



**COUNTRY REPORTS ON PROGRESS ON IMPLEMENTATION OF THE  
RESOLUTIONS OF THE 53<sup>RD</sup> PLENARY ASSEMBLY:**

**SOUTH AFRICA**

Hon. President, Hon. Members of the Forum, distinguished guests, ladies and gentlemen,

It is my pleasure to present the report on how South Africa's Parliament followed through with the resolutions made during the 53rd Plenary Assembly. Following our gathering in Arusha, Tanzania, our delegation diligently prepared a report, ensuring that all the resolutions were thoroughly documented for consideration by the relevant structures within our Parliament.

The 53rd Plenary Assembly centred around the theme "Modernising Agriculture to address Food Security and Youth Unemployment in the SADC Region". In alignment with these resolutions, our Parliament actively monitored the Executive branch's actions regarding these matters. I am pleased to inform you that our Members of Parliament, representing various political parties, raised no fewer than 16 parliamentary questions related to food security in South Africa during the year 2023, demonstrating the paramount importance we place on this multi-faceted issue within our parliamentary work.

Moreover, on 20 October 2023, the South African Portfolio Committee on Agriculture, Land Reform and Rural Development recommended to the National Assembly that South Africa accedes to the International Treaty on Plant Genetic Resources For Food And Agriculture (ITPGRFA). This Treaty is the major international agreement between member countries to conserve, use and manage plant genetic resources for food and agriculture around the world

for the benefit of people everywhere. The Treaty ensures that farmers and plant breeders access, easily, the raw genetic material needed to develop new crop varieties, including those with higher yields and those that are resilient to climate change. As you are aware, our region is very reliant on agriculture, hence this Treaty is of great interest to us as it recognizes the enormous contribution farmers have made to the ongoing development of the world's wealth of plant genetic resources. Importantly, the Treaty calls for protecting the traditional knowledge of these farmers, increasing their participation in national decision-making processes and ensuring that they share in the benefits from the use of these resources.

In addition, the 53rd Plenary Assembly adopted various resolutions related to climate change, its impact on food security, access to sexual and reproductive health rights and services in emergency situations, and the need to promote gender and climate justice. In relation to these, allow me report that Parliament is considering the Climate Change Bill, the first legal framework in South Africa to respond to the impacts of climate change. The Bill was passed by the National Assembly on 24 October and is now before the National Council of Provinces for concurrence. The Bill seeks to enable the development of an effective climate change response and a long-term, just transition to a low-carbon and climate-resilient economy and society for South Africa. Gender mainstreaming is a key component of the country's climate change response; hence one of the Bill's core principles states that decision-making must consider the special needs and circumstances of people who are particularly vulnerable to the adverse effects of climate change, including vulnerable workers and groups such as women, especially poor and rural women, children, especially infants and child-headed families, the aged, the poor, the sick and persons with disabilities.

Hon. President,

The 53<sup>rd</sup> Plenary Assembly also dealt with the very important issue of our countries' debt and the need for our parliaments to monitor debt acquisition and ensure that it is kept at manageable levels. South Africa has struggled to address the widening gap between its revenue and

expenditure since the 2008 global financial crisis. This gap has led to a significant increase in public debt. As part of their oversight roles, Parliament's finance committees have a key role to play in overseeing government's management of debt. For example, on 14 November 2023, Parliament's Standing Committee on Finance released its report on South Africa's 2023 Revised and Proposed Fiscal Framework. The Report emanated from the Minister of Finance's presentation of the 2023 Medium-Term Budget Policy Statement (MTBPS) in Parliament on 1 November 2023, in line with South Africa's Public Finance Management Act and the Money Bills Amendment Procedure and Related Matters Act. Thereafter, Parliament's finance and appropriations committees received briefings from the National Treasury and held public hearings on the matter. Following its consideration of all the presentations and submissions, the Committee, amongst others, called for a comprehensive review of debt management practices, and the need to explore avenues to optimize borrowing costs. The Committee also called for the implementation of risk mitigation measures to ensure fiscal sustainability. Furthermore, the Committee suggested a thorough review of South Africa's fiscal rules and that additional, binding, rules for fiscal sustainability must be considered.

Hon. President,

I am also pleased to report developments related to the 53<sup>rd</sup> Plenary Assembly resolution to domesticate and implement the SADC Model Laws and Child Marriage and Gender-based Violence. A Draft Marriage Bill has been developed in South Africa and published in the Government Gazette on 7 July 2023. The Bill seeks to give effect to the White Paper on Marriages in South Africa, which Cabinet approved in March 2022, and empowers the Department of Home Affairs to develop a single Marriage Act for the country. The Marriage Bill seeks to ensure that all persons, regardless of race, sex, gender, sexual orientation, religious or cultural beliefs, are treated equally and with dignity. As regards child marriage, the Bill states that "any person who wishes to enter into marriage must be 18 years of age or older", and that "consent to the marriage [must be obtained] from the prospective spouses in the prescribed form and manner". Moreover, the Bill provides for offences and penalties for any person who

enters into a marriage with a person who is not at least 18 years old, or any person or institution who knowingly provides consent for a minor to enter into marriage. The closing date for written submissions on the Draft Bill was 31 August 2023 and we await the results of these inputs.

On 14 November, the NA also passed the Divorce Amendment Bill to amend the Divorce Act. South Africa's Divorce Act was declared unconstitutional as it excluded Muslim marriages. This non-recognition of Muslim marriages in civil law meant that a person, who is married in terms of Islamic law only, had no right to approach a court of law for a decree of divorce. This resulted in a failure to safeguard the interests of Muslim women and minor or dependent children of Muslim marriages in the same way as children of other marriages on the dissolution of the marriage. Furthermore, the Act failed to provide for the redistribution of assets and to provide for the forfeiture of patrimonial benefits on the dissolution of the Muslim marriage on the same terms as other dissolved marriages. The Bill seeks to rectify these failures and allow persons in Muslim marriages to get divorced in terms of the civil law. The Bill, however, does not constitute or replace an Islamic divorce and persons, who are in Muslim marriages and wish to be granted a religious divorce, will still need to follow Islamic law. The Bill will now be sent to the NCOP for concurrence.

Hon. President,

The 53<sup>rd</sup> Plenary Assembly urged SADC Parliaments to enact necessary cybersecurity legislation to protect users from falling victim to online fraud and gender-based violence, especially women and girls who may be less technologically savvy due to the digital gender divide. Our Parliament has been considering the Prevention and Combating of Hate Crimes and Hate Speech Bill since 2018. The Bill seeks to, amongst others, provide for offences such as hate crimes and the offence of hate speech and the prosecution of persons who commit those offences. It also seeks to prevent hate crimes and hate speech that have become very prevalent with the rise of social media. After rigorous scrutiny, debate, and public consultations by both Houses of Parliament, the Bill is now near completion. The NA passed the Bill in March earlier

this year and, on 15 November 2023, the NCOP followed suit with proposed amendments. The NA's Portfolio Committee on Justice will now consider these proposed amendments.

I'd also like to report that on 31 October 2023, the NA passed the National Council on Gender-Based Violence and Femicide Bill. The Bill is a sequel to the Presidential Summit Declaration against Gender-Based Violence and Femicide of 2018 aimed at preventing and eliminating the endemic abuse, violence, and murder of women in South Africa. The Bill establishes the National Council that will manage an approach to GBV and femicide in collaboration with relevant stakeholders that include short-, medium- and long-term priorities that are aligned with various national frameworks. The National Council will also ensure that information on best practices regarding the prevention and elimination of GBV is available and accessible. The Bill also calls for the National Strategic Plan to be developed and implemented within six months of the National Council being established with regular reports on the progress of its implementation to an Inter-Ministerial Committee on GBV and Femicide.

In conclusion, Hon. President, allow me once again congratulate Hon. Speaker Dr Tulia Ackson on her election as President of the IPU and Hon. Speaker Nelly Mutti on her election as an IPU Executive Council Member. As you may recall, Hon. Ackson was, through a resolution of the 53<sup>rd</sup> Plenary Assembly, agreed to as the SADC PF's preferred candidate for the prestigious position of IPU President. The overwhelming support that Hon. Ackson received at the IPU bears testimony to the significant impact our region can have when we remain united in our positions. South Africa wishes Hon. Ackson and Hon. Mutti great success in their new roles. As a region, we must stand ready to support them in their new endeavours.

Thank you.

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