**EASTERN CAPE PROVINCIAL LEGISLATURE**

**OFFICE OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON RURAL DEVELOPMENT & AGRARIAN REFORM**

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 **29 September 2020 BISHO, SOUTH AFRICA 5605**

 **NEGOTIATING MANDATE**

**To:** The Chairperson:

 Agriculture, Forestry & Fisheries

**Name of Bill** National Forest Amendment Bill

**Number of Bill:** [B11B-2016]

**Date of Deliberation** 29 September 2020

**Vote of the Legislature**

The Legislature supports the Bill and mandates the Eastern Cape delegate to negotiate in favour of the adoption of the Bill within the following parameters:

1. **Clause 9**
2. Clause 9. (4) (a) seeks to amend S23 of the Act and provides for no mining except for "on an existing lease" or "any other valid contract”. This is of utmost concern as the words; "any other existing contract" is subjective, vague, and could potentially supersede or override the Act.
3. Further, this proposed amendment could be utilized to 'legitimize' current illegal mining operations in State Forests as precluded by the Act.
4. This proposed clause must be re-drafted or removed to preclude the legitimizing of illegal activities in Protected Forests, and hence to preserve the environment for the generations to come. If this clause is not corrected, the aim of protecting National Forests cannot be achieved, and can be subject to abuse.
5. In cases where there are patches of indigenous forest in State Forest areas, it is recommended that Section 9 – amendment of Section 23(4) clarifies that it is relevant to only those portions that are used for plantation forestry and not applicable to natural forest
6. **General**
7. The report of the Portfolio Committee attached hereto highlights other issues raised by the stakeholders, relating to the Bill before the Portfolio Committee and are matters that ought to be given consideration by the Department of Agriculture, Forestry and Fisheries.



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**HON. F. BESE (MPL) DATE**

**CHAIRPERSON: PORTFOLIO COMMITTEE ON RURAL DEVELOPMENT & AGRARIAN REFORM**