1. **Report of the Portfolio Committee on International Relations and Cooperation on the Foreign Service Bill [B 35-2015], dated 22 November 2018**

The Portfolio Committee on International Relations and Cooperation (the Committee), having considered the subject of the ***Foreign Service Bill [B 35-2015]*** referred to it and classified by the Joint Tagging Mechanism (JTM) as a section 75 Bill, reports the Bill with amendments [B 35A-2015].

**1. Background to the Bill**

The Foreign Service Bill (“the Bill”) was referred to the Portfolio Committee on International Relation and Cooperation (the Committee) on 27 October 2015. The Department of International Relations and Cooperation briefed the Committee on the Bill on 16 March 2016. The Bill was published on 18 July 2016, and translated into 11 official languages for public comments in the national and provincial media.

The resultant challenge was that the initial response was minimal, with only four individuals and organisations having submitted written submissions. The Committee had to extend the period for submissions to allow for more public involvement. Subsequently, more stakeholders sent their written submissions to the Committee for consideration.

The Committee still saw a need to seek more public involvement in the legislative process regarding issues of international relations, especially the management of South Africa’s Foreign Service. Having dealt with perceptions that Foreign Policy by its own nature remained elitist, the Committee had to be innovative and resolved to hold a Public Seminar in Pretoria, on 24 of January 2017. The Public Seminar was able to reach a wider range of stakeholders. Labour organisations and practitioners of Foreign Service were among the last stakeholders to be engaged on 17 April 2018 in Pretoria.

During the Committee engagements with departments, it became clear that the Bill is perceived to be encroaching into mandates of sister departments. In order to better understand the concerns of the Department of Public Works related to ownership, maintenance and disposal of immovable assets abroad, the Committee resolved to undertake a fact-finding oversight visit to Namibia on 30 July – 4 August 2018. The oversight visit was linked to clause 8 of the Bill, on ‘Assets’.

The Committee deliberated on the Bill on the following dates, 31 May 2018, 6 June 2018, 7 June 2018, 7 November 2018, 14 November 2018, 15 November 2018, and formally considered and adopted the Bill on 21 November 2018.

**2. Committee majority view**

After extensive deliberations and due consideration of all the submissions received from stakeholders and the responses from the Department of International Relations and Cooperation, the Committee made several amendments to the Bill.

The Committee is of the view that the current dispensation of a highly fragmented Foreign Service, in relation to the management, administration, accountability and functioning of the various officials from different departments, is inconsistent and in many cases not optimal. The Committee agreed on the desirability of a legislation that would address these concerns. The Bill will be operationalised within the existing legislative framework governing the public service sector and the security services in South Africa.

The Committee acknowledges that the amendments to the Bill would provide for a single and professional Foreign Service for South Africa. It will further provide a framework to address challenges posed at the operational level in Missions abroad, which are located in a global environment which is different from the domestic context.

The Committee is convinced that the amendments to the Bill recognise the fact that the Department of International Relations and Cooperation conducts its affairs and operations in a global environment. The Committee further recognises that the global platform is surrounded by circumstances and conditions which are often vastly different and diverse from the policy context within South Africa that governs the rest of the public service.

The Committee believes that the Bill creates the necessary flexibility to address the challenges faced by the Department of International Relations and Cooperation operating at a global level.

In addition, the Committee is of the view that the amendments to the Bill will address the issue of custodianship of state-owned properties abroad. The amendments will empower the Minister of International Relations and Cooperation that as a custodian, will acquire, maintain, lease or dispose of immovable assets of the Department outside the Republic. The Committee recognises that the Department has physical presence abroad, and is regarded as responsible and accountable by the receiving states for the management of all acquisitions, including leases, additions and sales of real property in the receiving state.

**4. Dissenting view of the Economic Freedom Fighters (EFF)**

The majority of the Committee, having noted the dissenting view presented by the Economic Freedom Fighters (EFF) as a minority view, was of the opinion that the matters raised had been extensively discussed and clarified during the submissions and presentations made to the Committee.

The Committee felt it had deliberated at length on the matter raised by the EFF, and that the amendments to the Bill adequately addresses the issue relating to the criteria of a ‘Head of Mission’.

The Committee was not able to reach consensus on Clause 5 of the Bill. The majority of the Committee was of the view that the Head of Mission ‘may’ have the relevant knowledge, skills and experience. The EFF objected and was of the view that the Head of Mission ‘must’ have the relevant knowledge, skills and experience.

**5. Recommendation**

The Committee recommends that the House adopt this Report and approve the second reading of the amended Bill.

Report to be considered.