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2 Introduction

2.1 Background:

South Africa’s economy remains uniquely dual and faces challenges of continued inequality, structural unemployment, and poverty. The income inequality is associated with the unequal land holding patterns. The duality in the agricultural sector shows in having a minority of the population controlling the well-developed commercial agricultural sector where applied research and improved farm management practices, business-driven extension and advisory services result in high outputs, while the majority of the rural population earns their living using subsistence-oriented practices with minimal resources.

South Africa has a complex legislative and policy framework regarding land, and there is a wide range of policies and bills currently under review. The sustainable land reform aligned to the Comprehensive Rural Development Programme is a key country priority, as well as sustainable natural resources management and food and nutrition security. 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 because of racial discrimination.

Inclusive access to land, sustainable management and use of natural resources, forestry and fisheries, enhancing agro-ecological practices to improve resilience to climate change, are key aspects for including governance and improved coordination. The emphasis is on strengthening policies, management and institutional frameworks for land governance at national and community levels.

In May 2012 the Committee on World Food Security (CFS) endorsed the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) of Land, Fisheries and Forests in the Context of National Food Security. In South Africa, different streams of work have created an enabling environment for implementing VGGT in the context of the land reform agenda:

- General and specific VGGT awareness increased at national and sub-national levels of government, CSOs, private sector and academia/research centres;
- Capacities to implement the VGGT were self-assessed by government (e.g., Department of Rural Development and Land Reform (DRDRL), the Department of Agriculture, Forestry and Fisheries (DAFF), with participation from the Department of International Relations and Cooperation (DIRCO)), CSOs (from the land and fisheries sectors) and academia/research centres;
- The use of the VGGT by CSOs and grassroots organizations increased in addition to building enhanced cross-sectoral networks; and
- Enhanced awareness of gender equality was realized by a Gender and Land Learning Programme.

In late September 2017, a national Multi-Stakeholder Platform (MSP) was established, being co-chaired by DRDRLR and the Association for Rural Advancement (AFRA), to ensure VGGT related activities merge into a single approach to strengthen tenure governance, especially for the marginalised and vulnerable groups.

Civil society organisations involved in the MSP establishment process took the decision to organise themselves into a national network, called LandNNES, to ensure that civil society is strengthened and able to participate effectively in policy level engagements with government and other actors in the MSP to strengthen land governance and land rights in South Africa. They developed a Multi-year Action Plan ‘to connect, mobilise and engage’ aimed at achieving:

- An increased number of good fit national policies and legal framework adopted and promulgated: this relates to facilitating and providing technical assistance to the review of existing and draft policies resulting in recommendations for alignment with VGGT principles and internationally recognised best practices; and
- An increased number of organisational frameworks and coordination mechanisms are strengthened in functioning and performance.

**WHY A NATIONAL LAND GOVERNANCE MONITORING SYSTEM FOR SOUTH AFRICA?**
It is pivotal to identify the critical challenges, obstacles and problems of the land reform programme in South Africa and explore how those challenges can be overcome. Attempts to quantify the current results have highlighted the fact that there is no agreement on:

- The overarching goal and measure of an effective Land Governance system for South Africa;
- The theory of change driving the policy development, programmes, actions and monitoring system of the land reform programme - what needs to be done to achieve what outcome?
- The success and weaknesses of the existing programmes set up to drive change.

This situation of divergence of opinion and a lack of common vision was highlighted in the last year by the profound disagreements over the outcomes of several key reports, namely: The Presidential Advisory Panel on Land Reform and Agriculture; the High Level Panel review of policy impact of over the last 25 years; the AgriSA land Audit, and the DRDLR land audit.

This situation also exposed a fundamental problem of a lack of an integrated, transparent land information management or monitoring system in the country. Without such reliable information, the measurement and evidence of any change is basically impossible, and disagreement on progress inevitable.

GLOBAL LAND GOVERNANCE INDEX (LANDex)

LANDex is a tool developed by the International Land Coalition (ILC) to promote people-centred land governance monitoring at a country level. Having identified that a wide variety of actors at different levels are undertaking land-monitoring activities, the ILC aimed to overcome fragmentation in the arena of land monitoring, providing opportunities for linkage and harmonisation. The concept for the LANDex was built upon central questions: what role could a tool like LANDex play to consolidate land-monitoring initiatives at country level? The result was the conceptualization of a land monitoring tool that would promote people-centred land governance, giving priority to data sources, indicators and methodologies that put peoples and communities first.

There are a number of land governance and rights-oriented frameworks such as the Sustainable Development Goals (SDGs), Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) amongst others that have been considered within LANDex.

An additional benefit of LANDex would be to have a specifically designed tool that can empower the collection and use of participatory data, that is not generally found in mainstream, official data collection processes.

Lastly, it is a visually attractive and accessible tool, easily available in online and downloadable formats, to change makers, policymakers, media and the general public could be used for powerful evidence-based advocacy and narrative stories of change.

Throughout 2018 and into early 2019, the LANDex tool – originally known as the Dashboard – was fully implemented in three pilot countries. The natural entry point for the project was the National Engagement Strategies (NES), which played a supportive or direct role in the pilots, depending on the country and mode of implementation.

Between 2019 and 2021, all ILC promoted National Engagement Strategies multi-stakeholder platforms will be equipped with the LANDex tool and trained on its usage for monitoring land governance.

### 2.2 Purpose of workshop

The main objective of the training is to equip South Africa to develop a people centre monitoring tool for land governance, based on LANDex methodologies and adapted to the South Africa context for a better use at the country level.

### 2.3 Outcomes expected

By the end of the training:

34 national participants from South Africa:
- Are familiar with the LANDex
- Understand the purpose, underlying principles and methodology of the LANDex
- Have been exposed to the results of the pilot phase in Columbia, Nepal and Senegal
- Have participated in the adaptation of some indicators according to the national context
- Have agreed on the implementation and related timeline in South Africa
3  Day One

3.1 Welcome and Participants’ introduction

Motlanalo Lebepe, current chair of LandNNES, opened the session welcoming the participants. She highlighted the importance of this multi-stakeholder gathering after the launch in 2017. It is fundamental for civil society, government, international organisations and private sector to work together for a better land policy implementation. She hopes that the multi-stakeholder platform creation and the LANDex initiative represent the start of a collaborative relation and serious commitment. A Land Governance Monitoring system will help to acknowledge the weaknesses of the South African system and it will help to highlight priorities of intervention.

After Motlanalo’s opening speech, Juba Khuzwayo, the LandNNES Facilitator, gave a brief introduction on the role and activities of LandNNES and asked participants to introduce themselves.

The introduction session took longer than expected. However, as Laurel highlighted in the following remarks, the introduction session was essential, as many of the participants did not know each other before the meeting. Introduction allowed to create a more familiar environment and it was instrumental to build that bond necessary for fruitful collaboration in a multi-stakeholder network.

Laurel, in her role as the co-chair of the VGGT multi-stakeholder platform, briefly explained what LANDex is and she introduced also the LandNNES initiatives to create a Land Observatory as an open and integrate information system on South African land data (see concept note in the participants’ folder).

The workshop has been attended by 29 participants, of which 14 females and 15 males.

Participants were mainly from civil society and academic institutions, however there were also representatives of International Organisations (FAO and IFAD), the Dutch Embassy agriculture attaché, 2 representatives of the DRDLR, 1 representative of the Land Bank and 1 representative of the Bank Association of South Africa (BASA). This latter was particularly interested in the Land Observatory initiative and she will keep in touch with LandNNES on this matter.

3.2 LANDex overview: definition, concept, data reliability (Ward Anseeuw – ILC)

Mr. Anseeuw gave a first general definition of LANDex: “The global Land governance Index that puts people at the centre of land data, democratizing land monitoring and building a data ecosystem where all voices can be heard”. He stressed the role of LANDex as a tool to gather the voices of vulnerable people that generally are not captured from usual statistics. For example, the unit of data collection with LANDex might be also at individual and infra-household level.

He explained that the purpose of the workshop is to launch a land governance monitoring exercise in South Africa, based on LANDex.

LANDex is a tool which promotes the use of common indicators to enhance comparability, supports efforts to gather data according to these indicators and builds an ecosystem of data with priority given to People-Centred data.

LANDex aims at gathering data beyond registered and documented land, as the majority of the land in South Africa is undocumented. In order to capture data on undocumented land, data gathering should not be limited to administrative database but should be democratised, by including the experience of individuals directed involved in land issues and civil society organisation representing them.

LANDex CONCEPT

The main objective of LANDex is to develop a complementary Land Monitoring System recognised as legitimate in global frameworks. As mentioned before, LANDex draws from pre-existing initiatives of monitoring and it is meant to complement them and not create a competing system. LANDex would shed light
on land governance from and with under-represented sectors and it is meant to provide a platform to people-centred data that can be leveraged in policy spaces.

One of the objectives is indeed to reduce fragmentation among existing initiatives. Within the institutions and organisations part of the International Land Coalition, 272 indicators were identified. LANDex wanted to find a common ground between initiatives and instruments. The indicators were selected after a long process of consultations, taking some indicators already existing in other global initiatives and adding only few others that were reckoned essential and not yet contemplated. The aim is to create a package of indicators that can be easily understood and used by policy makers.

In order to promote the complementarity of the instrument LANDex built several collaborations with other organisations gathering useful data on land, such as PRIndex, Land Matrix, Transparency International, Defend the Defenders Coalition, RRI, and Land Mark.

LANDex is also strongly aligned with already globally recognised initiatives such as the Sustainable Development Goals (SDGs), the Voluntary Guidelines on Responsible Governance of Tenure of Land, Forestry and Fisheries (VGGTs), Land Matrix, the GLII-GLTN, and the LWA.

LANDex indeed contributes and goes beyond the SDGs and other global frameworks. It provides a more comprehensive picture of land governance, as it includes a broader scope and sources. The MDGs did not include any indicators specific on land, while the SDGs have only three indicators on this matter, which are not enough to reflect the complexity of land issues.

Furthermore, LANDex will probably be adopted as a monitoring system of the VGGTs initiative.

LANDex embraces the principle of democratisation.

Democratisation is evident since the phase of the creation of the tool as the indicators were selected through a process of consultations, over a period of 12 months, including 2 global meetings, three regional experts’ meetings, three broad stakeholders’ meetings and virtual consultations.

Democratization is also respected during the phase of implementation. LANDex should be implemented through multi-stakeholder processes, in order to obtain a political engagement and ensure broad participation.

Democratization is also guaranteed by the fact that data can be generated and used by everyone. The data are freely accessible through an open platform and they are downloadable in full. Currently, the format of the downloaded data is not very user friendly, but the LANDex team is working on improving their usability.

ILC is just the host of the initiative but it does not hold the ownership of the data, this relies on people/entities who generate them.

RELIABILITY OF THE DATA

The reliability of the data is built into the process:

- Promoting diversity of data sources is essential for data reliability, the more and diverse the sources the more data are reliable. The aim is to provide complementary data and including those sectors of the population that are generally excluded from usual surveys, thereby “making the invisibles visible”. Data sources might be identified within national statistics, government, research institutions, civil society and individuals, among others. Gathering diverse sources allows to highlight the difference perspectives during the analytical phase.

- The larger the data sample the more reliable the data are, outliers and unsubstantiated claims then become more visible.

- Reliability is ensured by extensive referencing of data by respondents. Someone personal opinion can be also considered as reference.
• The only external control is operated by LANDex team, which ensures the quality of the data input. They do not express any judgements in terms of bad or good opinions, they only check that the references are properly done and whether sources are at least from two different sectors.
• The system is fully transparent, responses and justifications are visible by the users.

CONTEXTUALIZING

The monitoring framework is composed by 33 common indicators, which are the hard "core" of the system, and an eventual flexible "non-core" indicators.

The 33 core indicators are related to 10 ILC commitments. Each indicator should be documented by following a standardized and well-defined methodology, explained in detail on LANDex website.

People-based assessment indicators, which are part of the core indicators, allow to capture some country specificities, however each country will be able to add some country-specific indicators that are essential to grasp the peculiarities of the land context at the national level. Contextualising the indicators also allows to strengthen the national ownership of the process. For example, in Senegal the multi-stakeholder platform decided to add one indicator related to religious land. The indicator is indeed very country specific and cannot be applied as it is in other contexts.

Comments:

Mighty Mabule, (International Food Security Initiative): How is it possible to align different policies if the same government and the same party are launching competitive initiatives and programmes regarding the same issue and the same territory?

Furthermore, the ownership of data is in the hand of who is managing the platform. For example, placing the platform online is already an obstacle to data access for rural people.

Ward’s answer: ILC is trying to work through multi-stakeholder platforms in order to have the most differentiate engagement as possible, to have a concrete political engagement and, hence, a greater policy impact. ILC is just hosting data, the portal is based on people contributions, which are generally not considered in other global monitoring initiatives. Civil society organisations are central in this process, as they represent rural people who do not have access to the online platform and they are effectively in charge to collect their voices to have them represented in the country picture. ILC does not own data inserted in the online platform.

Magdalena Blum (Land Bank and German Cooperation): Who is analysing the data?

Ward’s answer: LANDex provides a first automatic analysis, as it creates an index, that should be observed over time to see progress or regression within the country. LANDex allows to apply some filters, all data are freely downloadable and they can therefore be used to produce analysis and report. ILC will also use these data to prepare a Global Land Governance report.

Emily: As civil society organisation, we propose our surveys and research, to give an open and different perspective compared to those proposed by the State data. However, the results we have are not accepted, researcher within the community are not recognized. It is important to capacitate researchers within the community, so we do not need to go outside to be recognised.

Ward’s answer: Yes, sure, someone within the community can be absolutely capacitated to insert data in the online platform. That is why the ILC generally use the MSP as an entry point, to better reach rural community through representatives of civil society.
**Nuntu:** Is there any system to verify the truthfulness of the data inserted in the system?

Ward’s answer: No, we cannot verify the truthfulness of each data inserted in the system, it is impossible. Why data provided from an institution, should be better than those provided by another institution? We acknowledge that there are different perspectives around the same issues and who is analysing those data have the task to understand the origin of these differences and their meaning. Data reliability of LANDex is guaranteed by the width of the sample, the more data are included, the more sectors are differentiated, the more the picture emerging will be close to reality.

**Andrew (STATSA):** the issues around data are tiring and hectic, in South Africa data are generated with different standards and they are difficult to be integrated and compared. The Department of Rural Development once started an initiative of creating a land portal, able to integrate all the data related to land administration, sourcing them from private sector and other departments. However, the initiative never caught on, because of issues with data quality.

Ward’s answer: the quality standard is developed during the process of data gathering. Differences in data sources should be interpreted during the analysis. LANDex objective is to mobilise all the data that are produced within the country, they are all equally important and they provide different kinds of information.

**3.3 LANDex Indicators (W. Anseeuw)**

LANDex indicators are built around the 10 commitments of ILC, which aim at fostering people-centred land governance.

The **10 commitments** are:

1. Secure tenure rights
2. Strong small-scale farming
3. Recognise and protect diverse tenure systems
4. Equal land rights for women
5. Secure territorial rights for indigenous people
6. Locally managed ecosystems
7. Inclusive decision making
8. Transparent and accessible information
9. Effective actions against land grabbing
10. Protection of land rights defenders

**OUR GOAL: PEOPLE CENTRED LAND GOVERNANCE**

ILC’s membership has defined 10 commitments to jointly realise this goal:
For each commitment, there are at least 3 indicators. These 3 indicators refer to three levels of monitoring: Legal (A); Implementation (B); Outcome, results, impact (C).

The B and the C levels are the real added value of LANDex tool, as many of the existing tools on governance do not monitor the implementation and the impact of existing policies and legislation. Many governments have an “aesthetic” approach to land governance, as policies and legislation on land are in place but they are not effectively implemented.

### METHODOLOGIES

The indicators are groupable according to four types of methodologies: People-based indicators, Calculation, Survey-based and crowd sources indicators.

1. **People-based assessment**: Indicators based on people assessment are built on a series of questions that should be answered by people in a specific sector or environment. Responses to the questionnaire should not be assessed as right or wrong but are subject to individuals’ experience and perspectives. Every source as the same weight.

   In order to avoid an excessive bias, people-based indicators should be sourced **at least from two different sectors**. Gathering different perspectives enriches the systems and allows for comparison and deeper analysis. Results might also be immediately filtered according to sector perspectives.

   Being a people-centred tool, it is highly recommended that the civil society perspective is included in the exercise. One of the participants suggested that it should be made compulsory.

   Those indicators must be implemented at the country level and requires a broad participation. People-based indicators are up to 17, out of 33. Therefore, the engagement required from the country team coordinating the initiative does not represent an excessive burden.

2. **Calculation based**

   9 indicators out of 33.

   Indicators obtained by calculation are based on existing data and numbers, often freely provided by national statistics organisations or global databases of global initiatives (such as Land Matrix, Land Mark, etc.)
The objective is to use present and existing data in an original way. Only few of these indicators require an implementation at country level, the others are already calculated at the global level and inserted in the system by the ILC team.

The country team is only required to insert usually easily available data on the platform online and the calculation is automatically done. Detailed explanations of the calculations operated are available online at the LANDex website (https://www.landexglobal.org).

What if the data required for calculation indicators are not available at the country level?

Identifying field where data area lacking is also an important result, it would help stakeholders to gain some leverage with government for a better data environment.

3- Survey Based
6 indicators out of 33

Survey based indicators are based on global survey and do not require any action from the country team. They are processed and pre-calculated at the global level. However, they are open to local analysis and interpretation, also in the light of some of the results emerging from the people-based indicators.

4- Crowd-sourced

This methodology applies only to 1 indicator.

The indicator is “10C: Land and environment defenders threatened, harassed, arrested, jailed, killed or missing, disaggregated by sex.”

Data are gathered by the Defend of Defenders coalition, they have just started the initiative and data will be more complete over time.

OUTCOMES AND PRODUCTS

Once the data are gathered, it is possible to use them to produce different analytical products.

LANDex team does not provide analytical reports but the platform online allows to have a first snapshot of the country situation. Data are used to calculate a country index, which can be disaggregated by indicators, sectors and commitments. The platform allows thereby the elaboration of a simple country profile, where strengths and weaknesses of the country are visualised. The first time the index is calculated provides a baseline of which changes should be monitored over time.

Besides what is calculated by the platform, data from this open tool might be used to inform better policies and advocacy efforts at all levels. Data might be the basis for shadow reports to highlight the progress and the gaps of land governance at the country level.

LANDex team is also planning to contribute to the first Land Governance Global Report, where LANDex index and indicators will be the basis of the analysis. This will help to enhance the global credibility of tool, hence strengthen the advocacy efficacy at country level.

The ultimate goal of LANDex can be summarised by the sentence: “leaving no situation and no one behind, through the democratization of data”.

Laurel closed the session highlighting that this tool will allow to evidence the weaknesses of the South African land governance and it can identify the areas for future improvement.
3.4 Reflection on the relevance of the indicators and implementation

This section was dedicated to reflect over the relevance of the LANDex indicators for South Africa and whether additional indicators would be necessary to have a better picture of the South African land governance context.

Present participants were divided in 4 groups according to the different sectors: government, academic researchers and 2 groups for civil society. After one hour and half, groups were invited to present the conclusions of their discussion.

Groups were invited to reflect on the following guiding questions:

Relevance and which indicators

- Is this tool relevant for South Africa?
- Should we focus on all commitments or only on certain ones – if only some, which ones?
- Which commitments are the highest priority for your sector in order for the tool to be relevant and useful? Cite 3
- Are there any indicators that are essential for South Africa but are not part of the current indicators? Max 3
- What data sources are important within your sector (institutions/individuals)
- Which main challenge do you see regarding data?

Role to play

- What role could your stakeholder group play in the implementation of the tool?
- What role could your institutions play in the implementation and are you willing to engage directly in the process?

Group 1: Government

Relevance of existing indicators:

According to this group the tool is relevant for South Africa and stakeholders should focus especially on commitments number 1 (secure tenure rights), 7 (Inclusive decision making) and 8 (transparent and accessible information). The other commitments should be tackled afterwards.

Additional indicators:

- An indicator to monitor the usage of land: Are the right holders using the land for what the right was issues?
- An indicator to monitor the existence and the implementation of measures directed to child protection, in child-headed households.
- An indicator to measure the proactivity and the effectiveness of advocacy initiatives.

Relevant data sources:

- Formal / Real Rights registered by the Registrar of Deeds (including cadastral information)
- Land Use Schemes through the Spatial Development Frameworks at local level
- Informal land rights are neither recorded nor registered
- It would be useful to create an integrated data system through Departments as various Departments have data about different aspects on the same land
- Institutions working on women and children’s rights
**Main challenges regarding data:**
- The linkage between the different data systems
- Consolidation of different data sources.
- Formalisation of informal data
- Commitment from institutions that hold data

**Roles:**
- Coordination
- Making public data available
- Use LANDex data for policy development

The group affirmed that they are ready to engage directly with the monitoring process.

**Group 2: Civil Society**

*Relevance of existing indicators:*

The tool is relevant for South Africa as it will enhance monitoring and evaluation on land governance. Commitments to be prioritized are: 1, 3, 4 and 9 that in South Africa is relevant for mines and large-scale companies.

*Additional indicators:*
- An indicator to measure the governance in small-scale fishers and their rights
- An indicator dedicated to governance of urban land.

*Relevant data sources:*
- Empirical data generated directly within the community

**Main challenges regarding data:**
Quality and accessibility. Data are scattered, inaccessible and out of date.

**Roles**
Civil society could:
- Link with rural communities
- Generating primary data
- Use data for research publications
- Consolidate the data by verifying it with other sources of information (especially, institutional data).
- Identify gaps in the database

**Group 3: Academic research**

*Relevance of existing indicators:*

The tool is relevant for South Africa. It would be a good start engaging different research institutions such as: PLAAS, MISTRA (Wits), ARC, CSIT, STATSA, Mapungubwe Institute.
It would be great to tackle all the commitments, prioritising n 9, 4, 6

Additional indicators:
- Some blocks/question should be added to indicator n6, referring to: marine biodiversity protection, equitable and sustainable management of natural resources, climate change progress, land degradation, pollution, carbon tax implementation.
- The indicator related to indigenous land/people is strongly controversial in South Africa, as the definition of “indigenous people” is highly debated.
- Attention to gender in terms of LGBTQI should be considered in commitment n1

Relevant data sources:
- Individual and independent resources

Main challenges regarding data:
- Accuracy
- Accessibility
- Collation

Roles
Researchers’ community could:
- Raise awareness
- Organise training
- Produce documentation using LANDex data
- Monitor the whole process
- Analyse and Evaluate the data gathered through LANDex

Group 4

Relevance of existing indicators:
They suggested to tackle the commitments number 1, 2, 3, 4, 7, 8, 10. The priority should be given to commitment 1 (secure tenure rights), 3 (Protecting diverse tenure system) and commitment number 4 (Equal land for rights for women).

Additional indicators:
- Degree of integration of the land administration system
- Rehabilitation of land damage from land development (extractive industry, agricultural, industrial waste)
- Criminal accountability for land damage/degradation
- Disaggregation between small scale farmers and fishers and between inland and coastal fishing.
Relevant data sources:

- Civil society groups (SPP, TCOP, SERI, DAG, CALS, GroundWork, VPUU)
- Researchers
- Research and academic institutions (HSRC)
- Media and journalists (Mary Dehaas etc)
- Government departments
- Land Claims Court (LRC could assist with this)

Main challenges regarding data:

- Accuracy and reliability
- Accessibility
- Relevance
- Interpretation and non-univocal use of the terminology

Roles

- LandNNES has financial and human resources to coordinate the implementation of data and disseminate them among interested groups
- The multi-stakeholder platform should maintain the data flow on an ongoing basis and play a supporting role on data analysis
- Civil society could advocate within fellow NGOs to integrate LANDex exercise into their work. Civil society should encourage a mind shift leading to work beyond silos and specialised knowledge to feed into a pool of information that quantifies qualitative work and makes issues much more visible and have more impact.
- LRC could be an ongoing legal support source for the civil society organization and share legal instruments relating to land issues (judgments, pleadings) (LRC)

3.5 LANDex Implementation

Currently, there are 30 National Engagements Strategies financed by the ILC and they all should implement LANDex as a monitoring system. Each NES might decide whether starting the implementation with the commitment listed in the NES project logframe or directly tackle all the commitments indicators.

The trainer suggested that the country would first familiarise with the implementation of the existing indicators and then will implement those eventually added for the peculiarities of the country.

Approach for implementation might be multiple and diverse.

The engagement at country level is required basically only for people-based assessment indicators.

The implementation process should be coordinated by a specific team or person, all NES and MSP members will engage as data providers and promoters.

Data should be input using the online platform: www.LANDexGlobal.org. LANDex team will carry out a quality check, especially on referencing and on the diversity of the sources (at least two different sourcing sectors are needed). Once the inserted data receive the green light they are automatically published online. As mentioned before, the broadest the participation the more reliable are the data.

The institutional or organisational setup is totally flexible and country specific. The coordination team should provide an adequate capacity for the first implementation, however it is necessary to accompany the process with policy engagement activities, as data should ultimately inform better policies.
The ILC suggests as entry point the MSP platform and the NES initiatives.

Three elements are then necessary: coordinator(s); mobiliser(s); implementer(s).

The pilot countries have chosen different routes of implementation, that might be replicated elsewhere:

**Senegal**: In Senegal LANDex was implemented by a technical member part of the MSP/NES and integrated into broader technical platform and land observatory.

**Nepal**: Implemented by MSP/NES with NES members and other partners being responsible for certain themes within LANDex.

**Colombia**: Implemented by a technical member, linked to the MSP/NES, mobilising both NES and non-NES members. The technical member interviewed the contributors one by one.

**Bangladesh**: Implemented outside the NES, because the NES was considered too broad and dispersive. The decide to contract one specific person to do the job.

The ILC team would provide constant technical support and they are preparing also virtual training for a continuous training programme on LANDex. Those could be used to train more people to use the tool.

Some money can be allocated for LANDex implementation in future NES strategies, or a top-up on the ongoing NES strategy can be requested on purpose for LANDex.

The financial and technical support are meant to decrease with time, as the tool should become part of national monitoring exercise, without the support of external organisation such as the ILC. Therefore, institutionalisation of the monitoring system will be the ultimate goal to achieve.

South Africa should think which the best institutional framework is to implement LANDex. A long-term solution might be hosting LANDex within a South African Land Observatory, maybe after having restructured the already existing SALO (currently hosted by the University of Pretoria).

### 3.6 Mobilising data for policy engagement

Data are gathered to be used, they should be the base to build evidence-based policies, which aims to address the weaknesses and improve the whole system.

Data should be used to obtain policy engagement. This happens through the diffusion of data analysis. LANDex data are an important source to build different products:

- Automatically generated country profile reports.
- Shadow reports
- National advocacy initiatives
- Country land governance reports

The main entry point for policy engagement are the multi-stakeholder platforms (MSP), where stakeholders from different sectors have the space to build a fruitful relationship and dialogue.

In the past, the World Bank expressed important criticisms on the concept of people-centred data, considering them invalid. However, it seems that the attitude is changing as they invited the ILC to present LANDex, last year.

**Comments**

- It is important to consider the link between land, hunger and poverty. The correlation between these three dimensions should be made clear through a correlation among related indicators
- It is important that this tool will have practical effects on the ground, that it will be able to increase the title of deeds and help to decrease hunger and poverty.

**Answer**: Broaden up the number of indicators might jeopardize the effectiveness of the tool. This should be broadened up in a way that it remains easy and useful. Someone already expressed concern that 33
indicators were too numerous. Non-core indicators should help to reflect the specificities of the local context, they should be added if necessary.

LANDex provides a tool aiming to policy engagement but ILC has not the necessary legitimacy to be directly engaged in policy formulation and development at each country level. Government, private sector and civil society should collaborate for policy development based on the data analysis provided by the LANDex tool.

This tool can be used in different spaces at the country level, it provides useful data for advocacy and it highlights weaknesses to be addressed by policy implementation. It can't provide ready solution to hunger and poverty. Once more and less fragmented data will be available, it is possible to push for more changes.

- Data sourcing strategy for data gathering is the hardest part. In the short term is quite easy, through consultant for example, but in the longer term? Data flow should be kept up to date and in order to do that monitoring should be institutionalized. How the other countries did it?
  Answer: the implementation in the other country was more based on a short-term horizon. In Colombia, for example data are kept up to date by university students.

- What is the government position about the Indigenous people in South Africa?
  Answer: Everyone is equal before the law, nobody is indigenous at the national level. When the country is called to report to the UN on indigenous people, it reports on Khoi-San and the work it is doing for this group.
  Regarding the position within the DRDLR, the Khoi-San group should be escalated as a proper category to be prioritized. It is a problem to identify the specific group of people that should be categorised as Khoi-San and thus who are entitled to benefit from this recognition. The question is highly debated and controversial.
  One proposal related to the indicator number 5 was to gather different position through. The indicator and highlight the different positions during the analysis.
  The issue will require further debate, but it is not a current priority. Therefore, the data gathering related to indicator number 5 is postponed.
4 Day Two

4.1 Agreements on indicators and Government engagement

Groups proposed the addition of 6 new indicators, which will require an enormous work.

1. Regulatory measures to monitor (enforcement of laws) for the usage of land.
   This indicator is divided into 2 parts, first part is about regulatory measures that are in place and the second part is about usage of land.
   The suggestion from the group was: 8A: Add a question on regulator provisions to monitor land use (if it is not already there), 6A could be a possible alternative, Ward (ILC) can work with team to explore alternatives how this suggestion can be incorporated.

   Comments:
   Are right holders using the land for what the right was issued?
   Answers: In South Africa, we have hybrid systems of regulating land rights and it is not clear which route we will be going later whether it will be use-rights approach or zoning approach. Land regulation happens in hybrid systems.
   It is important to consider that when you have a particular tenure system which indicator will cover you so you are able to make sure you use the land for what the land is used for.
   If we looking at the implementation do we have data available?
   Answers: The indicators help you get an answer if that framework is effective or ineffective.
   Each indicator has a requirement inherent for implementation, provides for legal system and its enforcement and B will give you indication to what is being enforced.
   The above question could be under 3B Diverse tenure and use rights, 6B and 7B also mention land use.
   The suggestion is not to change indicators themselves but the blocks within the indicators can disaggregate data and analyse the questions. The SA system doesn't distinguish but this issue must be made explicit in policy.

2. Measures to protect rights of children in child-headed households, youth and people with disabilities (Group 1)
   For example, Swaziland has a provision that allows children to inherit directly the land when their parents are deceased. There should be an indicator to monitor how the land is guaranteed for child-headed household.
   Answer: This issue is already included in commitment 1, under the block/question dedicated to “youth”. There is no need for another indicator, but it should be highlighted in data collection phase or it might be specified at the beginning, in the description of the indicators/block. Indicator 1 can be disaggregated for LGBTQI community, women and youth.

3. Fisheries: protection of SSFishers rights, disaggregated between inland and coastal
   As part of phase 1 implementation, it is necessary to do a screening about what data are available, and how small-scale fishery fits into existing indicators. Then, the indicator will be test out first.
4. Environmental degradation
It should include a reference to climate change. It should cover the whole three levels A-B-C. During LANDex consultations, there was an extended debate about the inclusion of environmental sustainability. It was decided that it was too much to include also these aspects in a tool specific for land governance. However, climate will affect spatial demarcation of land use and it is relevant for land governance.

5. Integration of Land Administration
This aspect has already been embedded in indicator 1A and 3A. It is important to highlight integration data aspects in phase of data analysis.
It has been decided to run the first phase of data analysis, writing the first report based on that and observe whether this aspect is visible or not.

6. Fairness and Land Ownership
There is no an easy way to get an indicator about fairness. Fairness is a contentious and subjective concept.

Answers: Equity and fairness definition in South African context will be more evident after the finalization of the policy brief that LandNNES have commissioned and the policy dialogues. After those debates it would be clearer how to formulate the indicator. A tool useful to understand this aspect will be the Land Audit held in 2019. Land Audit run in 2017 is available online.

However, fairness is a very broad concept, it cannot be defined by 1 indicator or index. It should be a picture emerging from the combination of different aspects and indicators. Therefore, it would be better to draw conclusions about fairness in phase of analysis instead of creating an ad-hoc indicator.

Comments

Next steps planned by the Government on tenure:
The new Minister is Thoko Didiza and she is passionate about agriculture.
The Government will prepare a discussion document by the end of December on tenure, which will be presented to the Inter-Ministerial Committee. The IMC is meant to agree on problem definition and principles that will inform the policy process. Then, the Department will lead a process of consultations with different stakeholders, including LandNNES, from which a Green Paper should emerge. Stakeholders should be consulted starting from January next year. Then the Green Paper will be presented to the cabinet and it will be open for public comments.
The new Green Paper should provide a more comprehensive framework, covering all forms of tenure arrangements. The Green Paper and its implementation plan will consider recommendations included in the Report issued by the Presidential Advisory Panel.
A parallel process will be carried on developing a single tenure legislation. Currently the land tenure system is based on “mini-tenure” laws, many of them were inherited from the system previous the new constitution. The idea is to obtain 1 single law on tenure, which will be structured in different chapters.
A macro policy on Land Administration is also been under discussion.
All the commitments included in LANDex will be covered by the future discussion document, except for commitments number 10. In particular, there is no intention to create a Public Protector for land rights.

4.2 Implementation plan
The existing South Africa Land Observatory (SALO) is currently inactive. LandNNES will engage them in the Land Governance Monitoring process. One option would be to institutionalise the LANDex data gathering process within a Land Observatory (SALO or a new Observatory)
In the first phase of implementation, LandNNES will start to engage researchers in the platform and its members to gather the first round of data.

A google drive excel will be created with the names of contributors, however the choice to remain anonymous will be respected. The LANDex implementation team (4 people) will contact different stakeholders and will coordinate the data gathering and the initial data input on the online platform.

ILC can organise a web-in-air for these institutions to publicise the package to key research institutes within the country.

LRC will help to fill indicators which need a legal background.

PLAAS can find a way to introduce LANDex within seminar and it should be proposed to the HSRC, as well.

**Closure**

Laurel thanked all the participants, the facilitators and the ILC team in Rome for a fruitful engagement.
### Meeting Name:
LANDex National Workshop (2nd Workshop)

### Date and time:
07 October-10 October 2019

### Venue:
Kopanong Hotel, Benoni

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