

Report of the Portfolio Committee on Agriculture, Land Reform and Rural Development on Activities Undertaken During the Sixth Parliament, May 2019 – March 2024

1. Introduction

This report accounts for the work of the 6th Parliament's Portfolio Committee on Agriculture, Land Reform and Rural Development (the Committee). It is based on its Draft 2019-2024 Strategic and Operational Plan, implemented between June 2019 and March 2024. The report serves as a close out report and a hand-over document for the new Portfolio Committee on Agriculture, Land Reform and Rural Development in the 7th Parliament. It seeks to assist the new Committee in identifying outstanding issues and recommendations made over the last five years (i.e. legislation and oversight) so that a follow-up and monitoring mechanism can be adopted. In line with the core functions of Parliament, the work of the Committee can be categorised in line with the strategic objectives for the last five years. These provided a framework within which the Committee operated. The strategic outcome-oriented goals of the Committee are founded on the core functions of Parliament as illustrated in Table 1 of this report.

1.1 The Portfolio Committee on Agriculture, Land Reform and Rural Development

The mandate of the Committee on Agriculture, Land Reform and Rural Development is derived from the mission and vision of Parliament (see Table 1 of this report). Its functions are aligned to the powers of the Committee as mandated by Chapter 4 of the Constitution of the Republic of South Africa. The Committee oversees the Department of Agriculture, Land Reform and Rural Development (hereinafter referred to as the Department or DALRRD) and its entities in so far as its mandate is concerned. It is mandated to:

- consider, amend and/or initiate legislation that is specific to, or impacts on, agriculture, land reform and rural development;
- consider and review the strategic plans and budgets of the Department and its entities;
- monitor and oversee the activities, financial and non-financial performance of the Ministry of Agriculture, Land Reform and Rural Development including the Department and its entities;
- monitor and oversee the implementation of the Department's policies and legislation;
- consider sector-related international treaties and agreements; and
- provide a platform for the public to participate and present views on specific topics and/or legislation in relation to the three sectors.

As Table 1 below illustrates, the Committee adopted five strategic outcome-oriented goals which guided its approach (see discussion below). Each outcome-oriented goal can be linked to key intervention(s) or function(s) of the Committee. The functions can be categorised into three main areas, oversight and accountability (including scrutiny of budgets and performance reports), law-making (include international protocols, conventions and agreements) and public involvement in law-making and/or any other matter that is of public interest.

Table 1: Outcome-Oriented Goals of the Portfolio Committee: ALRRD

Functions of Parliament	Outcome-Oriented Goals	Key interventions
1. Oversight and accountability of the Executive.	1.1. To provide mechanisms that enable the Committee to conduct effective process of scrutinising and overseeing the work of the Executive in the implementation of the priorities of government.	<ul style="list-style-type: none"> – Considered and reviewed the strategic plans and budgets of DALRRD and its entities. – Monitored and oversaw the activities, financial and non-financial performance of the Ministry and the DALRRD and its entities.
2. Cooperative governance	2.1. To collaborate and cooperate with other spheres of government to ensure cooperative and intergovernmental relations.	<ul style="list-style-type: none"> – Created platform for collaboration in oversight with other National Assembly Committees, Select Committees and some of the

3. Public involvement and participation in Committee processes	3.1. To ensure that the public is central in all aspects of legislation formulation, implementation, and evaluation through interactive, responsive, and meaningful engagements.	Provincial Legislatures. – Provided a platform for members of the public to participate and present views on specific topics and/or legislation in relation to the three sectors.
4. Parliamentary international engagement and cooperation	4.1. To ensure enhanced capacity of the Committee for parliamentary international engagement and cooperation	– Considered sector-related international treaties and agreements.
5. Consolidated legislative processes implemented.	5.1. To provide mechanism that enable the Committee to consider legislation (bills, international protocols, and agreements) referred to it by the National Assembly, and further evaluate impacts of relevant legislation under its portfolio.	– Considered and/or amended introduced legislation that is specific to, or impacts on, agriculture, land reform and rural development.

1.1.1 The Committee's approach and methods for conducting its work

Given the strategic significance of agriculture and the programme of land reform as an integral part of the strategy for rural development, the Committee adopted an approach that upholds the centrality of accountable public service, thus meaning that time was created for briefing sessions on key matters and taking on issues that members of the public raised with the Committee. Its programme of action ensured that it contributes to the oversight and accountability functions of Parliament, especially the implementation and impact of government policies on the lives of citizens particularly the rural poor in the margins of the South African economy.

The oversight strategies were underpinned by commitment to public participation in all aspects of oversight and law-making, scrutiny of reports of the DALRRD and relevant entities, supported by reports from other government entities such as the Public Service Commission, Department of Performance Monitoring and Evaluation (DPME) and the Auditor-General of South Africa (AGSA). These oversight underpinnings were translated into methods as detailed in subsection 1.1.2 (below). The Committee identified three strategic outcomes which it focused on, i.e. development of policies and legislation, pursue oversight to ensure clean audits for the Department and entities and to ensure that the Department and entities were accountable for a range of interventions that would alter the context.

1.1.2 Methods

The Committee held weekly meetings on Tuesdays (allotted slot) and sometimes on Fridays as per each Committee Term Programme for:

- *Briefings by the DALRRD and its entities:* Over the last five years the Committee received briefings on the following: proposed legislation (bills) and international agreements; strategic and annual performance plans including budget allocations for the DALRRD and entities (including linkages with government priorities as per the Medium-Term Strategic Framework (MTSF)); quarterly performance reports including spending patterns and implementation of Audit Improvement Plans; annual reports culminating in the development of the Budgetary Review and Recommendation Reports; as well as specific briefings on topical issues within and that impact the three sectors.

- *Briefings by other Government departments and agencies:* Specific briefings were also received from other departments such as the Department of Performance Monitoring and Evaluation (DPME), Department of Employment and Labour, Department of Home Affairs, Department of Health, Department of Trade, Industry and Competition, Statistics South Africa, South African Police Service (SAPS) and others on issues affecting DALRRD’s programmes.
- *Engagement with members of the public, civil society organisations and academic/research institutions:* The Committee hosted stakeholder meetings and workshops for discussions on issues affecting programmes of the DALRRD and held several public involvement initiatives during its process to consider Bills before it.
- *Oversight visits to sites where the DALRRD implemented specific programmes including to some of the Department’s public entities:* The Committee visited various provinces to assess redistributive land reform and farms, development support programmes, revitalisation of irrigation schemes, Presidential Employment Stimulus Initiative (PESI), Agri-Parks and areas affected by disasters and animal disease outbreaks. The observations and the interactions with beneficiaries during site visits enhanced an understanding of the depth of challenges in agriculture and land reform.
- *Interaction with institutions established to support democracy, or the Chapter 9 institutions:* In its course of business, the Committee conducted hearings and briefing sessions with the Office of the Auditor-General of South Africa (AGSA), Human Rights Commission and the Commission on Gender Equality. These institutions provided useful information and insights into the performance of the Department, both in terms of financial performance and implementation of pre-determined objectives.

1.2 The Department and entities reporting to the Portfolio Committee on Agriculture, Land Reform and Rural Development

1.2.1 Department of Agriculture, Land Reform and Rural Development

The DALRRD derives its mandate from Sections 24, 25 and 27 of the Constitution as illustrated in Table 2 below. The Department’s legislative and policy mandates are informed by national, provincial and local legislation and policies. The legislation and policies can be concurrent or apply to one level. The overarching goal of the Department is to attain equitable access to land, integrated rural development, sustainable agriculture and food security for all.

Table 2: Constitutional Mandate of the DALRRD

Relevant Sections of the Constitution	Key Focus
– Section 24(b)(iii) (environmental clause)	– These sections cover the environment and natural resources as well as agricultural production to ensure food security.
– Section 27(1)(b) (health care, food, water, and social security clause)	
– Section 25 (property clause)	– Establishes the framework for the implementation of land reform.
– Section 27 (health care, food, water, and social security clause)	– Establishes the framework for the implementation of the Comprehensive Rural Development Programme.

In line with the Constitutional framework set out above, the core function of the DALRRD is to accelerate land reform, catalyse rural development and improve agricultural production to stimulate economic development and food security through the following: transformed land ownership patterns; agrarian reform; implementation of an effective land administration system; sustainable livelihoods; innovative

sustainable agriculture; promotion of access to opportunities for youth, women and other vulnerable groups; and integrated rural development.

The DALRRD developed seven strategic outcomes for the 2020-2024 MTSF period. Table 3 below demonstrates how the strategic outcomes of the DALRRD are aligned to MTSF priorities of government.

Table 3: Alignment of Department Outcomes and the 2020-2024 MTSF Priorities

Department Outcome	MTSF Priority (P)
1. Improved governance and service excellence	P1: A capable, ethical and developmental state
2. Spatial transformation and effective land administration	P5: Spatial integration, human settlements & local government
3. Redress and equitable access to land and producer support	P2: Economic transformation & job creation and P5
4. Increased production in the agricultural sector	P2 and P3: Education, skills and health
5. Increased market access and maintenance of existing markets	P2 and P7: A better Africa & world
6. Integrated and inclusive rural economy	P2 and P5
7. Enhanced biosecurity and effective disaster risk reduction	P5

1.2.2 Entities of the Department of Agriculture, Land Reform and Rural Development

There are ten public entities (including trading accounts) that report to the Minister of Agriculture, Land Reform and Rural Development, namely, the Agricultural Research Council (ARC), the National Agricultural Marketing Council (NAMC), the Perishable Products Export Control Board (PPECB), the Onderstepoort Biological Products (OBP), the South African Veterinary Council (SAVC), the KwaZulu-Natal Ingonyama Trust Board (ITB), the Commission on Restitution of Land Rights (CRLR), the Office of the Valuer-General (OVG). Additionally, the two trading accounts, the Deeds Registration Trading Account and the Agricultural Land Holding Account. The South African Council of Planners also report to the Minister of Agriculture, Land Reform and Rural Development. The entities report to the Minister, who reports to Parliament in line with legislation and where relevant, on the funds transferred to them in terms of Section 38(1)(i) of the Public Finance Management Act (PFMA).

Table 4: Public Entities under the Portfolio of Agriculture, Land Reform and Rural Development

Name of Entity	Role/ Mandate
Agricultural Research Council (ARC)	The ARC was established in terms of Section 2 of the Agricultural Research Act, 1990 (Act No. 86 of 1990). It is listed as a National Public Entity under Schedule 3A of the Public Finance Management Act (PFMA), Act No.1 of 1999, as amended. The ARC is the principal agricultural research institution in the country. It provides agricultural research and development, technology transfer and support to the agricultural community. In addition, the ARC is the custodian of the country's national collections of insects.
National Agricultural Marketing Council (NAMC)	The NAMC was established in terms of Section 3 and 4 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996) as amended by Act No. 52 of 2001. It is listed as a National Public Entity under Schedule 3A of the PFMA. The core mandate of the NAMC is to investigate and advise the Minister of Agriculture, Land Reform and Rural Development on agricultural marketing policies and their application, and to co-ordinate agricultural marketing policy in relation to national economic, social and development policies and international trends and developments.
Perishable Product Export Control Board (PPECB)	The PPECB was established in terms of Section 2 of the Perishable Products Export Control Act, 1983 (Act No. 9 of 1983). It is a National Public Entity that is listed in the PFMA under Schedule 3A. The PPECB controls the export shipment of perishable produce from South Africa and the order of shipment at all ports; makes

	recommendations on the handling of perishable produce when moved to and from railway trucks and other vehicles or cold stores; and promotes uniform freight rates for the export of perishable products. The entity is responsible for issuance of export certificates for perishable products.
Onderstepoort Biological Products (OBP)	The OBP was established in terms of the Onderstepoort Biological Products Incorporation Act, 1999 (Act No.19 of 1999); and is listed under the PFMA as a Schedule 3B National Public Entity. It is a state-owned bio-technical company that manufactures livestock vaccines and related products for the global animal health care industry.
Office of the Valuer General (OVG)	The Office of the Valuer-General values all land to be acquired for land reform purposes, in accordance with a defined set of criteria based on section 25(3) of the Constitution, to ensure fair and equitable prices. The Property Valuation Act (2014) prescribes that the office must be impartial in exercising its powers and performing its functions, and be accountable to the Minister of Agriculture, Land Reform and Rural Development.
Commission on Restitution of Land Rights (CRLR)	The CRLR is an autonomous institution established by the Restitution of Land Rights Act, 1994 (Act No 22 of 1994) to solicit land claims, investigate them and attempt to resolve them through negotiation and mediation. The mandate for restitution of land rights is derived from section 25 (7) of the Constitution of the Republic of South Africa, 1996 (“the Constitution”) which states that a “person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress”.
KwaZulu-Natal Ingonyama Trust Board (ITB)	The ITB is a land management agency that ensures that commercial activity on Ingonyama Trust land (communal land) is developmental and beneficial to local communities. The KwaZulu-Natal Ingonyama Trust Act (1994) makes provision for the 2.8 million hectares of land spread across KwaZulu-Natal to be held in trust and managed on behalf of communities. The affairs of the trust are administered by the Ingonyama Trust Board.
South African Veterinary Council (SAVC)	The SAVC is a statutory professional body that was established in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982) to regulate the veterinary and para-veterinary professions in South Africa.

Table 5: Trading Entities under the Portfolio

Trading Account	Purpose
Agricultural Land Holding Account	– This account was established for the land reform purposes in terms of the Provision of Land and Assistance Act, 1993 (Act No 126 of 1993) as amended in 2008. The Act provides that the Minister may, from money appropriated by Parliament, proactively acquire land for land redistribution.
Deeds Registration Trading Account	– The Deeds Registration Trading Account is managed in terms of the Deeds Registries Act, No. 47 of 1937, as amended. Its main purposes are to finance the operating costs of the various Deeds Registries responsible for the registration of conventional bonds, sectional titles and leaseholds.

1.2.2.1 The Land and Agricultural Development Bank of South Africa (Land Bank)

The Land and Agricultural Development Bank of South Africa (Land Bank) was established in terms of Section 1 of the Land Bank Act, 1912 (Act No. 18 of 1912), which was repealed by Section 53 of the Land Bank Act, 1944 (Act No. 13 of 1944), which was further repealed and replaced by the Land and

Agricultural Development Bank Act, 2002 (Act No. 15 of 2002). The Land Bank operates as a development finance institution within the agricultural and agribusiness sectors. It provides a range of finance options to a broad spectrum of clients in the agricultural sector, including entrepreneurs, women, and youth through its network of branches and satellite offices. However, the Land Bank has since July 2008 been administered by the National Treasury following a proclamation from the former President of the country and therefore, accounts to the Minister of Finance. As a result, the Committee experienced challenges in getting the Land Bank to fully account on its activities including on the Department's AgriBEE Fund that is managed by the Land Bank and previous funding allocations for the Blended Finance Initiative.

1.3 Structure of the report

Following this detailed introductory part, the report proceeds as follows:

- It provides statistical data about the number of meetings held, oversight trips undertaken, legislation processed, and other key variables.
- It lists the stakeholders and their significance to the work of the Committee.
- Narratives about the briefings and the public hearings conducted by the Committee in relation to processing of legislation.
- The next sections are details about legislation, oversight visits and the international tours.
- It summarises the key issues to follow-up and concludes with recommendations to strengthen operational and procedural processes to enhance the Committee's oversight and legislative role in future.

2. Statistics of the Committee's activities

This section provides statistical overview of the meetings held, legislation and international agreements processed, study tours, and oversight trips undertaken by the Committee, as well as statutory appointments by the Committee during the 6th Parliament. Table 6 below illustrates that, as of 26 March 2024, the Committee held a total of 163 meetings. These meetings focused on oversight activities to hold members of the Executive accountable in respect of programme performance and budget expenditures, consideration of Bills and international agreements, engagement with members of the public on topical issues, oral submissions on Bills before the Committee and requests for meetings to discuss policy issues and service delivery concerns.

Table 6: Statistics of activities (2019-2023)

Activity	2019/20	2020/21	2021/22	2022/23	2023/24	Total
Meetings held	25	41	35	26	36	163
Legislation processed		1 ¹	2 ²	1 ³	4 ⁴	8
Oversight trips undertaken	1	1	3	1	1	7
Study tours undertaken	None	None	None	None	1	1
International agreements processed	None	None	None	1	1	2
Statutory appointments made	None	None	None	None	1	1
Petitions considered	None	None	None	None	None	N/A

¹ Upgrading of Land Tenure Rights Amendment Bill [B6-2020]

² Liquor Products Amendment Bill [B10-2016] and the Sectional Title Amendment Bill [B31-2020]

³ Agricultural Produce Agents Amendment Bill [B33-2020].

⁴ Agricultural Product Standards Amendment Bill [B15-2021], Animal Protection Amendment Bill [B1-2021], Preservation and Development of Agricultural Land Bill [B8-2021], Plant Health Bill [B14-2021] & Deeds Registries Amendment Bill [B28-2022].

3. Stakeholders

The Committee has engaged with a range of stakeholders in the course of its work. As outlined in Table 7 (below), the stakeholders came from a range of sectors that have an interest in the portfolio; those included non-governmental organisations (NGOs) and community-based organisations (CBOs), organised agriculture, organised labour, research and academic institutions, and public law interest organisations. The contribution of these stakeholders was highly valued by the Committee because it enriched the deliberations and oversight and accountability decisions arrived at by the Committee. Of strategic importance was that through the engagements, the Committee as an extension of the National Assembly (NA) remained accessible to the members of the public.

Table 7: List of Stakeholders

Sector	Name	Areas of interest
NGOs/CBOs	Land Access Movement of South Africa Alliance for Rural Democracy Nkuzi Development Association Association for Rural Advancement Agrarian Reform for Food Sovereignty Campaign Trust for Community Outreach Education Surplus People Project Women on Farms Project Biowatch Border Rural Committee Phuhlisani Solutions Tshintsha Amakhaya Hemp 4 Life	Land rights and development; food sovereignty; farm worker rights; land restitution, land redistribution, climate change and food security, conservation agriculture and agro-ecology, Cannabis farming.
Organised Agriculture	AgriSA (and affiliate commodity groups) Agricultural Business Chamber African Farmers Association of South Africa (AFASA) National Agricultural Farmers Union (NAFU) South African Farmers Development Association (SAFDA) Citrus Growers Association of South Africa South African Poultry Association (SAPA) Red Meat Industry Forum Fresh Produce Exporters Forum South African Organic Sector Organisation Tau-SA	Commercial agriculture; emerging farmer development; agricultural exports and imports; disease outbreaks and control; on- and off-farm infrastructure; market access; commodity development and producer support; disaster support; rural safety.
Research/ Academic Institutions	UWC: Institute for Poverty Land and Agrarian Studies UCT: Community Law and Society & Land and Accountability Centre Human Rights Watch International Labour Organisation (ILO) Human Sciences Research Council	Land dispossessions and transformation of property relations; land and agrarian reform; food regimes; natural resource management; land rights and customary law.
Organised Labour	Food and Allied Workers Union (FAWU) Congress of South African Trade Unions (COSATU)	Conditions of employment and agrarian transformation on farms; rural safety.
Public Interest Law	Legal Resources Centre Lawyers for Human Rights	Human rights, land and property rights and customary law.

4. The Committee’s focus areas, briefing sessions and public hearings

In 2019, the reconfiguration of government resulted in the establishment of a new Department of Agriculture, Land Reform and Rural Development. Similarly, Parliament established a new Portfolio Committee on Agriculture, Land Reform and Rural Development to mirror the Executive configuration. One of the first things the Portfolio Committee did was to source outstanding issues from the Legacy Reports of the former Portfolio Committee on Agriculture, Forestry and Fisheries and the former Portfolio Committee on Rural Development and Land Reform. Similarly, it looked at performance trends, challenges and opportunities for improvement as observed by the 5th Parliament’s Portfolio Committees mentioned above.

This section highlights the focus areas for the Committee between 2019/20 to 2023/24. The focus areas have been integrated into the briefing sessions with stakeholders, oversight visits and public hearings on areas of work in this portfolio and/or the legislation before the Committee.

4.1 Focus Areas

Table 8 below illustrates the focus areas of the Committee. These focus areas are linked to the government priorities. Performance of the Committee and the portfolio in these areas is recorded.

Table 8: Focus Areas for the Committee

Focus Area(s)	Link to Government MTSF Priority
1. Briefings sessions and oversight visits:	
(a) <i>Farmer Support and Land Development:</i> Implementation and impact of the support and development programmes, namely, Comprehensive Agricultural Support Programme (CASAP), Recapitalisation and Development Programme (Recap)/Land Development Support (LDS), Ilima/Letsema, Mafisa, One Household One Hectare, LandCare, National Rural Youth Service Corp (NARYSEC). Additionally, the Blended Finance Initiative and Commercialisation of Black Farmers.	P2: Economic transformation and job creation. P3: Education, skills and health.
(b) <i>Land and Agrarian Reform:</i> Redistribution – Proactive Land Acquisition Strategy (PLAS); Restitution (esp. institutional configuration); Tenure Reform (on farms and on communal lands); as well as the Ingonyama Trust Board, Communal Property Associations, etc.	P5: Spatial integration, human settlements & local government. P2: Economic transformation & job creation.
(c) <i>Biosecurity, disaster management and response:</i> Disease outbreaks (foot-and mouth disease (FMD), Avian influenza, brown locusts, African swine fever, etc.), FMD Facility (ARC) and vaccine availability (OBP), Covid-19 Fund, PESI, KwaZulu-Natal unrest, floods and drought.	P3: Education, skills & health. P7: A better Africa & world. P2: Economic transformation & job creation. P7: A better Africa & world.
(d) <i>Market access:</i> Agri-Parks/Farmer Production Support Units (FPSUs), Agriculture and Agroprocessing Master Plan (AAMP), National Red Meat Development Programme (NRMDP).	P1: A capable, ethical and developmental state.
(e) <i>Department and Entities’ Governance:</i> Reconfiguration of the Department (finalisation of the macro and the fit-for-purpose structure), and filling of vacancies (Department and entities).	
2. Coordinated briefings, policy workshops and oversight visits	P2: Economic transformation &

<p>with Portfolio Committee on Employment and Labour:</p> <p>(a) Living and working conditions on farms</p> <p>(b) Rural safety</p> <p>(c) Conditions of employment on farms</p> <p>3. Public hearings and stakeholder engagements:</p> <p>(a) Appropriate public hearings on legislation (8 Bills)</p> <p>(b) Stakeholder meetings - citrus growers, agroecology and conservation agriculture practitioners, etc.</p> <p>4. International engagement</p> <p>(a) Participation of the Committee or delegated members in study tours and other international fora.</p> <p>(b) Processing of international agreements referred to Committee.</p> <p>5. Processing of legislation:</p> <p>(a) Consider all bills referred to the Committee.</p> <p>(b) Identification of proposed legislation in the Parliamentary High-Level Panel and the Presidential Advisory Panel; and engagement with the Executive (e.g. on Communal Land Tenure Bill, Animal Welfare Bill, etc.)</p>	<p>job creation.</p> <p>P5: Spatial integration, human settlements & local government.</p> <p>P2: Economic transformation and job creation.</p> <p>P2: Economic transformation & job creation</p> <p>P7: A better Africa & world</p> <p>P2: Economic transformation & job creation.</p> <p>P3: Education, skills & health.</p> <p>P5: Spatial integration, human settlements & local government.</p>
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4.2 Briefings/public hearings with stakeholders

The Committee held briefing sessions on key policy issues to assess progress in the implementation of key policies and legislation. The briefing sessions presented status reports, identified shortcomings in policy and implementation as well as identification of recovery plans or corrective measures (action improvement plans) put in place. Key amongst these were the briefings by the AGSA on quarterly and annual reports of the Department that culminated in the development of the Committee's annual Budgetary Review and Recommendation Reports (BRRRs), as well as AGSA's Special Audit Reports on the implementation of the Covid-19 Agricultural Disaster Fund.

Over the term of this Committee, issue-based public conversations with various stakeholders and interest groups were held. These include matters relating to natural disasters including agricultural disease outbreaks; the Master Plans; agroecology and conservation agriculture; land restitution, redistribution and tenure security. The Committee identified tenure security on commercial farms as a critical component for discussion and a focus area that coincided with the National Assembly project for a coordinated oversight on the living and working conditions on South African farms. The emphasis on this area of work arose from never-ending media reports about tenure insecurity, abuse of farm workers and poor living conditions on farms. The joint oversight report recommended amongst others review and/or amendment to the Extension of Security of Tenure Act (ESTA) and strengthened law-enforcement agencies on farms.

The Committee further identified challenges experienced by farmers due to the outbreak of diseases such as foot-and-mouth disease (FMD), Avian influenza, African swine fever, African Horse Sickness, citrus black spot, etc. which all had a negative impact on agricultural export revenue due to trade restrictions. The outbreaks of animal diseases were compounded by vaccine shortages at the OBP, which faces serious production challenges due to aged infrastructure and equipment breakdown. Further, comprehensive and effective support including during and after disasters, continues to be a challenge for subsistence and smallholder farmers despite the numerous support programmes within the Department. Stakeholders lamented lack of consultation by the Department on the development of policies, legislation and the Master Plans (i.e. Poultry Master Plan, Cannabis Master Plan and the Agriculture and Agroprocessing Master Plan).

4.3 Public hearings on legislation

Public participation is one of Parliament's most important functions, which it carries out by encouraging and facilitating participation of ordinary citizens and relevant stakeholders in its activities. Public

participation is especially important in the development and processing of legislation to ensure that laws that Parliament passes, are progressive and responsive to the needs of every citizen and do not infringe on their rights. The Committee solicited public inputs on all the pieces of legislation referred to it for consideration and reporting. Public hearings were generally conducted in Parliament or virtually during the Covid-19 restrictions, with affected and interested stakeholders including civil society organisations and members of the public as witnesses. However, regarding the legislation that could largely affect many people in remote areas and where the Committee felt that the Department's public consultation process was insufficient, the Committee decided to further conduct hearings in different districts across all provinces of South Africa. Of all the nine pieces of legislation referred during the 6th Term, only one (Preservation and Development of Agricultural Land Bill) had extended public hearings in different parts of South Africa. During this process, the Committee engaged with over 10 000 people. Public hearings were also platforms where members of the public could engage with their public representatives about service delivery concerns and failures. The issues were referred to the Minister and the DALRRD for intervention and reporting to the Committee.

The following paragraphs summarises key issues from public hearings on different Bills referred to the Committee.

- (a) *Upgrading of Land Tenure Rights Amendment Bill [B6-2020]*: Whilst there was support for the legislation, a dominant view emerging from the public hearings was that the Bill did not address the tenure insecurity issues of a greater majority of rural people. The Committee noted that complex tenure insecurity in the communal areas, especially the former homeland areas, could not be addressed through Sections 19 and 20 of the Upgrading of Land Tenure Rights Act (ULTRA), which Clause 4 of the Bill sought to activate – therefore, clause 4 rejection meant that the Committee focused on the instruction of the Constitutional Court only. A comprehensive legislation envisaged in Sections 25(6) and (9), that is, the Communal Land Tenure Bill (CLTB), is required. Although the DALRRD promised to table the legislation in 2020/21, to date no CLTB has been tabled in Parliament.
- (b) *Liquor Products Amendment Bill [B10-2016]*: No public hearings were held because the referral limited the Committee to address the concerns raised by the President, which was in respect of the referral of the Bill to the National House of Traditional and Khoisan Leaders (NHTKL).
- (c) *Sectional Title Amendment Bill [B31-2020]*: Most people that submitted written comments and addressed the Committee supported the Sectional Titles Amendment Bill. With the improvements made, it is envisaged that the legislation will improve the processes for management of Sectional Titles in South Africa.
- (d) *Agricultural Produce Agents Amendment Bill [B33-2020]*: Most stakeholders that made written submissions and presented oral inputs to the Committee rejected the Bill. The Bill was subsequently withdrawn by the Minister before the Committee could process it further.
- (e) *Agricultural Product Standards Amendment Bill [B15-2021]*: The majority of mostly industry stakeholders that submitted written comments and addressed the Committee supported and proposed inputs on the Agricultural Product Standards Amendment Bill.
- (f) *Animals Protection Amendment Bill [B1-2021]*: This was a private Member's Bill that the Committee did not process as it rejected the motion of desirability of the Bill through a majority vote.
- (g) *Plant Health (Phytosanitary) Bill [B14 – 2021]*: Despite advertisement of calls for written submissions and interest for oral inputs, the Committee did not receive any submissions on the Bill.
- (h) *Deeds Registries Amendment Bill [B28 - 2022]*: The Committee received only one submission which addressed a matter that is outside the scope of the Bill. The submission requested a policy matter on land titling across all rural South Africa – matter that the Department indicated is being addressed under the Communal Land Tenure Bill.

- (i) *Preservation and Development of Agricultural Land Bill [B8-2021]*: The Committee hosted national and extended public hearings in different districts across the nine provinces of South Africa. Extended public hearings across the nine provinces were attended by various stakeholders including Traditional Authorities; municipal management and/or officials; farmer organisations; government departments officials; cooperatives; individual farmers including youth; women and youth civic groups; farm dwellers; labour tenants; civil society organisations as well as members of the public. There was support for the Bill across different provinces except one, Western Cape. Across all 9 provinces, particularly where the Bill was rejected, the stakeholders raised a concern that the Bill did not address the question of landlessness and lacks mechanism for an inclusive agricultural economy and was thus maintaining the status quo. Stakeholders that rejected the Bill also questioned its implementability due to the administrative burden that the Bill proposes to farmers and other spheres of government.

4.4 Challenges encountered during Committee briefings

This section addresses some of the challenges and shortcomings experienced by the Committee regarding the briefings or meetings with the Executive. The challenges can be categorised into two; namely technical/operational challenges and content related matters.

4.4.1 Technical/operational challenges

- The outbreak of Covid-19 impacted the way the Committee conducted its business. Most of the meetings/briefings were held virtually because of restrictions on movements. Further, the unfortunate fire incident in Parliament also aggravated the circumstances because Parliament has limited venues. As a result, the Committee continue meeting virtually despite the lifting of travel restrictions. Only a few physical meetings were held. Whilst remote working has its advantages, Members of the Committee often experienced network challenges or there was no sufficient time for the Executive and/or the DALRRD as well as entities to respond to questions and concerns.
- The 6th Parliament experienced challenges regarding the late submission of briefing documents, presentations and reports by the DALRRD. Late submission of briefing documents obstructs robust oversight and scrutiny of reports. It should be noted that once the Committee addressed the matter, there was an improvement by the last year of the 6th Parliament. It would be helpful if PowerPoint presentations are accompanied by narrative reports for detailed account of the subject under discussion.

4.4.2 Content-related matters

- The DALRRD sometimes did not submit the specific information that has been requested by the Committee or it took too long to submit it. For example, requested reports and interventions on specific issues or complaints from members of the public submitted to the DALRRD by the Committee.
- The quality of documents including official reports that are introduced/tabled in Parliament, e.g. Annual Performance Plans and Annual Reports, always have errors and omissions as in most cases they contain information that has been cut and pasted from old documents.
- Failure by the Department, including some of its entities, to effectively address repeat audit outcomes in its Annual Reports as highlighted by the Auditor-General of South Africa (AGSA). There have been repeat findings of material irregularities across the portfolio, which, in some cases, have led to qualified audit opinions. What is of great concern is that the AGSA has also reported that internal control deficiencies, expenditure management (i.e. increasing irregular, fruitless and wasteful expenditure) and lack of consequence management remain challenges within the portfolio.

5. Legislation Referred and Processed

Table 9 below illustrates pieces of legislation referred to the Committee and processed during the Sixth Parliament. A total of 9 pieces of legislation (Bills) were referred, 1 Bill was withdrawn by the Minister and 1 other did not pass the motion of desirability stage.

Table 9: Legislation referred to the Committee and status within the Committee

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
2019/20	Upgrading of Land Tenure Rights Amendment (ULTRA) Bill [B6-2020]	Sec 76	To amend the Upgrading of Land Tenure Rights Act, 1991, so as to provide for the application for conversion of land tenure rights to ownership, to provide for the notice of informing interested persons of an application to convert land tenure rights into ownership; to provide for an opportunity for interested persons to object to conversion of land tenure rights into ownership; to provide for the institution of inquiries to assist in the determination of land tenure rights; to provide for application to court by an aggrieved person for appropriate relief; to provide for the recognition of conversions that took effect in good faith in the past; and to provide for matters connected therewith.	Completed
2020/21	Liquor Products Amendment Bill [B10-2016]	Sec 75	To consider the President's reservations on the Bill regarding its referral to the NHTKL.	Completed
2021/22	Sectional Titles Amendment Bill [B31-2020]	Sec 76	To amend the Sectional Titles Act, 1986, so as to amend certain definitions; to provide for the developer to answer questions put to the developer by the agents of the lessees; to provide that a certificate issued by an architect or a land surveyor must also comply with section 26(2) of the Spatial Planning and Land Use Management Act, 2013; to further provide for the amendment of sectional plans in respect of exclusive use areas; to further provide for the amendment and cancellation of a sectional plan upon an order of the court; to provide for the noting of a title deed in respect of the lapsing of a reservation in terms of section 25; to provide for a lease of part of the common property with the consent of the holders of registered real rights; to amend the provisions relating to the alienation of common property; to further provide for the cancellation of a mortgaged section and mortgaged exclusive use area; to also provide for a developer to submit a plan for subdivision or consolidation to the Surveyor-General for approval to subdivide, consolidate and to extend a section; to extend the registration of subdivision of a section, the consolidation of sections, and the extension of sections to a developer; to provide for the filing of replacement documentation in respect of lost or destroyed documentation; to amend the provisions relating to the extension of a scheme; to amend the provisions relating to participation quotas of sections; to regulate the membership of the sectional titles regulations board; to amend the transitional provisions; and to provide for matters connected therewith.	Completed

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
	Agricultural Produce Agents Amendment Bill [B33-2020].	Sec 76	To amend to amend the Agricultural Produce Agents Act, 1992, so as to refine certain definitions; to provide for certain provisions of the Act, to apply to all categories of agents; to clarify the appointment and responsibilities of the registrar; to provide for financial statements of the council to be audited by the Auditor-General; to provide for insurance of the Fidelity Fund; to further clarify the conditions for acting as an agent; to provide for trust accounts for export agents; to provide for insurance by export and fresh produce agents; and to provide for matters connected therewith.	Withdrawn by the Minister
2022/23	Agricultural Product Standards Amendment Bill [B15-2021]	Sec 76	Seeks to amend the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), to insert definitions and substitute others; provide for auditing of a product for management control systems; make provision for the setting of tariffs by assignees on a cost-recovery basis; make further provisions for the Minister to make regulations pertaining to audit and management control systems; and provide for matters connected therewith.	Completed
2023/24	Animals Protection Amendment Bill [B1-2021]	Sec 76	To amend the Animals Protection Act, 1962, so as to substitute the definition of “animal” and insert definitions for “cosmetic” and “premises”; to correct the listing of definitions; to provide for new offences related to the testing of a cosmetic, or ingredient of a cosmetic, on an animal; and for the failure to make sufficient space in an appropriate environment available to an animal; to increase the penalty applicable to an offence and to provide for liability where an offence is committed by a company; to provide for a court to make an order regarding the welfare of an animal prior to conviction where a person is charged with an offence in terms of this Act; to remove the limit placed on an award for damages after conviction; to provide for the recovery of reasonable expenses in relation to an animal prior to conviction where a person is charged with an offence in terms of this Act; to provide for the qualification requirements of an officer contemplated in section 8(1) of this Act; to empower the Minister to make regulations setting standards for the testing of any matter, other than a cosmetic, on an animal and to increase the maximum penalties that the Minister may set by regulation, and to provide for matters connected therewith.	Completed
	Preservation and Development of Agricultural Land Bill [B8-2021]	Sec 76	To promote the preservation and sustainable development of agricultural land, establish evaluation and classification system for agricultural land, demarcate protected agricultural land to ensure that high potential agricultural land is preserved and protected against non-agricultural uses to promote long term agricultural production. Implement a coordinated national framework, including norms and standards and authorisations for the use of agricultural land. Promote	Completed

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			and encourage viable farming units from long term economic, environment and social perspective, discourage land use changes from agriculture to non-agricultural uses to prevent the fragmentation of the agro-ecosystem, facilitate concurrent land uses on agricultural land without jeopardising long term food security. Provide for mitigation measures to counteract the loss of agricultural land and impact of non-agricultural land developments on agricultural production capacity and establish a national agro-eco information system with georeferenced information to support the object of the act, and to provide for matters connected therewith.	
	Plan Health (Phytosanitary) Bill [B14-2021]	Sec 76	Seeks to address the weaknesses in the phytosanitary regulatory system of South Africa by repealing the Agricultural Pests Act, Act No 36 of 1983. The Bill provides for phytosanitary measures to prevent the introduction, establishment and spread of regulated pests in order to safeguard South African agriculture and plant natural resources. The new phytosanitary measures will, in turn, support safe and fair international and domestic trade; maintenance of current export markets and establishment of new markets; crop production/food security programmes; economic growth and development; and job creation.	Completed
	Deeds Registries Amendment Bill [B28-2022]	Sec 75	Seeks to amend the Deeds Registries Act, 1937 to improve application and implementation of the Act by streamlining certain administrative provisions; providing for the recordal of land tenure rights; further regulating the powers of the Minister and the Deeds Regulation Board as well as the Boards composition; extending the application of waivers of preference; and introducing further punitive measures regarding deviant conduct.	Completed

5.1 Challenges encountered in the processing of legislation

5.1.1 Technical/operational challenges

- Although the Bills were tabled well in advance, the Committee could not find time to process the Bills owing to the prioritised project mandated by the National Assembly. The project, as referred to the Committee jointly with the Committee on Employment and Labour, had a timeframe for submission of the report to the National Assembly, hence reprioritisation.
- The DALRRD tabled and/or introduced the Agricultural Produce Agents Amendment Bill [B33-2020] with insufficient information about public consultation and/or stakeholders that have been consulted resulting in Bill being withdrawn. The withdrawal of Bills wastes the limited time because the Committee had already started processing the Bill when it was withdrawn.
- Over the last five years, the DALRRD had promised the Committee to table the Marketing of Agricultural Products Amendment Bill, the Communal Land Tenure Bill and the Land Redistribution Bill. Similarly, there has been discussions about the review of the KwaZulu-Natal Ingonyama Trust Act and amendments to the Perishable Products Export Control Act. None of those have materialised. The greatest concern is that the absence of the Communal Land Tenure Bill means that Parliament is in breach of Section 25(6) of the Constitution insofar as passing a tenure legislation is concerned. Note that there is an interim measure in the form of Interim Protection of Informal Land Tenure Rights Act (IPILRA).
- In June 2016, the Restitution of Land Rights Amendment Act (2014) was declared unconstitutional by the Constitutional Court. Further, the Court ruled that ruled that all land claims lodged after December 1998 had to be put on hold until all pre-1998 land claims are settled, and Parliament must pass legislation as directed. The absence of an Amendment Act creates an uncertainty about the process for reopening of lodgement of land claims and whether it is still a policy direction to reopen the lodgement process.

5.1.2 Content-related challenges

- The Committee attempted to discuss the Communal Land Tenure Policy with the DALRRD. However, at the time the Department indicated that the Policy and the Bill was still being processed through Cabinet. After that process, the Committee would be briefed.
- The cost of settlement of land claims makes it difficult to settle all the remaining 6 000 claims. If those are not settled, it means that the CRLR would not be able to process the post-1998 land claims.
- All the above points to policy uncertainty in the Portfolio.

6. Oversight trips undertaken

In addition to briefings and public hearings and to further strengthen its legislative mandate and to oversee service delivery, the Committee undertook oversight visits to various government-funded projects in provinces and some of the entities of the Department to ensure that what was presented in Parliament was in fact happening on the ground. The Committee also undertook oversight visits in response to disasters that affect the agricultural sector. The following oversight trips were undertaken during the Sixth Parliament:

Table 10: Oversight visits

Date	Area Visited	Objective	Recommendations	Status of Report
26 – 30 August 2019	KZN (uMkhanyakude, Zululand, uMzinyathi and uMgungundlovu)	<p>The oversight visits specifically sought to -</p> <ul style="list-style-type: none"> (a) Obtain insights with regard to how selected farmer/development support programmes works and how selected projects supported by both former Department of Agriculture, Forestry and Fisheries (DAFF) and Department of Rural Development and Land Reform (DRDLR) have fared in relation to improvement in productive use of land and productivity; (b) Assess whether selected farms/projects supported, by tracking allocation of funds and expenditure outcome, had positive impact on the lives of beneficiaries in terms of property ownership, job creation, and skills development; (c) Identify areas of complementarity, overlap and duplication and implications for alignment of these programmes under the new Department of Agriculture, Land Reform and Rural Development (DALRRD); (d) Assess the impact of drought relief interventions on selected projects or farms in KZN and further draw insights in relation to how the interventions have enhanced food production and livelihoods of beneficiaries; and e) Identify areas of strength and weaknesses as well as implications for policy and future interventions. 	<p><i>Institutional and overarching recommendations</i></p> <ol style="list-style-type: none"> 1. Develop an overarching farmer and development support policy, preferably include a system for rationing public resources in respect of development support in order to ensure that Parliament, or the society in general, is able to assess the degree to which the purported target beneficiaries are in fact being targeted, and which of the target groups are being prioritised. 2. Ensure that the reconfiguration of the Department of Agriculture, Land Reform and Rural Development, with a clear post-settlement/farmer support programme, develop clear mechanisms for streamlining support to land reform. Further ensure that there are clear roles and responsibilities from national, provincial, district and local government to enhance cooperation and complementation for increased farm productivity. 3. Review post-settlement and farmer support programmes from both former DAFF and DRDLR in order to develop a seamless and streamlined development support to all farmers - subsistence, smallholders, and emerging farmers on large-scale farms – as well as all land reform beneficiaries. 4. Develop a functional monitoring and 	Adopted

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>evaluation programme that will be able to provide evidence of the livelihood impacts of land redistribution and agricultural support. Most project reports presented before the Committee were limited to profile of demographics of the beneficiaries as well as funds allocated to projects without adequate enterprise/production analysis and socio-economic benefits.</p> <p>5. Ensure that the DALRRD presents to Parliament a progress report on the development of the database of farmers. The report should include, but limited to, the details of beneficiaries, location, number of hectares, support given, type of training provided, type of commodity.</p> <p><i>Land ownership and tenure arrangements</i></p> <p>6. Facilitate easing of payment of lease fees by community-owned enterprises operating on communal land that members of the projects hold customary land rights to. Further facilitate engagements with the Ingonyama Trust Board in this matter, including consultations with project members, traditional councils and the Ingonyama Trust Board to find appropriate tenure arrangements that can enable communities to run profitable enterprises.</p> <p>7. Enhance the capacity of the State to render land administration necessary</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>for provision of secure tenure to land reform beneficiaries, this includes enhancing capacity within provincial departments to administer and manage leases, i.e. managing leases and contracts with tenants of PLAS farms.</p> <p>8. Review the entire leasehold model for the programme of land redistribution in order to ascertain if it still achieves the vision to redress the unequal patterns of land ownership in South Africa and agricultural productivity, as well as ensuring that it still prioritises the landless poor and marginal groups and individuals.</p> <p><i>Conditional grants</i></p> <p>9. Review and finalise the Draft National Policy on Comprehensive Producer Support, taking into consideration all land development support initiatives under the DRDLR, in order to streamline and align fragmented and overlapping farmer support programmes located in various programmes of both DAFF and DRDLR, with special attention to relevant farmer support products for subsistence and smallholder farmers.</p> <p>10. Strengthen the Monitoring and Evaluation component of the DALRRD to ensure that all the funds transferred to the provinces through all the support programmes are accounted for by the project management. Ensure that there is a policy framework that guides</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>provinces regarding what CASP and Ilima/Letsema can, and cannot, fund to curb the existing challenge where CASP can be used for purposes other than those it was intended for.</p> <p>11. Institute forensic investigations on Empangisweni Citrus Farming operations, including its financials since the inception of the project. Further, there should be forensic investigations on Mjindi Farming, ADA and Ithuba at Amangcolosi which should include, amongst others, assessment relating to the usefulness of these entities and whether they were adding value to the farming enterprise.</p> <p><i>Provision of adequate extension advisory services</i></p> <p>12. Evaluate the Extension Recovery Programme and exploring areas of excellence and pitfalls, especially study of bachelors' degree programmes and reported resignation of candidates from the department after graduation, in order to reposition and distribute extension advisory services across the farming areas, including land reform farms which at the time of the oversight had limited or no experience of extension services from the State.</p> <p>13. Foster conditions for the implementation and adherence to Intergovernmental Relations framework to ensure integrated support to farmers so that</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>comprehensive support, including improved financial management across all the programmes, is provided to farmers/beneficiaries.</p> <p>14. Develop proper training and skills development programme to ensure that capacity building initiatives are implemented for smallholder farmers and ensure that the training provided is relevant to their needs.</p> <p>15. Prioritise placement of graduates who have completed their tenure with mentors at large-scale farms of emerging farmers. Further, explore putting in place incentives to ensure that graduates are retained on farms of their placement.</p> <p><i>Recapitalisation, mentorship and strategic partnerships</i></p> <p>16. Ensure that the KZN DARD evaluate and assess the use of mentors/strategic partners/agencies in assisting the farmers and submit a comprehensive report on all Implementing Agents that have been used by the Department to implement and manage projects in the Province. The report should include the terms of contract with the Department, the Agents' responsibilities and all funds that have been disbursed to them including the breakdown on the utilisation of such funds.</p> <p>17. Monitor and evaluate the working conditions of employees in the</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>agricultural sector, including semi-commercial farms – especially PLAS farms - supported by government. Assess whether labour laws are being adhered to and tenure rights of farmworkers are not threatened.</p> <p>18. When PLAS farms are available for lease, prioritise settling existing land claims on such farms. In the absence of land claims, ensure that existing farmworkers and/or labour tenants are prioritised for occupation of the farm. District Land Committees could be used to identify existing farmworkers or labour tenants with interest to the farm.</p> <p>19. Ensure that that the KZN DARD submit to Parliament a comprehensive report on all PLAS farms in KZN including beneficiary details, strategic partners and criteria used to select them, previous and current support provided by each Department and current activities in, and/or plans for, the farms including the status of leases and rental amounts that beneficiaries pay.</p> <p>20. Conduct investigation into the role of project accountants on all RADP supported farms, assess whether the accountants were appropriately selected, whether they were performing the roles that they were employed for.</p> <p><i>Agri-Parks</i></p> <p>21. Ensure that support provided should</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>not only be limited to fencing as has been a dominant factor seen in many land reform, expansion of government extension advisory services to land reform farms should be prioritised.</p> <p>22. The KZN Provincial Department and the DALRRD assist farmers to have access to local including international markets.</p> <p>23. Submit status report on all CRDP sites in KwaZulu-Natal. Given the concerns about duplication of agricultural programmes by the former DRDLR, submit a report that clarifies what the focus of rural development in the new Department will be.</p> <p>The Committee further recommends that the Minister should –</p> <p>24. Submit to the Committee a list of all KZN finalised SIU investigations and reports for consideration and discussion.</p> <p>25. Submit to Parliament an Action Plan detailing how the Departments will resolve the challenges that were identified in all the projects visited by the Portfolio Committee in the KZN Province. In addition, the Action Plan should comprehensively detail how the projects will be assisted; and must have time frames and an Exit Strategy for each project.</p> <p>26. Submit, within three months after the adoption of this report, a response to</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			this report with required action plans on all action points as per the recommendations.	
09 – 13 Aug 2021	KZN (uMkhanyakude, Amajuba, Ugu, eThekweni Metro, King Cetshwayo, Zululand and iLembe District Municipalities)	<p>The country has in the second week of July 2021 experienced unprecedented levels of unrest and destruction of public and private property, coupled with violence and looting of public and private property. Even though these acts of violence started in KwaZulu–Natal (KZN) and spread to parts of Gauteng, they have a socio-economic impact throughout the country. The unrest, which involved violent protests and looting, has had negative consequences for some farmers and agribusinesses in KZN Province. Financial losses because of road closures, burning of trucks and farms, damage to storage facilities and other infrastructure may have far-reaching implications for the agricultural industry, food security and sector employment. It has been reported that the violent protests amplified vulnerability and food insecurity in many communities of KZN and Gauteng Provinces.</p> <p>The objectives of the joint Portfolio and Select Committees' oversight visit were as follows:</p> <p>(a) Ascertain the extent to which the unrest has impacted the agricultural and agroprocessing value chains, agrologistics and damage to relevant infrastructure.</p> <p>(b) Assess the impact of the unrest on the agricultural supply chain and food availability.</p>	<p>The Committees make the following recommendations to the Minister of Agriculture, Land Reform and Rural Development:</p> <ol style="list-style-type: none"> 1. Ensure that the KZN Provincial Department of Agriculture and Rural Development makes use of the opportunity that is availed by the declaration of the State of Disaster in the Province to make budgetary adjustments to fast-track assistance to affected farmers and agribusinesses in the Province particularly smallholder farmers including those that have been visited by the delegation. 2. Ensure that the KZN Provincial Department of Agriculture and Rural Development develops an Action Plan with specific details and timelines on how affected farmers will be assisted in the immediate term and in the future to save livelihoods and prevent further job losses. 3. Ensure that interventions to support affected farmers (and agribusinesses) are informed by farmers' needs and the Department should work closely with industry stakeholders in this regard. 4. Engage with the Ministry of Trade, Industry and Competition to address the slow pace of transformation and 	Adopted

Date	Area Visited	Objective	Recommendations	Status of Report
		<p>(c) Assess the impact of the unrest on current and future employment in the agricultural and agroprocessing sectors.</p> <p>(d) Ascertain Government's response and plans to address the resultant impact and relevant infrastructure damage.</p> <p>(e) Identify strengths and weaknesses as well as areas of complementarity amongst the different spheres of Government including implications for policy interventions.</p> <p>It is against this background that the Portfolio Committee on Agriculture, Land Reform and Rural Development and the Select Committee on Agriculture, Land Reform, Environment, Mineral Resources and Energy conducted a special joint oversight visit to KwaZulu-Natal Province from 09 – 13 August 2021 to assess the impact of the unrest and destruction on the agricultural value chain and the Department's response to the sectoral challenges.</p> <p>The overarching aim of the oversight visit was to obtain insights into the impact of the recent unrest that took place in KZN on the agricultural and agroprocessing value chains particularly on land reform and other Government-funded farms, institutions and infrastructure; Government plans in addressing the impact of the unrest on the agricultural sector and availability of disaster assistance and its implementation as the KZN Provincial Executive has on the 29th</p>	<p>required legislative review in the sugarcane and sugar milling sectors including discussions on the implementation of the Sugar Master Plan that is meant to address some of the challenges.</p> <p>5. Investigate the plight of the 160 ha farm that was handed over to the former DRDLR for land redistribution by Chase Farms in 2013 near Eshowe in King Cetshwayo District Municipality and submit a report to Parliament.</p> <p>6. Engage with the Ministry of Police and agricultural sector stakeholders regarding the implementation of the Rural Safety Strategy to ensure the safety of farming communities and provision of assistance during unrests.</p> <p>7. Ensure that the implementation of the Veterinary Strategy is fast-tracked and well-resourced to strengthen the Department and provinces' ability to control and prevent the spread of FMD and other diseases of economic importance. Additionally, submit to Parliament an update on FMD Surveillance and Control measures in all affected areas.</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
		July 2021, declared a state of disaster in the Province.		
31 Jan – 04 Feb 2022	EC – Chris Hani DM - Gwatyu	<p>The overarching aim of the visit, in addition to enforcing accountability of the Executive, was to ensure that the state land release project of the Department of Agriculture, Land Reform and Rural Development (the Department) contributes to acceleration of the redistribution of land to the landless poor and enhance security of tenure for farmers and/or households occupying the state land.</p> <p>Specifically, the Committee focused on the following:</p> <ul style="list-style-type: none"> • Monitoring processes that the Department has been facilitating to resolve the Gwatyu land impasse; • Assessing the effects of government interventions as agreed in meetings of the Portfolio Committee on 9 February and 7 December 2021; • Interacting with the affected parties to understand their complaints as well as perspectives on how their concerns can be resolved; • Engaging with various stakeholders, including government departments, community members and traditional leaders to gain insights into the underlying causes of tensions and contestations as well as exploring possible solutions; and • Soliciting bottom-up solutions from stakeholders and role players with an intention to develop recommendations 	<ol style="list-style-type: none"> 1. The DALRRD in collaboration with COGTA, at both national and provincial levels, must provide clarity regarding the ownership and allocation of the Gwatyu farms, or lack thereof, to the AmaTshatshu Traditional Council at the time of its reestablishment and recognition by the Eastern Cape Government. The Minister must also report to Parliament about the outcomes of the process. 2. An inclusive meeting involving community members with beneficial occupation rights, AmaTshatshu Traditional Council and other relevant persons within Gwatyu should be facilitated by the DALRRD to conclude land rights enquiry and find a lasting and amicable solution to the land disputes and competing claims to land at Gwatyu. 3. The DALRRD, as a coordinator and catalyst for rural development, must mobilise other government departments such as Water and Sanitation, Human Settlements, Public Works, Basic Education, Minerals and Energy to provide basic services to the people of Gwatyu. Such services include water, electricity, road infrastructure, fencing alongside roads, high school development and health facilities. 	Adopted

Date	Area Visited	Objective	Recommendations	Status of Report
		<p>for the Minister of Agriculture, Land Reform and Rural Development on possible interventions that could be made to resolve the Gwatyu matter and secure tenure rights for deserving households and/or community members.</p>	<ol style="list-style-type: none"> 4. Skills development programmes such as the National Youth Development Agency (NYDA) and National Rural Youth Service Corps (NARYSEC) form part of the services delivered to Gwatyu to assist the youth of Gwatyu with skills for employment. 5. The Land Audit Report completed in 2015 and the 2017 Land Rights Enquiry Report must be made available to the Committee. The audit must indicate list of farms occupied by the 'lessees', beneficial occupation rights holders, AmaTshatshu Traditional Council and members, and vacant farms. 6. Must prioritise a meeting with King Dalimvula as requested and to address the rural development matters of Gwatyu and other rural settlements under his administrative area. 7. Put a moratorium of the possible leasing of Gwatyu farms, including the so-called vacant farms, until land rights enquiry and adjudication of existing, and often overlapping, land rights are completed. 8. Present to the Committee a detailed time bound development plan regarding the resolution of the prevailing situation in Gwatyu as well as attending the development needs as stated above. The plan should include the support that will be provided to the farmers organisations including individual farming members 	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>of the Gwatyu community.</p> <p>9. The DALRRD consider reviewing and or amending existing relevant laws and policy frameworks to address tenure security for people with informal land rights. Key amongst the legislative processes should be to introduce the Communal Land Tenure Bill and related policy instruments to record people's rights. Further, to provide clarity regarding options for people who do not meet the 1913 cut-off date in terms of the Restitution of Land Rights Act.</p>	
29 March & 01 April 2022	WC – PPECB & District Six	<ul style="list-style-type: none"> • Strengthen its oversight mandate by getting an insight into the technical operations of the PPECB through observation. • Get a better understanding of the PPECB's operational environment, its role in agricultural exports and challenges thereof. • Understand the contribution of the services provided by the PPECB to the wider agricultural value chain particularly the agricultural export industry. • Monitor implementation of processes for allocation and occupation of dwelling units at District Six as part of oversight on the finalisation of District Six land claims. Further, to understand the role that the Commission, the Department and the City of Cape Town play in the development of housing at District Six and what each could do to fast-track occupation of the completed units. 	<p>2. Ensure that the PPECB gets additional funding for capacity building programmes for smallholder producers to increase their access to export markets including additional funding for the Agricultural Export Technology Programme that is directed at youth.</p> <p>3. The Department should submit an action plan with timelines on how it will leverage market access for local producers to the South African Development Community (SADC) and the Continent at large through the Agreement on African Continental Free Trade Area (AfCFTA), particularly participation of smallholder producers in export markets.</p> <p>4. The Minister should liaise with the Minister of Transport to discuss the</p>	Adopted

Date	Area Visited	Objective	Recommendations	Status of Report
		<ul style="list-style-type: none"> Gain insights into the complexities of construction of dwelling units under restitution, challenges experienced as well as exploring mechanisms to ensure that the Commission speeds up to resolve the complaints that were received by the Committee. 	<p>challenges at ports and harbours as well as those relating to freight transport and their impact on the agricultural industry; how the challenges can be comprehensively addressed while also highlighting the need for investment on rail infrastructure particularly for inland agricultural production areas.</p> <p>5. The Minister should provide an update on the status of the Strategic Integrated Project for agro-logistics (SIP 11), which was aimed at addressing infrastructure challenges in the agricultural value chain.</p> <p><i>With regards to District Six,</i> The Chief Land Claims Commissioner submits to Parliament the following reports:</p> <ol style="list-style-type: none"> The reports the Chief Land Claims Commissioner and the Minister of Agriculture, Land Reform and Rural Development submit to Court on a quarterly basis are tabled for information to Parliament for consideration by the Portfolio Committee on Agriculture, Land Reform and Rural Development, Quarterly progress reports about the 'finalisation' of the District Six land claim, particularly, the allocation of resources to ensure the restoration of the dignity of the people of District Six through the redevelopment of the area and the return of the claimants and/or their direct descendants. The 	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>report should include occupation of Phase 3 units.</p> <p>c. Development and implement a communication strategy to ensure that the claimants awaiting the construction of Phase 4 residential units are informed about the progress and the expected date of completion, allocation and occupation of the units. The strategy must also address the issues of the rights and obligations of those claimants occupying the houses, especially regarding maintenance of the units and rectification of the defects.</p> <p>d. The Department and the Commission must enhance their cooperative governance protocols and systems to ensure that efficient coordination between them and the City of Cape Town to circumvent the challenges that led to the delays in the allocation and occupation of the units during Phase 3 development. Together with the City of Cape Town, they must resolve all outstanding matters that are impeding the occupation of the houses by claimants and submit a report to Parliament for consideration by the Portfolio Committee on Agriculture, Land Reform and Rural Development.</p> <p>e. The Department must ensure that the security of the dwellings is enhanced whilst the Commission addresses all outstanding issues</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>regarding the release of certificate of occupancy and attending to any issue that the City has raised with regards to compliance to building standards. Where there are exemptions granted, the Department and the Commission must ensure that the security and the well-being of the beneficiaries occupying the units is not compromised.</p> <p>f. For the next phases of redevelopment, the Department and the Commission should ensure that the criteria for allocation of units to claimants prioritise the elderly people and those with physical disabilities for allocation of units on the ground floor. A transparent criteria and allocation process, agreed to with the claimants, must be developed and implemented.</p>	
19 -22 April 2022	GP – City of Tshwane, ARC & OBP	The objectives of the oversight visit were to assist the Committee in getting first-hand experience and enhancing its understanding of the operational environment and challenges that are faced by the two entities, as well as the impact of their activities on service delivery, agricultural sector development and sector transformation.	<ol style="list-style-type: none"> 1. Ensure that the ARC receives the necessary support from the DALRRD by facilitating the uptake and utilisation of its research products and innovations by provincial departments. 2. Ensure that the ARC, as a premier agricultural institution in the country, receives the necessary funding. 3. Institute a forensic investigation into the utilisation of the funding that was allocated to the entity in 2012/13 for the GMP Facility including leakage of information from the entity to competitors. 	Adopted

Date	Area Visited	Objective	Recommendations	Status of Report
			<ol style="list-style-type: none"> 4. Ensure that the OBP as a National Key Point gets additional funding to recover and to ensure that it effectively carries out its mandate and able to sustain itself. 5. The DALRRD and OBP should submit an action plan to the Committee with timelines on how it plans to turn around the situation at the OBP and present quarterly on the progress. 6. The OBP should provide the Committee with the following: its communication strategy with the stakeholders, details of companies that produce illegal vaccines, a full report that outline the challenges and financial impact on the delays to finalise the GMP facility and the list of available vaccines at the OPB. 	
18 November 2022	EC – Sundays River LM - Kirkwood	<p>The Sundays River Valley (SRV) area seeks a lasting solution to the challenges cited above and an intervention is sought to ensure social cohesion and conducive environment for running business and creating decent jobs for the area. The oversight visit, therefore, sought to assess progress made since the intervention by the relevant Portfolio Committee of the Eastern Cape Provincial Legislature and to further engage with the parties. The oversight visit entailed the following:</p> <p>(a) Briefing by various government departments on their analysis of the challenges and interventions they</p>	<p><i>The Presidency should –</i></p> <ol style="list-style-type: none"> 1. Set up an Inter-Ministerial Task Team or Committee to delve into the situation at the Sundays River Valley with a view to conduct its own investigations and enquires as well as developing interventions plans (short, medium and long-term) to resolve the challenges confronting farming communities in the SRV (both farmers, farm workers and community members). The IMTT, giving due consideration of all the recommendations of this report, should through the Presidency report 	Adopted

Date	Area Visited	Objective	Recommendations	Status of Report
		<p>have made since the oversight visit by the Provincial legislature;</p> <p>(b) Listening to issues/concerns from members of the communities as well as their proposals on how their challenges can be resolved; and</p> <p>(c) Engaging with the stakeholders' perspectives on the challenges and government interventions to date.</p>	<p>about its plans and interventions at SRV to Parliament within six months after adoption of this report by the National Assembly.</p> <p><i>The Minister of Agriculture, Land Reform and Rural Development</i> should -</p> <p>(a) Submit a comprehensive list of farms that have been leased out to farmers in the SRV, indicating the cost of acquisition, the number of beneficiaries, the number of years it has been leased for, whether the leased agreement has been renewed, if not why and the status of the farm.</p> <p>(b) Reviewing of all share equity schemes, strategic partnerships, joint ventures or any other forms of empowerment schemes or private sector collaboration in the SRV to, amongst others, determine if shareholder agreements are transformative and empowering tools for land reform beneficiaries. The review should also consider assessing the financial status of the enterprises since the inception, profit and loss sharing (PLS), and declaration of dividends. Further, assess the socio-economic impact of these schemes on the lives of land reform beneficiaries, looking at all aspects of the relations of production, power and property.</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>(c) Given that South Africa is the second largest exporter of fresh citrus fruits in the world, the Minister should consider convening a bilateral with the SRV Growers Association in order to address the concerns specifically for the SRV with regard to infrastructure damage and financial loss that resulted from the strike as well as mechanisms to strengthen market access and how the citrus industry in the SRV can contribute in the fight against unemployment in the Eastern Cape and South Africa broadly and playing a key role in the economic recovery of South Africa.</p> <p><i>The Minister of Employment and Labour should –</i></p> <p>(a) Ensure that DEL, in collaboration with the DALRRD as a rural development coordinator and the SRVGA, develop a database of unemployed people (especially youth) in the SRV looking for employment; the SRVGA should use the database to source labour both permanent and seasonal.</p> <p>(b) Using its inspection reports, put together a report that demonstrate the total number of people employed in the SRV, their nationality and place of residence and the nature of employment to determine the veracity of the allegations relating to</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>95 per cent of farmworkers being undocumented foreign nationals.</p> <p>(c) Ensure that DEL conduct regular follow-up inspections on farms in the SRV to monitor and assess compliance with legislation as well as unfair labour practices that farmworkers complained about. Some of the key issues are BCOE, Sectoral Determination, working hours, OHSA, UIF and most importantly employment equity.</p> <p>(d) Support the establishment of 'workplace forums' as platform for engagement between workers and employees. Similarly, foster environment where membership to trade unions is not hampered by employers/farmers.</p> <p>(e) DEL should facilitate engagements between Trade Unions in the operating in the SRV and SANCO to clearly delineate areas of focus to minimise confusion as unions and civic organisation operate in different manners.</p> <p><i>The Ministers of Police and Justice and Constitutional Development should –</i></p> <p>(a) Ensure that SAPS and DOJ&CD, working with the SRVGA and Workers Committees and the Trade Unions, develop a programme of information campaigns informing residence that damage of public infrastructure and private property as a form of protest is a criminal offence</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>with intension to instil public ownership of public property.</p> <p>(b) The Minister of Justice and Constitutional Development, in consultation with the CCMA and the Minister of Labour, should review list of penalties waged on those employers who employ undocumented foreign nationals.</p> <p>(c) Criminal charges should be laid against the perpetrators of violence during the strike to deter people from possible destruction of property in future.</p> <p><i>The Minister of Home Affairs should -</i></p> <p>(d) Regularly undertake inspections at workplace to verify if all foreign nationals employed on farms have valid documents and permits to work in South Africa. Where there are undocumented foreign nationals, those workers must be detained to follow the procedures relating to undocumented people in South Africa. Further, work with the Department of Justice and Constitutional Development to ensure that employers that have breached the law are apprehended and pay high fines or impose maximum sentence for the crime so that they are not able to repeat the offence.</p> <p>(e) Regarding trade unions, the trade unions operating in the Citrus Industry in the area should provide a</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>list of their membership and the farms that they are operating as well as initiatives undertaken or to be taken to increase their visibility in the area. Further, the DEL should do a thorough investigation on the allegations that trade unions are denied access by farmers and submit the report to Parliament.</p> <p><i>Sundays River Valley Citrus Growers Association should consider –</i></p> <p>(a) Developing a network of traditional councils and community authorities to supply labour for the SRV farmers. Further explore avenues for attracting unemployed youth in the province of the Eastern Cape to provide labour in the agricultural sector (both down and upstream industries).</p>	
29 – 31 March 2023	MP – City of Mbombela, Bushbuckridge LM, Nkomazi LM, Numbi Gate (Kruger National Park)	<p>a) Oversee the implementation of the Presidential Employment Stimulus Initiative (PESI) including the distribution of resources and support provided by the Department of Agriculture, Land Reform and Rural Development (DALRRD) to beneficiary farmers.</p> <p>b) To assess the impact of PESI on the livelihoods and sustainability of emerging farmers that have benefitted from the Initiative.</p> <p>c) Assess interventions to improve surveillance and control of disease outbreaks such as the foot-and-mouth disease (FMD).</p>	<p>(a) The Department should refine its criteria for PES beneficiaries for submission to Parliament and clearly define the difference between a subsistence and a smallholder farmer without linking it to profit; and consider differences among commodities (e.g. crops versus poultry). As much as the Department reported that PES support does not go beyond 1 ha, some of the beneficiaries visited operated on 5 ha and more.</p> <p>(b) Submit to Parliament the PES Monitoring and Evaluation (M&E)</p>	Adopted

Date	Area Visited	Objective	Recommendations	Status of Report
		<p>d) Assess the impact of climate change and climate change-related disasters on agricultural production and farming communities including Government's response to the impact.</p> <p>e) Review progress regarding the development of Agri-Parks through the Farmer Production Support Units (FPSUs) and implementation of FPSU-linked projects.</p>	<p>Plan and a detailed M&E Report on PES.</p> <p>(c) Submit a detailed report on all PES beneficiaries nationally including annual breakdown of funds that have been allocated to each beneficiary, what the funds were used for and the outcome of such funding.</p> <p>(d) Develop a well-coordinated farmer training and skills development programme to ensure that capacity building initiatives are implemented for subsistence and smallholder farmers; and ensure that the training provided is relevant to their needs.</p> <p>(e) Develop a programme to strengthen intergovernmental relations (IGR) to prevent duplication of activities and minimise resource wastage. For example, ensure proper consultation and collaboration with Provincial Departments when implementing programmes in Provinces (e.g. PES and FPSUs in particular); and linking of PES beneficiaries that show potential to operate at commercial scale with the Department of Small Business Development and other relevant Departments and entities.</p> <p>(f) Submit to Parliament comprehensive reports with specific information on the Thulamahashe and Huntington FPSUs including the other 3 FPSUs that were not visited in Mpumalanga. The reports should include but not limited to, dates of commencement, the financial breakdown of costs</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>since the establishment of the FPSUs to date, details of ownership/beneficiaries of the FPSU, its management, all infrastructure and equipment bought, operational activities and status of each FPSU.</p> <p>(g) Submit to Parliament an Action Plan with timelines on social facilitation and conflict resolution measures to address conflicts that were reported by farmers at both Thulamahashe and Huntington FPSUs as the conflicts threaten their effectiveness and sustainability.</p> <p>(h) Provide an updated report on the implementation of the National Red Meat Development Programme by the ARC that is meant to assist communal livestock farmers with feedlots and market access.</p> <p>(i) Submit an Action Plan on how the National Red Meat Development Programme will be used to assist and benefit communal livestock farmers in the Mpumalanga FMD Protection Zone who are unable to move their cattle outside the area due to FMD; as well as the Schulzendal Livestock Farmers who have a challenge with market access.</p> <p>(j) Submit a comprehensive report that outlines the role of all strategic partners, mentors and implementing agents that have been used by the Department to implement and manage projects in Mpumalanga Province and nationally (e.g.</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>Mezzanine). In each case, the report should include the terms of contract between the Department and each strategic partner, mentor or implementing agent, their specific responsibilities in each project, remuneration for services rendered, all funds that have been disbursed to them for each project including the breakdown on the utilisation of such funds, as well as the outcome of their interventions in each case.</p> <p>(k) Submit to Parliament a detailed report with breakdown of the costs and work that has been done on the 100 km Red Line Fence that was visited by the delegation at Numbi Gate; including a plan to address the challenges associated with river crossings and broken fence to control the spread of FMD.</p> <p>(l) Submit to Parliament a detailed Plan on the Biosecurity needs of the country in respect of personnel, infrastructure, funding and other resources including details of what is currently available, shortfalls and how the Department plans to address the challenges associated with the shortfalls.</p> <p>(m) Provide a quarterly progress report on the repair work and replacement of irrigation systems for all the farmers that have been affected by the February floods in Nkomazi Local Municipality.</p> <p>(n) Submit an Action Plan detailing how</p>	

Date	Area Visited	Objective	Recommendations	Status of Report
			<p>the Departments will resolve the challenges that were identified (e.g. water and market access, land for expansion, storage facilities, conflicts, etc.) in all the projects visited by the Portfolio Committee in Mpumalanga Province. In addition, the Action Plan should comprehensively detail how the projects will be assisted; and must include time frames and an Exit Strategy for each project.</p> <p><i>The Committee further recommends that the Minister should ensure that Mpumalanga DARDLEA:</i></p> <p>(a) Submit to Parliament on a quarterly basis, progress on repairing the livestock dam at Schulzental and the collaborative activities with the Department of Public Works to fix access and infield roads that were damaged by floods at Nkomazi Local Municipality.</p>	

6.1 Challenges encountered during and after oversight visits

Technical/operational challenges

- Time and the budget to do sufficient and effective oversight have always been constraints to the Committee.
- Changes in the Parliamentary Programme affected the planning of the Portfolio Committee.
- In some provinces, absence of provincial Executive Authorities and Accounting Officers has been a consistent challenge during Committee oversight visits.
- Last minute changes to the Oversight Programmes by the Departments involved affected the utilisation of time and in some cases, extended driving distances to projects.

Content-related challenges

- During oversight visits, information on project profiles that are submitted to the Committee by Departments was often found to be contradictory to the actual projects and often the opposite of the reality on the ground, hence the importance of oversight visits.
- The Departments (national and provincial) often could not provide full accounts of the funds that were allocated to projects on-site, and detailed information had to be sent to Parliament in writing after the visit, which sometimes delayed the finalisation of oversight reports and follow-up on recommendations/resolutions.

7. INTERNATIONAL AGREEMENTS

The following international agreements were processed and reported on:

Table 11: International Agreements

Date referred	Name of International Agreement	Objective	Status of Report	Date of enforcement
28 February 2023	International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).	<p>The objectives of the Treaty, which was first adopted by the Food and Agriculture Organisation of the United Nations (FAO) in November 2001, are:</p> <ul style="list-style-type: none"> • conservation and sustainable use of plant genetic resources for food and agriculture; • fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security; • recognise Farmers' Rights through the contribution that the local and indigenous communities and farmers have made and will continue to make for the conservation and development of plant genetic resources, which constitute the basis of food and agriculture; and • recognise Farmers' Rights to participate in making decisions, at the national level, 	Adopted October 2023	Once the Executive deposits the instrument of Accession with the FAO.

Date referred	Name of International Agreement	Objective	Status of Report	Date of enforcement
		on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture; including the rights of farmers to save, use, exchange and sell farm-saved seed.		
17 November 2023	Agreement between the Government of the Republic of South Africa and the Government of the Republic of Cuba on Cooperation in Matters of Animal and Plant Health	Cooperation in matters of Animal and Plant Health.	N/A (for information purposes)	Upon signature by the Executive

7.1 Challenges on the processing of the international agreements

- International agreements often tabled in Parliament and referred to the Committee without accompanying Draft Resolutions from Cabinet regarding, where relevant, the proposed ratification of, or accession to, the specific international agreement.
- The agreements are often referred to the Committee without an Explanatory Memorandum and without accompanying legal opinions from the Department of Justice and Constitutional Development and Department of International Relations and Cooperation (DIRCO). The accompanying documents were later forwarded to the Committee upon request.

8. OBLIGATIONS CONFERRED ON COMMITTEE BY LEGISLATION

- Section 5(1) of the **Money Bills Amendment Procedure and Related Matters Act, 2009 (Act No. 9 of 2009)** mandates and sets out the process that allows Parliament's National Assembly, through its Committees, to make recommendations to the Minister of Finance to amend the budget of a national department. As obligated by Act No. 9 of 2009, in October each year, the Committee must submit a Budgetary Review and Recommendation Report (BRRR) to the Minister of Agriculture, Land Reform and Rural Development regarding the activities and budget of the Department and the entities that fall under its oversight responsibilities.
- The Committee is also obligated by different pieces of legislation that govern the Department's entities to participate in the nomination of candidates to serve in the entities' Boards of Directors. The following are the applicable pieces of legislation:
 - The **Marketing of Agricultural Products Acts, 1996 (Act No. 47 of 1996)** requires that Chairpersons of parliamentary Committees or their delegates be part of the Selection Committee that is established by the Minister for the appointment of the NAMC's Council/Board members. Section 4 of the Act also requires that a shortlist of nominated candidates be sent to the parliamentary Committees for consideration; and for the Committees to jointly recommend not less than three candidates for each of the categories of the Council/Board membership.

- The **Agricultural Research Act, 1990 (Act No. 86 of 1990)** requires the Minister to invite parliamentary Committees to submit to the Minister for consideration, names of persons who comply with the criteria referred to Section 9: (2)(a), (4) and (5) of the Act.
- The **Onderstepoort Biological Products Incorporation Act, 1999 (Act No. 19 of 1999)** requires that a Chairperson of a parliamentary Committee on Agriculture be part of the Selection Committee that will be established by the Minister for the appointment of candidates that will serve in the Board of the OBP.
- The **Land and Agricultural Development Bank Act, 2002 (Act No. 15 of 2002)** requires the Minister to invite relevant parliamentary Committees to submit to the Minister for consideration, names of persons who are not disqualified in terms of Section 10 of the Act, to serve on the Board of the Land Bank.

8.1 Challenges encountered on obligations that are conferred on Committee by Legislation

- The Committee is overseeing a large Department with complex subject fields and therefore, requires sufficient time to engage with the Department and its entities during annual report briefings; and to develop the BRRR. However, Parliament gives all Committees only 2 weeks in which to engage with the Department and its entities on annual reports and to develop and adopt the BRRR. The idea being to adopt and publish the BRRR before the Minister of Finance delivers the Medium-Term Budget Policy Statement (MTBPS), which contrasts with what Act No. 9 of 2009 says about the submission of the BRRR.
- Late submission of annual reports by the Department and some of the entities compounded the challenge and impacted the Committee’s ability to effectively scrutinise the reports.
- Challenges relating to legislation that established the Department’s entities are outlined in sub-section 9.1 below.

9. STATUTORY APPOINTMENTS

The following appointment process was referred to the Committee and the resultant statutory appointment was made:

Table 12: Statutory appointments for Boards of entities

Date	Type of appointment	Period of appointment	Status of Report
17 May 2023	Nomination of suitable candidates to serve on the Board of the Agricultural Research Council (ARC).	3 years	Adopted

9.1 Challenges encountered on statutory appointments

- Late referral of correspondence to the Committee for nomination of candidates that will serve on the Boards of entities when there is a need for a new Board or filling of vacancies in the existing Board. Sometimes referral reaches the Committee when the deadline for nominations has already passed.
- Insufficient information accompanying the referral.
- The relevant Executive Authorities do not always report back to the Parliamentary Committees after appointments to the Boards have been made as required by the different pieces of legislation that are listed on Section 8 above.

10. OTHER MATTERS REFERRED TO THE COMMITTEE BY THE SPEAKER

The Speaker of the National Assembly referred to the Committee for consideration and report, the following:

Table 13: Other matters referred to the Committee

Date of referral	Expected report date	Content of referral	Status of Report
10 November 2020	30 November 2021	<p>National Assembly (NA) - House Resolution: Portfolio Committee on Agriculture, Land Reform and Rural Development and Portfolio Committee on Employment and Labour as part of their annual schedule of work jointly undertake to:</p> <ol style="list-style-type: none"> 1. Conduct comprehensive oversight work on living and working conditions of farm workers, farm dwellers and farmers; 2. Monitor progress made by government's commitments towards improved living and working conditions in the in the farming communities, including work done by the different stakeholders in the agricultural sector; 3. Conduct public hearings with key stakeholders; 4. Undertake an impact assessment of legislation affecting farm workers and make recommendations for legislative amendments; 5. In consultation and with the express consent of the relevant Select Committee/s in the National Council of Provinces (NCOP), collaborate with the Committee/s in carrying out the tasks at hand; 6. Exercise those powers in Rule 167 that may assist the Committee in carrying out their task; and 7. Set deadline by which the two Committees will report back to the National Assembly as on or before 30 November 2021. 	Report adopted

11. SUMMARY OF OUTSTANDING ISSUES ON COMMITTEE'S INTERACTIONS WITH THE DEPARTMENT AND/OR ENTITIES

11.1 Follow-up issues for the Seventh Parliament

Issues	Activity
Legislative Review	<ul style="list-style-type: none"> • The Parliamentary High-Level Panel Report on the Assessment of Key Legislation and Acceleration of Fundamental Change (HLP Report) presents useful review of the land and agrarian reform policy. Consider the proposals from the HLP report and possible oversight and legislative pathways for the 7th Parliament. <ul style="list-style-type: none"> ○ Communal Land Tenure Policy ○ Redistribution Bill ○ Restitution of Land Rights Amendment, whether it is necessary or not.

Issues	Activity
	<ul style="list-style-type: none"> The development of the Animal Welfare Bill that was proposed during the 5th and 6th Parliaments to comprehensively address shortcomings in the old legislation such as the Animals Protection Act of 1962 and the Performing Animals Protection Act of 1935, which have both gone through numerous amendments.
Policy Review	<ul style="list-style-type: none"> In terms of Agriculture, the HLP Report proposes the development of a bold National Agricultural Plan to create jobs in rural areas. More engagements with the Executive and stakeholders on the existing Agriculture and Agroprocessing Master Plan, which has not yet yielded the desired impact. The Presidential Advisory Panel on Land Reform and Agriculture also highlighted the need for policy clarity on agrarian reform as different departments have different approaches and misaligned support programmes. In this regard, the Department reported that an Agrarian Reform Policy was targeted for the period 2020/21 to 2024/25 but never gave an update on the status of the Policy.
Farmer development and support	<ul style="list-style-type: none"> The Presidential Advisory Panel highlighted financial and non-financial support for different farmer categories in both urban/peri-urban and rural settings including exploring new forms of financing for the economically excluded to ensure revival of rural and township economies. Engagement with the Executive on the Commonage Programme that was meant to facilitate and support farming in urban and peri-urban areas.
Institutional Realignment	<ul style="list-style-type: none"> Since the merger of the Department of Agriculture and the Department of Rural Development and Land Reform, a fit-for-purpose structure as well as a clear coherent approach to the key mandate of the Department has not been finalised. This matter requires attention as the Department in some respects, e.g. farmer support and rural development, still operates as two departments and continues to implement the overlapping support programmes of the former Departments. The Ingonyama Trust and the Ingonyama Trust Board accountability and reporting.
Public Entities	<ul style="list-style-type: none"> The OBP and ITB require focused attention in respect of governance issues. Advocating for additional funding for the ARC to strengthen its research capacity.

11.2 Follow-up and outstanding issues from the Department and its Entities

Issues	Activities
Legislation	<ul style="list-style-type: none"> Tabling of the Communal Land Tenure Bill. Tabling of the Marketing of Agricultural Products Amendment Bill and the Perishable Products Export Control Amendment Bill.
Policies and Support Programmes	<ul style="list-style-type: none"> Update on the National Policy on Comprehensive Producer Development Support to address the fragmented technical and financial support to subsistence and smallholder farmers.

Issues	Activities
	<ul style="list-style-type: none"> • Status and updates on the Blended Finance Initiative, which is a collaboration between the Department, other Government agencies (Land Bank, Independent Development Trust) and the private sector. • Updates and progress on the implementation of the Cannabis Master Plan, Poultry Master Plan and the Agriculture and Agroprocessing Master Plan.
Food Security and Food Safety	<ul style="list-style-type: none"> • Updates on the inter-departmental implementation of the National Food Security and Nutrition Policy. • Status update on the establishment of the Food Control Agency, an inter-sectoral agency that is supposed to address food safety and food control issues in the country.
Disease Outbreaks	<ul style="list-style-type: none"> • Briefing from the Department on the implementation of the Veterinary Strategy including mechanisms to effectively address disease outbreaks such as FMD, Avian influenza, African swine fever, etc. • Briefing from the Department on specific measures that are implemented and a roadmap to ensure that South Africa regains its FMD-free status from the World Organisation for Animal Health (commonly known as OIE – <i>Office International des Epizooties</i>). The FMD-free status was lost in January 2019. • Regular updates from the ARC on the construction of the FMD Facility. • Regular updates from the OBP on the modernisation of the Good Manufacturing Practice (GMP) Facility, status and procurement of vaccine production equipment and vaccine availability.
Audit Improvement Plans and AGSA’s Special Audits	<ul style="list-style-type: none"> • The Auditor-General has identified key weaknesses in the Portfolio, especially in relation to internal controls, irregular expenditure, fruitless and wasteful expenditure, material irregularities, lack of consequence management, etc. There is a need for focused oversight on these issues. • The 7th Parliament should request reports on the implementation of the Audit Improvement Action Plans and reports of specific consequence management actions (disciplinary cases and investigations) that have been taken by the Department and relevant entities in respect of irregular expenditure, fruitless and wasteful expenditure incurred in previous years. • Comprehensive reports including consequence management actions on matters that have been raised by AGSA regarding the Covid-19 Relief Fund and PESI. In this regard, the Department should report on investigations undertaken including disciplinary cases where relevant.

12. RECOMMENDATIONS FOR CONSIDERATION BY THE SEVENTH PARLIAMENT

The following recommendations are proposed to assist the Committee for the 7th Parliament to resolve operational and/or procedural concerns encountered during the 6th Parliament.

12.1 Coordination of joint efforts for various committees with overlapping mandates in order provide a comprehensive parliamentary oversight on activities of government departments, as well as dealing with various crosscutting issues of interest to the committees. For example, outstanding follow-up work on the report of the joint oversight with the Portfolio Committee on Employment and Labour; assessing the *implementation of the National Food and Nutrition Security Plan* requires joint oversight with the Committees responsible for Social Development, Health, Basic Education, etc., whereas engagements around the impact of *climate change on agriculture* may require joint

oversight with the Committee responsible for Environmental Affairs. In addition, cross-cutting matters such as *agroprocessing, job creation, transformation and Blended Finance Initiative* require joint activities with committees responsible for Small Business Development, Trade, Industry and Competition, National Treasury, etc.

- 12.2 Recognition of nature-based and indigenous agricultural practices.** As climate change has become a painful reality for the agricultural sector, with droughts becoming more common, ensure that the Department puts more focus and resources on the development of conservation agriculture/agroecology and indigenous knowledge systems; and collaborates with non-governmental and civil society organisations that have done quite well in this regard.
- 12.3** The Committee should consider working closely with the Department in relation to **legislation and policy development**. Over the last five years, the Department had failed to deliver legislation and policies in line with its Strategic Plan and Annual Performance Plans. The legislative programme from the Department must be tabled with clear and realistic deadlines to avoid non-delivery on Bills and/or withdrawal of Bills that have already been tabled. Some of the critical pieces of legislation are the Animal Welfare Bill and the Communal Land Tenure Bill, as well as the Communal Land Tenure Policy. Due to the nature of public interest on these matters, meaningful public participation is vitally important.
- 12.4** There is a need to pay particular attention to the Department's **mentorship and strategic partnership programmes** for the implementation and management of land reform projects; as well as the Provincial departments' skills and technical capacity considering the widespread utilisation of implementing agents for the implementation of agricultural and land reform projects including use of conditional grants.
- 12.5** Engage with the relevant Executive Authorities to **ensure that the Land Bank delivers on its developmental mandate** as Government has identified it as a vehicle to support developing farmers and facilitate transformation in the agricultural sector. The Seventh Parliament should assess the Land Bank's model(s) of promoting transformation and providing support to developing farmers.
- 12.6 Implementation of legislation:** Given that the National Assembly has passed the Preservation and Development of Agricultural Land Bill, and the context of the quality and condition of what historically constituted agricultural land having changed drastically due to degradation and loss from mining, urban development and overutilisation, there is a need to move towards ensuring that capacity to implement the legislation is in place. There is also a need for an updated spatial analysis of agricultural resources to determine the status and comparative advantage of each region to ensure targeted interventions.
- 12.7 Oversight visits should be followed by follow-up activities** to ensure that the findings of the Committee are dealt with by the Department/entity. Such follow-up activities may include return visits to same sites to ascertain progress made by government. The Committee should consider enhancing its internal mechanism to track progress in responses to its questions (arising from meetings) and implementation of Committee resolutions from reports tabled in the House.
- 12.8** The Committee should further consider **an agreement with the Department/entities about the timeframes for submission of reports** to avoid late submission, which affects the Committee's ability to critically and effectively engage in the subject matter under discussion. Growing trends of failure to table Annual Reports in Parliament timeously, is worrying.
- 12.9** Greater attention should be given to the **accountability of the Ingonyama Trust**, especially as it relates to disbursement of funds, land administration and general governance related issues. Further, consider the legality of separating the ITB as an accounting authority from the Trust.

12.10 The Seventh Parliament should further pay greater attention to the **Onderstepoort Biological Products** regarding governance related issues, progress on the modernisation of its vaccine manufacturing plant (GMP Project), equipment maintenance, vaccine availability and security of the entity considering its National Key Point status.

12.11 The Committee should consider oversight mechanisms that would result in **stronger institutional capacity to address the challenges of landlessness**. The following institutions require attention:

- (a) The Office of the Valuer-General which is likely to play one of the key roles during expropriation of land, with or without compensation.
 - (b) The Commission on Restitution of Land Rights whose status in the Department has been confused with Programme 3 of the Department. The Commission should be an independent organisation reporting directly to the Minister and not the Director-General.
 - (c) Redistribution through the Agricultural Land Holding Account (ALHA) in so far as property valuations have delayed or hampered scaling up delivery of land. Further, seek to resolve the question of market-value of land as opposed to the concept of just and equitable compensation.
-