



**A Critical Analysis of Civil Society's Engagement in South Africa's Just Energy
Transition: Dynamics and Debates**

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requirements of the Master of Philosophy in Development Policy and Practice**

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Abstract

South Africa is currently undergoing a Just Energy Transition (JET) that seeks to design and create a clean and just energy industry in South Africa. This process is underpinned by a rapid revision of energy sector policies, regulatory frameworks and debates around energy reform. The aim of the study is to critically analyse the debates and dynamics underpinning Civil Society Organisations' (CSOs) participation as key stakeholders in the JET process taking place within South Africa: How is civil society engaging in the energy reform process in general and specifically with regards to debates around JET in South Africa? Currently, civil society engages in state-sanctioned and self-created platforms around JET, however the extent to which it participates, the challenges it faces, and the dynamics of this civil space are not well understood. The research is based on a qualitative research design and involved in-depth interviews with representatives from several CSOs involved in JET debates, as well as desktop research. Strategic and purposive sampling was used as a method for choosing respondents best suited to provide answers for the research question. The research found that CSOs actively participate in energy transition debates in South Africa using a variety of strategies and tactics. These include litigation, public participation platforms, media, resistance campaigns and grassroots community activism. Whilst there have been considerable victories - including advocating for energy access, justice and broader consultation - CSOs face resource related challenges, threats and power dynamics whilst engaging in JET processes. There is also a disconnect between local and international CSOs working in this space. Recommendations are made for more funding and collaboration opportunities to increase the scope, depth and participation of civil society in the JET discourse. The research may assist policy makers, CSOs and researchers to better understand the current participation of civil society in the policymaking and reform process of energy transition in South Africa. This includes the debates and dynamics that characterise and inform their engagement

List of Acronyms

ACF – African Climate Foundation

AGM – Annual General Meeting

CER- Centre for Environmental Rights

CSOs – Civil Society Organisations

DMRE – Department of Mineral Resources and Energy

ESG- Environmental, Social and Governance

FFCSA - Fair Finance Coalition of South Africa

ILO – International Labour Organisation

JET – Just Energy Transition

NECOM – National Energy Crisis Committee

NEDLAC – National Economic Development and Labour Council

NERSA – National Energy Regulator of South Africa

OECD - Organization for Economic Co-operation and Development

PCC – Presidential Climate Commission

REIPPP – Renewable Energy Independent Power Producers Programme

RMIPPP – Risk Mitigation Independent Power Producers Programme

SACAN – South African Climate Action Network

SDCEA - South Durban Community Environmental Alliance

SAREM – South African Renewable Energy Masterplan

SOE – State Owned Enterprise

UN – United Nations

UNFCCC - United Nations Framework Convention on Climate Change

WHO – World Health Organisation

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CHAPTER ONE

INTRODUCTION

1.1 Introduction

South Africa is currently undergoing a process of energy sector reform in line with international trends to mitigate climate change. This process is underpinned by a rapid revision and creation of energy sector policies, regulatory frameworks and debates around Just Energy Transition (JET). South Africa has one of the most coal-dominated energy systems in the world (Geddes, bridge, Mosafa, Roth, Sanchez, Garg, Scholtz & Fakir: 2020). Eskom, the SOE responsible for electricity, is not able to fulfil its mandate of providing constant base-load electricity to the people and various industries in South Africa. Eskom relies heavily on the use of thermal coal for the production of electricity in its various power stations. According to Geddes et al. (2020), coal accounted for 76% of total primary energy in 2017. The dependency on coal does not bode well for the country's intended move towards renewable energy production and cleaner energy sources. Government's stated commitment to renewable energy necessitates a societal wide engagement on just energy transition.

The JET seeks to design and create a clean and just energy industry in South Africa. Renewable energy sources such as solar, wind, hydro, battery storage and hydrogen will be a key resource of this energy industry. The Independent Power Producers programmes (IPP) initiated towards generating energy via renewable energy sources has been in operation since 2011. According to Mkokeli (2023), government is promoting green transition by encouraging the private sector to come in with the production of renewables through revisiting policies.

The JET process is a policy formulation and reform process that involves a number of key stakeholders with vested interests in the reconfigured energy industry. A crucial stakeholder in this process is civil society, a sector which advances public interest and societal benefits. According to Mkokeli (2023), the Southern Africa Regional Director at

World Bank Victoria Kwakwa indicated that “it was necessary to make the case for the transition to renewables in a convincing manner to all stakeholders”. This study critically analyses the role that civil society organisations play in the JET process in South Africa, highlighting current debates, emerging trends and dynamics.

In South Africa public participation and civil society engagement form part of the constitutional and legislative framework of state governance. The nature of the political settlement in the country dictates that government must consult widely. This is to create evidence-based development policies that reflect the will of the broader society and all its stakeholders. According to the Presidential Climate Commission draft report (2023), community involvement ensures that projects align with local needs and priorities. Civil society in South Africa thus has a fundamental role to play in shaping both the process and outcome of the unfolding energy sector reform process and the broader debate around JET.

1.2 Statement of the research problem

There is limited understanding of the dynamics, debates, challenges and opportunities experienced by civil society organisations who are actively engaged in both the electricity reform and JET debates in South Africa. This research explores the various roles civil society organisations (CSOs) play within the JET discourse in South Africa asking what value do well-established civil society organisations add? Is the policy environment conducive or restrictive in terms of fulfilling civil society’s traditional roles of oversight and monitoring in a manner that ensures citizens’ voices are heard and increases accountability and transparency in the JET discourse?

1.3 Aim and purpose of the study

The aim of the study is to interrogate the value addition of established civil society organisations as anchoring agents of public participation in energy reform within South Africa. This study wants to 1) understand the dynamics of civil society-state relations in the Just Energy Transition debate and 2) to critically analyse their impact on energy reform debates within South Africa. How to strengthen the participation of civil society

actors in JET, both in the short and long term. Furthermore, to identify challenges faced by CSOs in the JET discourse. The various interests and mandates underlying the engagement of different CSOs participating in the discourse around energy reform, is critically considered.

1.4 Research questions

How is civil society engaging in the energy reform process in general and, specifically, with regards to debates around Just Energy Transition (JET) in South Africa?

- What are the dynamics within which civil society operates in the JET process?
- What is the nature of the intersections between the state and civil society in the Just Energy Transition discourse and debates around broader energy reform?

1.5 Rationale and significance of the study

South Africa's energy sector is rapidly changing. From a CSO perspective, a study of developments around Just Energy Transition provides a resource for policy actors and stakeholders involved in the energy reform space. We need to understand the relationship between the state and civil society actors around key policy reforms in South Africa, such as energy. Furthermore, CSO's are representatives of people's interests and citizens need to understand their inner-workings and dynamics, in order to gain their trust.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The focus of this chapter is to review the literature on Just Energy Transition dynamics both at a global and local (South African) level. Furthermore, this chapter reviews the various literature that exists on public participation as a constitutional imperative in South Africa and civil society's role. There is an examination of the current literature on civil society engagement in the JET debates and dynamics.

2.2 Just Energy Transition Debates

2.2.1 The JET narrative within the South African Context

In the South African context, the JET narrative is two pronged: Firstly, South Africa's abundance of high quality thermal coal provided a solid basis of energy generation for over a century. The current government foresees coal as contributing into the future albeit on a limited scale and gradually being replaced by renewable energies. According to Cele (2022), the South African government together with the Independent Partners Group signed a \$8.5 Billion JET funding pledge, to fund South Africa gradual transition towards low carbon technologies. Here "Just Energy Transition" is understood as a long term gradual transition from coal to renewables. This approach includes the protection of already existing investments in the electricity sector and the related supply value chains. Sustainability and development of coal mining communities into the future is fundamental.

The Deputy Minister of Minerals Resources and Energy Dr Nkabane supports the maintenance of the coal status quo within the country's energy mix. "Our considered view is that, as we transition from high to low carbon emissions, we do not need to abandon these proven fossil fuel resources in the hope that something new will be greater" (Nkabane:2023). There is difference of opinion amongst political leaders in the country on the correct path and pace that the country should adopt in terms of JET. According to Mkokeli (2023), the Minister of Environment, Forestry and Fisheries Barbara Creecy told

the World Bank at a meeting that the “unjust transition” involved in the closure of the Komati power station had undermined the just transition. This was in spite of the fact that the Komati power station had reached its end of life and was underperforming. The reason for advocating for its operational extension is for the enhancement of economic activity, jobs and the value chain impact in the immediate community around Komati power station.

The second narrative of the JET debate in South Africa is driven by CSOs. Here the focus is on advocating for a total shift towards renewable energy production and ending fossil fuel based energy provision. The local CSOs approach is part of an international trend of organisations advocating for a complete overhaul of energy production through systemic elimination of fossil fuels to mitigate the adverse effects of global warming. Protection of the environment and related biological ecosystems is a key motive and CSOs advancing this narrative have no interest in fossil fuels and renewable energy as part of an integrated energy production package.

A key point of contention between state and civil society actors around JET is, therefore, on the interpretation of how “just” the transition should be. What are the time frames and what is the role of coal? The “just” element for the state includes protecting vulnerable communities, maintaining sources of income and protecting livelihoods. It also centres around creating an opportunity on return of investments for mining investors and maintaining the tax pool from the coal mining sector. This is seen as a fair way of gradually implementing renewable energy, by not disturbing already existing social and economic arrangements around energy generation. According to Swilling et al. (2022), the ‘sustainability transition’ frameworks that worked for the European context needs to be adapted to fully understand the energy transitions emerging in the global South.

The state has a constitutional obligation to provide and maintain the welfare of its citizens. CSOs have a different view and believe all social, ecological and economical arrangements could be better achieved through a catalysed and renewable-energy focussed transition. According to Tyler and Mgoduso (2022), a just energy transition is complex, and, as such, it is important to access as many different perspectives and

understandings of the challenge as possible, to refine the solution proposal. Hence, the need to look closely at CSO perspective.

2.2.2 Global dynamics of Climate Change and Just Energy Transition

The key aspects of the debate around Just Energy Transition globally have to do with adaptation and mitigation against climate change. This adaptation of currently existing energy technologies attempts to better suit the future environmental needs. Mitigation attempts to combat against adverse effects of climate change and global warming. According to Prempeh (2023), for South Africa and Africa as a whole, the unlocking of adequate climate finance to address mitigation and adaptation is necessary for us to achieve the transition to low-carbon resilient economies. The world is currently facing a series of natural disasters and changing weather patterns that have a negative effect on the most vulnerable societies on earth, resulting in severe droughts, floods, famine, contaminated water, air pollution and rising sea levels. “Climate change poses an existential threat to humanity and the Earth’s ecosystem” (IRENA: 2019). Negative weather induced disasters have affected many societies across the world, with less-developed countries and the global south being the most affected.

The existential threat of global warming has created an opportune moment for various global stakeholders to devise mechanisms towards averting the global warming catastrophe and lessen the effects of climate change. The discourse around just energy transition goes beyond the roll-out of renewable energy sources, but includes other elements, such as energy justice, social justice and energy efficiency. According to IRENA (2019), the transition involves a much deeper transformation of the world’s energy systems that will have major social, economic and political implications which will go well beyond the energy sector.

According to Keeton (2023), developing countries have contributed the least to heating the planet, but they are the most vulnerable to natural disasters. The world is fragmented into different levels of development, geographical position and natural resource endowment. These unique country features are key in determining a country’s strength

and resilience in dealing with climate change, managing the energy transition and ushering renewable energy technologies. According to McCauley (2019), the transition must take into consideration questions of energy justice to ensure that policies, plans and programmes guarantee fair and equitable access to resources and technologies.

International institutions, such as the United Nations, have played a leading role in crafting a global agenda and framework that countries subscribe to in terms of committing to averting global warming and ushering a just energy transition. On 12 December 2015, 195 countries adopted the Paris Agreement (“the Agreement”) at the 21st Conference of the Parties (COP 21) of the UN Framework Convention on Climate Change (UNFCCC) in Paris. The Paris Agreement and subsequent other agreements facilitated by UNFCCC are meant to hold countries accountable and set firm targets around their role in mitigating global warming. This has created a framework for countries to follow along their nationally determined contribution to mitigate against global warming and lessen the effects of climate change.

2.2.3 South Africa’s Just Energy Transition Plan

South Africa is a signatory to the Paris agreement on climate change and is a participant in the UN Framework Convention on Climate Change (UNFCCC). “Just Energy Transition Partnership (JETP) forged at the UNFCCC’s 26th Conference of the Parties (COP26) between the government of South Africa and International Partners Group” (Presidential Climate Commission: 2022). South Africa is one of the leading developing countries in terms of pursuing a comprehensive just transition investment plan. According to Xaba (2023), South Africa's energy transition model is the first of its kind globally and the world is watching keenly to see whether the country can succeed. The plan is a comprehensive attempt to detail the process, model and paths that the country must follow to effect an economic and socially impactful transition. The South Africa JET plan can potentially be used as a blueprint for other developing countries to adapt for their own JET plans.

The Presidential Climate Commission is the official body entrusted with the process of compiling the Just Energy Transition plan for South Africa. According to the Presidency

(2022), the JET plan outlines the rate at which South Africa plans to reduce greenhouse gas emissions and represents South Africa's fair contribution to the goals of the Paris Agreement. The Commission is responsible for gathering information from the various stakeholders in society to compile a comprehensive evidence-based investment plan that reflects the views and ideas of South African society. "Our Just Energy Transition Plan for the five-year period 2023-2027 sets out the scale of need and the investments required to achieve the decarbonisation commitments" (Presidential Climate Commission: 2022). The JET plan in South Africa focuses on the following sectors: electricity, new energy vehicles, green hydrogen and cross-cutting investments.

2.2.4 Stakeholder participation in Just Energy Transition

The Just Energy Transition process is a multi-stakeholder initiative that has different societal role-players. These include stakeholders with a different role, mandate, objective and modality of participation in the broader debate around just energy transition. According to Schurig (2022), through participation of civil society organisations and the business sector, credibility of the just transition process can be ensured, and the transition will be based on a broader foundation and joint ownership across sectors. The key stakeholders are the state, civil society, multilateral institutions, private sector and academia

These different mandates, values and objectives of the various stakeholders have a potential to create a conflict of ideas and stalemate on finding the best possible path towards realising the ideal JET model for South Africa. A collaborative effort based on respect, tolerance and compromise could provide an in-depth and refined model that is a product of engagement from various stakeholders and true reflection of the various engagements in the debate around JET. According to Ramaphosa (2022), the Presidential Climate Commission (PCC) brings together government, business, labour, academia, youth, traditional leadership, and civil society. The PCC is a consultative platform in the presidency entrusted with conducting and producing reports on the different modalities of JET through consulting various stakeholders.

The state is one of the key stakeholders in the JET process. It has a mandate to govern on behalf of the citizens. “South Africa is among 181 signatories to the 2015 Paris accord which required countries to submit carbon mitigation plans” (Huxman, Anwar & Nelson: 2019). It is through this mandate that the state participates in the broader debates and discourse around JET. The state machinery is deployed to devise policies and engage in a process of consultation on the best possible model and process to follow in implementing Just Energy Transition initiatives. According to the PCC Annual Review (2022), the Department of Mineral Resources and Energy has embarked on a process to update the 2019 Integrated Resource Plan, and, in parallel with this process, the PCC will be convening a series of public debates on South Africa's evolving energy mix, focusing on the electricity system.

Civil society is a key stakeholder in the Just Energy Transition debate. Civil society is made up of different organisations, academia, lobby groups and community based formations. They derive their mandate from the various sections of society that they represent, including members, a certain societal cause and also an advancement of a certain agenda within their sphere of interest. In the case of JET, most of the organisations involved such as Earthlife, Centre for Environmental Rights and GroundWork, are advancing the cause of protecting the environment, advancing renewable energy initiatives and minimising pollution. Furthermore, they want to reduce the use of fossil fuels as harmful sources of energy. “Through political advocacy and the cooperation between CSOs and MPs, reliant, appropriate, and lasting changes to the national energy systems can be achieved” (Schurig: 2022).

Multilateral institutions and the private sector have a role to provide the much needed capital to implement JET and provide the necessary expertise in expediting the transition process. The research, costing, modelling, testing and implementation of the various JET projects and initiatives is a capital intensive process that will need inventors, investors and funders. The private sector's primary motive is to generate profit, and JET is a potentially lucrative industry for them. It is an opportunity to expand business into new territories, products and markets. According to Huxman et al (2019), the impact of climate

change-driven transition on the country's economy may be more dependent on the actions of our international partners than our domestic policy.

The PCC has created opportunities and platforms of engagement for various societal stakeholders to shape the form and content of the JET plan. These engagement platforms include civil society having a permanent representative at the Commission. Civil society structures are invited to participate in roundtable discussions, colloquiums, workshops and forums facilitated by the PCC. "It is worth noting that an entire industry – that of renewable energy – is being developed, and it is important for civil society to be able to influence decisions that are being taken about this industry" (Ngwenya, Khambule & Schubert: 2016). Different stakeholders have different ideas on what is the best path to follow as a country and the Presidential Climate Commission must take that into account in crafting the JET plan. Achieving a just transition will "require a mix of measures and approaches that reflects the diversity of views in a country, through a series of incremental building blocks". (PCC: 2022)

Civil society organisations have an ongoing opportunity to engage and raise their views on proposed legislation, such as the Climate Change bill, a precursor and part of the ongoing discourse around Just Energy Transition in South Africa. CSOs might feel these platforms for public comment are a public relations stunt on a foregone state policy position. According to Morgan, Govindsamy & Masipa (2023), civil society has been invited to comment on the JET plan; however, "we are uncertain about whether and how our comments will be taken into consideration".

CSOs, such as Natural Justice and SACAN, participating in the energy space in South Africa, engage in research, provide expert analysis on current energy developments, policy propositions and advocacy work. There is a collective approach in the way CSOs are engaging with government and the public. According to Xaba & Fakier (2022), coalitions for climate justice between civil society have emerged in South Africa. The formation of coalitions, alliances and associations of like-minded civil society organisations with the same mandate and agenda has assisted in pooling of resources, creation of critical mass and projecting a united front for better reception of the message

they want to convey to government and the public. For example, Fair Finance Coalition of Southern Africa and Life After Coal Alliance are some of the prominent CSO coalitions. According to Morgan et al. (2023) Fair Finance Coalition of Southern Africa is a civil society coalition working towards ensuring that public finance Institutions invest in a socially and environmentally responsible manner in South Africa and Africa. Advocacy and lobbying through coalitions is a common trend in the CSO space.

Xaba & Fakier (2022) argue that those involved in South Africa's energy transition agenda need to pay special attention to underlying political economy dynamics, both in terms of local socio-economic structures in South Africa and our cooperation with the rest of the world. Another key dynamic in the civil society space is that CSOs want to be treated equally and fairly in the just energy transition discourse. According to Todd & McCauley (2021), recognition-based justice relates to the equality of voice in the process of an energy transition.

2.3 The energy sector reform agenda in South Africa

2.3.1 Profile of the South African energy landscape

South Africa is currently engaged in a process of reforming the electricity sector to better suit the needs of the country's electricity demand and environmental goals. According to Connolly (2022), in March 2017, the state utility company, Eskom, announced that it would close five coal power plants due to poor economic viability and the need to prioritize renewables. This reform process is driven mainly by the failure of the state-owned enterprise, Eskom, to provide and meet the electricity demands of the country and transition from fossil fuels to renewable based energy sources. South Africa is endowed with rich coal deposits and thermal coal has been a bedrock of South Africa's electricity generations for more than a century. In February 2022, Minister Mantashe spoke at the Coal Colloquium stating, "Many think that there will be no coal generation by 2030, i can assure you that there'll be a lot of coal generation by 2030". Eskom's power generating fleet is currently dominated by coal as its primary source of power generation.

The process of improving Eskom governance has to be undertaken at the same time as the process of introducing renewable energy sources in its power generation system.

According to Todd & McCauley (2021), South Africa's main energy challenge is to overcome supply shortages, while diversifying the energy mix. There should be a determined and concerted effort of limiting the use of thermal coal in favour of environmentally friendly and sustainable energy sources. According to Akinbami et al. (2021), the development of the renewable energy sector in the country has the potential of creating improving South Africa's economy and reach its sustainable environmental goals. Eskom as a key player in the energy industry within South Africa should embrace JET and be at the forefront of the Just Energy Transition process in South Africa. "The South African state electrical utility Eskom occupies a central position in terms of the country's national energy strategy" (Todd & McCauley: 2021).

2.3.2 The energy reform process in South Africa

The emerging global phenomena on electricity generation is geared towards harnessing renewable energy sources which offer a climate friendly and sustainable way of producing electricity. According to Baker & Phillips (2020), the transformation of the electricity network has become recognised as critical for Just Energy Transition. There is an emphasis of introducing new energy generation players in South Africa through the Renewable Energy Independent Power Producers Programme (REIPPP) and the Risk Mitigation Independent Power Producers Programmes (RMIPPP). These independent power producers programme have an emphasis on catalysing the use of renewable energy sources such as solar, wind, hydro, nuclear and battery energy storage systems. According to Akinbami, Oke & Bodunrin (2021), South Africa is gradually developing its renewable energy sector. These are environmentally friendly, sustainable and alternative sources to fossil fuels.

According to Eberhard & Naude (2016), South Africa's REIPPP design and management is likely to be of interest to policymakers in African (and other developing) countries. The literature into renewable energy as a source of electricity generation is driven by the international discourse on climate change and global warming. It mainly focusses on policy formation, implementation and assessment of the projects in operation. According to Akinbami, Oke & Bodurin (2021), South Africa has the best renewable energy plan in

the whole of Africa. The role of civil society in this policy process reform is important in order to ensure that the views and ideas of broader society are represented and feature in the process and final outcome of the electricity reform in the country. “Democratization has led to the involvement of new electricity policy actors and attempts to reform the electricity sector” (Froestad, Nokleberg, Shearing & Trollip: 2018).

2.3.3 The engagement of civil society in the energy reform process and discourse

The energy reform process in South Africa includes the process of amending existing and creating new laws that will guide the energy sector. The legislation making process in South Africa is a widely consultative process. “Successful stakeholder engagement with parties most impacted by a policy ensures that their interests are represented in final decisions” (Connolly: 2022). This process starts with the publishing of the proposed amendment bill for public comments, suggestion and public scrutiny. CSOs are key participants in this phase as they provide research and evidence-based advice on the content and form of the proposed legislation. “Civil society actors have higher chances of influence when they engage in participatory spaces provided by intergovernmental policymaking processes” (Senit: 2020). It is an opportunity for CSOs to advocate and lobby for their interests on what the bill should focus on.

South Africa’s CSOs are the most vocal advocates and lobbyists of the transition from fossil fuels based electricity to a renewable green energy source, based on wind, solar, hydro and battery storage systems. These CSOs have provided the much needed research, data and information to inform both government and the general public. This data and information helps create awareness of the benefits of renewable energy in the process of transforming the country’s energy sector. “Collaboration between state and civil society has been possible and has added substantively to the effectiveness of state programming” (Fiew & Miltin: 2018).

Most importantly, civil society continues to advocate for better governance, accountability and transparency of the state driven just energy transition process. As a case in point, Karpowership SA, a floating gas generating facility, was awarded a contract for emergency power procurement by the South African government. CSOs led by the Centre

for Environmental Rights, legally challenged the contract on the basis that the National Energy Regulator of South Africa (NERSA) failed to act in the interests of South Africa as (1) this deal won't end South Africa's energy crisis and (2) it has negative environmental effects.

During the electricity reform process in Thailand, CSOs and the general public did not really show interest in participating in the reform process. The process was mostly left to experts and politicians to manage. "A recurring theme in Thai history is that the energy sector does not receive a level of attention from the civil society in proportion to its significance in Thailand's economy, environment and society" (Greacen and Greacen: 2004). This is not the case in the South African context, where CSOs are actively engaging in JET debates, something that this research explores.

The general public is often mostly not in position to access expert analysis, well researched information and resource capacity to meaningfully participate in policy formulation, due to the complexity of the matters being dealt with and also a general lack of access to the platforms and opportunities provided. According to Connolly (2022), at the PCC Multi-Stakeholder Conference in May 2022, some participants voiced their frustration because information is often communicated in overly scientific and technical language, making it difficult for everyone to comprehend. Established CSOs are in a better position to participate in this process and advocate on behalf of public interest.

According to environmental group Groundwork (2017), Eskom's coal fleet leads to more than 2,200 deaths annually and costs the economy \$2.4 billion each year. As a result of the poisonous carbon dioxide emissions, polluted river basins, toxic waste, environmental degradation and air pollution. Civil society organisations such as the Centre for Environmental Rights, Green Connection and 350Africa.org participate actively in the energy sector policy process by providing expert analysis on the best path to follow in the energy sector reform process. Furthermore, they are advocating for JET through research, lobby, litigation and advocacy. According to Xaba & Fakier (2022), civil society has a role to play in the Just Energy Transition and there are various organisations that

have voiced their concerns over the unfolding Just Energy Transition process in South Africa.

In South Africa, there is an eagerness from civil society to participate. Public participation in South Africa is legally codified. Sections 59 and 72 of the Constitution which compels Parliament to facilitate public involvement in its legislative and other processes. This creates a legal basis for a broader consultation of all stakeholders concerned and the general public, and creates and enforces a culture of transparency, accountability and citizens' activism, which builds trust in policy processes. According to Averchenkova, Gannon & Curran (2019), South Africa has one of the most elaborate and consultative climate governance systems observable among developing and emerging economies. The Presidency in South Africa created the National Energy Crisis Committee (NECOM) made up of various stakeholders, including a civil society representative to coordinate the implementation and monitoring of the Energy Action Plan, a programme of action to end the energy crisis in the country.

2.4 Public participation as a constitutional imperative

2.4.1 Legislative framework

South Africa is a democratic country that subscribes to the constitution as the supreme law of the country. Every action the government takes must be consistent with the values and principles of the constitution. Key amongst those principles and values is fairness, justice and transparency in the process of state governance. The Constitution of the Republic of South Africa (2016) — sections 72(1) (a) states that “Parliament has a duty to facilitate public participation in the law-making process”.

The general public and wider societal stakeholders, including civil society, academia, business and traditional leaders are provided an opportunity through legislation to participate in policy development and implementation processes. The constitution is crafted in such a manner that it is people-centred and exists to protect and pursue public benefit and interest. For example, the Constitutional Court's judgment in the Land Access case (Land Access Movement of South Africa and others v Chairperson of the National Council of Provinces and others [(2016) ZACC 22]), it makes it clear that: public

participation must be real, in that it must provide the public with an opportunity to be heard in a way that is capable of influencing the decision to be taken.

Parliament through its various portfolio committees offers the public an opportunity to raise their comments and suggestions. Comments gathered from the public participation processes across the country are prepared for presentation in parliament for further engagement by parliamentarians. “The draft resolutions of the engagement in parliament are then referred to the relevant committees of Parliament for debate, and this presents an opportunity for public consultation and stakeholder participation on the ratification of the resolutions” (Ngwenya, Khambule & Schubert:2016). This legislative process of public participation ensures that the public participates holistically in the policy making process, from policy initiation to policy monitoring and evaluation. Sections 59(1)(a) and 118(1)(a)9 of the Constitution establish public participation in the legislative process.

2.4.2 Civil society as a key stakeholder in society

The South African socio-political landscape is a thriving space for contestation between different stakeholders, each of whom has an interest and position on how the state should govern and what policies it should prioritise and pursue. Within society, there are business formations, civil society organisations, church fraternity, academia, media and activists. In a democracy, civil society is a channel through which citizens participate in making and implementing public decisions; in identifying, prioritising and resolving public problems, and in allocating and managing public resources (Mukamunana & Brynard, 2005).

Civil society is a non-state actor that is well structured and acts as an important stakeholder in society. It is made up of different organisations, structures and associations that are mostly active in the space of advocacy, lobbying and activism. Civil society contributes to policy making processes by enhancing the voice of the public through well structured, established and resourced organisations. “Formal settings include speaking rights during the negotiating sessions, face-to-face consultations with governments and the co-chairs of the negotiations, and online consultations” (Senit: 2020).

Civil society organisations focus on various issues including: anti-corruption, strengthening democracy, social justice, crime, education healthcare, gender-based violence and, in recent years, climate change and Just Energy Transition. Civil society organisations in South Africa consist of community activists, professionals, experts, researchers and media practitioners. This combination of skills, knowledge and expertise is helpful in providing research and evidence based expert analysis on issues of interest. According to Mavee (2022, what is needed is a strong, independent civil society, political equality, a free press, empowerment of marginalised citizens, and scope for deliberation as key components of cooperation and participation.

Civil society uses various approaches and tactics to advance its mandate, including protests, petitions, litigations, publications and social media. “To exert influence, actors deploy insider tactics (comments on negotiating texts, provision of scientific information, lobbying) and outsider tactics (blaming and shaming, protests, boycotts)” (Senit: 2020). Civil society has a positive impact in terms of employment and social welfare. It contributes to social and economic development of the country through its campaigns, programmes and projects.

CHAPTER THREE

CONCEPTUAL FRAMEWORK

3.1 Introduction

This chapter deals with the concept of “Civic Space” and explains the various dimensions, including legal, political and social linked to the concept. Furthermore, dynamics, challenges, limits and constraints linked to civic spaces are discussed. “Just Energy Transition” is explained in all its dimensions and as it relates to the South African context. The “just” element of the energy transition is also explored in terms of its application to South Africa. The concepts of civil society and civic space are used interchangeably to define a societal phenomenon of participation outside the sphere of influence of the private sector and the state.

3.2 Civic Space: A platform for stakeholder engagement

3.2.1 The Concept of Civic Space

The concept of civic space is a guiding framework on the engagement between different stakeholders in society, including government, civil society, business and activists. According to Buys (2018), civic space is the layer between state, business, and family in which citizens organise, debate and act. It is a concept loaded with connotations of freedom of expression, public participation, consultation and social engagement.

Civic space is the concept of creating and sustaining an enabling platform for civil society structures and organisations such as social movements, think tanks, non-governmental organisations, human rights’ advocacies and environmental activists to positively contribute to the development of the country. According to Melena (2015), it is widely acknowledged that civic space, or the freedom and means to speak, to access information, to associate, to organise, and to participate in public decision making is essential to the healthy functioning and development of any society and an essential

precondition for accountable governance. This process is most likely to be present and functioning in democracies.

According to Bierkart, Kontinen & Millstein (2023), civic spaces are societal spaces where diverse practices by a variety of civil society actors occur and where a multiplicity of civil society responses to institutional and informal constraints in different contexts appear. In democratic societies such as South Africa, democratic principles of public participation are enshrined in the supreme law of the country. The term “civic space” can be traced back to legal and human rights discourses and is often defined based on the realisation of certain civic freedoms such as the right of association, assembly, and expression” (Buyse: 2018).

The concept of civic space is codified through a system of legislative prescripts, legal frameworks, international treaties and informal arrangements on enhancing the role that civil society plays in advocating for an inclusive society. According to OECD (2022), there is a need to foster an enabling environment for civil society organisation that facilitates their positive contribution to society. Civic space provides a public participation platform for formal and informal engagements in South Africa. According to OECD (2022), civic space is a cornerstone of functioning democracies. Furthermore, it is incumbent upon the citizens and the general public to organise themselves in a manner so that they effectively use the political leeway provided by constitution and legislative prescripts to maximise their participation in the affairs of the country.

Civic spaces are societal platforms where the general public and other interested societal actors advance their views, advocate for certain developmental agendas and lobby for policy positions. According to Hossain et al. (2018), civic actors influence policies and practices on poverty, hunger, gender equality, livelihoods, health and education, across a wide range of contexts. These platforms are crucial in assisting the state to understand different views and policy propositions in society, to strengthen and consolidate democracy through increasing public participation in state governance. According to

Bierkart et al. (2023) the contribution of civil society for democratization and development is seen as more important than ever.

Civic spaces can also be used to both transparently facilitate or secretly restrict public participation. “In many instances we cannot rely on governments to automatically protect the rights to freedom of opinion, expression, association and assembly, even though these rights are critical to the protection and promotion of all human rights” (Mawarire: 2017).

3.2.2 The dynamics and challenges of civic spaces

The civic space is a contested terrain between different powerful societal players and stakeholders, with the state and business being the strongest actors in this space. The state, through its political power and election-legitimacy, gets to wield enormous power and resources as the elected representatives of citizens. “Civic space overlaps with the notion of political society, occupied by political parties and interest groups with the aim to influence the government agendas” (Bierkart: 2023).

The political terrain in South Africa is equally dominated by political parties with different ideological inclinations, agendas and mandates. Some political parties extend their reach into the civic space and seek to manipulate and drive the discourse in their favour. “In practice, civil society organisations (CSOs) and human rights defenders face impediments especially on freedom of assembly and freedom of association” (Mawarire:2017). For example, some political forces and parties harass civil society and label them as foreign agents in a quest to suppress them.

The worst that could happen in the civic space is a dictatorial or authoritarian wielding of power to quell and limit societal engagements in favour of the state-led development narrative. “anti-NGO laws, arbitrary inspections, harassment, and criminalisation all strike at the roots of civic space” (Buyse: 2018). These acts create a fearful and non-conductive civic space for stakeholders to participate freely.

The phenomena of restriction can also be through a systemic process of selective implementation of legislation that enables public participation, by window dressing and reaching foregone conclusion on matters before public participation processes are enacted. “The enabling environment legally is good on paper but remains a serious challenge in practice” (Mawarire: 2017). This phenomenon is not prevalent in South Africa. Furthermore, the state can apply a selective approach in terms of the civic space, by creating an uneven playing for certain sectors of development, creating more platforms in certain industries and sectors whilst restricting the civic space in certain sectors.

3.2.3 Political Settlement and Public Participation

The political system or settlement of a country has a direct and indirect role on enabling or restricting a flourishing civic space. A political settlement of a country is the manner that the state uses its political power in the process of governing a country and shaping its socio-economic and political outcomes. The nature of political settlements is such that political power can be centralised within the ruling party or state, with limited role players influencing the shape and direction of development within the country. Such political systems are inherently authoritarian and dictatorial. In an authoritarian political settlement, the civic space tends to very restricted and controlled, the narrative and discourse on development is centralised around the political elite. It is a one side agenda on economic, political and social development of the society. Civil society is relegated to the periphery of mainstream engagements with the state and has limited contribution to state governance.

Political settlements or systems, where there is a liberalised and democratic nature of public participation either codified in the laws of the land or the constitution, tend to create and enable a thriving civic space. Countries with established civic and political institutions, or where efforts, to democratise are under way, indicate a tendency to draw civil society actors closer into the fold of political power (Hossain et al: 2018). Democratic countries are heavily reliant on creating an enabling environment centred on accountability, transparency and public participation as foundations of a democratic society. In democratic political settlements, there is an inculcated culture of continuously and

consistently involving civil society and the general public to participate in the national discourse of development and shaping socioeconomic outcomes.

3.2.4 Limits and constraints in civic spaces

Civic spaces are sometimes characterised by the political settlement of a country. Democratic countries tend to create more platforms for civil society and other stakeholders to participate in the affairs of the state, whilst undemocratic political settlements tend to brutalise dissent and squash alternative views from the mainstream state-led developmental discourse. “Collective citizens’ efforts, especially when they have political salience, seem to be regarded with increasing suspicion and even to be actively countered” (Buyse: 2018).

The fluidity and flexibility of a political settlement plays itself out in the formation of civic space, with a change in the rigidity and machinations of the political settlements. Thereafter comes a change in the limits and constraints of the civic space. “Increasing constraints on the democratic sectors of civil society have been described as and analysed through the notion of *shrinking civic space*” (Biekart: 2023). Shrinking civic space is a regressive phenomenon that reflects on non-transparency and unaccountability from the state and its governance machinery.

According to Bierkart (2023), civil society is understood to be constituted of people organizing outside government and immediate family to address joint issues and to mobilize for joint claim-making. Civil society organisations embark on a collectiveness approach as a way of increasing the public participation muscle and pool resources together to better match the powerful business stakeholders and the state in the civic space. “It is only through such solidarity that civil society can effectively and sustainably engage against encroachments on civic space” (Mawarire: 2017).

Through alliances, coalitions and associations, civil society organizations can better serve their constituencies than they would have done if working in silos. Furthermore, civil society organisations that have a multinational footprint are better equipped in terms of

resources, human capital, advocacy and lobby prowess. These multinational civil society organisations can draw from the experience, strategies, approaches and resources of country peers within the organisation. “Civic space has become central in global development discourses alongside the emphasis on civil society (Bierkart: 2023).

3.2.5 Civil Society Organisations and the broader Civic Space

Civil society organisations and structures use different forms of engagement and approaches in facilitating their roles within the civic space. “A thriving civic space emerges through the combined efforts of a range of stakeholders, including public institutions, the private sector, civil society and citizens” (OECD: 2022). There are formal engagements between the state and society on policy matters, economic agenda and general societal discourses. These are mainly state-led public participation platforms in the form of public forums, consultation sessions, calls for submission of proposals and objections, etc. These state-led engagements can either be a genuine call by government to engage and consult broadly or a mere public relations exercise to create an artificial sense of wider consultation on foregone conclusions on policy and developmental matters. According to Mwarire (2017), what civil society organisations face in practice is often very different from what is written in law.

The main forms of engagement within the civil space are mainly at the initiative of the concerned and interested civil society organisations and structures. These are engagement platforms where the state is not necessarily a willing participant, but it is being forced to respond on a pertinent issue of development within the country. These civil societies led engagements can be in a form of mass demonstrations, petitions, litigation, defiance campaigns, whistleblowing and media publications. These methods of engagements can easily thrive in democratic political settlements, such as South Africa and United Kingdom, but they can be brutally crushed in autocratic and dominant political settlements, such as China and Zimbabwe. According to Mwarire (2017), there is an increased characterisation of civil society organisations as political opponents who threaten national security or who are promoters of foreign or western values.

3.3 The concept of Just Energy Transition

3.3.1 From fossil fuels to renewable energy

The concept of Just Energy Transition is a double edged concept focussing on systemic transformation in how energy for consumption is generated: (1) first in the adoption of renewable energy sources and (2) in how justice is served in the process of transitioning towards renewable energy. “This process is driven by concerns about energy and climate security policies” (Lohr, Matavel, Tedesse, Yazdanpanah, Sieber & Komendantova: 2022).

The manner in which energy is generated has to do with the sources of energy that can be used in order to ensure that the environment is protected. Climate change should be averted by using renewable energy sources such as wind, solar and hydro. According to Lohr (2022), the use of fossil fuels incurs huge economic, social, and political costs for both present and future generations. For the longest of times fossil fuels such as coal, gas and oil were the key sources of energy used globally. These fossil fuels had a negative impact on the environment resulting in adversely changing weather patterns, global warming, pollution and natural disasters. This has necessitated a change to renewable sources.

‘Energy transition’ as a concept is linked with a concerted effort to minimise the use of carbon dioxide prone fossil fuels in favour of upward utilisation of clean renewable energy sources. This global phenomenon of energy transition is a multidisciplinary and multidimensional approach to address a societal anomaly as well as an ecological catastrophe. According to Xaba & Fakier (2022), Just Energy Transition requires concerted planning and it is important that critical elements are mapped and understood. The societal issue linked with the energy transition is access and availability of clean energy for vulnerable societies, whilst the ecological aspect of it is the protection of the environment and reverse its degradation whilst protecting already vulnerable bio-systems.

” A social perspective of the multidimensional and complex aspects of low-carbon energy transitions is based on people's priorities and their linkages with sustainable development and energy justice” (Siciliano, Wallbott, Urban, Dang & Lederer: 2021). The concept of energy justice goes beyond the form of energy sources preferred but delves deeper into a structural issue of access to energy and electricity. Sovacool, Martiskainen, Hook & Baker (2019) rightly point out, the current wave of low-carbon transitions may “create new injustices and vulnerabilities, while also failing to address pre-existing structural drivers of injustice in energy markets and the wider socio-economy”.

3.3.2 The “just” element of the energy transition

According to Wang & Lo (2021), the concept of “just transition”, draws attention to the equity and justice issues associated with efforts to address energy and climate problems. The world is not fair and equitable in terms of mineral resources endowment, access to wealth and geographical positioning of communities. With these differences in terms of characterization of states and nations, equitable access to energy should be prioritized. Scholars have indicated that such a shift must consciously avoid reproducing the environmental and socio-economic injustices and inequalities which are intrinsic to the existing energy regime (Wang & Lo: 2021).

The “just” element of the transition refers to a systemic process of ensuring that the most vulnerable people in society are not left behind in the process of energy transition. There is a recognition that a country’s development relies largely on access to energy and in the past fossil fuels such as coal, gas etc. were used by developed countries to advance and yet now developing countries are effectively having to use alternative sources of energy. “Sustainability transitions and decarbonisation pathways must become more egalitarian, fair, and just” (Sovacool et al.: 2019). Developing countries and least developed countries should be prioritized in the energy transition process as both a means to protect their vulnerable society but also as a means of justice.

Energy and social justice are a key component of just energy transition. According to Lohr et al. (2022), existing research shows that conflict potential during an energy transition is

high. Since the bulk of developing countries developed by industrializing their countries in the era of heightened use of fossil fuels and contributed significantly to global warming and climate change, industrialised countries should take responsibility as part of the mechanisms being developed to usher in a just energy transition.

Justice concerns in the low-carbon transitions arise not only from the fossil fuel industry decline, but also from the inequitable distribution of benefits (Wang & Lo: 2021). Developing countries might not have contributed significantly to climate change as developed countries but are significantly exposed to the adverse effects of a world dominated by fossil fuels. This quagmire creates a fertile ground for both energy justice and equitable access to renewable energy investments for all regardless of their development status. “Energy justice is a conceptual, analytical, and decision-making frame-work used to describe, understand, and analyze fairness and equity in the inclusion and consideration of those affected by energy decisions” (Siciliano et al: 2021).

CHAPTER FOUR

RESEARCH METHODOLOGY

4.1 Introduction

This section describes the research approach, research design, population and sampling as well as data collection and analysis that was used in conducting the research study.

4.2 Research approach

This research is based on a qualitative research approach and involves in-depth interviews with civil society organisations engaged in JET. The nature of a qualitative research is based on an expansion and understanding of multidimensional social phenomena in its natural setting. Qualitative research is a non-numerical approach that has an embedded emphasis on using themes, patterns of thought, ideas, and social context and realities to conduct research. According to Stenfors, Kujamaa & Bennett (2020), qualitative research is conducted within a number of paradigms, or ways of understanding the nature of reality and knowledge. The in-depth interview data collection method that was used in this research study is part of the various qualitative research methods and document analysis.

4.3 Research design

There are various interest groups and stakeholders that add value to the JET process in South Africa, including Eskom, small non-commercial producers, commercial businesses and the broader civil society. This study focussed specifically on civil society organisations' engagements in the JET process in South Africa. How do established civil society organisations engage in this reform process? Most of these civil society organisations operate solely within the energy and climate change sectors, whilst others are focussed broadly on general governance, accountability, transparency and corruption related issues.

According to Heale & Twycross (2018), a case study has been described as an intensive, systematic investigation of a single individual, group, community or some other unit in which the researcher examines in-depth data relating to several variables. Case studies offer a rich and multifaceted approach in understanding various aspects of the research question and help to understand the broader context better. The case study of South Africa's Just Energy Transition offers an area of study that can be broadly analysed to understand the engagement and participation of established civil society organisations in policy reform. This policy reform process includes amendments of existing policies, regulatory frameworks, free market positioning, public participation and governance in the context of JET dynamics and debates in South Africa.

4.4 Population and Sampling

The population of this study are CSOs actively participating in the JET process in South Africa and include civil society formations that are currently involved in the JET policy formulation process, regulatory framework structures, renewable energy transition and the Presidential Climate Commission. Strategic and purposive sampling is a means of choosing the most relevant research subjects who are best suited to provide answers for the research question. According to Etikan et al. (2018), purposive sampling is a non-random technique that does not need underlying theories or a set number of participants. Participants were chosen based on their experience, knowledge and ability to provide the much-needed information and data to answer research questions. Also, their availability and willingness to participate was taken into consideration. See the following table for the list of Organisations that were interviewed:

	List of interviews	Date of interview
1.	Centre for Environmental Rights	6 July 2023
2.	Fossil Free SA	6 July 2023
3.	Natural Justice	18 July 2023
4.	South African Climate Action Network	19 July 2023
5.	African Climate Foundation	3 August 2023
6.	Presidential Climate Commission	21 July 2023
7.	South Durban Community Environmental Alliance	11 August 2023

Table 1 list of organisations interviewed

4.5 Data collection

In-depth interviews were used as a means of collecting qualitative data. This form of data collection method creates opportunity to gather comprehensive information from various stakeholders and research subjects. In-depth interviews are based on a one-on-one interview using open ended questions to gather as much information as possible. The nature of open-ended questions is that they allow the expansion and extraction of vital rich sets of data and information that can assist in the process of Identifying pertinent themes, concepts, issues, attitudes, perceptions, challenges and motivations. According to Cacciattolo (2015), a lot of extra information may surface during interviews.

Just like any other method of collecting data, in-depth interviews have advantages and limitations in the process of gathering research data. The first advantage is the richness and depth of the data collected via this method. It provides not only a personal account of matters but also the underlying patterns of thinking and articulation of the interviewee can generate new insights on the research topic. “The primary advantage of in-depth interviews is that they provide much more detailed information than what is available through other data collection methods, such as surveys” (Boyce & Neale, 2006:3). This method of data collection can assist to collect a lot of valuable data in a short space of time and also delve into greater details of the themes and concept being researched. The main challenge of this data collection method is the difficulty in analysing the data

collected from the in-depth interviews, as the nature of qualitative data is sometimes ambiguous and open to different interpretation.

The interviews were conducted through Microsoft Teams (6 interviews) and Zoom (1 interview). Both these virtual online platforms offered an opportunity to conduct interviews remotely and offered a flexible arrangement for interviewees. The virtual online meeting platforms are a cost effective, cheap and readily available interview method as compared to face to face interviews. The biggest challenge was loadshedding and the resultant bad network connection due to electricity outage and network signalling. This network signalling challenge was addressed through hosting meeting at times when there was no electricity loadshedding. The representatives of the CSO's were asked for their informed consent, provided information on the ethical approval form and their permission was asked to record the interviews. It was clearly stated that the interviews were only recorded for transcription purposes in order to assist in the process of analysing the data gathered through the in-depth interview process. Furthermore, the representatives of the organisations were comfortable with being cited

4.6 Data analysis

The rich and in-depth data collected from the interviews was carefully and skilfully analysed and interpreted in order to make meaning and address the relevant research questions. In this case, a thematic analysis method was used to analyse the data from the various interviews conducted. A thematic analysis was used to analyse qualitative data to identify certain themes and underlying patterns. This is not merely a summarisation of the research data but an interpretation of the data. "A theme is a pattern that captures something significant or interesting about the data and/or research question" (Maguire & Delahunt, 2017:3353). Thematic data analysis is done systemically and focusses on the content of the interview data and not necessarily on the interview questions.

There are steps to follow in order to properly do a thematic analysis. These steps should not necessarily be sequential, although they provide a rational way of conducting a

thematic analysis. The first step is to be familiar with the content and data collected from the interviews. There should be a clear understanding and analysis of the information collected via the interview process, then codes should be generated from this initial data. "Coding reduces lots of data into small chunks of meaning" (Maguire & Delahunt, 2017:3355). These codes will lay a pattern to identify the various themes that are picked up in the process of interpreting and analysing that data. These codes should then be reviewed to verify whether the initial data was really linked to the identified and defined themes from the interviews. Some data fits to one theme, other data fits to more than one theme and it's even possible to have themes combined if they have the same underlying patterns and concept. These thematic analyses will provide a basis of answering the research questions and actual research writing.

4.7 Ethical considerations

There are various ethical and integrity issues to be addressed in the process of conducting research. These ethical considerations are based on a range of norms, legal-rational principles, values and protection of research subjects. According to Resnik (2020), ethical norms and values help to ensure that researchers can be held accountable to the public. Ethics clearance was obtained from the research committee to verify that all ethical considerations have been addressed. Consent was obtained from the people and organisations interviewed for this research. Interviewees were briefed about the nature and intentions of the research, and it was explained what their views would be used for and that they have a right to opt out any time during the interview process.

CHAPTER FIVE

FINDINGS

5.1 Introduction

This chapter presents the findings from the in-depth interviews that were conducted with various civil society organisations involved in the JET process in South Africa. The responses received were fundamental in answering the research questions and assisted in reaching the research objectives of this study. The in-depth nature of the answers creates a rich data set of knowledge, insight and information that is analysed to answer the main research questions of this study.

5.2 Strategies and Approaches used by CSOs engaged in the JET discourse

There are 8 key strategies and approaches that emerged from the interviews and include the following:

- Participation in the presidential climate commission
- Parliamentary submissions
- In-depth research and expert analysis
- Grassroots campaigns
- Social media and publications
- Divestment and shareholder activism
- Legal recourse
- Global canvassing and lobbying

(1) Participation in the Presidential Climate Commission

All respondents acknowledge the excellent work done by the Presidential Climate Commission as the go-to executive body in South Africa in terms of a state-led public participation and consultation platform. Interview CSOs praised the model of the PCC. According to the African Climate Foundation (2023), the fact that it is located within the presidency gives it legitimacy and political authority. SACAN (2023) mentioned that the

nature of the PCC makes it more amenable to treat all stakeholders equally without fear or favour.

All interviewed CSOs mentioned that the PCC doesn't limit itself to high level engagements with an elite cohort of JET policy actors, but it also filters down to the level of community halls in the most marginalised and destitute communities. "PCC has worked hard, in dialogue with multiple stakeholders to painstakingly build consensus on both the destination—of a new, green economy—and the process to transition to it" (Calland :2023). Not all CSOs interviewed participate directly in the PCC, but they follow its work, especially their publication, which are a valuable piece of information for CSOs to understand the views of different stakeholders involved in the JET process in South Africa and to understand developing and emerging trends. We don't have a relationship with the PCC directly, but what we do is that we engage with communities to go to those public participation processes that the PCC facilitates" (Natural Justice: 2023)

Salim Fakier (2023) mentioned that the PCC is not necessarily a ministry or a state-owned entity that is institutionalised and has a political office bearer attached to it or an institutionalised power structure. This points to the limited power of the PCC to make politically backed decisions on its outcomes and findings. This opens the PCC to subjugation by other ministries or entities that have an overlapping mandate with it. An example would be the Department of Mineral Resources and Energy (DMRE) which is the ministry mandated to deal with minerals and energy affairs headed by a Political Principal Minister Gwede Mantashe.

(2) In-depth research, expert analysis and technical prowess

There is consensus amongst interviewed CSOs that JET is quite technical. This makes the process difficult for many people including activists, small CSOs and the general public to understand. The interviewed respondents all allude to the complexity of the technical aspects, terminology and jargon used in the JET discourses. According to the PCC (2023), the analysis and debate around JET is quite technical and not easy for everyone to comprehend. The in-depth scientific analysis coupled by an economic modelling and forecast is beyond comprehension for the general public. This lays a

foundation for an exclusive public participation and consultation process that mainly caters for experts, researchers, academics etc.

The CSOs contribute credible research input and expert analysis towards shaping a just energy transition in South Africa. The Centre for Environmental Rights, Natural Justice and South African Climate Foundation conduct intensive research in order to provide informed and evidence-based contributions to the JET process. This provides a scientific, economic, social and technical basis for their argument towards a just and sustainable energy transition. This research output assists government, stakeholders and the general public to better understand the dynamics, trends and key development aspects of JET from a public benefit and interest perspective.

CSOs interviewed are not only involved in research production but also immerse themselves in providing an expert analysis of already existing research pertaining to JET. All the interviewed, well established CSOs, have experts within their staff complement. These experts are able to analyse and breakdown the complex JET policy proposals and publications into understandable pieces of information. This analysis helps activists, grassroots organisations and the general public to better understand the concepts, dynamics, trends and debates with the JET discourse in South Africa. The expert analysis is a useful resource for small and community-based organisations who have difficulty grasping the complexities associated with the JET process.

(3) Parliamentary Submissions

The process of crafting a new legislation is a highly consultative process that includes various stages of engagement. As a start, public meetings are held for the general public to raise their ideas. CSOs participate by providing expert commentary and evidence-based inputs. They subsequently participate when a draft bill has been crafted after the initial consultation for further commentary before it is adopted in parliament. The Centre for Environmental Rights uses this opportunity to advocate and lobby for policy positions in line with their objectives of environmental justice. Natural Justice is currently preparing to submit commentary on the South African Renewable Energy Masterplan.

The parliamentary submission and commentary process is a final chance for public participation before finalisation of bills. CSOs use this opportunity to assess which of their initial submissions have been taken into consideration as part of the final draft. They subsequently advocate and lobby for the omitted submissions to be reflected in the final draft presented in parliament. They also use this opportunity as the basis of challenging the bill in court or through other alternative dispute mechanisms. The South Durban Community Environmental Alliance (2023) indicated that, currently, communities do not have access to the legislative and regulatory prescripts to meaningfully participate in parliamentary processes. As a CSO, they take it upon themselves to provide this information and train residents on how to interpret and understand it.

(4) Grassroots campaigns, petitions, mass demonstrations

All of the interviewed CSOs use grassroots campaigns geared at the general public in most affected communities. Grassroots campaigns are campaigns that CSOs undertake in order to create awareness and expand on community activism within the broader general populace of the country. These grassroots campaigns are either educational through a series of workshops or training, or activist based through petitions, mass demonstrations, resistance campaigns and other forms of public disturbances. According to Bukhardt (2023), about a dozen protesters disrupted Sasol's annual general meeting, criticising the company for its climate record, chanting "coal kills" and the Annual General Meeting was cancelled. Grassroots campaigns as the most basic form of social activism target a larger population than the expert-driven activism seen in technical-expert driven lobbying.

The impact of climate change and environmental decay is not felt the same in all communities. Some communities are more affected than others. For example, coal mining communities are facing a myriad of social, economic, political and biological issues unique to their geographical profile and location. FossilFree SA (2023), mentioned the need to run campaigns that highlight the negative environmental effects of coal in those communities including chronic respiratory diseases, air and water pollution, land decay and other health hazards. A common tactic in this area is to protest in front of the mining

company, sign petitions and gather local citizens to participate in resistance campaigns against coal mining in the community. According to SDCEA (2023), protest action is a vital part of their resistance campaigns.

(5) Social media and publications

Civil Society Organisations within the JET space in South Africa use media including social media to convey their messages, relay information or simply reach a wider audience. CSOs have seen the power of social media, such as Twitter, Facebook etc. in stirring debates within society. These are virtual platforms of engagement where a widespread number of people can engage and access information on the JET discourse. CSOs use this platform to spread information, stream-live their events and even gather information through surveys, questionnaires and interviews. According to SACAN (2024), social media helps to reach a wider audience and is cost effective. The Covid-19 crisis has necessitated an increase in the use of digital/virtual platforms for communication including in the CSO space.

Community newspapers target certain communities whilst newspapers with a national footprint are used for a national focus. Books, journals and newspaper articles are very useful for reference purposes in the academic field. SACAN (2023) mentioned the use of this kind of media to publish joint articles from CSO associations or alliances, focussing on certain aspect of the debate on JET. Fossil Free SA uses campaigns for a ban on fossil fuel industry advertising, branding and marketing in Cape Town, furthermore, helping journalists to report frequently on the climate crisis.

(6) Divestment and shareholder activism

Divestment in fossil fuel was a recurring aspect mentioned by interview respondents. Divestment in fossil fuel industries, such as coal mining, gas and oil were seen as crucial aspects to fast-track JET in South Africa. Fossil Free SA (2023) mentioned the sole focus of their organisation is to lobby for institutional investors and big entities to stop investing in fossil fuel related industries. Institutional investors are key investors in the fossil fuel industry in South Africa, provide capital for big fossil fuels projects and, thus, have the potential to change the investment landscape of the fossil fuel industry, especially coal.

Shareholder activism is the key strategy mentioned by the Fossil Free SA to advance the coal divestment agenda. Shares are bought from institutional investors and listed companies in order to be able to participate in their Annual General Meetings (AGM). Here they advocate for environmentally friendly investments and divestments from coal mining and manufacturing operations. The shares are solely acquired to provide a seat at the table for CSOs to directly engage the senior management and board members of the companies about the negative effects of coal and push for fossil fuel divestment.

How successful is such a shareholder activism strategy? A minor success is the commitment from a company to take into consideration Environmental, Social and Corporate Governance into account (ESG). A key victory would be to see a firm commitment to exit already existing fossil fuel-based investments and a further commitment to avoid future investments in coal and related fossil fuel industries. People who own shares in these companies are profit driven and not necessarily driven by public interest and benefit. Nonetheless, this strategy has the potential to disrupt the capital formation aspect of fossil fuel investments in South Africa. “We’ve already helped set up a low carbon fund in South Africa, by engaging asset managers to provide fossil-fuel free investments options to those who want it” (Fossil Free SA:2023)

(7) Legal recourse

The South African justice system provides legal recourse when two or more parties do not agree on an interpretation of the law or sense some illegalities in their engagements. The court is a final arbiter and provides a comprehensive analysis and judgement on matters of the law. CSOs use the justice system strategically when they feel government is not applying the law fairly and justly. When the state awarded contracts for the renewable energy mitigation project, Karpowership was the biggest winner in terms of contract allocation. Organisations such as Earthlife, CER and Groundwork challenged the contract in court, citing a plethora of inconsistencies, including environmental impact assessments, questioning the emergency nature of the contract and the environmental impact of using gas for a long-term contract.

The Centre for Environmental Rights is an organisation that is made up of legal professionals interested in pursuing environmental justice through JET renewable energy

and sustainable environmental programmes. Litigation is a key part of their strategy and is used to both stall proceedings and seek alternative recourse when government engages in bad faith. Other CSOs also use the litigation strategy to force government to change its course and, at times, to act with speed in implementing some of its agreed resolutions regarding JET, renewable energy and environmental sustainability. Litigation has the potential to delay implementation of unjust determinations arbitrarily enforced by government.

The litigation process in South Africa is expensive. The costs associated with the litigation process are unaffordable for community based and small organisations, who rely mostly on pro-bono services and assistance from well-established CSOs such as the CER and African Climate Foundation. “Most donors only provide grants for one or two years at a time, making it very difficult to plan long-term, expensive and often unpredictable litigation campaigns” (Davies:2023). Cases take long to finalise, and this has the potential to further escalate costs associated with litigation. The state has unlimited access to financial and legal resources and can drag cases through the appeal system up until the constitutional court.

(8) Global canvassing and lobbying

The African Climate Foundation works across the African continent on projects related to JET and the sustainable environment agenda. The nature of their work together with the Southern African Climate Action Network goes beyond the borders of South Africa. Continental efforts and global linkages assist in broadening the debate and getting exposure to global trends, benchmarks and developments around JET. Although the United Nations mechanisms of engagements are mainly geared for countries, there are globalised networks of associations and alliance based on mutual interest for civil society organisations to collaborate on. “A major aspect of global interdependencies during the last two decades has been the intensified interactions between international organizations (IOs) and CSOs” (Kalm, Strombom & Uhlin: 2019). Global networks are mostly spearheaded by multinational based environmental CSOs such as Earth life, World Wildlife Fund and Greenpeace.

Global institutions such as the United Nations, World Bank, World Trade Organisation and World Health Organisations are among key drivers of global trends, debates and policies in the world. These global institutions wield enormous power in the spheres of governance related to finance provisions, trade, labour relations and healthcare provisions. They have mechanisms and treaties in place to engage with national government and provide advice on how to navigate certain policy reforms and pursue a development agenda in line with global best practices. According to Kimeu (2021), Alliance of Civil Society Organizations for Clean Energy Access advocates for people living in poverty to have access to safe, reliable and affordable energy, and for environmentally sustainable and efficient energy systems globally.

5.3 Challenges and Victories in the JET civic space

5.3.1 Challenges and threats in the JET space

A key concern is accessibility to information, participation forums, resources and expert knowledge. The terminology used in engagement forums with CSOs is not easily comprehensible. For example, public participation platforms are not conducted in all official languages, accessing the engagement venue is sometimes a problem due to lack of transport, accommodation and logistical challenges. Small CSOs feel that they are disadvantaged by well-established and international CSOs in this space. According to SDCEA (2023), logistical challenges have an impact on the success of their programmes, especially attendance.

A cause for concern amongst CSOs engaged in JET has to do with the slow pace of implementing JET. CSOs believe that government is not doing enough to fast track the JET process, with state bureaucracy and red tape being key delaying factors. “Since the plan was announced late last year, stakeholders have been frustrated by the perceived lack of progress in formalizing and implementing the plan”(Connolly:2022). are pointing at the state incapacity to properly initiate, lead and execute the JET plan. There is some sort of consensus amongst CSOs that JET is needed and should be fast tracked, owing

to climate change and global warming realities.” The compelling need to tackle climate change is well-established” (Todd & McCauley: 2021).

Access to funding is a big challenge. “There are limited pools of donor funding available, and those pools are shared among a wide spectrum of organisations and institutions that make up civil society” (Davies: 2023). There are inconsistencies in terms of securing funding for the various campaigns that CSOs organise, challenges around paying their staff, office rentals, transport and general day to day operation costs. These challenges have a negative impact on the nature of the work CSOs do. It curtails research finance allocation, limits the intensity of campaigns around JET, also it has a negative impact on costly recourse approaches, such as seeking expert advice, litigation, media campaigns and scaling up operations (Davies, 2023) Many CSOs do not accept corporate funding.

Funding is mostly secured by well-established CSOs and multinational CSOs. The nature of well-established CSOs is that they have more to offer and tend to form a basis of providing information, access to experts, litigation and in-depth research around JET. This information can assist many stakeholders, however limited funding poses a threat to these critical aspects of participating meaningfully in the JET process in South Africa. According to SDCEA (2023), funding and resources have an impact on the success of projects they undertake. Funding seems to be a problem mostly faced by CSOs in the JET process. Stakeholders such as businesses and the state are well funded and can engage in an expanded scope of programmes and projects to position their interests and agenda better in the JET process in South Africa.

Crime, safety and security is a developmental challenge in South Africa. There are many vested and interested parties in JET and those who are at odds with the objectives and agenda of CSOs see them as potential threats and challenges for their interests. Coal mining companies, politicians, trade unions who don't share the concerns of CSOs in the reform process are a potential threat to CSOs. SDCEA (2023) mentioned in the interview that CSOs are threatened with blackmail, physical harm, character assassination, death, career destruction, harassment, branding of key individuals as foreign agents with a sponsored agenda.

On a conceptual and theoretical understanding of JET, there seems to be a gap of understanding in what and how the transitioned energy landscape should look like in South Africa. According to African Climate Foundation (2023), although we support government, we also support a lot of social activist organisations in order to deal with different elements of what it takes to build a just energy sector and inclusive economy. Government is guided by other relevant variables, such as access to funding, administrative arrangements, policymaking in line with other government commitments such as black economic empowerment, affirmative action, demographic considerations and economic access for purposes of redress. “We recognise the need to reduce carbon emissions, but we are also committed to economic development,” (Mantashe: 2022). Government wants to impose a systemic adaptation of its redistributive policies to be a key feature in the JET process whilst building a transformed and inclusive economy.

All CSOs interviewed support the principle of inclusive and broader participation of all people in the country, but they do not wish this to be done at the expense of having a derailed process because certain redistributive targets are not met. All interviewed CSOs support government's agenda of an inclusive economy but do not necessarily define an inclusive economy the same way as government does. For example, Natural Justice and SDCEA support an inclusive economy on the basis of diversified energy sources that have a potential to create new energy players and be broadened to include communities. According to Thabo Sibeko, from EarthLife Africa (2023), “local communities need social protection through investments in socially owned renewable energy, solar-powered public schools and transport, and new manufacturing hubs to replace the coal economy”

5.3.2 Victories in the JET space

A key victory mentioned by all the interviewed CSOs is that government has taken JET seriously. Evidence of this is the establishment of the PCC, a go-to institutional body that is at the core of the stakeholder consultation and JET debate in South Africa. Regardless of these contested debates, there is a broad recognition now in South Africa that there must be a transition and, moreover, that it must be a “just” transition (Calland: 2023). CSOs feel they were instrumental in pushing government to initiate and fast track the JET process in South Africa. There is a concern that the PCC does not necessarily have any

political and executive power like other powerful ministries involved in the JET process, such as DMRE), Ministry of Electricity and Environmental Affairs.

Another recurring mention is around the fact that renewable energy power generation has been taken up in South Africa, and the CSOs were key advocates for renewable energy. Established CSO have seriously engaged themselves in intensive and in-depth research about JET, having provided expert analysis based on research to various state led and CSO organised platforms. This includes publication in book chapters, peer reviewed journals, parliamentary submission, newspaper articles, conference presentations and creating training material to advance JET.

South Africa is a democratic country that subscribes to constitutional principles and values. Key amongst those principles and values are transparency, accountability and participation. A recurring topic amongst interviewed CSO is the strengthening of public participation and a broader consultation in the JET process in South Africa. According to the Centre for Environmental Rights (2023), the PCC is promoting and consolidating our democracy through a truly representative and consultative process, something that the CSO have been vocal about for a long time. SACAN (2023) mentioned that during the Covid-19 period, there was a sense of state-led policy making with limited participation from concerned stakeholders and they felt this will continue even after the state of disaster has ended. The PCC has been a remarkable U-turn in that expectation and, hopefully, it will be mimicked in other policy reform processes within the country.

A key victory in line with strategies used by CSOs to advance their objectives is litigation. As mentioned in the strategy section of this study, litigation is used both as a tactic to limit state monopoly on decision making, but also as a key delay tactic just to gather enough external support from the international community and other powerful global decision-making entities such as United Nations (UN), World Bank, World Health Organisations (WHO) and International Labour Organisation (ILO). Respondents interviewed mentioned successful and delayed trials as a key victory in delaying the implementation of unjust and environmentally unfriendly projects such as the Karpowership deal and other exemptions from environmental requirements for power projects. Litigation has forced the

state to be more transparent in the awarding of renewable energy projects contracts and also to follow due process in the process of restructuring Eskom.

5.4 Relationship between stakeholders in the JET discourse

5.4.1 Relationship between Civil Society Organisations

In response to the research question on the relationship between CSOs, there is a healthy working relationship and rapport between civil society organisations in South Africa. Testimony to this is the joint pursuit of projects and release of statements pertaining to issues of mutual interest. Furthermore, in the JET space, there is collaboration in the form of alliances, associations and partnerships i.e. Fair Finance South Africa is a coalition that focusses on issues of climate change and transparency in South Africa. It targets the financing of sustainable development projects and divestments of fossil fuels from South Africa. CSOs that form part of FFCSA include CER, 350africa.org, Earth Life and African Climate Reality project.

SACAN is a great collaboration effort between CSOs in the JET and climate change space. It is a collaborative platform created to assist in information sharing, training, common policy positions, integrating strategies provision of funding and resources to CSOs. According to SACAN website <https://sacan.africa/> (2023), SACAN is part of the Climate Action Network (CAN), a worldwide network of over 1300 Non-Governmental Organizations (NGOs) in over 130 countries working to promote government and individual action to limit human-induced climate change to ecologically sustainable levels. The collaboration effort also creates synergies for working relationship with other internationally based organisations.

5.4.2 Relationship between local and international CSOs

There is no animosity between internationally and locally based CSOs. There is common purpose in terms of pursuing the objectives of a just and equitable energy transition. Local chapters of globally based organisations include such organisations as the Green Connection and World Wide Fund. “Local organisations work well with international

organisations” (Fakier: 2023). There are internationally based organisations that do not necessarily have a chapter in South Africa but advance their JET agenda on a global scale. Both international and locally based organisation participate in the JET discourse and share resources such as information, logistics, funding and access to expert analysis.

A major bone of contention mentioned by all respondents is the disparity in funding. International based and local chapters of international organisations have a disproportionate access to funding and resources over local CSOs, creating an advantage. According to SDCEA (2023), small organisation do not get the kind of funding they need to be sustainable. Higher levels of funding and resources in the civil society space often translate to increased volumes of research, projects and programmes. This simply means international CSOs have more money for research, projects, logistics, programmes and litigation. This funding disparity also manifests itself in the local CSO space. Well established organisations, such as the CER, Natural Justice and others get more funding compared to their small and community based CSO peers. This disparity is often addressed through collaborative efforts such as associations, alliances and partnership between CSOs.

A recurring disparity between internationally and locally based CSOs is the debate about the international and local context of JET. Internationally based organisation operate in multiple jurisdictions with different development profiles. These international jurisdictions necessitate different developmental and JET approaches (Fakier: 2023). Every country has its own unique profile and developmental needs. At the global level, there are global benchmarks, trends and emerging technological advancements that might not necessarily fit into the local context of developing countries. South Africa has a unique economic, social and political profile, coupled with unique structural reform issues and developmental challenges. These key socio-economic profiles are a key consideration for locally based CSOs when they package their JET agenda. According to the African Climate Foundation (2023), the South African Energy transition is led by South Africans. The objectives of locally based organisations are tailored along the developmental needs of the country and the unique energy sector of the country dominated by coal, Eskom and bureaucratic hurdles.

5.4.3 Relationship between CSOs and the State

The interview with the Presidential Climate Commission highlights cordial relations between government and the various stakeholders involved in their consultative platforms. The PCC professes to treat all stakeholders fairly and this reflects in their balanced reporting when it comes to published reports of consultative forums. “We do aim to reach everyone, although sometimes that's not possible, but that is at the core of what we do” (PCC: 2023). The stance of the PCC is echoed by the CER, SACAN, Natural Justice and other CSOs on the mutual respect and neutrality of the PCC. This relationship is a powerful balancing act taking into consideration other powerful stakeholders in the consultative platform including businesses.

However, mutual respect and consideration is necessary when CSOs have to engage with DMRE, with power dynamics and political interference at play. CSOs see their participation and contribution here as mere window dressing on foregone conclusions. Department of Mineral Resources and Energy (DMRE) is leading energy development agenda in the country and headed by Minister Gwede Mantashe who has created a perception of animosity towards CSOs. Natural Justice (2023) decried the political nature of DMRE as not conducive to democratic consolidation. Gwede Mantashe has positioned himself as an advocate for coal in the country and at times mentions proudly a long-term role for coal in the country. “Coal power continues to play an important role in improving the welfare of communities across the globe, having lifted hundreds of millions of people out of energy poverty and spurred industrial development in many nations” (Mantashe:2022). This public stance by a leader of a powerful department is at odds with the primary objective of many CSOs in the JET space, as well as by government commitment to JET. Despite all these difference some in the CSO space feel the DMRE has a role to play. “You can’t exclude the DMRE, the DMRE has to be part of the conversation, they will hold maybe different views, but this is a democracy, they have to be listen to” (African Climate Foundation: 2023)

5.5 An ideal energy landscape for South Africa

There is a consensus from civil society that renewable energy generation is the future and should be rapidly developed in the country. South Africa has an abundance of solar, wind and climatic conditions that can be harnessed for renewable energy purposes. This, coupled with major developments in renewable energy engineering and products, are bringing down costs. Renewable energy is getting cheaper and, in some instances, is cheaper than fossil fuel-based sources. The main draw card of using renewable energy is that it is clean, renewable, sustainable, environmentally friendly and set-up lead times are quicker than constructing coal power stations.

All of the CSOs interviewed are of the view that the role of coal and gas should be limited in an ideal energy scenario. All interviewed CSOs are advocating for a complete elimination of coal in energy generation. Notwithstanding that coal plays a significant part in the economy. According to Nel et al. (2023), South Africa is amongst the most coal-dependent economies in the world. One recurring theme is that Eskom is currently the bedrock of electricity production in South Africa with an enormous amount of coal power generation units under its control that will still be operational for some time.

Another emerging debate centres around the creation of cleaner ways of using coal production for other industrial purpose on a limited scale. This debate was posed as trade-off with the mining industry and the state who feel that coal mining towns should not become ghost towns. “There is a need to balance the health effects of emission against the impact of power outages that have held economic growth, and the loss of jobs in surrounding communities” (Sguazzin: 2023). CSOs are at the forefront of the coal plants decommission campaigns, especially for coal plants that are way beyond their operation life. This campaign is currently facing serious opposition due to loadshedding issues that Eskom is currently facing and the inability to further limit electricity production in order to meet the electricity demands in the country.

Energy access is a key feature in the JET discourse in the country. CSOs are pushing for accessible, cost-effective and localised energy for marginalised and destitute communities. South Africa’s economic development continues to be threatened by energy

insecurity (Calland: 2023). Energy poverty has been targeted as one aspect that should not feature in a modernised and reformed energy landscape in South Africa. A solution of micro-grids localised solar power and transmission together with subsidised pre-packaged energy solutions must be rolled out in far-flung areas on the rural outskirts. According to Natural Justice (2023), community-based energy solutions should be embraced. This is done to ensure energy justice and that no one is left behind in the new reformed energy landscape in the country.

What role should Eskom play in a reformed and modernised energy sector in South Africa? All CSOs interviewed see a highly reduced role of Eskom in the new energy sector in the country with the private sector playing a key role in the power generation and retail side of electricity distribution. According to FossilFree SA (2023), Eskom coal-based plants have no role to play in the country's energy mix. Eskom will remain a key player in electricity transmission due to its enormous transmission infrastructure and monopoly. An emerging debate is around Eskom remaining a key player so as to minimise the profit-motive agenda of private capital and the potential escalation of electricity costs for as long as Eskom embraces renewable energy. "Well, Eskom is a state enterprise and there to manage public interests,"(Fakier: 2023)

Those advancing this view feel that the state through Eskom will reduce electricity subsidies and this will have a negative effect on prices and affordability for poor people. The African Climate Foundation (2023) states that Eskom should play a developmental role and help with an expansion of the grid and create an enabling environment for new renewable energy projects. There is an emphasis across all interviewed CSOs that Eskom has to embrace renewable and clean energy in its energy production fleet and, over time, do away with coal-based electricity production. "South Africa is the second most carbon-intensive economy in the world. Conversely, it boasts the largest solar capacity in Africa" (Adenke: 2020). This abundance of solar capacity should motivate Eskom to move towards renewable energy at an enormous scale and faster pace.

A recurring emphasis of all respondents is around socially and locally owned renewable energy projects. This to ensure local economic growth and expansion of green-fields industries. The just energy transition process is an economic, political and social

transformation process that entails policy making process not only for the sake of transforming in the energy landscape but the socioeconomic profile of most affected communities. Civil Society has argued that “the bulk of generation should be dispersed through households, community-scale mini-grids and municipal-scale local grids” (PCC: 2022).

There is consensus that the economic benefits derived from the transition should favour local businesses, people and communities. Jobs, economic development and industrialisation should be key drivers of the JET process in South Africa. For the African Climate Foundation (2023), climate resilience is inseparable from socio-economic transformation. South Africa's just transition is complicated by its unique legacies of apartheid, social unrest, poverty, unemployment, and structural crisis in the energy sector (Barnes: 2022). Natural Justice (2023) mentioned the South African Renewable Energy Masterplan (SAREM) as a key policy proposition that will enable meaningful development of the local renewable energy value chain.

5.6 Conclusion

In conclusion, the findings from the interview with key civil society stakeholders deepens our understanding of the dynamics and debates around JET in South Africa. In the next session these will be analysed and discussed in relation to the literature and conceptual framework.

CHAPTER SIX

ANALYSIS AND DISCUSSION

6.1 Introduction

This chapter provides an analysis of the data collected in response to the main research questions of the study. It analyses and discusses the literature and the findings from interviews, keeping the conceptual framework of civic space and public participation in mind.

6.2 Civil society engagement in the JET discourse

An analysis of the literature consulted, and the interview responses points towards an active and dynamic civil space within the country. Civil society is at the forefront of debates around Just Energy Transition (Fakier, 2023; Abdinor, 2023). Civil society is pushing for a fast-tracked energy transition, advocating and lobbying for limited use of fossil fuels with a target towards its total elimination. On the other hand, government seeks a more balanced approach based on its agenda to support an energy transition but also to maintain tax collection revenue from the fossil fuel industry. Business as a stakeholder supports an energy transition but with conditions favourable to their profit motive agenda.

Within the JET discourse in South Africa, CSOs actively participate in all engagement platforms and opportunities. A recurring feature in the interviews is of a government that is willing to listen, engage and consult widely. The Presidential Climate Commission (PCC) is lauded as a conducive platform for participation by CSOs. According to Fakier (2023), the PCC is set up very well, 'it is certainly the best available structure we have now'. It is described as easily accessible and is staffed by credible and reputable individuals. Furthermore, the Presidential Climate Commission (2023) states that it is very deliberate on procedural justice, by actually ensuring that it reaches out to those who will be affected by the just transition.

CSOs appreciate their views being reflected and featuring in the reports and publications of the PCC. “The PCC opens up a lot for public participation in terms of the reports they draft” (Natural Justice: 2023). This acknowledgement creates a sense of hope that government will take into consideration some of the ideas and suggestions of CSOs when crafting the final policy position of the state regarding JET on South Africa. According to Natural Justice (2023), the Presidential Climate Commission is putting out very good information.

On the other hand, a sense of confusion and animosity exists between CSOs and the Department of Mineral Resources and Energy in the JET discourse. According to Natural Justice (2023), it almost feels like the Department is doing one thing and the PCC a completely different thing, and it's as if they do not meet and engage. It is very clear from the literature and interviews that the political principal, Minister Gwede Mantashe, is on the opposing ideological spectrum to CSOs. According to West (2023), Minister Mantashe said in the Africa Oil week that “we need to check the reliability and efficiency of the new energy technology before we can unbundle the old technology”.

Whilst CSOs have an appreciation of a reduced use of coal, gas and oil in the country's energy mix, the minister seeks to maintain the status quo, thus perceived as being pro coal by civil society organisations. According to West (2023), Minister Mantashe claims that Non-Governmental Organisations are weaponising “Environmental Preservation” to block development in developing nations. This further attests to his lack of appreciation of renewable energy as a developmental imperative within the country. According to Natural Justice (2023), the DMRE will “hear you out”, gather submission from the communities, but in the end nothing that was gathered filters out in what they will do next. This points to a mere “public relations” exercise having foregone conclusions. Not all CSOs have an issue with the DMRE as a stakeholder. “You can't exclude the DMRE, they have to be part of the conversation, they might hold a different view, but this is a democracy and they have to be listened to also” (African Climate Foundation: 2023)

Whilst Government is commended by CSOs for its work on JET discourse in South Africa, however, the tone and projection of Minister Mantashe creates mixed messages and a sense of doubt and uneasiness in the civic space. According to Fakier, 2023, Natural

Justice, 2023; FossilFree SA 2023: South Africa is leading work globally, and if anything, a lot of the work on Just Energy Transition in South Africa has been developed organically. “Minister of Mineral Resources and Energy, Mr Mantashe has just been as determinedly proposing an energy policy that must include coal” (Levy: 2021)

6.3 Civil society strategies and tactics

Civil society is made up of different structures and individuals, embedding a diverse set of advocacy and lobbying skills, expertise and knowledge. For example, the Centre for Environmental Rights is made up of activist lawyers whose key strategy is to engage in legal litigation as a way of advancing the JET discourse in line with environmental justice objectives. This approach is key when all avenues of adding suggestions, comments and ideas in state-led platforms have failed. The courts and justice system become the last avenue of recourse. According to Natural Justice (2023), they initiated the “Shell case” when they questioned the environmental impact assessment of the intended seismic study for new oil and gas fields in the coast of South Africa. They found inconsistencies but the DMRE ignored them. They then went to court as a last resort.

Litigation is quite costly and is not an easily available avenue for many CSOs. Hence, there is an appreciation of the role played by CER amongst civil society actors in the JET discourse. It is extremely costly when you are challenging the state as they have the fiscal capacity to drag the case through lower courts until the constitutional court. According to Business Tech (2023), Mr Mantashe said in the Africa Oil week that “we are not going to run away from NGOs if they take us to court, we will go to court with them regularly”. The statement from Mr Mantashe shows that the state is willing to utilise all resources at its disposal to fight back against strategic litigation from CSOs. According to Davies (2023), Minister Mantashe has repeatedly used public platforms to attack civil society.

The diversity within civil society is a distinct advantage in advancing its objectives on many fronts. Whilst other stakeholders such as government are limited on how to engage, civil society can engage in many forms of strategies and tactics to push their agenda.

Beyond strategic litigation, mass demonstrations, petitions and resistance campaigns are a key tactic used by CSOs. These community-based tactics are both disruptive and constructive. According to SDCEA (2023), they regularly host protests and marches where they usually handover a memorandum to local/provincial stakeholders. It is disruptive in a sense that it is often times chaotic, can turn violent and has elements of criminality within. It is also constructive as it puts pressure on authorities and other stakeholders to go back to the negotiating table and take CSOs serious.

A critical aspect in the JET discourse is around the financing of renewable energy and the reconfiguration of the funding models around fossil fuel industries. “South Africa is highly vulnerable to climate change and our economy is heavily dependent on fossil fuels” (Upadhyaya: 2021). The state does not have the financial capacity to fully fund energy transition in the country, taking into consideration the technology and products development requirements. “Energy transitions are interlinked with economic transformation with socio-economic benefits, we are more interested in driving investments in the clean energy sector but equally this should respond to questions around displacement of workers, positive economic outcomes and revival of economies in coal mining areas” (African Climate Foundation: 2023). CSOs support a diversified financial package, however, this should not be at the expense of the country’s sovereignty, its people and the marginalised communities.

Fossil Free SA supports alternative funding models from institutional investors and development finance institutions mainly through a reallocation of funding meant for fossil fuel industries to the renewable energy sector. The campaign to redirect funding meant for fossil fuel industry into renewable energy sector is met with an equally strong, resourced and well-coordinated campaign from the fossil fuel industry. According to Diemen (2023), Civil Society decried the outsized and well-coordinated lobbying campaign by corporates to delay the ambitious South African climate change plan and maintenance the status quo on fossil fuel.

6.4 Presidential Climate Commission and parliamentary submissions

The Presidential Climate Commission has created a great opportunity for CSOs to participate meaningfully in the debate as equal amongst other stakeholders, ensuring that views of CSOs are not inferior or relegated in the mainstream debate. According to the PCC website (2023), the PCC is a multi-stakeholder body, ensures procedural justice by reaching out to all who will be impacted by the just transition. This procedural justice is visible through the expanded public participation platforms facilitated by the PCC across the length and breadth of the country. Furthermore, the PCC (2023) alluded to the fact that they have appointed some representatives from CSOs as commissioners. This is to ensure maximum participation in the decision making and reporting process of the commission. “The PCC is set-up very well” (African Climate Foundation: 2023).

“The fact that the PCC was a quango- i.e., quasi non-governmental, but with public authority and a public policy mandate, meant that it could be far more agile than a traditional state institution” (Calland: 2023). It is not necessarily a state entity led by politicians, but a commission led by credible people from various sectors of the society with civil society also involved.

Parliamentary submissions are a tried and tested mechanism of submitting comments on policy matters in South Africa. “Several recommendations were made by civil society organisations and academia on Tuesday as the portfolio committee on forestry, fisheries and environment heard oral submissions on South Africa’s mooted Climate Change Bill” (Diemen: 2023). This bill is one in a series of bills that are geared towards just energy transition in the country. According to the Centre for Environmental Rights (2023), the Act, once promulgated, will be the first piece of legislation which defines and references the Just Transition, an approach which ensures that vulnerable workers and communities are not burdened with the social and economic costs to the economy and society of decarbonising. CSOs use this opportunity as a last-mile contribution before the bill goes through the finalisation and actually gets voted in by parliament.

6.5 Challenges and threats

South Africa has safety and security issues that are more prevalent in lucrative spaces where business and the state intersect. Pockets of violence have been witnessed in mining communities where those with business interests opposed the resistance campaigns against fossil fuel use especially coal. “Civil society groups face death threats, where their lives and their families are threatened for going against leaders of businesses who are against JET” (SDCEA: 2023). Eskom’s whole supply chain systems is built around coal and those with a business interest stand to lose with the minimisation of coal usage in power generation. “Government and business of course unions are the most powerful group, unions for that matter as well” (African Climate Change: 2023). Civil society is a lesser powerful stakeholder in the JET discourse. With that comes a threat of it being reduced, relegated and subjugated in many fronts.

Funding is a serious threat to CSOs, and this might lead to some organisations ceasing to exist, due to the inability to afford operational and project costs. Fossil Free SA (2023) states that there are limited funding opportunities in South Africa, and this has resulted in them approaching international philanthropist and families for operation and project funding. Furthermore, SDCEA (2023) indicated that funding limits the access to the length of work that they can achieve. Funding is basically what separates small community-based organisations from well-established CSOs in terms of the scale of programmes and projects.

6.6 Mapping the JET stakeholder landscape.

Good relationships exist between local civil society organisations engaging with the JET discourse in South Africa. These organisations have built a working relationship and a commonality of views in shaping a new energy sector in South Africa. “We are all fighting for the same goal towards Just Energy Transition” (SDCEA: 2023). However, this seems to be concentrated amongst well established and well-resourced organisations. Smaller community-based organisations seem to only feature when required for public

participation platforms and not necessarily in terms of equal partnerships, resource sharing and exposure.

According to the Upadhyaya (2021), South Africa has a strong culture and tradition of social activism, but only a small number of environmental justice and green NGOs, alongside interested academics, have engaged in tackling climate change. This is a serious challenge in the JET civic space. Although there seems to be harmony and good relationship between COSs, there also minor clashes now and then. “There can be miscommunication and disagreements between different organisations” (SDCEA: 2023). Furthermore, the African Climate Foundation (2023) states that international organisations might seem too focussed on climate change and not necessarily on development issues at a local context, but there is confidence in the South African situation because the process is mostly owned and led by South Africans.

The Southern African Climate Action Network (SACAN) is an alliance of more than 1000 CSOs in the SADC region. It provides assistance for many CSOs in terms of resources, funding, engagement platforms, publications and relevant research. According to Fakier (2023), the African Climate Foundation is a philanthropic foundation that funds a range of civil society organisations and also engage in their own think tank role within the JET space. The funding and training provided by the African Climate Foundation and SACAN provides a lifeline for community based and activist based small organisations. It assists them to sustain their programmes, operations and projects.

There are many other common cause alliances within the JET discourse. Fair Finance South Africa brings together organisations to drive financing towards renewable energy and away from fossil fuels. The partnership between CER, Groundwork and Earth-Life was crucial in delaying the Karpowership deal. According to Cokayne (2023), there has been strong opposition to the Karpowership project by civil society organisations because of the cost of the project to the country and the fact the ships will prolong South Africa’s reliance on fossil fuels and, thereby, delay the country’s transition to a low carbon economy. But government continues to create a platform for Karpowership to come into reality. According to Sguazzin (2023), Karpowership won an environmental authorisation

for one of three ship-mounted power plants it wants to connect to the South African grid, a key step in fulfilling the contract it won 2 years ago.

Each party in these alliances and partnerships brings a resource they have at their disposal. This resource can be in the form of community activists (people), logistics, experts, lawyers, research, food and accommodation. This creates synergies and platforms of further cooperation on common cause issues. This working relationship is not only limited to local organisations but spreads to international organisations with a national footprint in South Africa. Organisations such as Natural Justice and WWF SA provide platforms for local organisation to engage meaningfully in the JET discourse. According to SACAN (2023), we create an opportunity for widespread engagements across the SADC region on JET matters.

6.7 Regional and international dynamics

On the 6th of October the African Development Bank held a two-day forum with civil society across Africa under the theme “Engaging civil society for climate resilience and just energy transition”. The bank’s president, Mr Adesina, emphasised the importance of civil society in the climate debate as they are mostly driven by public and environmental interests with no alternative motives. Platforms of this nature create an opportunity for civil society to influence and shape the Just Energy Transition funding mechanism from a development finance perspective across the continent. According to Mr Kariurki, the Vice President for Power, Energy, Climate and Green Growth (2021), the African Development Bank is committed to engaging in permanent and constructive dialogue with all African climate change stakeholders, including the civil society, to deliver tangible results for Africa. At a continental level, CSOs are starting to be seen as valuable partners and contributors to the JET discourse

A key strategy mentioned by Kalm et al. (2019) is the petitioning of the global governance institutions such as World Bank, International Monetary Fund, World Health Organisation, and the International Labour Organisation to facilitate and advocate for policy propositions that catalyse JET. Unfortunately, at the international level, Africa is on the periphery of

mainstream representation. “The climate crisis can only succeed if the international community addresses the climate injustices faced by Africa. After the failures of previous COPs to truly address this concern, COP27 presented a unique opportunity to put Africa at the centre of negotiations and decisions” (Pan African Climate Justice Alliance: 2022). This disparity in representation is centred on geopolitics and power dynamics. Developed countries tend to dominate world institutions such as the World Bank, IMF, WHO and WTO. This a dominance over African CSOs is a continuation of the relegation of Africans from mainstream global governance and affairs. African CSOs need to increase their participation and visibility in these global decision-making bodies and expand their span of influence.

6.8 Conclusion

Civil society organisations are actively engaged in the JET debate in south Africa. they do this by applying different strategies and techniques including, parliamentary submission, resistance campaigns, protests, litigation, research and a concerted media campaign. A key public participation platform identified by the interviewed CSOs is the Presidential Climate Commission, it is lauded as a model public participation platform to bring together different societal stakeholders involved in the JET discourse. Despite some level of success and comfortability in engagements, CSOS are still faced with a myriad of challenges including lack of resources, human capital challenges, safety and security

CHAPTER SEVEN

CONCLUSION AND RECOMMENDATIONS

7.1 Introduction

This final chapter concludes the research study. A set of recommendations to strengthen civil society organisations is proposed. strengthen civil society organisations is proposed. The aim is to strengthen CSO's to positively influence the JET debate in South Africa.

7.2 Conclusion

The debate around Just Energy Transition in South Africa is a discourse that is currently entertained by different stakeholders with diverse interests. There is a consensus among stakeholders that there is a need to have a “just” transition and transformation of the energy sector. The key difference between stakeholders is the pace, choice of energy sources, the role of coal and the socio-economic trade-offs of the envisaged new energy sector. Civil society advocates for a catalysed JET that limits the use of fossil fuels towards total elimination. The “just” elements of the transition that civil society advocates for concern energy justice, energy access, environmental protection and socio-economic benefits.

In South Africa, civil society has embarked on a comprehensive multi-dimensional approach to advocate and lobby for JET. It participates in state-sanctioned engagement platforms such as the Presidential Climate Commission, parliamentary submission and public participation platforms. Civil society has also created its own platforms such as imbizos, community hall gatherings, social and visual media, publications and grassroots campaigns. State-sanctioned platforms, such as the PCC, are a contested terrain between various stakeholders, and the message that civil society wants to convey is sometimes challenged by other stakeholders' interests. Civil society created platforms are a chance to gather views from society and let society know what CSO's stand for in the JET debate and discourse.

A key bone of contention in the CSO space is how to manage the would-be economic situation of coal mining towns and communities with coal-fired power stations. The closure will lead to a socio-economic catastrophe, with no adequate or equivalent plans to assist communities to maintain their livelihood. This puts CSOs at odds with the beneficiaries of the coal industries. The bulk of coal mining community economic activities are around the coal supply value chain and the curtailment of that value-chain will have disastrous socio-economic effects. More efforts and engagements should be directed towards creation of alternative economic activity models to prevent those towns from becoming ghost towns with no real economic activity.

In the case of dissatisfaction with the processes and procedures used by the state and other stakeholders, civil society has a defensive strategy of embarking on both litigation and resistance campaigns. Resistance campaigns are in the form of petitions, media exposure, mass demonstrations and sabotage. In the mining and oil indaba held in Cape Town, civil society activists protested against the speech of the Minerals Resources Minister, Mr Mantashe, as a sign of their discontent with the minister's stance on fossil fuels. The litigation process is used both to attack and defend. It is used to attack when civil society has a clear case based on merit, and it stands to win it in the balance of probabilities within the justice system. It is used as a defensive mechanism as part of a delay tactics on an inevitable matter where civil society wants to buy time in order to convince government or other stakeholders to reconsider their views.

In conclusion, civil society in South Africa is a very dynamic and active participant within the country's civic space and is based on an inter/intra dependent set of relationships. Both these relationships cut across local, regional and international spectrums. They also cut across mutually beneficial and exclusive relationships with the state, business and other vested stakeholders. Civic space is dominated by a series of relationships, often turbulent, but necessary for consensus building in society. Civil society is a key contributor in that space and assists to take the JET discourse forward in South Africa. Its role should be enhanced for the public benefit.

7.3 Recommendations

Based on an understanding of the current debates and dynamics that underpin JET in South Africa, the following recommendations are proposed:

- Civil society organisations must develop strategies and tactics on how to maximise fundraising since it is not possible to engage in more programmes and projects without the requisite access to resources. which include human capital, experts, capital and operational budgets.
- Partnerships and associations must be inclusive of small community-based organisations so that they have an opportunity to add value and participate meaningfully in the JET discourse. Marginalised and community based CSO's don't have the resource capacity of established CSOs, thereby limiting their ability to participate meaningfully.
- Organisations such as the Centre for Environmental Rights must provide basic legal training to small CSOs to create a civil society wide understanding of the legalities of JET in South Africa.
- Concepts, terminology and language used in JET public participation platforms around the country is complex and beyond comprehension of many ordinary people. There is thus a need to translate the concepts, policy framework and conduct the debate in a manner that is easy for ordinary people to understand and engage with. The use native languages in the discussion will increase access to the debate for marginalised communities.
- The Presidential Climate Commission is an exemplary model of public participation that should be used more often. It is a great platform of canvassing views from different stakeholders in different formats of engagement. Such a structure should be used for most policy reforms and policy ideation processes. It increases participation and has a far superior reach than the traditional parliamentary commentary process.

- Increased collaboration with internationally based CSOs and development finance institutions will create synergies and rapport in line with international best practices and ensure adherence to international benchmarks.

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APPENDIX A

The rationale for interviewing these CSOs is because they have well-functioning structures, programmes and projects dedicated to the Just Energy Transition agenda. Furthermore, they actively participate in the JET debates in South Africa. Within these identified organisations is a wealth of knowledge, experience and expertise that can be tapped to answer the key research questions of this study.

List of organisations interviewed.

	List of interviews conducted	Date of interview
1.	Centre for Environmental Rights	6 July 2023
2.	Fossil Free SA	6 July 2023
3.	Natural Justice	18 July 2023
4.	South African Climate Action Network	19 July 2023
5.	Presidential Climate Commission	21 July 2023
6.	African Climate Foundation	3 August 2023
7.	South Durban Community Environmental Alliance	11 August 2023

APPENDIX B

INTERVIEW SCHEDULE FOR CIVIL SOCIETY ORGANISATIONS

1. How is your organisation involved in debates around Just Energy Transition in South Africa?
2. What strategies is your organisation using to influence the debates and outcomes around Just Energy Transition in South Africa?
3. What are the opportunities and challenges that your organisation faces in the JET discourse?
4. How do current legislative and regulatory prescripts enable meaningful participation by civil society?
5. What mechanisms are civil society using to influence state decision making on JET in South Africa?
6. What threats do civil society organisations face as a result of their participation in the JET debates in South Africa?
7. What are the inter-organisational challenges faced by civil society organisations within the Just Energy Transition space?
8. What victories have civil society won in the Just Energy Transition process?
9. Identify some of the key setbacks in the JET discourse?
10. Do you feel internationally aligned Civil society organisation have a better influence and resources than South African based organisation?
11. What are the commonalities and differences between international based CSO's and local based organisation?
12. How does your organisation navigate the politically and ideologically charged JET environment?
13. What would an ideal reformed and modernised energy sector in South Africa look like?
14. What are the emerging trends and debates in JET in South Africa and globally?