

'Take climate change seriously'

ELFAS TORERAI

A LEADING environmental law expert at North West University (NWU) has warned South Africa to take issues on climate change seriously to mitigate the current challenges.

Prof Louis Kotze made the call on the eve of the two-day New Frontiers in Global Environmental Constitutionalism symposium that takes place at the Potchefstroom Campus this week.

He said that South Africa, like all other countries in the world, is not equipped to navigate the growing challenges of climate change.

The ravaging drought gripping the country, due to the El Niño factor, is said to be a consequence of climate change.

South Africa is considered one of the driest countries in the world and, if there is a constant threat to its water supply, the situation could get worse going forward.

"The country is currently ill-equipped to deal with the existing food and water shortage crises. Under normal circumstances, communities living in Soweto and Ikageng do not have access to drinking water.

"If government cannot even address this challenge by means of its current service delivery responsibilities, how will it possibly be able to cope as climate change systematically worsens," Kotze said.

He said that South Africa has, in theory, one of the best legal frameworks in the world to regulate actions, from the private sector and government, that has negative impacts on the environment.

He cited section 24 of the Constitution's Bill of Rights and what he called a panoply of environmental statutes that can better save the country's future.

However, the limiting factor seems to be the absence of political will to apply the legislation and preserve the environment.

"Environmental change as a priority is low on the local political agenda although it needs immediate attention. We see fuel prices rising because food prices are rising.

"Climate change causes crops to fail which causes prices to hike. We have water restrictions. This will only get worse. "It is alarming and worrying that South Africa does not intervene through the necessary mitigation and adaptation measures to put legislative protocols in place to deal with environmental change. Those most in need will be affected the most.

"One of the problems is the implementation of our legal framework. There just isn't the political will and capacity to implement this excellent system.

"We need better compliance and enforcement. "Concerning climate

resilience and the adaptation to climate change, SA is staring down the barrel.

"The country is going to have an exceedingly difficult time in adapting to climate change unless it urgently starts implementing its robust policy and legislative framework," Kotze said.

Priority seems to be given to the ever increasing pressure on politicians to facilitate socio-economic growth which puts environmental issues on the back foot. Kotze said that this results in the infringement of fundamental human rights such as the right to human dignity, the right to life and the right to equality, to name but a few.

They have a strong social corporate responsibility component and many of them are ISO 14001 certified

"However, the success of South Africa's environmental governance effort does not only depend on government," Kotze said.

"The private sector has a duty to adhere to the laws that protect the environment, and many of them do but many of them don't.

"They have a strong social corporate responsibility component and many of them are ISO 14001 certified. The more voluntary compliance, the less regulation required. They can, however, do a lot better," he said.

The other challenge is that environmental crimes are not given the kind of punishment that deter would be offenders. It has been argued that violators get away with a slap on the wrist.

"When they do step over the line, does the punishment fit the crime? Not at all. Not even close. How is it possible that a major mining company is penalised with a few million rand for not having a water licence or for pollution?

"That is how much their stock value could fluctuate in a day. Companies aren't hit as hard and as regularly with penalties as they should be," Kotze said.

This will be one of the main topics discussed at the symposium.

The symposium will be hosted by the Faculty of Law, North-West University, Potchefstroom Campus; Widener University, Delaware Law School, US – and the UN Special Rapporteur on Human Rights and the Environment, Prof John Knox.

Sixty global experts on human rights and the environment will critically examine the extent to which constitutional and other rights-based approaches, including international and regional human rights, promote environmental protection.

As part of advancing the work of the UN Special Rapporteur, the symposium is the first of its kind in South Africa and it has two principal objectives.

It has to examine good practices in the implementation of rights-based approaches to environmental protection.

It must also provide a high-level platform for engaging the global conversation about comparative environmental rights-based approaches among policy-makers and governments, practitioners, non-governmental organizations, civil society, scholars, educators, and post-graduate students.

elfast@thenewage.co.za