



## **KWAZULU-NATAL PROVINCIAL LAND AND AGRARIAN REFORM FORUM: TERMS OF REFERENCE**

### **1. PREAMBLE**

- 1.1 The members of the KwaZulu-Natal Land and Agrarian Reform Forum (hereafter referred to as 'the Forum') representing the key interested and affected parties hereby record the establishment of a Forum to facilitate coordination and information sharing among its members on the implementation of the land and agrarian reform in the Province.
- 1.2 The Terms of Reference outlined herein creates a common level of understanding and forms the basis for the establishment of the Forum.

### **2 BACKGROUND**

#### **2.1 The need and strategic basis for the establishment of a Provincial Land and Agrarian Reform Forum is as follows:**

- 2.1.1 Land and agrarian reform is a multi-faceted program which impacts on a number of interests, and has a potential to make a significant contribution in economic development and growth, social development, sustainable development, nation building and reconciliation.
- 2.1.2 Land reform, agriculture and agri-business are identified as priority initiatives in a number of Provincial and National strategies, programs and policies. These include The Strategic Plan for South African Agriculture, The White Paper on Agriculture, The White Paper on Land Reform, the Provincial Growth and Development Strategy (PGDS), Provincial Spatial Economic Development Strategy (PSEDS) and the Provincial Industrial Development Strategy. Implementation of the Land Reform Program should contribute and not detract from provincial growth priorities.
- 2.1.3 There is a need for effective cooperation and coordination in working towards meeting targets as set by the National Government. The Government's target is to redistribute at least 30% of agricultural land by 2014 and to complete the land restitution process by 2008.
- 2.1.4 To respond to the call from the Provincial and National Land Summits that local land and agrarian reform forums be established. The KwaZulu-Natal Land and Agrarian Reform Forum is a response to the need to establish a forum in which land and agrarian issues can be deliberated.

- 2.1.5 There is consensus among the stakeholders about the need for the proposed Forum. The idea is supported by the Portfolio Committee, civil society organisations, government departments and sector based organisations.

### **3 AIMS AND OBJECTIVES OF THE FORUM**

- 3.1 The primary aim of the Forum is to provide stakeholders with a platform for structured and constructive communication, coordination, cooperation and information sharing concerning the implementation of the land and agrarian reform in KwaZulu Natal. This will facilitate efficiency and effectiveness; promote developmental outcomes and long-term sustainability.

#### **3.2 Its objectives are to:**

- 3.2.1 Enhance cooperation among stakeholders in the implementation of the land and agrarian reform programmes.**
- 3.2.2 Enhance integration and coordination of land and agrarian reform with the broader socio-economic development of the Province.**
- 3.2.3 Monitor and support land reform implementation within the legislative framework, policy guidelines and procedures of the government; including through close interaction with the relevant Provincial Portfolio Committees.**
- 3.2.4 Provide a platform where stakeholders can raise concerns, issues and challenges as well as interpreting land and agrarian reform in the context of KwaZulu-Natal.**
- 3.2.5 Contribute to the holistic and sustainable implementation of land and agrarian reform in a manner that contributes to economic development and growth.**
- 3.2.6 Enhance access and coordination of financial and other support resources at a programmatic and provincial level to contribute to the sustainability of land and agrarian reform in the Province.**

### **4 CRITICAL SUCCESS FACTORS**

- 4.1 Availability of accurate, up-to-date and relevant information with regard to the land and agrarian reform.
- 4.2 Dual focus in terms of achieving the objectives of the Forum and the intentions of the state with the land and agrarian reform program.
- 4.3 Frequent participation in Forum meetings and activities.
- 4.4 Execution of Forum decisions and recommendations by the individual members.
- 4.5 Level of cooperation among the members.

### **5 GUIDING PRINCIPLES**

- 5.1.1 Land and Agrarian Reform is sanctioned by the Constitution and forms part of the reconstruction, development and transformation agenda of the government.

- 5.1.2 Relevant government departments and institutions implement the land reform and agrarian reform programs in terms of legislation and policy directives. These include The Strategic Plan for South African Agriculture, The White Paper on Agriculture, The White Paper on Land Reform, Provincial Spatial Economic Development Strategy (PSEDS) and the Provincial Growth and Development Strategy (PGDS).
- 5.1.3 Effective implementation of this program requires a high level of cooperation between government, civil society, organised interest groups and Non-Governmental Organisations.
- 5.1.4 The Forum does not replace a need for bilateral engagement between and among the stakeholders.

## **6 ROLE OF THE FORUM**

### **6.1 Coordination and Cooperation**

- 6.1.1 The Forum is a structure for discussion on legislation, policy issues, strategy, implementation and priorities in support of land and agrarian reform. While the Forum is an environment for information sharing and discussion; members may make independent submission or respond to legislation, policy and strategies in their own capacity outside of the Forum.
- 6.1.2 Setting up the necessary channels of communication with government structures, via the Forum and appropriate work groups, to facilitate land and agrarian reform initiatives.
- 6.1.3 Assist in providing the appropriate environment for mobilization of the necessary finances, resources and support structures for successful implementation of the land reform program.
- 6.1.4 Consideration of strategic issues and approaches concerning processes, institutional arrangements, etc.
- 6.1.5 Identify and prioritise issues requiring further research and investigation; and motivate the relevant Departments and institutions to undertake the required research.
- 6.1.6 Provide input in a variety of land and agrarian reform initiatives.
- 6.1.7 Integrating the land and agrarian reform into the broader socio-economic development of the Province.
- 6.1.8 Ensure cooperative governance regarding the implementation of the Land and Agrarian Reform in KwaZulu-Natal, and provide for input from key stakeholders.
- 6.1.9 The Forum can invite analysis and other support from the participating institutions and outside institutions.

### **6.2 Information Sharing**

- 6.2.1 Invite presentations and receive documentation from relevant government departments, and deliberate on new policy directions.
- 6.2.2 Deliberate and consider strategic and implementation related issues raised by the members.

- 6.2.3 Receive periodic reports on progress, trends, patterns and challenges concerning the practical implementation of land and agrarian reform. This could take the form of an organisational update on their activities – particularly from the Land Bank, DLA, RLCC and DoA and other departments which may be required from time to time.
- 6.2.4 Invite presentations from interested and affected parties on issues pertinent to the implementation of land and agrarian reform.
- 6.2.5 Circulate relevant research findings amongst members.
- 6.2.6 Share best practice examples and practices.
- 6.2.7 The Forum should not duplicate the work of other structures and fora.

## **7 MEMBERSHIP**

- 7.1 The membership of the Forum shall comprise of Provincial representatives from the following interest groups:
  - 7.1.1 Government departments responsible and directly involved in land and agrarian reform.
  - 7.1.2 Organised agriculture.
  - 7.1.3 Civil society organisations.
  - 7.1.4 Organised agri-business.
  - 7.1.5 Government related financial institutions (development banks).
  - 7.1.6 Banking Association.
  - 7.1.7 MEC of Agriculture.
- 7.2 The Forum shall comprise of senior officials, managers and leaders who have a mandate to speak on behalf of their organisations and make commitments where necessary and appropriate.
- 7.3 Nominated existing and future members of the Forum must have a direct interest in land or agriculture at a Provincial level (see Annexure One and Two).
- 7.4 Non members may be invited by any member to attend the Forum meetings for specific purposes subject to consultation with the Chairperson.
- 7.5 Participating organisations may terminate their membership of the Forum by giving written notice to the Chairperson or verbal notice at a meeting of the Forum.
- 7.6 The Forum members (governmental and non-governmental) are all equal in status.
- 7.7 The members shall conduct themselves in a responsible and courteous manner reflecting the spirit of cooperative governance.
- 7.8 Guidelines for membership of the Forum are attached as Annexure One.
- 7.9 The procedure for admission of additional members is structured as follows. Any organization wishing to be a member of the Forum should make formal application to the Chairperson of the Forum. The application will then be tabled for discussion at the following Forum meeting, taking into account the guidelines outlined in Annexure One.

## **8 MEETING PROCEDURES**

- 8.1 The Forum shall meet at least 4 times a year on a quarterly basis. The working groups (sub-committees or task teams) may meet as regularly as necessary (see 8.7 below).
- 8.2 Each member organisation shall be represented by not more than 2 people in a Forum meeting.
- 8.3 Members are expected to attend all meetings of the Forum. If no representative is available then apologies should be rendered. Membership shall be withdrawn if a member fails to attend three meetings without apology or reasons. The Chairperson shall then indicate the withdrawal in writing.
- 8.4 The Forum shall have a quorum if at least five of the above outlined interest groups are present (refer to section 7.1). If there is no quorum the meeting may proceed and the minutes can be ratified by a later meeting where there is a quorum.
- 8.5 Members may call unscheduled meetings through the Chairperson to address urgent and unforeseen matters should these arise.
- 8.6 Notice of meetings shall be given to members at least three weeks in advance.
- 8.7 The Forum may establish sub-committees or task teams to address specific issues. The sub-committees or task teams will function within the mandate of the Forum. The sub-committees or task teams may co-opt any person with special knowledge to assist them, whether they are members or not. The participation in the sub-committee does not constitute membership of the Forum.

## **9 ACCOUNTABILITY**

- 9.1 Members are responsible for reporting back to their own structures.
- 9.2 Members' accountability to the Forum is limited to the activities of the Forum only.

## **10 CHAIRPERSON**

- 10.1 The chairperson of the Forum must be able to exercise authority over all the attendees, display good leadership and be impartial.
- 10.2 The main responsibility of the chairperson is to convene and chair the Forum meetings.
- 10.3 The chairperson will be the MEC for Agriculture and Environmental Affairs.
- 10.4 He or she may however appoint any member of the Forum to act as an Interim Chairperson at his or her absence. In the event of this occurring, the MEC shall inform the members of the Forum of the person so appointed at least during the circulation of invitations to members unless circumstances beyond his or her control prevents such earlier notification of members.

## **11 SECRETARIAT**

11.1 The Department of Land Affairs will provide the secretariat service to the Forum.  
All correspondence should be addressed to:

Chief Director: Provincial Land Reform Office  
188 Hoosen Haffejee Street  
PIETERMARITZBURG  
3201

### **11.2 The secretariat shall:**

- 11.2.1 Secure an appropriate venue for meetings.
- 11.2.2 Seek agenda matters from member of the Forum at least three weeks before a meeting.
- 11.2.3 Send out agendas and minutes at least two weeks before a meeting.
- 11.2.4 Take minutes of the Forum meetings and prepare an activity schedule. The schedule would be circulated to all members at least one week after a meeting.

## **12 DECISION MAKING**

- 12.1 Decisions relating to the functioning of the Forum are binding on all members.
- 12.2 Views expressed by members are not necessarily the views of the Forum unless all members are explicitly in agreement.
- 12.3 Any proposed changes to the Terms of Reference of the Forum must be accepted by consensus of members present at that time. If consensus cannot be reached, the majority decision shall prevail.
- 12.4 In the event of there being no majority, the Chairperson shall have a casting vote.
- 12.5 Any proposed changes must be circulated to members in writing as a formal agenda item at least two weeks in advance of a meeting.

## **13 FINANCIAL IMPLICATIONS**

- 13.1 It is expected that each member organisation will bear all travel and subsistence costs relating to the activities of the Forum.
- 13.2 The costs relating to secretariat, administration and the hosting of the Forum meetings will be borne by the Department of Land Affairs or any other member that may so desire.

## **14 DISSOLUTION**

The Forum is a voluntary association of key interested and affected parties. It can be dissolved at any time upon agreement among the members, and/or when its objectives have been met.

## **Annexure One: Determination of guidelines for Membership of the Provincial Land and Agrarian Reform Forum**

The Forum is a voluntary structure that has been established to “facilitate coordination and information sharing among its members”. The Forum is based on voluntary membership and is based on inclusivity of interests. Bearing this in mind, there is also the need to be practical and effective, and to achieve a balance between the voices that need to be heard at a Forum such as this. For these reasons the following provisos are recommended.

The following 3 sets of principles apply to the selection of membership of the Forum.

### **Clear Interest**

- The organization must have a clear interest and role to play with regard to land and agrarian reform.
- The organization must be provincially established. The purpose is not to give voice to individuals, specific interests or specific geographical communities.
- Members of the Forum can be included because they bring particular perspectives, resources and knowledge to the Forum.

### **Organizational credibility**

- The organization must be recognized and have a constitution.
- The organization must have a clear constituency and clear membership.

### **Functioning of the Forum**

- As a general principle, the Forum encourages group and collective membership in terms of representation. This is only in as far that this is practical and does not lead to the exclusion of an important voice or interest.
- The exclusion of the organization must not negatively impact on the goals of the Forum.
- The Forum should be balanced in terms of the number of members and interests.

## Annexure Two: Members

Organization	Name (Representative)	Contact
MEC for Agriculture and Environmental Affairs	MEC M. Mthimkhulu	
Department of Land Affairs: PLRO	Mr Vela Mgwengwe	033 – 355 4300 <a href="mailto:vmngwengwe@dla.gov.za">vmngwengwe@dla.gov.za</a>
Department of Land Affairs: Surveyor General	Mr Chris Williams Wynn	033- 355 2900 <a href="mailto:cdwilliwn@lg0331.kzntl.gov.za">cdwilliwn@lg0331.kzntl.gov.za</a>
Department of Land Affairs: Deeds Office	Mr Brian Mbatha	033- 355 6810 <a href="mailto:sbmbatha@dla.gov.za">sbmbatha@dla.gov.za</a>
Department of Agriculture	Head of Department	033- 355 9100 <a href="mailto:hodpa@dae.kzntl.gov.za">hodpa@dae.kzntl.gov.za</a>
Regional Land Claims Commission	Ms M. Sosibo	033 – 34 6955 <a href="mailto:snsosibo@dla.gov.za">snsosibo@dla.gov.za</a>
Department of Economic Development	Ms Carol Coetsee	031- 310 5461 <a href="mailto:coeteec@kznded.gov.za">coeteec@kznded.gov.za</a>
Agri-business Chamber	Dr. John Purchase Ms. Lindie Botha	012 – 300 9502 082 4412 308 <a href="mailto:john@aqbiz.co.za">john@aqbiz.co.za</a> <a href="mailto:lindie@aqbiz.co.za">lindie@aqbiz.co.za</a>
Banking Association	Mr Prince Maluleke	011- 645 6700 ( <a href="mailto:princem@banking.org.za">princem@banking.org.za</a> ) Ms Rensche Liebenberg <a href="mailto:renschel@banking.org.za">renschel@banking.org.za</a>
Ithala Bank	Mr Sipho Nyembezi	031- 907 8601 <a href="mailto:snyembezi@ithala.co.za">snyembezi@ithala.co.za</a>
The Land Bank	Mr J. van der merwe	033- 845 9600 <a href="mailto:jfvandermerwe@landbank.co.za">jfvandermerwe@landbank.co.za</a>
National African Farmers Union	Dr Buthelezi	031- 465 7237 <a href="mailto:nafukzn@yahoo.com">nafukzn@yahoo.com</a>
Kwanalu	Ms Sandy la Marque	033 – 342 9393 <a href="mailto:sandy@kwanalu.co.za">sandy@kwanalu.co.za</a>
South African Cane Growers	Mr David Wayne Ms Kathy Hurly	031- 508 7003 dwayne@canegrowers.co.za <a href="mailto:khurly@canegrowers.co.za">khurly@canegrowers.co.za</a>
KZN Poultry Institute	Mr Roy Aston - Ramsden	033- 346 0049 <a href="mailto:royr@kznpi.co.za">royr@kznpi.co.za</a>
Forestry Association of South Africa	Mr Roger Godsmark	033- 346 0344 <a href="mailto:forest@global.co.za">forest@global.co.za</a>

Church Land Project	Mr Graham Philpot	033 – 264 4380 <a href="mailto:graham@churchland.co.za">graham@churchland.co.za</a>
Association for Rural Advancement	Ms Lisa del Grande	033 – 345 7607 <a href="mailto:lisa@afra.co.za">lisa@afra.co.za</a>
Landless Peoples Movement	Ms Thobekile Radebe Mr Mangaliso Kubheka	072 299 2412 <a href="mailto:thobekileradebe@yahoo.co.uk">thobekileradebe@yahoo.co.uk</a> 072 127 4055 <a href="mailto:mangalisokubheka@yahoo.com">mangalisokubheka@yahoo.com</a>