

# Food Safety Governance in South Africa

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## NTOMBIZETHU SIMPHIWE MKHWANAZI

University of Pretoria

[e2mkhwa@gmail.com](mailto:e2mkhwa@gmail.com)

## CAMILLA ADELLE

University of Pretoria

[Cadelleup@gmail.com](mailto:Cadelleup@gmail.com)

## LISE KORSTEN

University of Pretoria

[lise.korsten@up.ac.za](mailto:lise.korsten@up.ac.za)

## Abstract

This paper reviews public policy with a focus on food safety governance. In this study, food safety governance refers to the policy, institutions, and actors involved in forming, interpreting, implementing, and enforcing food safety policies. South Africa is faced with various food safety challenges, resulting from a fragmented governance structure. Hence, better governance of food safety is needed to facilitate effective enforcement. In this study, food safety governance and the challenges of an effective food control system were reviewed. The aim of this review is to assess and analyse the existing state of food safety governance in South Africa and highlight the need for better governance to address the identified challenges and ultimately enhance the effectiveness of food safety enforcement. The challenges that were identified included inconsistencies in the interpretation and implementation of standards and regulations, poor industry participation, poor enforcement of legislation, inefficiencies, lack of a national food safety policy, lack of coordination and cooperation among government at the national level, and lack of communication between the different departments and levels of government involved in the regulation of food safety. The fragmented government structure makes it difficult for the regulators to communicate with the broader industry. Consequently, in South Africa, there is a need to create a robust regulatory framework for food safety that is effectively communicated, fairly implemented, and enforced by the appropriate entities with the necessary training.

**Keywords:** Food security, Food systems, Food safety, Governance, Consumer protection



## Introduction

As a major producer of food products, South Africa significantly contributes to the regional and global food markets, with its agricultural sector accounting for approximately 10 percent of the country's total export earnings, reaching \$12.0 billion in financial year 2021 (International Trade Administration, 2023). With a rapidly growing global population and increasing food demand, food safety has become a critical issue globally (Hue, 2021), and effective governance is required to ensure that food products meet high safety and quality standards. Food safety is a critical issue (Olaitan, 2017) in all countries, regardless of their level of development (Adekambi et al., 2016). Nevertheless, developed countries have better resources and infrastructure to ensure their food supply safety (Gordon et al., 2020).

Food safety governance is faced with a formidable series of global challenges (Dreyer and Renn, 2009). In developed countries, the primary responsibility for food safety lies with government agencies (Läikkö-Roto, 2020), such as the Food and Drug Administration in the United States, the European Food Safety Authority in the European Union, and the Food Standards Agency in the United Kingdom. These agencies are responsible for developing and enforcing food safety policies, conducting food safety inspections, and monitoring food recalls (Thomann, 2018). However, developing countries, such as India, Brazil, and China, often face unique challenges in ensuring the safety of their food supply (Gordon et al., 2020), including limited resources, lack of infrastructure, and inadequate governance structures. Food safety remains a significant concern in India due to a lack of information and clarity and a lack of enforcement mechanisms despite the efforts of the Food Safety and Standards Authority of India (Yang, 2019). Additionally, despite significant progress in improving food safety in Brazil, including the implementation of new regulations (Van der Meulen et al., 2022) and the strengthening of enforcement mechanisms, food safety remains a major concern due to contamination (Taniwaki et al., 2019). Moreover, in China, although new regulations have been implemented and the enforcement mechanisms have been strengthened, there are still issues with food safety due to the widespread adulteration of food products (Liu et al., 2019).

The success of food safety governance in the United States, European Union, and United Kingdom demonstrates the importance of effective food safety governance in ensuring the safety of the food supply (Dong and Jensen, 2008). However, the efficacy of food safety governance faces challenges due to multiple jurisdictions, fragmented legislation, and ineffective monitoring, surveillance, and enforcement (Adams, 2000). These issues are notably present in South Africa. Furthermore, food safety governance typically encounters difficulties related to territory, miscommunication, and duplication of activities among role players (FAO, 2003; Boatemaa et al., 2019). Consequently, the weaknesses in food safety governance adversely impact the effective regulation of systems (Jia and Jukes, 2013; Unnevehr, 2005). To protect the health and safety of consumers and ensure the quality



and authenticity of exported, imported, and locally produced food, effective food control serves as an overarching aspect of national food safety governance (Adams, 2000; FAO, 2003/50). Food control is defined as “a mandatory regulatory activity of enforcement by national or local authorities to provide consumer protection and ensure that all foods during production, handling, storage, processing, and distribution are safe, wholesome, and fit for human consumption; conform to safety and quality requirements; and are honestly and accurately labelled as prescribed by law” (FAO, 2003).

Food policy is equally as important as food control. A food safety policy is vital for policy direction, resource mobilisation, and better coordination among stakeholders (Ministry of Health, 2022). It also demonstrates the state’s commitment to providing safe and healthy food to customers and helps to ensure compliance with food safety regulations. The policy establishes the basis for the development of food safety regulations and sets the standards for food safety practices in the country. A review of food safety governance in South Africa is essential to ensure alignment and adherence to regulations that dictate the responsibilities of food businesses. This includes implementing measures to prevent food contamination and guarantee the safety of the food they produce, handle, and sell. A thorough assessment ensures that governance structures support and enforce these regulations effectively, safeguarding public health and maintaining standards within the food industry. Consequently, the objective of this study was to review the status of food safety governance in South Africa and unpack the challenges inherent in the governance of food safety in South Africa to provide practical implications for policymakers and other stakeholders.

## **Methodology**

A non-systematic literature review approach was adopted to identify pertinent literature sources. The search encompassed published peer-reviewed articles, reports, and grey literature sourced from Google Scholar, ScienceDirect, Scopus, government websites, professional societies, and organisational web pages. Search terms such as ‘food safety,’ ‘governance,’ ‘policies,’ ‘food security,’ ‘food systems,’ and ‘consumer protection’ were employed to retrieve relevant articles.

## **Food Safety Governance**

Food safety refers to all the measures that are taken to ensure that the food will not cause harm to the consumer when it is prepared and/or eaten according to its intended use (WHO, 2006). This definition covers the idea that the safety of food is determined by the production and preparation conditions, rather than the outcome of end product testing, which implies a systems approach. This starts with the food safety culture in an organisation, including the shared perceptions of the importance of food safety,



communication founded on mutual trust, and confidence in the efficacy of the preventive measures (Yiannas, 2008). Moreover, the consistent practice of safe food handling behaviors by food handlers is crucial for ensuring food safety, as these behaviors directly demonstrate the safe handling of food (Griffith et al., 2010; Bolanos, 2020). Even though the presence of biological, chemical, and physical hazards occurs naturally (Zanin, 2021), some are introduced by humans across the food supply chain. Hence, effective food safety management is of the utmost importance throughout the system (FDA, 2012).

The legislation mandating regulatory control is referred to as food control. The primary duty of food control is to uphold the food laws that safeguard consumers from the risks of unwholesome, adulterated, or falsely advertised food items by forbidding the sale of products that do not meet the buyer's expectations regarding their nature, composition, and quality. There are various definitions for the term governance. Some of the definitions emphasise authority in an organisation, institution, or state (Pierre, 2000; Jordan et al., 2005; Flinders, 2002). While others refer to the structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and broad-based participation (Hyden and Bratton, 1992; Course Hero, 2021; Darko et al., 2016). Hyden and Bratton (1992) stated that governance is used both in political, functional, and intellectual contexts and historically refers to the task of administering a government or any other entity or organisation. Thus, government and governance are often used as synonyms.

A more recent understanding of the concept of governance goes beyond government. Governance describes "the patterns that emerge from the governing activities of the social, political, and administrative state actors" (Kooiman, 1993) and non-state actors. While the government includes the institutions and actions of the state (Jordan, 2008), and it is also governed by top-down hierarchical control through regulations (Lemos and Agrawal, 2006). Considering this, Trower (2010) perceived governance "as a collective effort through smooth and suitable processes to take actions that advance a shared purpose consistent with a country's mission". This definition entails structural arrangements, decision-making processes, and implementation capacity. Rhodes (1997) noted that governance "provides the institutional framework within which the civic-public realm is managed". Additionally, McCarney et al. (1995) viewed governance "as the relationship between civil society and the state, between rulers and the ruled, and the government and the governed". The focus of this definition is on the connection between government officials and the general public. In this study, governance was defined as the patterns that emerge from the governing activities of social, political, and administrative state actors and non-state actors (Kooiman, 1993). Non-state actors are individuals and/or organisations that are not affiliated with, directed by, or funded by any government (Johansson, 2020). Nonetheless, Cooperation among state and non-state actors, along with governance structures at various levels, can present difficulties. Due to the number



of actors involved, these actors can sometimes undervalue trust (Martinez et al., 2007). Thus, Fearné and Martinez (2005) asserted that a lack of trust between actors in the food supply chain can delay cooperation.

Food safety stakeholders are guided by national policy. Therefore, a food safety policy needs to outline the operational necessities for every component of the food safety measures (Redman, 2007; Cafaggi, 2012; Ansell et al., 2006). It must provide concrete answers to questions concerning all the different stages of a policy circle and the food production continuum, encompassing when, where, what, how, and by whom the food is processed. That is, a policy should be established on the foundation of a comprehensive understanding of the current situation and define what the public needs to ensure that their needs are addressed appropriately (Thomann, 2018).

The governance of food safety entails the oversight of regulations, guidelines, and norms that are established by the government that enforces food safety practices and policies. Nonetheless, like food security and food control, food safety governance is intricate and operates at multiple levels, involving a range of stakeholders with interdependent duties. According to Ogus (2004), food safety governance relies on legal and social regulations to steer or motivate behaviour. The primary objective of food safety regulation is to safeguard and advance public health, shield consumers from spoiled, counterfeit, or inappropriate food items, and offer consumers pertinent and accurate information to make informed decisions regarding safety and nutrition (FAO, 2005). Therefore, food safety controls are enforced through food safety standards and regulations.

Standards define the expectations. Busch (2000) maintains that standards are unsuitable instruments for organising markets and mitigating transaction costs but they “reflect much more fundamental social/technical relations that are essential to the establishment and regulation of social and ethical behaviour in capitalist markets”. Standards serve as a mechanism for cementing power dynamics and can be viewed as tools for shaping the identities of individuals who are involved in various domains, from supermarkets to kitchens, to align with a relatively steady pattern (Baur et al., 2016).

Due to the complexity and diversity of food safety governance, there is disagreement in the literature (Henson and Humphrey, 2010). Lin (2014) and McMahon (2013) attest to the distinction between public and private food governance, and food safety governance is also determined by the distinction between public and private. Public food safety governance seldom meets the broader social and ecological concerns and is broadly concerned with food, health, and safety needs (McMahon, 2013). Thus, food safety governance needs to cover elements including “strategic direction, organisational structure and accountability, policies and standards, risk, and issues [with] management, culture, and behaviours” (GFSI, 2018). Food safety governance involves reconciling the interests, values, and perspectives of actors from different sectors and policy areas



including international trade, environmental problems, agricultural policies, human rights, and health problems (Díaz-Méndez and Lozano-Cabedo, 2020). However, South Africa lacks a systematic food safety governance framework, and this is a matter that requires appropriate attention and action (Van Bers et al., 2019).

### **Why is there a need for food safety governance in South Africa?**

For a variety of reasons, South Africa's food safety governance is essential. Firstly, the nation has one of the largest food industries in the world, and it is important to the economy. Thus, maintaining this sector and avoiding financial losses due to food recalls or outbreaks of foodborne illnesses is needed to ensure that food is safe to eat (Hussain and Dawson, 2013). Secondly, even though there is no estimated burden of foodborne diseases due to a lack of data (Shonhiwa et al., 2019), cases of food contamination have been reported, which have a high probability of causing foodborne illness (Muzigaba et al., 2016). By ensuring that the food that is produced and consumed is safe for consumption, effective food safety governance can aid in addressing this problem (Gardner, 1993).

Thirdly, effective governance of food safety is essential for preserving public health and security (NRC, 1998; Adams, 2000). Foodborne diseases can have major health effects and can be fatal, particularly for susceptible groups like children, pregnant women, and the elderly (WHO, 2006). Therefore, the health and welfare of South Africa's population can be protected by making sure that the governance of food safety is effective (Mukamba, 2011).

Fourthly, strong food safety governance can improve South Africa's food industry's reputation abroad. Having a strong food safety system can help to increase consumer trust in South African food goods, which will increase exports and foreign investment as consumers' concerns about food safety decrease (Unnevehr, 2003). Nevertheless, despite the significance of food safety governance, South Africa has encountered several difficulties in this area. For instance, the absence of effective regulation and enforcement of food safety legislation is one of the primary issues (Oloo, 2018). Consequently, this has led to foodborne illness outbreaks and a significant number of food recalls.

### **Challenges with Food Safety Governance**

In recent decades, a series of food crises have occurred across the globe (Verbruggen, 2016); these are likely due to the globalisation of food supply chains, the increasing concentration of economic power among food retailers, and the emergence of new consumer concerns related to animal welfare, dietary habits, the environment, and fair trade. Additionally, these crises have brought to light severe inadequacies in the prevailing design and implementation of food safety laws in numerous nations. This has not only intensified consumer awareness and anxieties regarding food safety but has also increased



scepticism towards government regulation, resulting in significant reputational costs for branded food producers (Lin, 2014).

Following these food crises, several nations have revised their food legislation and regulatory frameworks by increasing border inspections, imposing import restrictions, and incorporating food chain controls (Adams, 2000). For example, South Africa revised its regulations under the Foodstuffs, Cosmetics, and Disinfectants Act 54 of 1972 about overall hygiene requirements for food facilities, food transport, and related issues and the regulation relating to the application of hazard analysis and the critical control point system (DoH, 2018a; DoH, 2018b). South Africa also published a compulsory specification for processed meat products (DTI, 2019).

One of the major challenges for food safety governance in South Africa is the complexity of the regulatory framework, which includes a range of laws, regulations, and standards that are aimed at promoting and maintaining food safety (Boatema et al., 2019). This complexity can make it difficult for food producers and suppliers to understand and comply with the requirements, leading to non-compliance and potential food safety risks (Oloo et al., 2018). Additionally, the lack of resources and capacity within the regulatory agencies that are responsible for enforcing food safety standards can limit their ability to effectively monitor and enforce compliance (Thomann, 2018). Other major challenges include a lack of coordination and cooperation among government at the national level, national food safety policy, inconsistencies in legislation, inefficiencies, and poor implementation, enforcement of legislation, and industry participation. These challenges and how they influence food safety are discussed below.

- ***National food safety policy***

Coherent national food safety policies are the foundation of effective food safety arrangements. Generally, most food safety concerns in South Africa are not adequately addressed in national governmental policies (FAO, 2005). Thus, adopting a coordinated and sustainable approach to the holistic management of food safety is challenging. Furthermore, the major public health and economic implications of food safety are not fully recognised (Kaferstein, 2005). Hence, national policymaking continues to assign low priority to food safety. To rectify this situation, the government needs to understand the public health and economic benefits associated with improving food safety governance (McMahon, 2013) and, in consultation with all stakeholders, design comprehensive national food safety policies.

In several nations, the current legislation is obsolete, inadequate, and incapable of effectively addressing contemporary and emerging food safety concerns. For example, some food laws were developed several decades ago and have not undergone revisions to encompass the current food safety standards and trade agreements as outlined by Codex (FAO, 2005). Enforcement of food legislation is problematic in certain instances, which



leads to insufficient consumer protection against fraudulent practices and contaminated food items and the import and domestic production of substandard food products. Furthermore, Nago (2005) and Tomlins and Johnson (2009) clarified that the informal sector, which frequently produces and distributes fresh and processed food products (such as street foods) for direct consumption, often operates outside of the official control systems and is the least regulated, except by the municipal environmental hygiene authorities.

- ***Lack of coordination and cooperation among government at the national level***

Effective food safety governance requires coordination and cooperation among the various government departments and agencies. In the absence of a comprehensive national food safety policy with strategic and action plans, these institutions tend to operate based on their aspirations of food safety (Vipham, 2018). The absence of a clear strategy and action plan leads to multiple institutions operating independently, with no clear responsibility for food safety. This often results in the duplication of activities, miscommunication, and ineffective utilisation of resources (Savelli and Mateus, 2019). The need for a well-functioning coordination mechanism cannot be overstated. In many developing countries, the existing mechanisms are insufficient, which leads to inefficiencies and increased risks to public health (UNDP, 2017). Thus, it is important to have a clear understanding of the responsibilities among institutions and a system in place to ensure effective communication and cooperation. However, the challenge of coordinating food safety governance remains a persistent issue in many countries, including South Africa (FAO, 2005). The national policy on food and nutrition security highlights the need for a central coordinating body for food safety in South Africa, which could bring together the different government departments and stakeholders and streamline their efforts towards a common goal of ensuring food safety for the population. This was suggested in 2001; however, nothing has materialised to date.

- ***Inconsistencies in the standards and regulations***

South Africa has inconsistencies in its standards and regulations, which are largely influenced by trade agreements, customer demand, and government priorities. Trade is often used as an argument either for or against food safety standards, controls, and regulations (Unnevehr, 2003). Thus, these inconsistencies, both within and across countries, are due to the pressure to meet global trade standards. Global food safety standards often favour established exporters, which can limit the access of developing countries to export markets (Unnevehr and Ronchi, 2014). These standards may be inconsistent due to the overlapping commissions of various organisations, lack of consideration for country or value-chain context, conflicting regulations based on the mandates of developed nations, fragmented or missing legislation, and differing food safety standards for export versus domestic market production (Grace, 2015).





Consequently, these inconsistencies can result in additional compliance burdens on the value-chain actors (Graffham et al., 2007).

- ***Poor implementation and enforcement of legislation***

Another challenge in food safety governance is the limited resources and capacity of the enforcement agencies, which can result in limited enforcement of food safety standards and lenient penalties for non-compliance. This can reduce the deterrent effect of the regulatory framework, leading to a higher risk of food safety violations. Additionally, the lack of coordination between the different enforcement agencies can lead to inefficiencies and gaps in enforcement.

- ***Poor industry participation***

A key challenge in food safety governance is the limited participation of the food industry in promoting and maintaining food safety standards. Despite the presence of industry associations and other organisations, there is often a lack of engagement and cooperation between the industry and the regulatory agencies (Martinez et al., 2007). This can limit the effectiveness of the initiatives that are aimed at promoting food safety and the ability of the industry to identify and address food safety risks (Unnevehr, 2003).

- ***Inefficiencies***

Food safety governance in South Africa has many inefficiencies that lead to waste, mismanagement, and economic losses. According to Grace (2015) and Vipham et al. (2018), the existing food safety arrangements and agriculture value chains are largely inefficient. The root causes of these inefficiencies include “overlapping responsibilities, misconceptions, inadequate or misplaced controls, and lack of data for informed decision-making” (Jaffee et al., 2018). The impact of these inefficiencies is far-reaching and affects individuals, the food and agriculture industry, and governments. While precise estimates are unavailable the economic repercussions of foodborne illnesses are believed to be significant (Grace, 2017; Hoffman et al., 2015), and the costs associated with foodborne diseases include medical care, productivity losses, employment loss, and mortality (Scharff, 2012). Additionally, there are also expenses related to inadequate governance, non-compliance with trade regulations, and the wastage or loss of food (De Lange and Nahman, 2015).

## **Conclusion and Recommendations**

The study involved a review of food safety governance, discussing the challenges within South Africa’s system, which involves multiple actors in a complex structure. This complexity has led to conflicting regulatory regimes, hindering effective coordination among these actors, making it challenging to discern necessary actions to enhance food



safety. Additionally, the fragmented governance structure has serious implications for how these diverse actors behave and interact in ensuring food safety.

Evidence from the literature identified the challenges of food safety governance as lack of coordination and cooperation among government at the national level, national food safety policy, inconsistencies in standards and regulations, poor industry participation and enforcement of legislation, and inefficiencies. The lack of coordination and cooperation among government departments in South Africa is a major hindrance to effective food safety governance. Therefore, to ensure effective food safety management in South Africa, there is a need for comprehensive national food safety policies that address the current and emerging food safety issues. These policies should be developed through stakeholder consultation and should address the informal sector and its regulation and control.

Despite the efforts of the South African government and other organisations to promote food safety, significant challenges remain. The complexity of the regulatory framework, limited resources and capacity of the enforcement agencies, and limited industry participation are significant challenges that need to be addressed to ensure that food products meet high standards of safety and quality. Through continued efforts to improve food safety governance, South Africa can ensure the health and well-being of its citizens and the stability of the food industry. The inefficiencies in food safety governance in South Africa are a major concern and have far-reaching consequences. Consequently, this topic should be prioritised for future research, which could provide valuable insights and help to identify potential solutions to these challenges.

The evidence indicates that food control is a crucial aspect of national food safety governance. Food control serves as a regulatory structure that addresses the level of inclusiveness, transparency, and accountability, which ultimately impact trust. Therefore, centralised and systematically arranged food safety governance is needed to account for any complexities and diversities. The management of food safety governance should also be considered. The issues of food safety are no longer the responsibility of a single institution or industry. Thus, a larger management system is needed that involves the various entities that are responsible for the implementation and enforcement of food safety policies. In this way, food safety management could provide direction to all stakeholders for establishing and implementing food safety management measures through collaborative efforts to safeguard human health. The study offers a fresh perspective by advocating for a comprehensive, nationally inclusive, and communicated regulatory framework involving stakeholders. It stresses the need for a centralised, transparent, and collaborative food safety management system beyond singular entities, aiming to address existing challenges and ensure public health.



## Areas for Future Research

The identified areas for future research present crucial avenues to enhance food safety governance in South Africa. Firstly, investigating the implementation of management systems among the diverse entities involved in governance could shed light on collaborative approaches for improved outcomes. Secondly, delving into the causes behind the lack of coordination among national government departments would offer insights for structural and procedural enhancements in governance. Thirdly, focused research on developing comprehensive national food safety policies, emphasising stakeholder consultation and informal sector regulation, is essential to address emerging issues. Lastly, exploring methods to bolster industry participation and legislation enforcement stands as a significant factor influencing the attainment of elevated food safety standards. An exploration of these areas could yield practical solutions and strategies vital for fortifying South Africa's food safety governance.

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