

Terms of Reference

for



(South Africa Land Network on National Engagement Strategy)

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Definitions

Civil Society:

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy groups.

Food security:

Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.

Governance:

The exercise of political, economic and administrative authority in the management of a country's affairs at all levels. Governance is a neutral concept referring to the complex mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests, exercise their rights and obligations and mediate their differences. The governance of tenure is a crucial element in determining if and how people, communities and others are able to acquire rights, and associated duties, to use and control land, fisheries and forests.

Private Sector:

From individual farmers to global enterprises, including foundations and non-governmental organizations (NGOs) representing business

Tenure: The relationship, whether legally or customarily defined between people, as individuals or groups, with respect to land, forestry and fisheries

Preamble

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs) were endorsed by the Committee on World Food Security in May 2012. These Guidelines were the first comprehensive, global instrument on tenure and its administration to be developed by governments through negotiations conducted in the UN system, including the South African Government, and endorsed by the Committee of Food Security on its 38th extraordinary session, on the 11 May 2012, in Rome. Represented at the 3 rounds of negotiations were 98 countries from all regions of the world and with diverse political, economic, social, cultural and religious views.

The negotiations included the participation of civil society, academia, development partners and the private sector. As such, the Guidelines represent an unprecedented consensus on governance of tenure and the way in which access to and control over natural resources should

be managed in a society. It includes, among other things, how competing priorities of different groups are to be reconciled.

Responsible governance of tenure is required for ensuring fair and equitable governance for the benefit of all, with an emphasis on vulnerable and marginalized people, in line with international human rights. The responsible governance of tenure minimizes adverse impacts on individuals or groups, while keeping in mind the principle of sustainability.

South Africa's Constitution strongly commits national institutions to respect, protect and strengthen the land rights of women and men, gender equity, equitable access to and distribution of land, and the rights of human rights defenders. Section 25 of the Constitution known as the 'Property Clause' extends and protects land and property rights, and allows for expropriation of land. Sections 25(5), (6), (7) and (9) guarantee (a) equitable access to land through redistribution; and (b) restitution to those whose rights were historically dispossessed as a result of racial discrimination.

FAO, in collaboration with the Government of South Africa mainly through the DRDLR and DAFF, and with financial support from DfID, has been supporting a series of national engagements with various relevant state and non-state actors towards implementation of the VGGTs in South Africa.

The defects in the implementation of land reform have resulted in high degrees of social dissatisfaction and political disaffection. Critics point out that existing instruments could be used more effectively and rigorously to achieve more radical redistribution, e.g. section 25 of the Constitution contains highly transformational provisions, which have not been tested to their limits.

Leading on from a series of one-to-one consultations with a number of civil society organisations (CSOs) and national alliances during the course of 2017 about the need for a national platform for engagement around land governance, there was a workshop held on the 28th and 29th September 2017 in Johannesburg to establish a Multi-Stakeholder Platform (MSP) on the VGGT's.

The civil society organisations (CSOs) present requested that in addition to the MSP, which constituted representatives from Government, the Private Sector, Academia and CSOs, a CSO engagement space also be created to enable a strengthening of Civil Society and more coherent engagement strategies for the 11 elected CSO representatives in the MSP to be mandated to advocate around.

These TOR's reflect the agreement reached by participating Civils society organisations for a collaborative National Engagement Strategy on Land governance in South Africa.

Key objectives of LANDNNES

“Through the LANDNNES process, a consultative platform brings together ILC members and other stakeholders with a medium-long term perspective, in order to create a force that increases possibilities for political change. This involves key – and often diverse - actors coming together and building a common strategy based on complementarity of capacities and reciprocity. The establishment of a national multi-stakeholder platform accelerates the likelihood of results, increases efficiency and efficacy of action, and provides a constructive space for action where diverse perspectives can be coordinated.”

Aim

The aim of the LANDNNES is to identify and act upon the land governance-related challenges facing the country. A key focus of the LANDNNES is to assess the adequacy of the existing land governance framework and to formulate and advocate for appropriate land governance reforms.

Goal

The goal of all LANDNNES processes, as stated here above, is to promote a people centred land governance at the country level.

Policy change and/or actual implementation will therefore be promoted and supported, with specific policy objectives being determined and prioritised within the country by ILC members and other stakeholders supporting the LANDNNES.

Strategic Approach

STRATEGIC OBJECTIVE 1: CONNECT:

To build and strengthen a productive Civil Society Platform that engages effectively with the National Multi-Stakeholder Platform and other relevant policy platforms to strengthen land governance and land rights in South Africa.

STRATEGIC OBJECTIVE 2: MOBILISE:

To ensure civil society platform members are well-informed and continue to strengthen their knowledge and capacity to influence change.

STRATEGIC OBJECTIVE 3. INFLUENCE:

To ensure that land and fishing rights are equitably accessed and redistributed, that there is an effective land administration system is developed to support all citizens land rights, that land reform and land access implementation benefits small-scale farmers and fisheries, and to have effective, gender inclusive land access and resource rights policies.

Strategic focus areas

In order to improve the governance of land in South Africa and secure land rights, implementation will focus on the following three key strategic areas for change:

- **#GET_IT** : To promote the adoption of a Just and Equitable Land Policy that provides for Secure Basic land and resource rights for all citizens.
- **#KEEP_IT** : To promote institutional changes to achieve an effective land administration system (LA), including new approaches to land data and information management (DM), to make diverse rights visible and real.
- **#USE_IT** : To promote equitable land distribution and public investment that supports small-scale farming and fishing systems

Guiding principles on ways of working

- National actions of engagement organised through the LANDNNES platform require agreement of participants on joint objectives and strategies for such actions.
- As the platform is about influencing policy and requires public lobbying and advocacy work, members must agree to adhere to the agreed Communications Protocol- attached to the TOR.
- National LandNNES and local level member actions should complement each other.
- LANDNNES is not a project, nor it is a sum of projects by different actors;
- LANDNNES will focus its resources on national collectively agreed priorities;
- LANDNNES is not a way for promoting an international agenda, unless this is prioritised by national members;

Composition and membership

The platform includes the NGOs, NGO alliances and social movements who participated in the VGGT Multi-Stakeholder Platform workshop, plus additional members who support the TOR and strategies of the LandNNES. Membership of the LandNNES will be flexible and inclusive.

The process for participating in the LandNNES as a member will require each organisation to complete a registration form signed by the organisations Director indicating that they have:

- Read and agreed to the LandNNES strategy and Terms of Reference;
- Agreed to the principles outlined in the TOR;
- Indicated how they will participate as a member i.e. which focus area they will contribute to;

The Steering Committee of the LandNNES will have one week to review the registration form and comment or query before the new member is formally included into the LandNNES activities.

The membership list attached as Annexure B to the TOR will act as a living list, and be updated as members join or leave the LandNNES.

Two categories of members will be developed :

1. Active full members - organisation based
2. Friends of the LandNNES – offering expertise support and solidarity when required. This type of membership can be individuals.

Roles and responsibilities

LANDNNES Steering Committee

Restricted group of organisations leading the LANDNNES process by overseeing and ensuring the Strategy and action plan implementation. Members of the original Co-ordinating Committee will sit in the SC. Its composition is nevertheless open to discussion and review by the wider platform of members. It is expected to meet at least twice a year.

LANDNNES Platform

Wider group of organisations and institutions part of the LANDNNES process and contributing to it. It is the main multi-stakeholder consultation and sharing body in the frame of LANDNNES. It ensures multi-actor policy dialogue, knowledge sharing and joint planning, among other things.

LANDNNES Membership responsibilities

Members are expected to engage actively and constructively in the various committees and groups to support agreed strategies and plans. All members will be expected to support the effectiveness of the Platform, and the Work groups. Participation in workgroups is through self identification with the work group focus area and alignment with members own organisation strategies and actions.

LANDNNES Secretariat

Usually acting as grant recipient, host of LANDNNES coordination and facilitator, it is responsible for the administration of funds. The Secretariat is normally hosted by an ILC national member, which is also member of the SC. The SC approves who is the Secretariat. The current Secretariat is approved by the SC to be AFRA.

LANDNNES Facilitator

She or he coordinates and manages the implementation of LANDNNES and facilitates the LANDNNES platform. The Facilitator is a neutral professional hired by the SC, working in close collaboration with SC members and ILC global/regional Secretariat and performing a number of tasks, as outlined in the sample Terms of Reference provided in Part 2 below.

LANDNNES Work groups

Members involved in LANDNNES can form work groups around each strategic focus area of the strategy or any other activity or item that arises. Each Work Group must have a voluntary Convenor from one of the members, who will be supported by the LandNNES facilitator.

The objective of the work group is to:

- develop annual to multi year action plans, for the broader platform to approve;
- Assign roles and responsibilities to members to lead implementation of agreed activities;
- M&E the effectiveness and impact of actions towards the Strategic focus objectives and review plans where required;
- Identify key opportunities for lobbying and advocacy;
- Identify key resources for supporting the development of the strategy and plans;
- Capacity building;- Enhance and deepen members understanding of the policy frameworks of the strategic focus area to enable more effective advocacy and to widen learnings across each member organisations stakeholders;
- Become a key “think tank” and resource in policy engagements around the strategic focus area in public platforms;

- Guide the broader platforms engagement with the VGGT's in the MSP.

The guiding principle of the WG activities is that they draw on the member organisations work and knowledge and expertise and identify areas of joint collaboration or agreement to undertake national advocacy or knowledge building.

Member organisations must support WG participation of their staff and where possible assist with sharing funding of some of the agreed joint activities, as well as identifying funding resources that the LandNNES can attract and use.

LANDNNES Reference groups

Each work group may establish reference groups which will be made up of individuals who support the NES objectives , priority area, and guiding principles. The functions of the reference groups members may vary according to the WG needs but will focus primarily on:

- Offering a sounding board to policy work;
- Provide input into policy and strategy development on a pro bono basis;
- Facilitate access to key stakeholders for engagements and advocacy;
- Share resources and expertise if possible to enable the groups work;
- Provide support in public in advocacy strategies where possible.

Frequency of meetings

The **National platform** should convene face to face at least twice a year for general planning and monitoring and evaluating of strategies and progress.

The **Steering Committee** should convene at least quarterly to provide guidance, oversight and approval on key decisions. This can be done electronically.

The **Working groups** should host planning and review sessions as per group agreement, which can be done electronically.

General accountability

There will be a quarterly report provided to members on the functionality and progress of the LandNNES in implementing its agreed plans.

Annexure A - Communications Protocol

Annexure B – Membership list

(Members and correct names to be confirmed December 2018)

- Afesis Corplan

- African Farmers Association of South Africa (AFASA)
- AICO
- Association for Rural Advancement (AFRA)
- Foundation for Human Rights (FHR)
- International Food Security Initiative
- Land Access Movement of South Africa (LAMOSA)
- Landless People's Movement (LPM)
- Lawyers for Human Rights (LHR)
- Legal Resource Centre
- Nkuzi Development Association
- Natural Justice
- Phuhlisani
- Rural Democracy Trust (formerly Alliance for Rural Democracy)
- Rural Legal Trust (RLTSA)
- Socio-Economic Rights Institute of South Africa (SERI)
- South African Small Scale Fisheries Collective (SASSFC)
- South African United Fishing Front (SAUFF)
- Surplus People's Project (SPP)
- TRALSO
- Tshintsha Amakhaya (TA)