LandNNES workshop report
5-7 August 2019
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2 Introduction

2.1 Background:

The South African Civil Society National Engagement Strategy on people centred Land Governance (LandNNES) was launched in 2018. Since then a programme of actions was developed by its members, and some resources to fund the proposed activities for 2018 was sourced from the International Land Coalition (ILC).

The advocacy strategy was focused on 3 priority areas, with working groups around each:

#Get it: Far reaching redistribution to create land equity (Getting access to land)
#Keep it: Effective, Just Land Administration
#Use it: Create an enabling environment for economic success (fish, farms, live)

The programme of action was reviewed at a national workshop on 30th and 31st July 2018, where a number of national learning and mobilising activities were planned and confirmed by members, and second national workshop was held on the 29th – 31st October 2018, where the Terms of Reference and Membership application forms for LandNNES were agreed, the current context of Land Governance was analysed, the role of civil society in Land Governance, Policy Making and M&E discussed, measuring progress and impact of land and agrarian reforms, and various learning and policy inputs as well as proposed actions were presented from each working group.

Since then, there has been quite a long break while a new contract was being negotiated with the ILC for the coming three years, which took much longer than anticipated, partly due to changes in the ILC frameworks that meant reworking the LandNNES Logframe and budget, particularly in light of funding realities. Recently, a new grant with the Food and Agriculture Organization of the United Nations (FAO) for work related to the VGGT Multi-Stakeholder Platform (MSP), a key advocacy platform for LandNNES, has also been negotiated. These are both now in the final stages of agreement.

2.2 Purpose of workshop

Enable civil society organisations to review platform Governance, engage, learn and plan together in Working Groups around agreed priorities on Land Governance.

2.3 Outcomes expected

- Common assessment of where LandNNES is in terms of Governance and membership
- Improved common analysis of current context around Land Governance
- Reviewed plan of action and three-year joint action plan
- Strengthened relations and trust amongst members and strengthened network

3 Day One

3.1 Welcome and Participants

Juba Khuzwayo and Laurel Oettle welcomed the participants.
Some problems related to travel plans were acknowledged, such as the difficulties to reach airport on time from rural areas, and the disfunction of the hotel shuttle in picking up people at the O.Tambo International Airport.

The workshop was attended by 21 participants, 12 females and 9 males. 4 members who confirmed their participation were unable to attend.

Juba received apologies from: Randall Bentley, Constance Mogale (as for the latest workshop) and Buti Chakache. Patrick Mabude did not send any apology.

Present participants introduced themselves and the organisation they were representing.

14 member organizations attended the workshop, out of 26 participants of total members, namely: AFRA, Tshintsha Amakhaya (TA), Phuhlisani, Nkuzi, SCLC, Natural Justice, Ntinga, SAGRL, LAMOSA, AICO, ARD, AFASA Women, SERI, Landless People Movement.

The new LandNNESS facilitator, Juba Khuzwayo, also introduced herself and her role within the network.

### 3.2 Recap of LandNNESS development (Laurel Oettle – Chair)

Laurel reminded the participants the origins of LandNNESS. The idea to create a stable network among the civil society strongly emerged during the workshop organised in September 2017 by the FAO and the DRDLR, aimed at establishing a pathway to domesticate the VGGT (Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests) in South Africa. Civil Society needed to consolidate common actions and positions to have a stronger stance within the Multi Stakeholder Platform (MSP) for the domestication of the VGGT.

Laurel reminded that creating a civil society platform beside the MSP was extremely important, as the activities of the civil society platform/network go beyond those of the MSP. Being independent would also help to overcome potential blockages of the MSP’s works due to a lack of government by in.

Laurel did a brief recap of the works LandNNESS has been done so far: agreement on the Term of References of the civil society platform, division of the members in working groups, drafting of the working group action plans, elaboration of three « discussion documents » emerged from the discussion within the working groups on Land Governance current situation: « An overview of South Africa’s Land Data Ecosystem for a People-Centered Land Governance system»; «Inclusive Land Administration in the context of People-Centred Land Governance »; «Developing a People Centred Land Governance Monitoring System for South Africa».

All these essential resources have been distributed to the members and are available on the LandNNESS website (https://landnnes.org/discussions-documents/)

It is important that each member take the time to read the resources and share the contents within their own constituency.

Laurel also highlighted some of the challenges encountered in keeping LandNNESS alive. Among others, the difficulties in attracting new funds and having a stronger engagement from the Steering Committee, which should redefine a clearer commitment, role and responsibilities.

Regarding the funds, the positive aspect is that the funding from ILC (International Land Coalition) now cover three years, guaranteeing thereby more continuity in the platform activity.

LandNNESS also received some funds from the FAO to elaborate three policy briefs on the basis of the discussion documents written the previous year. The policy briefs will be presented and used as fundamental advocacy document within the MSP meeting in February 2020.

Laurel presented the three main meetings planned for 2019 and beginning of 2020:
- 1 national workshop for LandNNESS members will be held in October 2019.
3.3 LandNNES Platform Governance Health Check – presentation and self-assessment process

The facilitator and the Secretariat proposed to complete a Platform Governance Health Check, elaborated by the ILC, aimed at understanding what are the achievements obtained so far by LandNNES in terms of internal good governance and identifying necessary improvements in this regard.

In the first part of this session participants actively discussed about the meaning of “platform” and “good governance”.

Civil society organisations benefit from being part of a platform as the platform give them the chance to have a stronger position and be listened as a representative of many other voices. On the other side, being part of a platform means commitment to the activities and principles of the network. Members active participation is also essential to remain credible in front of donors and enhance the chances to receive funds.

A platform needs solid legs to remain effective and stable, the supporting structure is the good governance of the platform.

Governance is a set of rules, principles, institutions, relations and power dynamics among stakeholders.

Juba highlighted that it is essential to establish some elements of internal governance for the platform, such as:

- Decision making processes
- Clear roles and responsibilities
- Structures of the platform
- Principles
- Formal regulations
- Memberships terms
- Code of conduct
- Accountability and Transparency processes.

Participants thought about some of the basic values underlying the action of LandNNES such as respect, accountability, transparency, inclusivity, etc. and they came at the conclusion that the section within the Term of Reference (ToR) dedicated to “funding principles” should be revised.

It has been mentioned also that it is very important to set an environment of mutual trust among the members and honesty is essential especially in a situation of power imbalances linked to different degree of experience, knowledge and languages.

It has been highlighted that LandNNES should provide translations of the main documents in different local languages, and participants should be allowed to express themselves in the language they feel most comfortable, using the support of other members to translate their statements.

Juba reminded all the members to fill the membership form and give it back by the end of the workshop.

Participants finally filled the Governance Health Check provided by the ILC (see Annexes). Via this tool, participants could identify further improvements for the governance of the platform, such as gender issue mainstreaming and overcoming communication flows obstacles among others.

The main results of the Governance Health Check are the following:
- The ToR are the platform Governance framework document and they should be revised in order to include other elements of Good Governance such as:
  - a Code of Conduct
  - a clearer process of decision making
  - clearer statements on role and responsibilities of the different governance structure
  - a policy for sexual harassment
  - clause of membership termination
  - travel protocol
  - clearer roles and responsibilities for the Steering Committee
  - clearer election procedures for the Steering Committee
  - agreement on the composition of the Steering Committee and written criteria for individual Committee membership
  - rotation systems to be discussed

- Revising Communication protocol on a constant basis and evaluate what are the different issues that members encounter (ex. lack of internet, access, no funds for printing, internet points far). It is necessary to profile members in terms of their communication capacities, and how to overcome their communication hurdles. Create mutual assistance partnerships among members on this issue.

- Tracking the members participation, develop tool to record the members participation

- Tools for reflection on trust building and power imbalances to be used each time the platform is gathered should be developed.

- Gender justice and policies should further mainstreamed.

4 Day 2

4.1 Presentation on the current status of Land Redistribution in South Africa (Richard de Satge – Phuhlisi NPC)

Richard started presenting the new website created by Phuhlisi, a knowledge portal on land issues in South Africa. The website is updated daily, and it also reports the most important news regarding the land sector in the country, including evictions, municipal issues and governmental decisions.

https://knowledgebase.land/news/ is the “go to” resource hub for anyone with an interest in land issues, the planning and the implementation of land reform. (All members are invited to have a look at the website it could be a great source of information).

Richard overviewed the current status of the land reform and he acknowledged that the land reform programme failed to concretize the transformative power of the rights contained in Section 25 of the Constitution. Therefore, it examined the multiple factors resulting in the poor performance of the reform.

The first problem identified is that the way the land reform has been implemented is far from the original vision and it facilitated corruption and capture.

The White Paper issued in 1997 had a clear pro-poor focus (labour tenants, farm workers, women, landless people, etc.), however this focus has been progressively abandoned. Land policy making became reactive and lacked a coherent vision, which let space for arbitrary land allocation, corruption, patronage and capture.
The Protracted Land Acquisition Strategy (PLAS) introduced insecure leasehold arrangements, as lease agreements often lack clarity and do not describe individual rights of the landholding entities. The same conditions apply to the CPAs and Trust, which left room for land grabbing at the expenses of the less powerful.

There are no precise data about the effectiveness of the land reform and about the hectares redistributed, what is clear is that the number of hectares declined since 2007/8 and budget allocated for land reform has always been limited.

Official assessments suggest that over 400 000 households benefitted from land reform (approximately 130 000 households are said to have benefitted through redistribution and 300 000 households through restitution) in the same period. However, recent research suggests that there has been a massive shrinkage in the number of beneficiaries. Those who retain active links with land purchased through redistribution and restitution may have shrunk to just 60 000 households. The MTEF (2014) reported that 5 015 land reform farms are underutilised.

In the urban areas, informal settlements persist and are growing. This shows the high demand for land and the inability of the housing programme to keep pace with this urban land need. To date, state investment in RDP (Reconstruction and Development Programme) housing has fuelled the extension of an inefficient urban sprawl that pushes the urban poor to the periphery, thus reinforcing the spatial inequalities integral to the design of the apartheid city.

In 2011, around 30 million people, nearly 60% of South Africans lived on land or in dwellings held outside of the cadastral system. Another issue connected to land reform is indeed where the redistributed land is located.

A revised land reform programme should include the answer of few key questions, including:
- Who should benefit from the programme?
- Which area should be prioritized?
- What are the tenure rights and responsibilities which people accessing land and natural resources through land reform should acquire?

There are four broad pathways for refocusing the land reform programme which are not mutually exclusive:

- A Civil Society Land Rights Charter that is developed through a participatory process involving different community formations and organisations in the rural and urban sectors
- A White Paper process to put in place a new land policy through a wide-ranging process of public consultation and engagement.
- A legislative process in the form of a Land Reform Framework Bill which is developed and finalised through public hearings, regulatory impact assessment and parliamentary processes.
- Collaborative and adaptive locality-based planning, implementation and learning approaches in selected provinces and targeted local municipalities.

The High Level Panel (HLP) opted for a National Land Reform Framework Bill approach which sought to encode key principles and approaches to provide a legally enforceable foundation for all aspects of the land reform programme.

The High Level of Panel identified the following key principles:

- The Land reform must promote and support equitable and secure access to land as a means of empowering historically disadvantaged persons, and in particular the
The poorest and most vulnerable members of society, especially women, while also supporting social and economic development in general.

- The primary purpose of all programmes of land reform is to achieve equitable and secure access to land in order to meet a wide range of human needs, including agricultural production, human settlement in urban and rural areas, access to natural resources (including forests and fisheries), and access to environmental services.

- The objectives of land reform cannot be met without the provision of appropriate forms of post-settlement support by organs of state, either on their own or in conjunction with other agencies, and these support services must be regarded as integral components of land reform.

- Land reform must be supported by a water allocation reform programme that ensures that water is made available for land reform beneficiaries for domestic use, for agriculture where the land is suitable for irrigation and for other land uses.

LandNNES could develop a campaign to familiarise citizens with the content of the draft Bill and use the Bill to lobby the new Minister so as to ensure the direction of the redistribution programme does get diverted from serving the needs of the landless in rural and urban settings.

LandNNES should work to position itself within the complexity of the economic and political context, deepened by the challenges arising from the recent fusion of the DRDLR with the Agriculture Department.

LandNNES could contribute to designing practical, affordable and replicable locality-based municipal scale reform planning which is anchored by a string spatial and landscape logic.

The presentation raised some comments from the participants:

- Land legislation is composed by many different acts that do not effectively work for local communities, poor and landless people. Land transfers are not working, and communities are progressively impoverishing.

- How the civil society can be concretely be part of the land reform process? How Civil Society can be effectively heard about what is not working on the ground?

4.2 Presentation on the current status of Land Administration in South Africa (Syabulela Manona & Rosalie Kingwill)

Land Administration in South Africa is composed by multilayers of incoherent provisions. Administrating land entails management and operations as part of managing people-land relation (Ex. Adjudication of rights on natural resources; Rights recordal; planning; Land Use Management; Valuation; Taxation; Land Information System, etc.). Institutions that operate to administer land resource lack coordination.

The main proposal coming from the LandNNES working group is to advocate for a more coherent and coordinated system to gather data and managing information regarding land. This better Land Information System will be based on a new Land Observatory, which should provide open data and promote the concept of Open Government. A new land observatory might be based on a new comprehensive and integrated information system developed by a company in the Eastern Cape. The capacity exists and it is local.

What does exactly mean Open Government?

Open government - is about the mission to “make governments more transparent, inclusive, responsive and accountable. It makes effective participation in decision making possible”.

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LandNNES should advocate for an Open Government Data, where data provided mainly by government and its related institutions are freely available for anyone to use and republish for any purpose.

The basic principles for Open Government Data are that data should be: complete, primary, current, accessible, machine processable, not discriminatory, not proprietary, not above cost.

A big problem related to Land Administration is the lack of data and a fragmented information ecosystem.

What can be done?
- Capacity building initiatives in all relevant institutions on systematic data gathering
- Develop understanding of how property system is structured, managed and administered.
- Identify the weaknesses in State institutions that affect Governance and Land Administration and those elements that exacerbate inequality in access to and control land/forest and ocean resources.

A first step could be to verify what is the current status of the Land Portal initiative and conducting a diagnostic study on SA’s state of information infrastructure and interoperability, within different institutions.

LandNNES should engage with a range of high-level stakeholders in private sector and government to chart a common approach to breakdown of LA, in order to develop a shared understanding of the problem share a common vision and a set of solutions.

LandNNES should also advocate for:
- the development of a statutory system for recording to develop positive recognition of right for diverse tenure context (communal areas; informal settlements; farm dwellers; land reform beneficiaries).
- the elaboration of a more coherent land administration policy.

4.3 Presentation on Developing a People Centred Land Governance Monitoring System for South Africa (Angela Harding and Lisa del Grande)

The presentation summarises the main contents of the discussion document on the same subject.

Why do we need an M&E system?

Effective monitoring is essential to ensure that the expected changes actually result in improved conditions for the targeted beneficiaries on the ground, especially for vulnerable groups and those living in poverty.

The main objectives for an M&E system are:
- Giving feedback on progress and issues
- Identifying responsible person in a certain area
- Informing required policy changes by identifying where strategy or actions are failing.
- Tracking financial performance
- Tracking real word and outcomes for people
- Providing disaggregated information
- Providing better access to information and transparency and accountability to all stakeholders.

What is a People Centred Land Governance Monitoring System?

LandNNES has committed itself to promoting and advocating for a People Centred Land Governance. Any monitoring system that LandNNES supported needs to promote this objective:
land governance for and with people, responding to the needs and protecting the rights who those live on and from the land.

The discussion document unpacks many important concepts such as Land Governance, People Centred Land Governance, and provide insightful information on the existing monitoring framework in South Africa and existing framework and initiatives to which SA is a signatory such as the SDGs, the CGGTs, African Union Commission and African Land Policy Centre and more.

**Key point for setting up a Land Governance Monitoring framework**

SA civil society engaged in Land issue should agree on

- Goals, targets and expected outcomes and indicators.
- Sources of information to analyse and assess progress/indicators

The discussion document includes 10 suggested steps to implement this.

**Workshop in October 2019**

Workshop in October will be composed in 2 parts

- **First part**: International Land Coalition Regional Training LANDex Tool.
- **Second part**: MSP training and development of a Land Governance Monitoring Tool, using LANDex as a tool for adaptation. In this occasion indicators specific to SA context should be developed.

**Participant comments:**

- The aspiration of the LANDex tool is too high for a country as South Africa, lacking many of the required data. The Department itself cannot provide half of the information that is included in the LANDex tool.
- For LandNNES alone, it would be pretty impossible to conduct this kind of monitoring.
- It is important to be realistic when developing the indicators
- Many of the LANDex indicators relate to the existence of policy/institutions and for SA it would be more important to focus the monitoring on the actual implementation of policies, in order to see if they have a concrete outcome on people real life.
- How this monitoring can effectively benefit the community?
  Answer: monitoring can be a powerful advocating tool, it provides useful data to improve policy performance and raise international attention.

**4.4 Women Land Rights – (Mo)**

This section was explicitly introduced in the effort to mainstream women land rights in the work of all LandNNES working groups.

The Kilimanjaro campaign started in 2012 mobilising rural women demanding accountability for their land rights. In 2016 rural women climbed the Kilimanjaro to demand the endorsement of a Pan-African Women’s Charter on Land Rights, which has been endorsed by the African Union in 2017.

The charter includes 15 specific demands addressing women’s access to use, control, own, inherit and dispose of their land and natural resources.

LAMOSA and Nkuzi are the referents for women land rights implementation in South Africa.

They are trying to disseminate information on women land rights in communal areas, farms and mining areas. Especially in areas where traditional leadership still is a dominant power, women do not have any rights on land or are not adequately consulted in communal land development plan (ex. Opposing export-oriented cultivation and prioritising crops for community food security).
The objective is to engage with authorities to support women to get access to land, to independently decide what they would like to produce on the land they are working every day.

The Women Charter has been translated in local languages and it is necessary to bring it down to the grassroots, men and young people should be involved in this process.

Copy of the Women Charter will be sent around.

The representative of the Indigenous Churches Organisation asked Mo to get in touch with them.

One problem highlighted by Mo is that Civil Society activists are often very fragmented and CBO (Community Based Organisations) are difficult to partner with as they are very jealous about their own communities and they do not accept critics or inputs from other organisations, there is a lack of trust which hampers cooperation.

Comment by Lerato: Men often consider women inputs only when they are comfortable with them. They are afraid to be represented by women in councils or other traditional contexts.

### 4.5 Working Group Section

The second session of the day was dedicated to working group (GET IT, KEEP IT, USE IT)

Working groups’ aims and members were reminded to the participants.

Working groups were asked to revise the action plans drafted last year. Some of the outcomes expected from the working groups activities are strictly linked to the contract with the ILC and the FAO. Therefore, working groups had to think which kind of activities they would like to implement in order to achieve the related outcomes. The outcomes linked to donors’ contracts also have a budget allocation.

Working groups were also asked to indicate deadlines for the conclusion of their activities and a responsible person to be contacted for follow-up.

### 4.6 Steering Committee Meeting

Laurel Oettle (previous SC chair) addressed the Steering Committee (SC) to present the agenda of the meeting:

- Discussing the new contract with ILC and FAO
- Establishing SC mandate duration, required criteria for the SC members, SC election process
- Reviewing SC members based on their commitment.

Emily (LAMOSA) appreciated the chair and the secretariat’s efforts to secure funds and Ntutu suggested that a capacity building session should be organised to teach other members to increase their fund-raising, financial management, and organisational governance.

Laurel explained that the FAO grant is mainly direct to the development of the MSP and it has a quite short duration as it expires in February.

The UN-WOMEN Conference on Climate-Smart Agriculture took place in June 2019. Ntuthu, Mamafa and Juba attended the workshop invited by the UN Women in their respective organisations and SC requested facilitator to follow up with UN on report and outcomes of the workshop and to disseminate information within LandNNES platform so members could engage with it further and see the relevance for their organisations.

The SC then discussed about its ToRs and its internal system of governance:

- The list of the members was revised. SC members are: Laurel Oettle, Motlanalo Lebepe (Chairperson) Lerato Seeme (Deputy Chairperson), Ntuthu Motshega, Humphrey
Mugakula, Emily Tjale, Mighty Mabule, Patrick Mabude, Nandi Mgijima, Themba Thayela, Pinky Langa. It was established that SC members can reach a maximum number between 10-12
- The following issues have been clarified: criteria to be a member of the SC; duration of the mandate; roles and responsibilities of the members; clause of termination of the membership; withdrawal; communication within the members; process of election.

5 Day 3

5.1 Working Groups session

During the first session of the last day, working group concluded their action plan and they presented it to the rest of the members.

The #Get It WG prepared directly during the session a web survey aimed at gathering people’s opinions on the success and failures of the current land reform programme. The survey has to be addressed to different social categories, members are asked to diffuse it among their constituencies and online in order to have the greatest number of filled surveys as possible. The deadline for compilation has been set for the 13th of September. (Survey link: https://forms.gle/8mYPjZRgibX3RApT8 )

The fact that the working groups use effectively the time during the workshop to implement directly one of the activities denotes a proactive and positive attitude of the members.

The detailed plan for each working group is annexed to the present report.

The network facilitator and the person in charge of LandNNES monitoring will be in charge of the follow up of the activities included in the plans.

5.2 Members vote on the Steering Committee decisions

The last session of the last day focused on presenting to the rest of the members the decisions taken by the SC regarding its internal governance.

Decisions have been voted and the Term of References (ToRs) have been modified accordingly, the updated ToRs will be sent to the members along with the present report.

A new LandNNES chair has been elected, as the amended rules require that the chair is from a different organisation than the Secretariat organisation (currently hosted by AFRA).

The new chair elected is Motlanalo Lebepe (NKUZI Director).

6 The workshop was closed at 1pm