

## Proposed Terms of Reference (TOR) for the DCCP Advisory Forum

### Comments Register

Prepared by Bioregional SA and Camco  
April 2011

Comments on the Proposed Terms of Reference (TOR) for the Durban Climate Change Partnership (DCCP) Advisory Forum (AF), as asked for at the first Advisory Forum meeting on 15<sup>th</sup> March, were received from five (5) Advisory Forum members by the due date of 23 March 2011. A further three (3) [general comments were also received and have been grouped together in a separate 'General Comments' table.

#### Specific Comments on ToR:

Name	Comment	Response
Richard Sivil  (School of Philosophy and Ethics; UKZN)	These comments are directed to the section titled 'the role of the Advisory Forum' (as outlined in the TOR), and are of a pragmatic nature (i.e. what is realistically attainable, and what is not). With respect to these notes I attach a copy of the relevant section below, numbered as point of reference). I offer these in the spirit of moving forward, and do not in any way wish it to be perceived as obstructive.	Refer to the revised 'Role of Advisory Forum' section within the ToR.
	1. Since the Partnership is not yet in place, and the forum is envisaged to be in existence for a period of not more than 5 months it seems as though the 'management' aspect is practically impossible. We are however able to give input into the 'direction', 'institutional structure' (5) and formulate some form of a work-in-progress 'action plan' (3) for the DCCP. Failing which we may end up simply identifying 15 relevant and capable persons for the steering committee to take care of that job. (My hope is that the next 4 months would be spent in far more constructive ways than simply getting to know the people in the forum through their inputs and objections.)	Comment noted. Revised ToR outlines more realistic and concise objectives for the Advisory Forum.
	2. 'offering inputs on potential focus areas' is attainable, and would be expedited if we had access to information of a) focus areas of other CCP's, b) projects currently running in the greater eThekweni area – this will show what we have, and what we don't.	Noted. Part of Camco and BioRegional's role as facilitators of the Partnership is to review current climate change structures locally, nationally and globally, in addition to doing an

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		<p>assessment of local networks linked either directly or indirectly with climate change issues. This will be reported on to the AF and presented at an appropriate Forum meeting.</p> <p>Current and ongoing projects, sector relevant best practice examples as well as potential areas of focus will also be presented to the Forum for consideration.</p>
	<p>3. As mentioned in (1) developing an ‘action plan’ is possible, but then we need to discuss relevant factors – immediate goals, available resources, required resources, limitations, needs, etc. This alone could demand more than one meeting.</p>	<p>Comment noted. See revised ‘Role of Advisory Forum’ section which provides more concise and achievable objectives.</p>
	<p>4. This seems an excessively ill defined role – ‘give advice’ to whom?, and on what in particular, since ‘other climate related issue’ could be excessively broad. Furthermore, we need to bear in mind the time constraints placed on the advisory forum.</p>	<p>Comment noted. See revised ‘Role of Advisory Forum’ section which provides more concise and achievable objectives.</p>
	<p>5. As stated in (1) it is possible for us to discuss an ‘appropriate institutional structure’ but I wouldn’t put my money on reaching agreement.</p>	<p>The AF will, to the best of its ability, propose and agree upon an appropriate institutional structure for the DCCP in the medium term.</p>
	<p>6. ‘assisting... with public awareness’ again seems to fall outside of the time constraints, however, as members of the DCCP we could do this</p>	<p>Noted – point to be carried over to TOR for the Partnership Steering Committee.</p>
	<p>7. This we are very capable of, and merely requires we set up clear lines of communication within our relevant sectors.</p>	<p>Noted. It is important to have clear constituency representation on the AF to ensure best</p>

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		possible communication methodology with relevant sectors.
Alan Murphy (Ecopeace)	<p>There has to be a choice between parliamentary procedures (like Robert’s rules of order) or consensus<sup>1</sup>, they are not the same thing.</p> <p>If consensus is chosen, but there is not a complete understanding, then this can be workshopped. If there is sufficient understanding to go ahead with consensus without a workshop, it presents the optimum decision making process to keep a group cohesive, but some decisions may have to be put on hold.</p> <p>Rules of order can be cumbersome, and the process may drag. It focuses more on having a decision (yes/no) even if marginally acceptable, and can sacrifice group cohesion through a win/lose approach.</p> <p>Consensus focuses more on building the group by listening to everyone’s concerns, hearing and understanding even if the participants have different perspectives.</p> <p>There is much documentation available on these. It is necessary to ask what kind of group is needed, and what processes are most apt for the kind of group wanted, then it should be fairly apparent which type of decision making is required. Is marginalisation of some a risk worth taking because of the relative importance of the issues and implementation of already decided expert solutions, or is overall acceptance worth the price of a more thorough process?</p>	<p>Comment noted. The revised ToR opts for a consensus based approach to decision making.</p> <p>Also to note is that at AF meeting 1 it was decided to broaden the membership of the AF to be fully representative. Existing AF members have been consulted as to possible ‘gaps’ in representation to achieve this holistic representation going forward to ultimately produce a robust Partnership Steering Committee.</p>
Asia Khan Assistant Manager Environmental Planning, Governance and Information Management South Region: DAEA&RD eThekwini Office	1. Please remind me: the name "Durban" has been accepted over "eThekwini" for the DCCP?	The naming of the DCCP will be tabled for discussion within a meeting of the Advisory Forum.
	2. Page 2 of 21: Objective 1 has 2 functions: coordination and harmonizing: I think it should be listed as 2 objectives.	Comment noted. ToR has been trimmed down to focus specifically on the AF and does not consider the DCCP’s objectives as a whole. However, the details of the objectives of the DCCP

<sup>1</sup> Please see additional information sent by Alan Murphy (EcoPeace)

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		will tabled for discussion within a meeting of the Advisory Forum.
	3. objective 3 on the same page: wouldn't it be safer to say that sectors represented in the forum must develop their individual action plans that contribute to the common goals of DCCP? And that all these action plans will be captured as the DCCP action plan?	Comment noted. The details of the objectives of the DCCP will tabled for discussion within a meeting of the Advisory Forum.
	4. Objective 5 is really important: The Green Paper is looking at this type of action to come through at local level.	Noted. As above.
	5. Objective 7: realm of Durban should be actually eThekweni so we do not confuse geographical boundaries?	Noted. As above.
	6. Objective 8: a little more stronger than promote: should call for accountability in some form, monitoring and evaluation?	Noted. As above.
	7. Objective 6 is visionary rather than an objective although the second part alludes to action.	Noted. As above.
	8. Page 5 of 21: Resignation: Some clarity as members are representing organisations: therefore if a member resigns, then perhaps communication thereof should be done via the organisation with an inclusion as to who is replacing the person.	See suggested revision in section 3.3.1.2 of revised TOR.
	9. On decision-making: voting by proxy?/in absentia?	Revised ToR proposes a consensus based decision making process. Suggestions for decision making process will be discussed and finalised at the AF2 meeting
	10. 3.7.7: time-frames for minutes of meetings to be sent to membership?	7 working days has been proposed in section 3.8.8.
	12. On the same page: the government list is too short> There are many departments that should be on that list including National DEA, Water Affairs, DED, DoT, DHS,etc. I am thinking you also have a limitation ito number of people in the Advisory Forum?	The spread of govt representatives will be further discussed in the following AF Meetings in order to have the most appropriate representation on the Steering committee.

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	<p>13. TransNet / Umgeni Water are not Private Sector? I am thinking they are para-statals like ESKOM/Telkom/KZN Tourism/ACSA. Dube Tradeport is also a Section 21 Company under the auspices of the Department of Economic Development (DED).</p>	<p>Noted. In all future documents the parastatals will be separated from the private sector.</p>
	<p>14. The Ecopeace Party is a political party, as I am told (not sure). However: Dynamics that political parties operate with/by are different to those of civil society?</p>	<p>This point of political representation will be discussed at the next AF meeting. (How councillors representative of political parties will join the Advisory Forum will be addressed after the municipal elections)</p>
	<p>15. Civil Society: too limited and not representative enough. When we do the civil society list as DAEARD for our consultations, we have four large streams: NGO's, CBO's (faith-based organisations/co-op's,etc), Amakosi/ and traditional healers, NPO's/Individuals. (plus we still get told we are not representative enough). DCCP will also need to factor in language as this comes up as a concern often enough.</p>	<p>Noted. The suggestion of categorising civil society into NGOs, CBOs, traditional groups and NPOs/individuals, will be discussed at the next AF meeting. Broadening of AF representation noted as an action from AF meeting 1 and is currently being addressed.</p>
	<p>16. Page 21. Glendyr S Nel should be in the Private Sector list?</p>	<p>Noted.</p>
<p>Terry Bengis</p>	<p>I believe that we need to decide very quickly what the role(s) of the DCCP AF is and to form groups that will undertake tasks that will support those roles, we might have people who have expertise in one or other facet such as Law or Science (I'm sure we do) and then having identified each role or task give support utilising the expertise that we have.</p>	<p>Noted. Role of AF has been revised for comment at next Forum meeting. The use of working groups will be considered where necessary.</p>
	<p>Issues around branding are all well and good but we will develop our own brand by being active and delivering, it's at that time that Logos and Images will define and develop themselves. It's my view that we will be defined in the Public domain by our actions. We need also to stick to why we're there and to not allow issues of protocol and ego to waste precious time that we have at the meetings.</p>	<p>Noted. Revised ToR provides fairly discrete and concise objectives for the Forum itself.</p>

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<p>Anisa Khan Assistant National Coordinator WESSA/ WWF SA Eco- Schools Programme</p>	<p>1. With regard to the specific objectives of the partnership (1.2)-</p> <ol style="list-style-type: none"> <li>1. these need to be more specific and avoid such broad and vague terminology as “ensure the harmonisation of adaptation and mitigation efforts”</li> </ol>	<p>Comment noted. Agreed that the objectives of the DCCP will need to be more specific and action oriented. The details of the objectives of the DCCP will tabled for discussion within a meeting of the Advisory Forum.</p>
	<ol style="list-style-type: none"> <li>2. If the partnership is to promote an enhanced understanding of CC s it relates to their sector <b>it is imperative that the partnership members have such capacity- the members need to have a fair understanding of both mitigation and adaptation and a good understanding of how this relates to the sectors they represent</b></li> </ol>	<p>Noted. Objectives of the Steering Committee could be to:</p> <ol style="list-style-type: none"> <li>1. host events to share info with partnership members, as well as</li> <li>2. develop a campaign to raise factual knowledge within their constituencies and areas of work</li> </ol>
	<ol style="list-style-type: none"> <li>3. Point 8 needs to be revised 1.3 begins with a long term vision of a self sustaining forum- this terminology should be changed as it conflicts with the advisory forum- not clear. It would be good in this vision to include an information dissemination aspect that “feeds” from above and below. International and National developments should feed into this partnership which could then be “filtered down” into the sectors, likewise, a “filtering up” process needs to be encouraged.</li> </ol>	<p>Comment noted. ToR has been simplified to focus explicitly on the Advisory Forum. Details of the objectives of the DCCP will tabled for discussion within a meeting of the Forum.</p>
	<ol style="list-style-type: none"> <li>2. The advisory forum seems to be a temporary structure (this is not clear within the document- states in 3.7.1 that its approx lifespan is 4 months- if we are currently the advisory forum from which a partnership steering com is being formulated?) and should therefore be limited to specific short term goals and objectives- currently has very long term outputs rather than short term achievable. This short term nature also means that much broader representation could still be possible?</li> </ol>	<p>Comment noted. Revised ToR is simpler, focuses on the AF, and outlines more realistic and concise objectives for the Advisory Forum.</p> <p>Issue of broader representation agreed upon at first AF meeting and is being addressed to have more inclusive</p>

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		representation by the next AF meeting.
	wrt Alan's concerns remove the terminology "business-like" which may be offensive to some- as it stands- such detailed TOR's for a short term structure is puzzling? I would expect this level of detail for the steering comm..	Noted. Revised ToR is more in keeping with the short-term and temporary nature of the AF. More detailed elements will be reserved for the Steering Committee.
	3. As a way forward, possible steps could be: 1. Try to get much broader representation on the advisory forum. This needs to be achieved before members are "comfortable" with the process- this should be through working with existing networks such as Coastwatch, the biodiversity forum, catchment management forums etc.	Noted, Judy Mann of Coastwatch has been contacted as suggested by WESSA, as well as other sector representatives e.g. tourism, traditional groups – they are to be invited to attend the AF2 meeting.
	2. A sector needs analysis needs to be done so that the objectives of the partnership can be clearly articulated	Noted.
	3. The objectives of the forum needs to be separate from the objectives of the partnership	Noted. Revised ToR focuses purely on the Forum and its role.

**General Comments:**

Name	Comment	Response
Dieter Zettler	I want to repeat that if we want to have a project to present at the time of Cop17 we have to make a decision at the next meeting simply because of time constraint. It would also be necessary to elect a strong committee to run this Forum (unfortunately I will not be available due to workload – otherwise I would have agreed to serve).	To be discussed in future meetings of AF.
	To my mind that there can be gained no advantage of expanding the Forum unless you vote for subcommittees that can accommodate the “missing” participants and the leader of the subcommittee can than represent the consensus decision that have been agreed upon at their meeting.	Noted, suitable channels for representation will be discussed at following meetings.
Keith Anderson Chairman: eWaste Association of South Africa	I would also like to suggest that we look at adopting the 5 Capital Model that was developed at the Sustainability Conference in 2000. <sup>2</sup>	The suggestion to adopt the 5 Capital Model will be discussed at a future meeting of the AF.
Thabani Khumalo (MD Think Tank Services)	After our meeting, I consulted some Government Leaders and organs to get their understanding of the term "FORUM". A Forum is a broad based representative body of stakeholders. This body meets to elect a STEERING COMMITTEE which is then given a MANDATE by the FORUM to roll out. FORUM meetings are held at regular intervals for report back by the STEERING COMMITTEE and the STEERING COMMITTEE meets regularly. Such a STEERING COMMITTEE will enjoy the support of the WHOLE Sector and ultimately of the City Politicians	Comment noted. Revised ToR outlines more realistic and concise objectives for the Advisory Forum. Please note that the AF is a temporary body that will be discontinued once the Steering Committee or an appropriate institutional structure for the DCCP has been established.
	When deciding to broaden your representativity, consider the following groups: <ul style="list-style-type: none"> <li>• South African governments (local, states, provinces and national)</li> <li>• Metro Council (Speaker’s Office)</li> <li>• Academia and intellectual</li> <li>• Media, in a general sense, including the traditional media</li> <li>• Traditional leaders and institutions</li> </ul>	Issue of broader representation agreed upon at first AF meeting and is being addressed to have more inclusive representation by the next AF meeting.

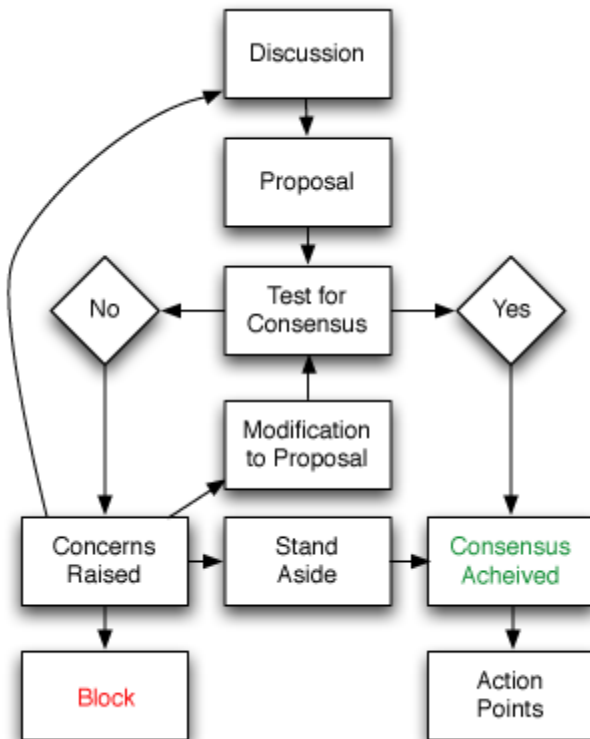
<sup>2</sup> Please see the Five Capital Model slide provided by Kieth Anderson in the Appendix.

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	<ul style="list-style-type: none"> <li>• Community leaders (SANCO)</li> <li>• Students</li> <li>• Women groups (Professional Associations, Rural Women (Umbumbulu, KwaXimba, Umgababa etc)</li> <li>• Labor movements/associations</li> <li>• Chambers of Commerce and business groups</li> <li>• Relevant Professionals/Experts</li> <li>• Religious/Faith Organisations</li> <li>• Think-Tanks /Civic and Professional Organizations</li> <li>• Youth including Rural/Township</li> <li>• Labour Groups</li> <li>• Technocrats</li> <li>• Farmers</li> <li>• Abahlali BaseMijondolo (Residents of the Informal Traders)</li> <li>• Environmental Groups</li> </ul>	

## Appendix

### 1.1 Information sent by Alan Murphy (Ecopeace)



#### [Consensus isn't taking a vote](#)

**“We make all our decisions by consensus.” “We’re a consensus-based organization.”** I must hear this from a client a week. When I ask about how consensus is reached, I hear some version of: “We give each idea that’s presented and discussed a thumbs-up, thumbs-down or a thumbs-sideways.” A what?” A thumbs-sideways – it means ‘maybe.’ Then we count the thumbs. Whichever idea has the most thumbs-up wins. The people who didn’t give that idea a thumbs-up agree to live with the decision.”

**Sounds like voting to me. Same process, same outcome:** An idea is presented, there is discussion, the majority “wins,” and there is a disaffected minority who agrees to “live with” the decision – until the next chance they get to change it. Which means you’ll get to make this decision again...and again...and again. And that’s pretty much the opposite of a decision made by consensus.

**So, if voting isn’t consensus, what is?** I think of consensus as a series of small agreements that build to a solid decision. Consensus is bounded by realistic parameters which is what gives it its creative spark. It’s not an open discussion; rather it relies on structure for its tremendous freedom and power. Learning and listening is built into each step. Contention is too. By this I do not mean encounter group-style confessional displays, open weeping or chair-throwing. I mean being willing to be influenced by another’s point of view. I mean speaking honestly and openly and knowing the pleasure of having your point of view heard, understood and responded to. The response may be “yes”, “I see it differently”, or “oh yeah and what about...” When flawlessly executed, consensus trumps group dynamics: it’s more compelling than rank, than being detached, winning or staying a

victim. It's tremendously energizing and the decisions do not have to be made again. Over time, the groups that learn this process become increasingly deft in their decision-making and follow-through.

**I think this is the chief difference between consensus and voting.** In consensus, there is resolution. The decision sticks because the process is transparently fair and inclusive of all points of view. Because of their constructive contention, the group coheres without slipping into groupthink. Their decision is effectively bullet-proofed. Enacting that kind of decision is easy. Commitment from the organization comes more easily too.

**It's easy to see why organizations want to lay claim to consensus:** Who wouldn't want that level of cohesion and commitment?

**Still, not every decision merits the time, attention and thoroughness of consensus.** Some decisions are best made by voting, disaffected minority and all. Many decisions are better made by a leader who has been informed by her group's input or feedback. Knowing which approach best suits your situation is the art of decision-making. And accurately labelling your current process – painful though that may be – is a good place to start.

## 1.2 Information sent by Keith Anderson (eWASA)

