



**PRESIDENTIAL
CLIMATE COMMISSION**

TOWARDS A JUST TRANSITION

Charter & Governance Arrangements

Draft proposal for discussion at PCC meeting
on 21st October 2021

Current legal status

- ▶ PCC was mooted in the **Presidential Job Summit Framework Agreement**, dated 4 October 2018, which sets out intention behind the Presidential Climate Commission.
- ▶ In furthering the aims of the Agreement, Cabinet took a decision which approved the establishment of the Commission.
- ▶ Following the Cabinet decision, the Commission was established by the **President in terms of his constitutional authority** under section 85(2)(b), (c) and (e) of the Constitution.
- ▶ Consequently, the current legal status of the Commission is a **multistakeholder Presidential Advisory Body** to **independently advise** on the country's climate change response and pathways to a low-carbon, climate-resilient economy and society.
- ▶ In this regard, the Commission is **legally permitted** to operate within the parameters and to exercise the functions as approved by Cabinet.



Future legal status

- ▶ The **Climate Change Bill** is legal framework approved by Cabinet to establish the Presidential Climate Commission.
- ▶ Once enacted, the Commission will be a **creature of statute**, as envisaged in the Agreement, with institutional independence to protect the credibility of its work.
- ▶ The objectives and functions of the PCC requires that it should be **institutionally independent and impartial** to ensure credibility of its work.
- ▶ This is also in line with the majority of the **international climate change councils** and bodies which are creatures of statute, with their functional and financial independence are entrenched and secured in legislation.
- ▶ The **Charter** will set out the broad framework within which the Commission will undertake its day-to-day operations while the Climate Change Bill is finalised.



Principles to secure impartial functioning

- ▶ The **broad principles to secure the institutional independent and impartiality**, based on jurisprudence and literature review:
 - **Constitutional and Legal Framework:** The Commission should be established by national legislation;
 - **Functional and Financial Autonomy:** The legislation should secure the Commission's operational, administrative and financial independence;
 - **Staffing Autonomy:** The legislation should empower the Commission to decide on all human capital matters required for performance of its functions within the available budget;
- ▶ **Right and Obligation on Reporting:** Legislation should ensure the Commission is accountable for its work and finances as well as to make its reports publicly available



Draft Charter

- ▶ The draft **Charter** deals with the following matters:
 - Objectives, Functions, Powers and Duties of the Commission;
 - Institutional arrangements, Secretariat and staff of the Commission;
 - Finances and Accountability by the Commission;
 - Delegation of Powers and Duties by the Commission.
- ▶ The Charter for the Commission should be informed and guided by the broad principles of institutional independence and impartiality.



Finance and governance committee

Purpose:

- ▶ Establish and maintain internal control systems in compliance with PFMA
- ▶ Exercise oversight and direction over:
 - Financial reporting processes and disclosure;
 - Administrative and accounting compliance practices;
 - Corporate governance framework;
 - Risk management;
 - Internal and external auditing processes;
 - Procurement and provisioning system; and
 - Information technology governance framework.



Composition of finance and governance committee

- ▶ This committee will consist of commissioners designated by the PCC, the Director and external finance and governance experts appointed by the PCC from time to time.
- ▶ Recommended members:
 - ▶ Joanne Bate (Commissioner)
 - ▶ Setlakalane Molepo (Commissioner)
 - ▶ Mapaseka Lukhele (Commissioner)
 - ▶ Mandla Nkomfe (external – governance)
 - ▶ Gideon Serfontein (external - finance)

