation phase of this collective body of work to expand the knowledge base available to civil society, including transition-affected communities.

83 Eskom Holdings SOC Ltd *Komati Power Station Component C Projects - Final Environmental and Social Management Plan* (January 2024). (Available [here](#).)

84 The #PowerTracker tool is presented in the Climate Resilience Africa [web portal](#) and is available [here](#).

85 Komati Report above n 80 at pages 17-22.

86 *Id* at page 20; also see the PCC's Third Annual Review above n 21 at page 25.

CONCLUSION AND NEXT STEPS

67. This exploratory research set out to re-examine and consider ways to potentially reset the governance culture and practices surrounding the proactive publication, accessibility, and dissemination of relevant information as South Africa enters this new era of a just and equitable transition toward a low-carbon and climate-resilient society. With the overall objective of enhancing access to JET-related information and knowledge that supports transition-affected communities and stakeholders to defend their rights and advance their priorities, the three-phased approach has produced the following information-sharing and advocacy tools in the public interest:

67.1. The **Best Practice Report** documents applicable international law and standards, developments, and best practice guidance that support the flow of JET-related information and knowledge to the public, and challenges identified in the implementation of the PAIA regime. This consolidates the legal basis in support of the general narrative that public access to these records through proactive publication and maximum disclosure by information holders must be recognised as a prerequisite for the just imperative that forms part of the JET through climate-resilient development.

67.2. The **Climate Resilience Africa web portal** is a living resource and user-friendly guide to a collection of online resources that support South Africa's JET through climate-resilient development. This information and knowledge can be used to make sure that the activities behind South Africa's JET are in fact "just" and that, as we develop together, we are on track to a climate-resilient society. All contributions to the web portal are encouraged for collective benefit, to promote open governance, protect constitutional rights, and secure climate justice.

67.3. This **Advocacy Report** provides both a reflection on the information gathering phase of this exploratory research—including the online source collation, stakeholder consultations, and general outcomes from the set of PAIA engagements — and a prospective offering, proposing seven advocacy pathways to unlock categories of JET information and knowledge. Like the Climate Resilience Africa [web portal](#) and the Best Practice Report, these reflections and advocacy pathways are a contribution to the JET information commons.

68. Heading into this research process, one of the inquiries was whether there would be any desire among civil society stakeholders, including community-based organisations, to form a working group to combine knowledge, expertise, and resources to advance the JET programme in South Africa through access to information interventions. As highlighted in the information note below, this was affirmed during a workshop hosted by Open Secrets.⁸⁷

⁸⁷ Open Secrets is a non-profit organisation which exposes and builds accountability for private sector economic crimes through investigative research, advocacy, and the law. Further information is available [here](#).

Formation of an ATI working group

A body of records that contained particularly valuable insights for reference in the Best Practice Report are the nine annual shadow reports published between 2008 and 2019 by the Access to Information Network (“ATI Network”).⁸⁸ The ATI Network was made up of several South African civil society organisations that support the constitutionally protected right of access to information through their work; however, it is understood that the ATI Network has been inactive since the publication of its 2018/9 shadow report.

Recognising that South Africa’s PAIA regime and the intertwined transitions making up its JET through climate-resilient development have, respectively, arrived at crucially important junctures that will determine the degree to which each system is enabled to ensure justice and serve the public interest — and in the spirit of seizing the moment — there was broad consensus among the workshop participants to re-establish an ATI working group as a cooperative platform.

At the time of finalising this report, the mode of operation of the ATI working group is still to be determined. What is clear is that, in many respects, the three-part challenge identified above still lies ahead:

- First, **establishing regular access to relevant sources** of current JET information and knowledge;
- Second, **developing / compelling the development of mechanisms for maximum dissemination of JET information and knowledge** to organisations and transition-affected communities in need; and
- Third, considering the often technically complex nature of such information and language barriers, guiding the preparation of **training and capacity-building resources to empower stakeholders to defend their rights and advance their priorities.**

Information note 4: Formation of an ATI working group

69. In sum, the Best Practice Report, the Climate Resilience Africa [web portal](#), and this Advocacy Report were constructed not only for the purposes of an implementing body such as the ATI working group to contribute to strengthening civil society as a recognised enabler of sustainable development, but also as an aid to strengthen the civil service, as we strive for an open and responsive government to ensure of South Africa’s just and equitable transition toward a low-carbon and climate resilient society.

70. Given the human rights orientation of this intersectional research, and the extensive reference to the body of work of the outgoing UN Special Rapporteur for Human Rights and Environment in the Best Practice Report, this exploratory stage draws to a close with a message of hope and solidarity:⁸⁹

“I believe that our best bet for achieving the just and sustainable future that so many of us so deeply desire is to place human rights at the very heart of our efforts. We must join together in an unstoppable community of world changers. Having met thousands of brilliant activists, leaders, thinkers, doers and planetary heroes over the past six years, I know that the reservoirs of energy, ingenuity and compassion are massive. There is no greater challenge and no greater reward than contributing to the collective effort to safeguard the extraordinary diversity of life — both human and non-human — on this unique, beautiful, blue-green planet.”

⁸⁸ Refer to the various references in sections 4.3 – 4.6 of the Best Practice Report above n 1.

⁸⁹ *The Right to a Healthy Environment – A User’s Guide. Report of the Special Rapporteur on the Right to a Clean, Healthy, and Sustainable Environment (2024).* (Available [here](#).)

USEFUL RESOURCES

South African legislation

- National Environmental Management Act 107 of 1998.
- Protection of Personal Information Act 4 of 2013.
- Promotion of Access to Information Amendment Act 31 of 2019.
- Regulations relating to the Promotion of Access to Information, GN 757 GG 45057, 27 August 2021.
- National Greenhouse Gas Reporting Regulations GN 275 GG 40762, 3 April 2017, as amended by GN 994 GG 43712, 11 September 2020.
- National Pollution Prevention Plan Regulations GN 712 GG 40996, 21 July 2017, as amended by GN 513 GG 41642, 22 May 2018.

South African bills, policies, and strategies

- The Climate Change Bill, 2022. (Accessible [here](#).)
- Department of Forestry, Fisheries, and the Environment *National Climate Change Adaptation Strategy* (August 2000). (Accessible [here](#).)

South African reports

- Department of Mineral Resources and Energy *An Overview - Independent Power Producers Procurement Programme* (December 2023). (Available [here](#).)
- Information Regulator of South Africa *Procedures for Making Information Electronically Available* (March 2022). (Available [here](#).)
- Information Regulator of South Africa *Strategic Plan 2022/23 – 2026/27*. (Available [here](#).)
- Infrastructure South Africa *Construction Book* (March 2024). (Available [here](#).)
- National Treasury *South African Green Finance Economy* (March 2022). (Available [here](#).)
- Presidential Climate Commission *A Framework for a Just Transition in South Africa* (June 2022). (Available [here](#).)
- Presidential Climate Commission *Third Annual Review* (April 2024). (Accessible [here](#).)
- The Presidency of the Republic of South Africa *Just Energy Transition Implementation Plan* (November 2023) (“JET Implementation Plan”). (Accessible [here](#).)

Multilateral instruments

- Paris Agreement, 12 December 2015. (Available [here](#).)
- United Nation’s Framework Convention on Climate Change, 21 March 1994. (Available [here](#).)

International best practice guidelines and expert reports

- *Framework Principles on Human Rights and Environment*. Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment UN Doc A/HRC/37/59 (2018). (Available [here](#).)
- United Nations Environment Programme *Guidelines for the Development of National Legislation on Access to information, Public Participation and Access to Justice in Environmental Matters* (November 2011). (Available [here](#).)
- United Nations Environment Programme *Putting Rio Principle 10 Into Action - An Implementation Guide* (October 2015). (Available [here](#).)

Foreign law and best practice guidelines

- African Commission *Declaration of Principles of Freedom of Expression and Access to Information in Africa* 10 November 2019. (Accessible [here](#).)
- African Commission *Model Law on Access to Information for Africa* 13 February 2013. (Available [here](#).)
- African Union *Climate Change and Resilient Development Strategy and Action Plan (2022-2032) (June 2022)*. (Available [here](#).)
- Economic Commission for Latin America and the Caribbean, *Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean*, 4 March 2018. (Available [here](#).)
- European Parliament, *Directive 2003/4/EC* (28 January 2003). (Available [here](#).)
- Economic Commission for Europe, *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*, 25 June 1998. (Accessible [here](#).)

Other resources

- Inglesi-Lotz “Exploring the impact of institutional quality to South Africa’s transition to renewables” (2024) *Energy Sources, Part B: Economics, Planning, and Policy*, 19(1). (Available [here](#).)
- Intellidex *Communities in Transition – The Role of Community Ownership in South Africa’s REIPPP Programme (May 2021)*. (Available [here](#).)
- *The Right to a Healthy Environment – A User’s Guide. Report of the Special Rapporteur on the Right to a Clean, Healthy, and Sustainable Environment (2024)*. (Available [here](#).)

ENDS.

ANNEXURE - STATUS OF INFORMATION REQUESTS

	Record/s Requested	Information Holder	Response Due Date	Outcome
1	<p>“Air pollution records”</p> <p>Sulphur Dioxide Expert Panel Report and The Highveld Health Impact Report both before a National Environmental Consultative Forum that is advising the Minister of Environment, Forestry, and Fisheries on matters related to compliance with the Minimum Emission Standards under the National Environmental Management: Air Quality Act, 2004.</p>	<p>Department of Environment, Forestry, and Fisheries</p> <p>Processing Fee: R100.00</p>	29 February 2024	<p>4 March 2024: <u>Access refused</u> based section 44 of PAIA – an opinion, advice, report, or recommendation to aid the Minister.</p>
2	<p>“Climate change records”</p> <p>Implementation progress reports for the National Climate Change Adaptation Strategy, 2019; Copies of the latest climate change response plans / strategies prepared by provincial governments and district municipalities; and List of Greenhouse Gas (“GHG”) Emitters and copies of the latest GHG Reports, Pollution Prevention Plans, and progress reports in terms of National Greenhouse Gas Reporting Regulations, 2017, as amended, and the National Pollution Prevention Plan Regulations, 2017, as amended.</p>	<p>Department of Environment, Forestry, and Fisheries</p> <p>Processing Fee: R100.00</p> <p>Access Fee: R200.00</p>	20 March 2024	<p>13 March 2024: Notification of third-party procedure in terms of section 47 of PAIA.</p> <p>6 May 2024: <u>Intention to release redacted records</u> (personal and commercially sensitive information) within 30-days.</p>
3	<p>“Public health sector records”</p> <p>Resources developed through the implementation of the National Climate Change and Health Adaptation Plan (2014-2019); Implementation progress for the National Climate Change and Health Adaptation Plan (2019-2024);and Information related to the preparation of a National Climate Change and Health Adaptation Plan (2024 – 2029).</p>	<p>Department of Health</p> <p>Processing Fee: R35.00</p> <p>Hardcopy Access Fee: R889.00</p>	27 March 2024	<p>6 May 2024: <u>Access granted</u> including plans, climate change and health steering committee records, monitoring systems, and training and awareness material.</p>
4	<p>“JET plan records”</p> <p>Quarterly JET Inter-Ministerial Committee reports to Cabinet; Current staff contracted to the JET Project Management Unit and Terms of reference or similar mandate documents that direct the JET Project Management Unit’s activities; Updated JET Project Register; The JET Implementation Plan Risk Register; The Monitoring, Evaluation, and Learning Framework; and Records related to the JET PMU’s public platform.</p>	<p>The Presidency</p> <p>Processing Fee: R35.00.</p>	14 April 2024	<p>16 May 2024: <u>Access granted</u> to records and related information where available, including an indication of records that will be published in due course.</p>

5	<p>“Energy portal and economic zone records”</p> <p>The list of entities and projects currently registered on the Energy One Stop Shop portal; Progress tracking reports, processes, and procedures related to the administration of the Energy One Stop Shop portal; Records related to Special Economic Zones, including Advisory Board Annual Reports, investment data, performance monitoring and evaluation frameworks, and SEZ Guidelines.</p>	<p>Department of Trade and Industry</p> <p>Processing Fee: R100.00</p>	<p>15 April 2024</p>	<p>12 April 2024: Access granted to records except for the list of entities and projects currently registered on the energy portal, based on section 37(1)(b) of PAIA - protection of confidential information.</p>
6	<p>“Disaster management and relief records”</p> <p>Records that demonstrate that Disaster Management Centres have included climate change in their terms of reference; The list of schools that are at high risk referred to in the School Survey Final Report; Recent surveys, or similar records, that have also assessed the implementation of the disaster risk management directives / guidelines for schools; Current database, register, or similar record, that contains all existing municipal disaster management frameworks and plans; A current list of all heads of national disaster management centres; and Emergency relief expenditure and performance reports from the beginning of 2022 to date.</p>	<p>Department of Cooperative Governance (National Disaster Management Centre)</p> <p>Processing Fee: R100.00</p>	<p>13 May 2024</p>	<p>10 May 2024: 30-day extension requested in terms of section 26(1)(a) of PAIA.</p> <p>14 June 2024: Access granted to requested records.</p>
7	<p>“Infrastructure fund records”</p> <p>The Infrastructure Fund Pipeline document, and / or the underlying documents that inform the Pipeline and monitor the implementation progress of projects supported by Infrastructure South Africa; and Progress reports on Strategic Integrated Projects Gazetted in 2020 and 2022, and the progress report on projects receiving Project Preparation funding from Infrastructure South Africa.</p>	<p>Department of Public Works (Infrastructure South Africa)</p> <p>Processing Fee: R100.00</p>	<p>24 May 2024</p>	<p>Pending</p>