

REPORT OF THE PORTFOLIO COMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, LAND AND ENVIRONMENTAL AFFAIRS ON THE MARINE SPATIAL PLANNING BILL, [B 9D-2017]

1. INTRODUCTION

The Speaker referred the Marine Spatial Planning Bill, [B 9D-2017] to the Portfolio Committee on Agriculture, Rural Development, Land and Environmental Affairs (the Committee) for consideration and report back to the House in accordance with the Rules and Orders of the Mpumalanga Provincial Legislature.

In terms of Section 118(1) of the Constitution of the Republic of South Africa, 1996, the Legislature has a mandate to facilitate public involvement in the legislative and other processes of the Legislature and its committees. It is against this background that the Committee conducted public hearings to solicit inputs and views from members of the public on the above-mentioned Bill.

2. OBJECTIVES OF THE BILL

The purpose of the Bill is mainly;

- To provide a framework for marine spatial planning in South Africa;
- To provide for the development of marine spatial plans;
- To provide for institutional arrangements for the implementation of marine spatial plans and governance of the use of the ocean by multiple sectors; and
- To provide for matters connected therewith.

3. METHOD OF WORK

The Committee met with the NCOP permanent delegate, Hon AJ Nyambi, officials from the Department of Environmental Affairs and the Department of Agriculture, Rural Development, Land and Environmental Affairs on 17 August 2018 for a briefing on the Bill. The Committee then decided to conduct public hearings after publishing an invitation in the print media: Lowvelder, Mpumalanga Press (covering Ehlanzeni District), Linda Shabalala Publishers (covering the Nkangala District) and Provincial Media Economist (covering the Gert Sibande District) in order to solicit inputs/comments from interested stakeholders and members of the public. The Bill was also uploaded on the Mpumalanga Provincial Legislature website. The Public hearings were conducted on Friday, 24 August 2018 in the following Districts.

- Ehlanzeni District: Nkomazi Local Municipality – Mbuzini Tribal Hall
- Nkangala District: Thembisile Hani Local Municipality – Thembisile Council Chamber
- Gert Sibande District: Dr. Pixley Ka Isaka Seme Local Municipality – Singobile Community Hall – Dagaakraal

Subsequently, the committee met on 30 August 2018 to consider the draft Committee report and the negotiating mandate on the Marine Spatial Planning Bill [B 9D - 2017].

The Committee had another meeting on the 08 November 2018 to consider the final Committee report and the final mandate on the Marine Spatial Planning Bill [B 9D - 2017].

4. INTERACTION BY THE COMMITTEE WITH THE NCOP PERMANENT DELEGATE AND THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS

4.1. The Permanent Delegate gave a brief political overview on the Bill, which amongst others reported that:

- Mainly, the bill will address the issue of poor coordination when it comes to ocean economy and other related matters.
- The Bill will assist with job creation and the management of the ocean economy.
- The Bill will ensure proper coordination of the relevant departments when it comes to the ocean economy.
- It will make the country to be in line with international laws when it comes to ocean management;
- He emphasized that the Bill should not be regarded as irrelevant for the province as some people of the province might be contributing in the ocean economy.

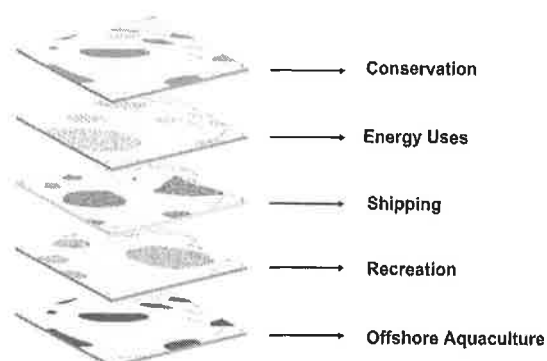
4.2. Briefing by the Department of Environmental Affairs

The presentation covered amongst others the following:

4.2.1. Purpose of the Bill

To develop an integrated approach to ocean governance including management plans for ocean areas, environmental variables, conflicts scenarios, and tradeoffs.

4.2.2. Importance of Marine Spatial Planning (MSP) for South Africa



Currently there is no overall system to guide the development, implementation, monitoring and refinement of National & Regional (Sub-National) Marine Spatial Planning Frameworks and Sub Regional Marine Spatial Management Plans in South Africa, potentially leading to conflict, unsustainable use of ocean resources and failing to capitalize on development opportunities.

5. INTERACTION BY THE COMMITTEE WITH STAKEHOLDERS ON THE BILL

The following stakeholders were invited by the Committee to attend the public hearings held on 24 August 2018:

- Community Members
- Department of Agriculture, Rural Development, Land and Environmental Affairs
- Chairperson of Mpumalanga House of Traditional Leaders (HTL) and local houses
- Speakers of the local municipalities in the Districts
- Ward Committees
- Community Development Workers
- Headmen of traditional villages
- AFASA
- Religious Leaders

- Trade Unions

During the public hearings, members of the Committee, assisted by the Legal Section of the Legislature, explained the Bill thoroughly in the local languages spoken in each of the communities where the public hearings took place. The legislative processes and timeframes for processing the Bill through the relevant channels of the National Council of Provinces (NCOP) were also explained. The public was made to understand their Constitutional rights in relation to them making inputs in the processing of bills by the Legislature. The Committee also reported that the Bill under review had some implementation challenges hence the proposed amendments. The Committee also responded to the questions of clarity raised thereafter. The community members and stakeholders who were present at the public hearing unanimously supported the Bill. Most people raised concerns which were also related to the Bill as follows:

- Community Members Supported the Bill and emphasized that everything must be done in order to protect South Africa's marine areas in terms of security.
- It is proposed that a state owned entity must be established to ensure that there is no biasness on the allocation of business rights.
- The Department of Environmental Affairs was requested to ensure protection of wastes disposed in the sea.
- The Bill must protect the marine in terms of imports coming into the country and ensure that strict security measures are taken against people coming into the country through the sea.
- Members of the public enquired how the environment will be kept clean- this came after they were briefed about the bill. Members of the public enquired if there was a bill on environmental issues to ensure that the environment is clean.

6. OBSERVATIONS AND FINDINGS MADE BY THE COMMITTEE

- 6.1. The Bill deals with technical matters relating to the provision of a framework for marine spatial planning in South Africa, the development of marine spatial plans; provision for institutional arrangements for the implementation of marine spatial plans and governance of the use of the ocean by multiple sectors; and to provide for matters connected therewith.
- 6.2. The issue of keeping the environment non-polluted was raised by members of the community.
- 6.3. Oral submissions that were made by the public were considered accordingly. Other submissions that do not talk to the content of the Bill will be dealt by the Department of Agriculture, Rural Development, Land and Environmental Affairs and local municipalities and through the Petitions process of the Legislature.
- 6.4. Members of the public were unanimously in support of the Bill.
- 6.5. The Select Committee on Land and Mineral Resource of the NCOP met to consider the proposed amendments emanating from the Negotiating Mandates from provinces. The Select Committee on Land and Mineral Resources did not agree to the amendments that were proposed. This then resulted in the non-amendment of the Bill [B 9D – 2017].

7. RECOMMENDATION

The Portfolio Committee on Agriculture, Rural Development, Land and Environmental Affairs after considering the Bill confers on the permanent delegate representing the Province of Mpumalanga in the NCOP, the mandate to vote in favor of the Bill.

8. CONCLUSION

The Chairperson wishes to thank all members of the public for their worthwhile participation in the public hearings and for the inputs or comments they have made. A word of gratitude to the Members of the Portfolio Committee, the NCOP Permanent Delegate, Hon Nyambi, the official from the Department of Environmental Affairs, Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs, Speakers of the Local Municipalities for their efforts in ensuring that the Committee meets its obligation and the support staff who contributed to the success of the public hearings and the production of this report.



HON. GC SHABALALA (MPL)
ACTING CHAIRPERSON: PORTFOLIO COMMITTEE ON
AGRICULTURE, RURAL DEVELOPMENT,
LAND AND ENVIRONMENTAL AFFAIRS

09/11/2018
DATE

Appointed in terms of Rule 114 of the Rules and Orders of the Mpumalanga Provincial Legislature.