

HOW OUR MEMBERS ARE CONTRIBUTING TO CHANGE



The **NES SOUTH AFRICA** works towards the realisation of the following ILC commitments for People-Centred Land Governance:



Commitment 2: *Strong small-scale farming systems*



Commitment 4: Equal land rights for women



Commitment 5: Locally managed eco-systems



Commitment 8: *Transparent and accessible Information*



A CONTRIBUTION ANALYSIS SUMMARY

Land is a common good, providing water, food, and natural resources that sustain all life. It is the guarantor of biodiversity, health, resilience, and equitable and sustainable livelihoods. However, in most countries, land inequality is growing and directly threatens the livelihoods of some 2.5 billion people involved in smallholder agriculture. Land inequality is also central to many other forms of inequality related to wealth, power, gender, health, and environment- and fundamentally linked to global crises of democratic decline, climate change, global health security and pandemics, mass migration, unemployment, and intergenerational injustice (ILC, Land Inequality Report 2020).

Equitable land rights are the key to progress on human rights, flourishing and healthy societies, as well as a sustainable planet. Equitable land rights also mean peaceful and democratic societies, sustainable and resilient local food systems, and overcoming growing inequality – particularly gender inequality. ILC challenges the unequal power relations that too often allow land to be concentrated in the hands of the wealthy few, and at the cost of those most vulnerable to poverty and exploitation. ILC's goal of securing land rights for and with people, who live on and from the land– what we call PEOPLE-CENTRED LAND GOVERNANCE– lays the foundation for community-led sustainable development.

ILC's strategy uses the power of the coalition, led by members that are people's organisations, to demand recognition of the land rights that these organisations represent: women, youth, family and peasant farmers, indigenous peoples, pastoralists, forest dwellers, fisher folk, afro-descendants and local communities. This means legal recognition and protection of land rights and territorial rights for indigenous peoples, or –in highly unequal contexts– land redistribution. This is our contribution to building a more just, equitable and sustainable world.



EXECUTIVE SUMMARY

This report provides an overview of the work of ILC and its members in advancing People-Centred Land Governance in South Africa, where years of colonial and apartheid land dispossession combined with investment in large-scale farms have created a skewed land and agricultural sector dominated by a small number of capitalintensive, white-owned commercial farms. The report outlines ILC's main operational modalities in working to shift *power relations in the country*, including the National Land Coalition (NLC 1) referred to as the LandNNES - a civil society platform working to improve national policies and practices; efforts through ILC's Global Land Governance Index (LandEx) on data gathering and use; as well as land rights advocacy efforts from the local to the global level.

The report focuses in particular on the work of the LandNNES platform, which has drawn on the diverse strengths of the coalition's membership, united allies to contribute to securing land rights, protected civic space, strengthened accountability, and improved policies and practices in order to address the highly unequal state of land rights in the country.

Key national policy outcomes influenced by the LandNNES platform and its civil society partners include the Cabinet's adoption of 60 recommendations on land reform and agriculture (2019), as well as the Upgrading of the Land Tenure Act (2021). At the outbreak of the COVID-19 pandemic, the platform helped incorporate excluded small-scale farmers in the COVID relief process, and facilitated access for 2000 households to the National COVID Solidarity Fund.

National land-related agendas were also influenced by LandNNES members and partners, as joint-work improved relationships with the South African Government. These interactions led to increased policy engagement and stakeholder awareness on the urgent need to re-purpose land administration and information systems, and saw the Government commit to formulating an online database of small-scale producers.



THE STATE OF LAND IN SOUTH AFRICA

The Legislative Framework on Land

In 1994, South Africa's first Democratic Government had a clear vision of a pro-poor land reform process to redress dispossession and a more equitable land distribution. The 'Property Clause' section of the 1996 Constitution guaranteed redistribution and restitution to those historically dispossessed by racial discrimination, and further committed institutions to protect and strengthen equitable land access, gender equity, and human rights. Nonetheless, the Constitution allows for the expropriation of land, and the legislative framework on land in general has failed to reconfigure the dualistic agrarian structures indicative of postapartheid inequality that propel skewed land ownership. A range of controversial and poorly-articulated policies have emerged to enrich a small elite, while there have been no attempts to establish a land administration framework since 2011. Despite administrative justice also being guaranteed by the Constitution- this and other decisionmaking and local resource management systems that appear strong in law have been poorly addressed in their implementation and enforcement in practice. The wide-scale defects in the implementation of land reform are further fuelling social dissatisfaction and political disaffection.

Progress towards people-centred land governance in South Africa has also been hindered by the interests of large-scale agriculture, fishing and mining operations; multinational corporations, property developers, international trade agreements; as well as the President and Traditional leaders, among others.

Lack of Accountability

The lack of formal recognition of land administration systems has led to nearly 60% of the population lacking registered land rights, particularly among rural smallholder land-users. There is a dire lack of adequate state and corporate accountability to provide protection against land grabbing, especially in the context of mineral and resource-rich parts, where corporate interests collude with those of traditional authorities and further drive land displacements. Moreover, the South African government does not publish large-scale land deals or investments, nor does it regularly publish revenue gained from these investments.

Unsustainable Food Systems

South Africa has 35 000 large-scale, mostly white-owned commercial farms that occupy most agricultural land and produce the majority of the country's food. Currently, the only type of land eligible for redistribution is white-owned land that tends to orient towards large-scale agriculture and agriprocessing. Taking into consideration all farmers in South Africa (commercial and non-commercial), it is estimated that only 0.28% of farms produce around 80% of the value of agricultural production. This is taking place in Africa's most industrialised and urbanised country, which is still unable to provide non-farm jobs for its adult population, leaving 34.9% of them unemployed (STATSSA, 2021).



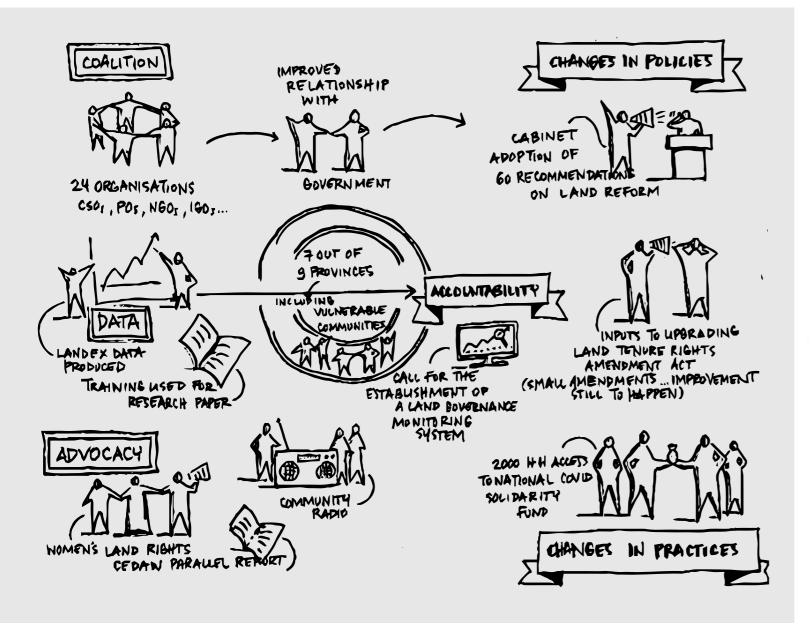




ILC'S THEORY OF CHANGE IN SOUTH AFRICA

ILC's platforms work to secure land rights for and with people, namely through the support of (i) National Land Coalitions, (ii) Data generation and use; and (iii) Regional and Global Advocacy- in order to hold changemakers accountable, and to influence the agendas, policies, and practices of governments, traditional authorities, and corporations to realise people-centred land governance.

The ILC's 2022-2030 Strategy outlines three objectives, namely:



STRATEGIC OBJECTIVE 1

NATIONAL LAND COALITIONS ADVANCE PEOPLE-CENTRED LAND GOVERNANCE.

ILC works to influence actors to improve land-related policies and practices at the local and national level, through National Land Coalitions that build broad and diverse partnerships to defend, secure or regain land rights- ideally with people's organisations at the helm.

LandNNES has built an inclusive national civil society platform operating in seven of the country's nine provinces, incorporating one People's Organisation, and contributing to advancements in land reform processes, such as amendment acts and COVID relief efforts benefitting 2000 Households.

WORITIZE

STRATEGIC OBJECTIVE 2

PEOPLE'S DATA IS PRODUCED AND USED TO HOLD GOVERNMENTS AND CORPORATIONS ACCOUNTABLE

ILC produces and uses people's data to provide a powerful basis for evidence-based dialogue and subsequent action between key actors including governments, and civil society, among others.

In South Africa, LandNNES produced and utilised people's data through the LandEx initiative, trained key changemakers in its use, fed a peer-reviewed research paper, and advocated for the establishment of a National Land Governance Monitoring System and other necessary changes towards effective land administration systems.

STRATEGIC OBJECTIVE 3

REGIONAL AND GLOBAL ADVOCACY BUILDS POLITICAL COMMITMENT TO PEOPLE-CENTRED LAND GOVERNANCE

ILC amplifies the voices of people's organisations and to build political will for people-centred land governance at the regional and global level.

In South Africa, LandNNES has strengthened the voice of women through a parallel CEDAW report on the status of Women Land Rights, alongside national and local actions raising awareness through community radio programmes, among other advocacy actions.

NOTABLE OUTCOMES

LAND NETWORK NATIONAL ENGAGEMENT STRATEGY OF SOUTH AFRICA

The National Civil Society Platform on Land (known as the Land Network National Engagement Strategy of South Africa) has worked to realise equitable, inclusive, and participatory land governance in South Africa since 2018. The platform is composed of 24 members including six ILC members, civil society and people's organisations, international and non-governmental organisations, and research institutions. The involved civil society organisations have direct communication with South Africa's most vulnerable communities, which also manage databases on these communities to ensure the availability and rapid sharing of information.

The platform and its partners work to ensure equitable access and redistribution of land and resource rights, and to strengthen support frameworks for small scale farmers and fishers, by assessing the adequacy of the current land governance system; advocating for effective land governance reforms; building civil society's capacities in engaging with land rights issues; and developing land-related policy proposals and recommendations, among other means. *Over the past three years, LandNNES members have made important contributions to national land policies, practices, and agendas* as outlined below.

CONTRIBUTIONS TO CHANGES IN NATIONAL POLICIES

INFLUENCING RECOMMENDATIONS ON LAND REFORM AND AGRICULTURE TO ACCOUNT FOR A NEW LAND ADMINISTRATION FRAMEWORK (2019)

Following the African National Congress' resolution to expropriate land without compensation, the South African Cabinet- the most senior level of the Government's executive branch- adopted 60 (out of 73) recommendations emerging from the Presidential Advisory Panel's Report on Land Reform and Agriculture in December 2019. The adopted recommendations obliged the Department of Agriculture, Land Reform and Rural Development to commit to their implementation, and to report to the Cabinet on relevant progress. LandNNES members provided various inputs to the Panel engagements, with many of their proposals- including those regarding a new Land Administration Framework- being incorporated in the official Advisory report.



To help build members' capacities to engage with land administration issues and policy development processes, LandNNES produced a briefing document on the Government's response, as well as a **YouTube lecture series on land administration** that targeted platform members, government officials and the general public in order to build a wider understanding of land administration in the country.

INPUTS TO UPGRADING OF LAND TENURE RIGHTS AMENDMENT ACT (2021)

The Upgrading of Land Tenure Rights Amendment Act of 2021 sought to improve tenure security for marginalised informal rights holders by providing for the conversion of land tenure rights to ownership. However, several of the fundamental issues with the Act that LandNNES had persistently worked to address over the past three years- particularly through its Land Administration Systems submissions- were ignored by the Parliament.

LandNNES members provided inputs to the Act regarding the formalisation and protection of unregistered land tenure rights, and despite these having certainly had influence on the Government making small amendments, the submissions have yet to result in concrete improvements in the law itself. This follows a general trend in which public inputs into draft Bills are largely ignored by Parliament.

CONTRIBUTIONS TO CHANGES IN PRACTICES

INCORPORATING EXCLUDED SMALL-SCALE FARMERS IN AGRICULTURAL DISASTER RELIEF PROCESS

In April 2020, LandNNES members, the COVID-19 People's Coalition, and the African Centre for Biodiversity jointly formulated a proposal **as part of an Agricultural Disaster Relief Plan for small-holder farmers to address food production constraints resulting from COVID-19** lockdowns. With the support of over 50 farmers associations and 47 Civil Society Organisations, the submission helped enable the second phase of the Presidential Stimulus Programme in 2020, which targeted those without annual turnover records, and those excluded in the first round due to the restrictive eligibility criteria. The Department of Agriculture, Land Reform and Rural Development also extended the application deadline as per LandNNES requests, and agreed to formulate an online database of small producers as part of a more inclusive application process. These developments represented a partial recognition of the crucial contribution of rural, urban and peri-urban small-scale farmers to local food supplies in South Africa.

NATIONAL COVID-19 SOLIDARITY FUND

LandNNES supported the Government's National Solidarity Fund, a rapid response to provide medical, humanitarian, and other types of emergency support in light of COVID-19. The Fund worked to distribute household food production input vouchers to people living in rural land under traditional leadership structures, and later contracted LandNNES to identify 2,000 household beneficiaries across five provinces. LandNNES members furthermore directly supported the households with their applications to the disaster relief grants.

CONTRIBUTIONS TO CHANGES IN AGENDAS

GOVERNMENT AND CIVIL SOCIETY BUILD TRUST AND COMMIT TO POLICY CO-DEVELOPMENT

In 2019, LandNNES' working relationship with the Department of Agriculture, Land Reform and Rural Development indicated that key actors in the South African Government were fully supportive of the civil society platform. At the time, this represented a major turnaround in the relationship between government and civil society, as LandNNES was able to influence the Department to share its policy work on land administration and on the recording of customary rights in communal areas. The Department had also explicitly requested LandNNES to co-operate on the development of a National Farm-dwellers Policy, as well as new implementation plans for the COVID-19 Relief Plan and Task Force.

Such interactions contributed to improving stakeholder awareness on the need to re-purpose land administration and information systems, as well as an overall increase in policy engagements. These were seen as welcome changes as LandNNES members and grassroots communities had consistently stressed the need to review the land reform and redistribution policy framework with civil society inputs.



However, with Government and economy again in increasingly shambolic states, building from invitations and engagements to concrete, ongoing partnerships has yet to materialise. This has contributed, among other factors, to a re-emergence of suspicion among civil society organisations of Government intentions, and the perception of their consultation of civil society actors as just a "tick-box" exercise.

PARTNERSHIPS FOR IMPACT

All LandNNES activities target the Government based on the expressed needs arising from the People's organisations they work with. Key **Government stakeholders** include the Department of Rural Development and Land Reform; the President's Advisory Committee; the Department of Planning, Monitoring and Evaluation; the Department of Co-operative Governance; the Department of Human settlements; and the Department of Agriculture, Forestry and Fisheries. Among these are other government agencies supporting land governance work, namey the Housing Development Agency, the Law Reform Commission, as well as the Departments of Science, Technology, Water Affairs, and Social Development.

Inter and non-governmental actors engaged with LandNNES are part of the national Multi-Stakeholder Platform (led by FAO), and the policy dialogues organised under this banner incorporate multiple government and non-government participants. The primary inter-governmental and non-governmental actors engaged with the civil society platform include the European Union (EU); the Food and Agricultural Organisation (FAO); the International Fund for Agricultural Development (IFAD); and the United Nations Agency for Women (UN Women), among others.

Academia and research institutions provide key support to LandNNES on policy formulation and development. Key partners include the South African Geomatics Institute; the University of Cape Town; Wits University and the Institute for Poverty, Land and Agrarian Studies (PLAAS).

Private sector actors working with the platform include organised land owners and users, as well as professional service providers involved in land governance such as surveyors, planners, conveyancers, as well as GIS and legal professionals.



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HOLDING GOVERNMENT ACCOUNTABLE BY TRACKING PROGRESS ON LAND GOVERNANCE DATA: ILC'S LAND GOVERNANCE INDEX

ILC's Global Land Governance Index (LandEx) centralises land governance data collected from primary and secondary sources. LANDex's 33 indicators serve as a guided, people-based assessment to highlight diverse experiences and perspectives on land governance. For these indicators, a sample of respondents are identified by the given NLC platform, and data collected is reviewed by platform members.

In South Africa, the LandNNES platform used LandEx to further its call for the establishment of a national Land Governance Monitoring system, as well as to promote institutional changes towards an effective land administration system that includes new approaches to land data and information management in order to make diverse rights visible and real. LandEx trained 26 delegates from civil societies, academia, the private sector and government on how the land monitoring tool has been used successfully in other countries (Colombia, Nepal and Senegal) and on how to adapt LANDex to the national context. In May 2021, LandNNES members provided data to feed its indicators, some of which were then used to contribute to a research paper on the South African Multi-stakeholder Platform for the Journal 'Sustainability', submitted for peer review in July 2021.

WHAT WE FOUND

In South Africa, LANDex data confirms that political will, adequate funding and institutional support to secure diverse rights are lacking, and highlights the lack of progress on the adoption of the Voluntary Guidelines on Tenure, as well as the lack of their incorporation into existing policies and programs. 86% of LANDex respondents asserted that national law does not define an accessible process to map or register community land, while all respondents confirmed that communities cannot be a registered owner of land without forming a legal entity. There is a further lack of clear procedures for demarcating and registering the lands or territories of indigenous peoples, while rural women are the most land-insecure and 13% less likely to have documentation than men in the same areas.

REGIONAL AND GLOBAL ADVOCACY TO STRENGTHEN WOMEN'S LAND RIGHTS

CIVIL SOCIETY PARALLELREPORT ON IMPLEMENTATION OF THE CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

In order to raise awareness on policy and implementation gaps on women's rights, all policy briefs formulated by LandNNES have a focus on the role of women in small-holder farms and fisheries, as well as their ability to access land and tenure security. Such findings were used as a basis for the 2020 CEDAW Parallel Report, a formal review of the state's report prepared by a coalition of civil society organisations for review by the CEDAW Committee. An overarching finding of the report was that women's land rights are still not considered a key issue, especially in patriarchal communal areas. The report has yet to be acknowledged by the Government.

COMMUNITY-RADIO TARGETING TRADITIONAL LEADERS

The NKUZI Development Association (a member of both LandNNES and ILC's regional platform on Women's Land Rights in Africa) facilitated meetings with the Limpopo Local Government Association, and with Traditional Leaders in order to familiarise them with the Kilimanjaro Charter of Demandsa list of demands on land rights developed by rural women and farmers forums from over 21 African countries, and including ILC member representatives.

NKUZI also conducted radio campaigns highlighting harmful approaches of some traditional leaders towards rural communities and women, as well as those affected by large-scale land-based investments. With a reach of over 500 000 people, the campaign provided a space to highlight the shortcomings of the proposed legislative changes in the Land Law, while proposing improvements to safeguard and secure women's land rights more effectively. The resulting dialogue and general awareness of the issue contributed to the President of South Africa calling upon traditional leaders to reiterate that land consultations need to be broad and representative.

KEY CHALLENGES

GOVERNMENT & POLICY

A major shift in land engagements with civil society occurred in 2017-largely due to the change in President, challenges in government service delivery, and its transformation agenda. These factors created an opportunity for civil society to advocate for the review of policies related to land reform and land governance. However, the high turnover of Government staff- including in particular the departure of the Director General of the Department of Agriculture, Land Reform and Rural Development (the co-chair of the platform) in August 2020, left the platform work in limbo.

The delayed implementation of policies also clearly undermines civil society's faith in the consultation process, as despite the Department of Agriculture, Land reform, and Rural Development acknowledging the importance of regular multi-stakeholder engagements, all new or amended policies are further required to gain Cabinet approval before public engagement is permitted. This requires new strategies to address issues in public governance.

Furthermore, the re-emergence of suspicion among civil society organisations of Government intentions, and the perception of their consultation of civil society actors as just a "tick-box" exercise, has been brought about (among other factors) by the government's failure to transform engagements with civil society into concrete, ongoing partnerships.

COVID-19

Despite COVID-19 disrupting the functioning of the platform, the relationships developed with the Government meant that they were open and supportive of the Civil Society submission on improving the COVID relief process, and supportive of the call to broaden its recipient criteria. This contributed to the recognition of the civil society platform as a key non-government voice in policy making processes.

COVID-19 further prompted novel and strengthened partnerships within a wide range of partners and networks working in agriculture, agroecology and food systems- including the Agroecology South Africa Network, the South African Food Lab, GenderCC and the Seriti Institute. Some of these actors, namely Mahlathini Organics and Siyazisiza, have since integrated as LandNNES members.



SUPPORTING CIVIL SOCIETY VOICES AND CAPACITIES

Despite the majority of the civil society organisations involved having had come together as part of the Food and Agriculture Organisation's VGGT initiatives, FAO lacked a broader, explicit support process for civil society- and therefore the LandNNES would not have been formulated without the support of the ILC.

Moreover, as much of the policy space was taken by academics and researchers to the exclusion and backseat participation of civil society organisations, the formation of the LandNNES platform helped elevate their independent and collaborative participation, as well as their ability to build rapport and influence the Government on land governance matters. The Political education of members has likewise proven vital for developing more inclusive policy-making processes, despite being marked by slow progress.



ILC'S MEMBERSHIP

ILC AND LANDNNES MEMBERSHIP IN SOUTH AFRICA

The ILC member has six national member organisations in South Africa who work directly with community-based organisations representing local communities, small-scale farmers, indigenous people, and women. LandNNES members work at the local-level with communities to support policy advocacy on innovative systems of land administrationincluding people living under customary systems and tenant farms, among others.

ILC MEMBER	ROLE IN LANDNNES	DESCRIPTION
Association for Rural Advancement (AFRA)	MSP civil society co-chair and LandNNES host/facilitator.	AFRA is a land rights advocacy non-governmental organisation founded in 1979, based in the KwaZulu Natal Province. AFRA works to support marginalised black rural people, with a focus on farm dwellers.
Land Access Movement of South Africa (LAMOSA)	Steering Committee member	LAMOSA is an independent Community Based Organisation advocating for land and agrarian rights. They operate in the Gauteng, Limpopo, Mpumalanga and North West provinces.
Lawyers for Human Rights (LHR)	Member	LHR is an independent human rights NGO founded in 1979. LHR uses the law as a positive instrument for change and to deepen the democratisation of South African society.
Natural Justice (NJ)		
Steering Committee member	Natural Justice is a team of pioneering lawyers and legal experts specialised in human rights and environmental law in pursuit of social and environmental justice.	
Nkuzi Development Organisation (NKUZI)	Steering Committee Chair of LandNNES	NKUZI works to advance land rights for marginalised communities. Based in Limpopo Province, the organisation works with land claimants, small-scale farmers, farm dwellers and communities affected by mining operations.
Transkei Land Services Organisation (TRALSO)	Steering Committee member	TRALSO is an NGO focused on rural development to support equitable access to land and natural resources by rural communities.



LANNDESS MEMBERS

African Farmers Association of South Africa (AFASA) AFESIS Corplan

African Indigeous Churches Organisation (AICO)

Alliance for Rural Democracy (ARD)

Farmer Support Group (FSG)

International Food Security Initiative

Landless Peoples Movement (LPM)

Legal Resource Centre (LRC)

Masifundise

Phuhlisani

Rural Legal Trust (RLT)

Landless Peoples Movement (LPM)

Legal Resource Centre (LRC)

Masifundise

Phuhlisani

Rural Legal Trust (RLT)

Support Centre for Land Change (SCLC)

The Socio-Economic Rights Institute of South Africa (SERI)

Siyazisiza Trust

Surplus People's Project (SPP)

Tshintsha Amakhaya (TA)

Women affected by Mining in United Action (WAMUA)

LANNDESS MEMBERS: ILC MEMBERS

Association for Rural Advancement (AFRA)

Land Access Movement of South Africa (LAMOSA)

Lawyers for Human Rights (LHR)

Natural Justice (NJ)

Nkuzi Development Organisation (NKUZI)

Transkei Land Services Organisation (TRALSO)



STRATEGIC PARTERS AND CORE DONORS









Government of the Netherlands















National Land Coalitions - often referred to as "**NLCs**" – are multi-stakeholder platforms set in motion by the

International Land Coalition (ILC).

They are led by ILC members and include both members and non-members, to realise the Coalition's joint goal of people-centred land governance and to push forward national land reform and agendas.

NLC's are helping to simplify and unpack land governance complexities by setting priorities and designing legitimate solutions to the most challenging land-related issues in a country.

NLCs are promoting collaboration and bridging the gap between government, the private sector, civil society including grassroots organisations, international agencies, traditional authorities and academia.

All ILC members have the opportunity to set up national platforms with the technical and financial support of the ILC.

These platforms use ILC's 10 commitments to people-centred land governance as their compass, while promoting the Voluntary Guidelines for Land Tenure (VGGTs) and the Framework and Guidelines on Land Policy in Africa.

INTERNATIONAL LAND COALITION SECRETARIAT c/o IFAD

Via Paolo di Dono 44, 00142-Rome, Italy tel. +39 06 5459 2445 fax +39 06 5459 3445 **info@landcoalition.org** | **www.landcoalition.org**

