



## Parliamentary report for January and February 2016

1. Parliament will be officially opened on 11 February with the state of the nation address by President Zuma. Some meetings have however already taken place, particularly strategic planning sessions and workshops by various committees. Urgent outstanding legislation such as the Expropriation Bill was also dealt with.
2. On 26 January and 2 February the Portfolio committee on Public Works finalised its clause by clause deliberation on the Expropriation Bill. The Bill was adopted by the Committee on 2 February. The DA and UDM voted against the Bill, whilst the IFP abstained from voting. The DA raised two issues in particular as the main reasons for its opposition to the Bill, namely the broad definition of “property” and the inclusion of a definition of “expropriation” in the Bill. The term “expropriation” was not defined in the Bill that was tabled in parliament. The danger of including a definition was that it limited the kind of deprivations which may be considered “expropriations” and which attract compensation. The term “property” was so widely defined that it included every possible kind of property.

Most of the other concerns that had been raised during the public hearings were addressed in the Bill. For example, landowners are now only required to provide information on “known” unregistered rights, the fact that property is being taken against the will of an owner may now be considered in the calculation of compensation if there are special circumstances that make it just and equitable to consider that as a factor, it has been made clear that there is no restriction to the access to the courts on any grounds, provision has been made for mediation where disputes over compensation arise and where mediation fails, the responsibility is on the expropriating authority to refer the dispute to court. The limitation of only 80% of compensation being paid on the date of expropriation, in the event

of a dispute, has been removed, the full compensation offered can now be paid provided that there are no outstanding municipal taxes and that agreement has been reached with any bondholders over the apportionment of compensation. The definition of “expropriation” however remains a major concern. The Bill will now be debated in the National Assembly and then go before the National Council of Provinces where the relevant select committee will deal with it.

3. On 27 January 2016, the international Labour Organisation (ILO) presented its report on a study into the living and working conditions of farmworkers to a joint sitting of the Portfolio Committee on Rural Development and Land Reform, and the Portfolio Committees of Agriculture, Forestry and Fisheries, Labour and Human Settlements. The Chairperson made some opening statements. She said that the ESTA Amendment Bill was before the committee and they wanted to interrogate the ILO report before dealing with the Bill. Dr Joni Musabayana, ILO Deputy Director for Southern Africa, gave a brief background of the ILO and of the study. Ms Margaret Visser, a researcher of the Labour and Enterprise Policy Research Group (LEP) at the University of Cape Town, who led the team of researchers from a number of universities that conducted the study, presented the main findings of the report. She explained the research methodology which included labour intensive industries where ten case studies in eight provinces, with in-depth interviews with 48 producers and 208 farm workers and a group interview with 250 farm workers. There were also interviews with 90 stakeholders across the case studies; these included industry organisations, trade unions, non-government organisation (NGOs) and government. She gave an overview of the agricultural sector, the legislation applicable to the sector, the impact of de-regulation and the trend towards the casualization of labour. She said that producers have become price takers. Farming units have declined by 30 percent. The average solvency of farms was at its worst levels in 30 years. The report argues that markets have changed. Big supermarket chains like Walmart are very powerful. Farmers have very little control over prices. Farmers responded to this changed environment through increased casualization, thus less permanent workers and less people living on farms. She then highlighted some of the recommendations from the report. A heated debate followed where issues around evictions, the quality of housing, transport, labour brokering and wages were raised sharply. It appeared from the report, amongst other things that compliance with labour legislation by farmers was generally good and that no reliable statistics on evictions existed. From the report it was also clear that there was a voluntary move of people off farm. Ms Visser said that one cannot assume that the overcrowding of rural towns is the consequence of evictions only. Those who are on farms want to stay there and those who live off farm do not want to go back to the farms.

Some of the recommendations of the report are:

- Change labour legislation;
- More legal support and training ;
- Closer cooperation between DOL and ethical trade initiatives;
- Labour brokering should be better regulated.

- Open up new export markets.
- Eliminate non-tariff trade barriers.
- Provide more support for on farm housing.
- Public private partnerships for building more off farm housing.
- More financial support to rural municipalities.
- Improve public transport in rural areas.

The Chairperson suggested a further meeting with the Department of Rural Development and Land Reform on the issue of evictions. She said that it was clear that we have to strengthen our policy monitoring. She concluded by stating that there is clearly a need for some follow up research as well.

4. The Portfolio Committee on Agriculture, Forestry and Fisheries held a workshop on food security and food safety on 2 and 3 February 2016. Presentations were made by various government departments such as agriculture, Forestry and Fisheries, Science and Technology, Social Development and Trade and Industry. A presentation was also made on the drought. The Chairperson, Ms Semanya, explained that the purpose of the workshop was for the portfolio committees to engage with experts on food security and safety, to examine what structures were in place to ensure that the country's food supply was sufficient and nutritious, and to come up with an action plan to address national problems of food security and safety. Prof Sheryl Hendriks, the co-ordinator of the Department of Science and Technology Centre of Excellence in Food Security provided an overview of the current food security context in South Africa. She said that food security had four dimensions, namely availability, accessibility, utilisation and stability. She stated that food insecurity was driven by factors at a national level (and at household level. Prof Hendriks gave some statistics of countrywide food insecurity: 37% of households struggled to meet their monthly food expenses. 6% of households experienced severely inadequate access to food, and 13% experienced hunger. 26% of children had stunted growth and 14% were overweight.

The DAFF presentation looked at food access by province. Limpopo was the best performing province, with only 11.4% of people having inadequate access to food, and North West was the worst, at 43.7%. The national average was 26.2%. Some of the reasons for food insecurity in the country included high prices, climate change and poor infrastructure.

On day 2 of the workshop DAFF presented the drought intervention plan of government. The plan involved the following:

- Government has established a drought response coordination mechanism comprised of the Technical and Inter-ministerial Committee;
- Provincial government has responded through the re-prioritisation of the currently available resources in the equitable shares;

- A comprehensive plan was developed and costed and an include the following budget amounts:
  - DAFF: R318, 726 million
  - DRDLR : R169 million
- Government is monitoring the implementation of the drought response plan
- Additional resources to the value of R124 million from the disaster management funds has been requested from National Treasury for food security.

There was also a present by the Department of Trade and industry on the role of that department in consumer protection. The full presentation is available on request.

5. The Portfolio committee on Rural Development and Land Reform had a strategic planning session on 2 and 3 February. There were presentations on all three programmes of land reform. PLAAS gave an overview of all three programmes of land reform and provided some critical insights into past and present policies. Dr Ruth Hall stated amongst other things that, it would take 144 years to complete land claims and restitution at the current pace. Dr Aninka Claassens, the Director of the Land and Accountability Research Centre presented on the issue of communal land. She said that although the Interim Protection of Informal Land Rights Act (IPILRA) of 1996 provided protection for all people living on communal land in the former Bantustans, people living on trust land this legislation was routinely ignored and undermined, particularly where mining took place.
- The Department of Rural Development and land Reform also presented and outlined their priorities for 2016. These included the settlement of labour tenant claims, getting community property associations compliant with legislation and making state land available for human settlement. The following policies will be finalised between 2016 and 2019:
    - Communal Land Tenure
    - Communal Property Association
    - Regulations of Land Holdings Policy
    - Electronic Deeds Registration Policy
    - Policy Framework for the Strengthening of Relative Rights for persons working the land
    - Policy of exceptions to pre-1913 Claims and on Access to Heritage Sites and Historic Land Marks.

Nine Bills are in the pipeline for 2016 and 2017 namely:

1. Communal Property Association Amendment Bill **[to Cabinet for Gazetting for Public Comment February 2016]**
2. Deeds Registries Amendment Bill (1) **[to Cabinet for Gazetting for Public Comment February 2016]**

3. Communal Land Tenure Bill [**to Cabinet for Gazetting for Public Comment March 2016**]
4. Regulation of Agricultural Land Holdings Bill [**to Cabinet for Gazetting for Public Comment March 2016**]
5. Sectional Titles Amendment Bill 1 [ To Cabinet by May 2016]
6. Sectional Titles Amendment Bill 2 [ To Cabinet by May 2016]
7. Deeds Registries Amendment Bill 1 [ To Cabinet by April 2016]
8. Planning Professions Amendment Bill [To by April 2016]
9. Land Surveys Amendment Bill [To Cabinet by May 2016]

It was also reported that the Relative Rights Framework Policy on establishing secure tenure and opportunities in farming enterprises will deliver the targeted 10 pilots for 2015/2016 and at least 15 pilots for 2016/2017 – the DRDLR and organized agriculture are collaborating on this project pilot to 2019 as announced in the 2015 State of the Nation address by the State President.

The Restitution Commission also presented its progress report and strategic plan to the portfolio committee. Mr Thami Mdontswa, Deputy Chief Land Claims Commissioner reported that a need was identified to move swiftly to deal with outstanding land claims. He said that the Commission planned to accelerate the settlement of the remaining land claims submitted before the cut-off date of 1998. The Commission shall not devote its resources to the processing of new order claims beyond the point of data capture after lodgement and acknowledgement of receipt, unless:

- the Commission is directed to do so by the court
- the new order claim overlaps with an older claim that is being processed
- the new order claim is in a province where all old order claims have been finalised or referred to court.

Mr Mdontswa noted that the exceptions for pre-1913 claims for the benefit of the Khoi and the San would be dealt with in the redistribution programme and not in the restitution programme. The exceptions shall not be linked to the Restitution of Land Rights Act of 1994. The full presentation is available on request.

Annelize Crosby