



AgriCultureTM

SOUTH AFRICA / SUID-AFRIKA



Testing the Temperature

Environmental governance and agriculture

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Overview of South Africa's Agricultural Sector

Importance of agriculture to the economy and food security

Role of fertilisers in enhancing food security



Purpose of the Presentation

To explore
key environmental legal
frameworks
and their implications
for the agricultural industry



Key Legislation Governing Agriculture



National Environmental Management Act (1998)

Regulates environmental impact assessments for agricultural activities.

Specific Environmental Management Acts (SEMAs)



National Water Act (1998)

Ensure water is protected, used, developed and controlled in a sustainable manner for the benefit of all people.

Equitable access, future generations, integrity of water systems, decentralized water management, licensing and registration.



Conservation of Agricultural Resources Act, (1983)

Sustainable use and conservation of agricultural resources.

Soil conservation works, Farming practices, Invasive Plants, Land Permission for certain activities.



Key Legislation Governing Agriculture



Preservation and Development of Agricultural Land Act (2024)

Aims to protect high-potential agricultural land from non-agricultural uses.

Implications for land use and fertilizer application.



Fertilizers, Farm Feeds, Agricultural Remedies, and Stock Remedies Act (1947)

Governs the registration, sale, and use of fertilizers.

Enhanced registration, GHS Labelling, Classification of substances, Streamlined registration, Advertising, Waste management, Reporting, Phase Implementation.



Climate Change Act (2024)

Emissions reduction, SETs, Carbon Budgets, Mitigation Plans, Adaptation Strategy and Plans (Sectoral and Local), GHG Inventory, Synthesis Adaptation Report



Water and Environmental Regulations

National Environmental Management Act

- **Legal framework for environmental governance**
- **Principles**
 - Sustainable development
 - Environmental justice
 - Polluter Pays
 - Precautionary
 - Inter-generational equity
- **EIAs**
- **Compliance & Enforcement**
- **One Environmental System**



Framework Legislation

**Environmental
Compliance**

One Environmental System



Water and Environmental Regulations

National Water Act

- Ensure water is protected, used, developed and controlled in a sustainable manner for the benefit of all people.
- Equitable access, future generations, integrity of water systems, decentralized water management, licensing and registration.
- **Legal framework for water use in agriculture.**
 - Water management institutions
 - Verification and Validation
 - Water use efficiency
 - Transferability of water use entitlements according to the law
 - Water affordability
 - Deteriorating water quality and infrastructure
 - Unlawful use of water
 - Water allocation reform
 - Relationship with government and other stakeholders



Transformation of the Water Sector

Compulsory Licensing.

Considerations for granting water use licenses.



Water and Environmental Regulations

Conservation of Agricultural Resources Act

- **Soil Conservation**
- **Regulation of Invasive Species**
- **Protection of Natural Resources**
- **Control of Over-Cultivation**
- **Prescribed Land Use Practices**
- **Land Use Obligations**



Implementation and Relevance Challenges

Outdated framework.

Weak enforcement.

Inequitable Land Access

Climate Change



Water and Environmental Regulations

Preservation and Development of Agricultural Land Act

- **Sustainable land use, prevent loss of high-potential farmland, support long-term food security and economic growth**
- **Features**
 - National and Provincial Agri-Sector Plans
 - Evaluate and classify agricultural land
 - Protected Agricultural Areas
 - Restricted activities
 - National Agro-Eco Information System
 - Agricultural Committees and Advisory Bodies
- **Questions on:**
 - Available resources?
 - Coordination among stakeholders
 - Public awareness
 - Monitoring and Enforcement



Significant step forward

Commencement date?

Highly dependent on regulations to follow.



Water and Environmental Regulations

Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act

- **Enhanced Registration Requirements – OECD Good Laboratory Practice Standards**
- **GHS-Compliant Labelling**
- **Classification of Substances (substances of concern; restricted agricultural remedies)**
- **Streamlined regulation for low-risk products**
- **Advertising Restrictions**
- **Waste Management Compliance**
- **Annual Reporting**
- **Importation Controls**



Major developments

**Pest Control Operators
Registration**



Water and Environmental Regulations

Climate Change Act

- **Features**

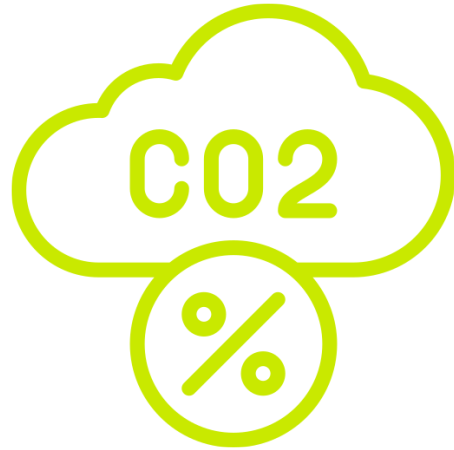
- National Emissions Reduction Framework (GHG Emissions Trajectory; SETS)
- Carbon Budgeting for Major Emitters (CO2 Budgets; Emission Plans)
- Adaptation Strategies and Planning (National, Sectoral, Local)
- Institutional Arrangements (PCC, Forums)
- Data Collection and Reporting (GHG Inventory, Synthesis Adaptation Report)
- Compliance and Enforcement
- Integration with Existing Legislation



Commencement date?

Significant implications





Carbon Tax Act

- Implications for fertilizer production and distribution.
- Opportunities for carbon-neutral fertilizer solutions.



Climate Adaptation Policies

- Promoting climate-smart agriculture.
- Role of fertilizers in enhancing resilience to climate change.



Land Reform and Expropriation Laws

Expropriation Act (2024)

- Framework for land expropriation in the public interest.
 - Potential impact on commercial farming and fertilizer demand.
-

Land Reform Policies

- Redistribution and restitution programs.
- Challenges for fertilizer companies in adapting to changing land ownership patterns.



Challenges in Legal Implementation

Compliance Costs

Financial burden on farmers and fertilizer companies.

Enforcement Gaps

Limited capacity for monitoring and enforcement.

Market Access

Barriers for small-scale farmers and organic fertilizer producers.



Recommendations for Fertilizer Organisations



Engagement with Policymakers

Advocating for balanced regulations that support productivity and sustainability.



Investment in Innovation

Developing eco-friendly fertilizers and precision application technologies.



Collaboration with Farmers

Supporting compliance through training and resources.



Conclusion

Summary of Key Points

Overview of legal frameworks and their implications.

Importance of proactive engagement with legal and policy developments.



Call to Action

Encouraging fertilizer organizations to lead in sustainable agricultural practices.





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