

# TERMS OF REFERENCE FOR THE VGGT MULTI-STAKEHOLDER PLATFORM

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LOGOS PAGE

 rural development  agriculture



**NOTE: TO ADD LOGOS OF ALL MSP MEMBERS**

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### Acronyms

COGTA	Department of Cooperative Governance & Traditional Affairs
CSO	Civil Society Organizations
DAFF	Department of Agriculture, Forestry & Fisheries
DEA	Department of Environmental Affairs
DfID	Department for International Development

DHS	Department of Human Settlements
DIRCO	Department of International Relations and Cooperation
DoJ	Department of Justice
DoW	Department of Women
DRDLR	Department of Rural Development & Land Reform
DWS	Department of Water & Sanitation
FAO	Food and Agriculture Organization of the United Nations
MSP	Multi-Stakeholder Platform
SALGA	South African Local Government Association
SALRC	South African Law Reform Commission
ToRs	Terms of Reference
UN	United Nations
VGGTs	Voluntary Guidelines on the responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

## 1. 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.<sup>1</sup>

**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.<sup>2</sup>

**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.<sup>3</sup> 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.<sup>4</sup>

**Private Sector:** From individual farmers to global enterprises, including foundations and non-governmental organizations (NGOs) representing business<sup>5</sup>

**Tenure:** The relationship, whether legally or customarily defined between people, as individuals or groups, with respect to land, forestry and fisheries<sup>6</sup>

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<sup>1</sup> Centre for Civil Society, London School of Economics, 1.3.2004

<sup>2</sup> UNTERM, 2017

<sup>3</sup> UNTERM, 2014

<sup>4</sup> Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and forests in the context of national food security, FAO 2012

<sup>5</sup> FAO and the Private Sector, Web site, 2005

<sup>6</sup> FAO Land tenure studies, Land Tenure and Rural Development, FAO 2002

## 2. Preamble

1. 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 are 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.
2. 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.
3. The VGGTs were developed from an unprecedented inclusive and participatory process that lasted more than three years. They are the first international 'soft law' instrument that focuses on economic, social and

cultural rights and how they can be applied to the governance of land, fisheries and forests. Soft law is a law that sets standards and gives guidance on a particular subject but is not binding.

The VGGTs provide general principles for state and non-state actors and 10 implementation principles for everyone, namely; human dignity, non-discrimination, equity and justice, gender equality, holistic and sustainable approaches, consultation and participation, rule of law, transparency, accountability and continuous improvement, as enshrined in the South African Constitution.

4. 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.
5. This started in the first national workshop, 9 - 11 December 2014 with over 50 participants representing government, civil society, farmers' associations, private sector and academia. The participants reviewed key VGGT principles and engaged in a stock-taking exercise identifying country-specific priorities.

This was followed by two activities: the "Increasing VGGT use among Civil Society Organizations (CSO) and grass roots organizations" project, which organized a National VGGT Capacity Building Workshop, from 8 - 11 June 2015, for leaders from fishing communities and allied organizations working on land issues. Another activity, related to the VGGT principle of gender equality and the Technical Guide "Governing land for women and

men” focused on providing guidance for application of this VGGT principle in tenure governance.

A second national participatory capacity assessment was carried out in May 2016, which enhanced stakeholder dialogue while facilitating the identification of organizational and institutional capacity gaps including tangible, prioritized recommendations for improvement.

The third national workshop was held in Durban on 1-3 February 2017, where the establishment of a multi-stakeholder platform that will serve as a catalyst for the implementation of the VGGTs in the country – which was initially proposed at the second national workshop held in May 2016 - was unanimously endorsed.

6. This MSP resonates with the imperative carried in Sec. 25.6 of the Constitution that forces the state to create law that entrenches the rights of people who were previously discriminated against. It further resonates with the key purpose of the National Development Plan: Vision 2030, which explicitly accentuates the need for inclusive growth in the endeavour to eliminate poverty, reduce inequality and raise employment levels.
7. These TORs define the key objectives, composition, roles and responsibilities of the VGGT Multi-Stakeholder Platform.

### 3. Key Objectives

8. The MSP will pursue the following objectives:
  - a. To facilitate increased collaboration amongst state and non-state actors towards the effective implementation of the VGGTs;
  - b. To raise awareness of the VGGTs among key stakeholders;
  - c. To assess and ensure the alignment of South Africa's relevant legislation and policies with the VGGTs;
  - d. To create an inclusive platform through which experiences and the best models will be shared amongst members;
  - e. To facilitate capacity development on the governance of tenure in South Africa;
  - f. Monitoring and evaluation of the implementation of the VGGTs in South Africa.

#### 4. Guiding Principles

9. The MSP shall be guided by the following principles:
- a) Results driven
  - b) Mutual respect
  - c) Commitment
  - d) Openness and transparency
  - e) Integrity
  - f) Equitable representation
  - g) Accountability**

#### 5. Composition

10. The VGGT Multi-Stakeholder Platform shall comprise of the following stakeholders:
- a) Chairperson(s): DRDLR & CSO
  - b) Secretariat: DRDLR, DAFF and FAO
  - c) Twelve (12) representatives in total; representing relevant Civil Society Sectors working on:
    - Land
    - Fisheries
    - Forestry
  - d) One (1) representatives from eight (8) relevant government departments, at least at Director level:
    - Department of Rural Development and Land Reform,
    - Department of Agriculture, Forestry & Fisheries,
    - Department of Human Settlements,

- Department of Public Works,
  - Department of Water and Sanitation,
  - Department of Cooperative Governance & Traditional Affairs,
  - Department of Mineral Resources,
  - Department of Environmental Affairs,
- e) Three (3) Representatives from private sector,
- f) Three (3) Representatives from academia.
11. There are other important Government Departments, Associations and Chapter 9 Institutions that should be consulted at key points by the MSP, including:
- a) Government Departments:
- Department of Home Affairs,
  - Department for Human Settlements,
  - Department for Social Development,
  - DIRCO,
  - DOJ,
  - Parliamentary Portfolio Committee,
  - Department of Women in the Presidency,
  - Stats SA,
  - Treasury.
- b) Chapter 9 Institutions:
- Commission for Gender Equality,
  - South African Human Rights Commission.
- c) South African Local Government Association

## 6. Roles & Responsibilities

### 12. The MSP Chairpersons

- 12.1. The MSP shall have two (2) chairpersons, one representing government and the other representing civil society organisations, who will be responsible for the chairing of the MSP meetings and to ensure that reports are provided as and when required.
- 12.2. The Civil Society representatives on the MSP shall elect the CSO's co-chair annually.
- 12.3. The Platform chairpersons, in conjunction with the Secretariat, are responsible for the convening of the Platform meetings.
- 12.4. The MSP chairpersons shall be appointed (internally in the case of the DRDLR) / elected (in the case of Civil Society) at a National Multi-stakeholder dialogue convened in September 2017.

### 13. The Secretariat

- 13.1. The Secretariat will be responsible for the overall coordination of the MSP meetings, i.e. Logistical arrangements, including venue hire, packaging of MSP documents, etc.;
- 13.2. The Secretariat will also assist the chairpersons to collate reports as and when required.

**14. The VGGT MSP**

14.1. The MSP will develop and ensure effective implementation of an Action plan, building on the proposed actions from the previous National Workshops;

14.2. The MSP will monitor the progress on the implementation of the VGGTs;

14.3. The MSP will ensure that relevant policies and laws are shared with the relevant stakeholders for further enhancement;

14.4. To institute working groups where necessary;

14.5. The MSP shall mobilise resources to enable the effective function of the MSP and the realization of the action plan.

**15. Representatives from government, CSOs, private sector and academia**

15.1. Each member representing any stakeholder is responsible for rendering reports to the MSP as and when required, and regularly providing feedback to their organisations.

7. Frequency

16. The MSP meetings shall be convened on a bi-annual basis. MSP members shall be notified of meetings at least four weeks prior to MSP meetings.
17. Adhoc meetings shall only be convened when the need arises.
18. Members shall confirm their availability in writing a week prior to a meeting. Where members cannot attend, they will ensure that another representative attend on their behalf who is at a similar level of seniority and capacity.
19. Quorum shall constitute one third of members, with representation from all four sectors (government, civil society, academia and the private sector).

## 8. General Accountability

20. The DRDLR assumes the overall accountability of the responsible governance of tenure in South Africa.