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Legislative Capacity for Climate Disaster Financing in South African Cities

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Abstract

Climate change is intensifying the frequency and severity of floods, droughts, heatwaves, and storms affecting South African cities, placing sustained pressure on municipal infrastructure, governance capacity, and public finances. This article examines the legislative capacity of South African municipalities to mobilise, allocate, and manage financial resources for climate disaster preparedness, response, and recovery. Using a doctrinal legal analysis supported by qualitative thematic synthesis, the study evaluates the interaction between constitutional fiscal principles, intergovernmental finance rules, and disaster and climate governance legislation, with particular attention to the Public Finance Management Act, Municipal Finance Management Act, Division of Revenue Act mechanisms, and the Disaster Management Act as read alongside emerging climate governance frameworks. The analysis finds that South Africa's legal architecture provides multiple authorising pathways for disaster-related spending, conditional grants, emergency procurement, and post-disaster rehabilitation, but these are constrained by fragmented mandates, procedural complexity, short-term funding cycles, and uneven municipal capacity. Gaps in anticipatory financing, limited clarity on climate attribution and eligible expenditures, and weak alignment between disaster risk reduction and climate adaptation planning further undermine effective local implementation. The article concludes that strengthening climate disaster financing requires clearer statutory integration between climate and disaster laws, predictable and pre-arranged funding instruments, improved oversight and reporting standards, and enhanced municipal fiscal and technical capacity to ensure equitable, timely, and accountable recovery in vulnerable urban communities.

Keywords: Climate Disasters, Municipal Finance, Disaster Risk Reduction, Climate Adaptation