



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Ref:02/1/5/2

MINISTER (ACTING)

QUESTION NO. 266 FOR ORAL REPLY: NATIONAL COUNCIL OF PROVINCES

A draft reply to **Ms Z V Ncitha (Eastern Cape: ANC)** to the above-mentioned question is enclosed for your consideration.

**MS NOSIPHO NGCABA
DIRECTOR-GENERAL**

DATE:

DRAFT REPLY APPROVED/AMENDED

**MR D A HANEKOM, MP
MINISTER OF ENVIRONMENTAL AFFAIRS (ACTING)**

DATE:

NATIONAL COUNCIL OF PROVINCES
(For oral reply)

QUESTION NO. 266 {CO597E}

INTERNAL QUESTION PAPER NO. 40 of 2018

DATE OF PUBLICATION: 22 October 2018

Ms Z V Ncitha (Eastern Cape: ANC) to ask the Minister of Environmental Affairs:

Whether there are any plans to (a) review, (b) amend Chapter 6 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004); or (c) implement changes to it in order to ease compliance with the Bioprospecting Access and Benefit Sharing permitting system; if not, why not; if so, what are the relevant details?

266. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:

a) and (b) Yes, the Department can confirm that there are plans and actions being undertaken by the Department of Environmental Affairs to review and amend Chapter 6 and other chapters of the National Environmental Management: Biodiversity Act, in order to ease compliance with the Bioprospecting Access and Benefit Sharing permitting system.

The review would also assess if the NEMBA (as it is known) is achieving the desired objectives; identify areas needy of improvement to ensure effectiveness of the implementation of its provisions and address gaps that affect compliance.

So far, the review process constituted stakeholder engagement to solicit inputs in the amendment process. The engagement includes provincial authorities as they are responsible for some aspects of permitting.

(c) The Department of Environmental Affairs prioritised bioprospecting in its biodiversity economy Operation Phakisa approach, which is centred on transformation, sector sustainability and economic growth. The Bioprospecting segment on this work identified initiatives to increase both the demand and supply, as well as highlighting the importance of enabling legislation and improved efficiencies in bio-prospecting permitting.

The draft NEMBA Bill has been referred to the Chief State Law Advisors for certification prior to further processing. Subsequent processes will focus on the amendment of the current Bioprospecting, Access and Benefit Sharing Regulations (BABS Regulations) in order to give effect to the new provisions that are aimed at easing compliance with the Bioprospecting, Access and Benefit Sharing permitting system.

The Department has appointed a team of experts and Transactional Advisors to assist in the evaluation of biotrade and bioprospecting applications. The main aim is to ensure fairness in benefits sharing models, especially the protection of indigenous and local communities who are the custodians of indigenous biological resources and the associated traditional knowledge.

---ooOoo---