



## **CALL FOR PAPERS**

### **Corruption Watch's Project Larona [ laa-ro-nah]**

### **Lefatshe la rona – Setswana phrase meaning “*Our Land*”**

### **Call for Research and Policy Papers with an overall theme of “Leaving No-one Behind”**

**Deadline for application and abstract - COB 3 July 2022.**

**Final Papers due 28 February 2023**

#### **Project Background:**

Corruption Watch (CW), as a Transparency International Chapter (TI), is part of the Rallying Efforts to Accelerate Progress (REAP) – Africa Inequalities Initiative funded by the European Commission. The focus of the grant is to directly support groups at the intersection of income, wealth, and social inequalities who have been among those most left behind in South Africa, and, more broadly Africa.

For this particular project, Project Larona, the beneficiaries are land right holders and mine affected communities, specifically women and the youth. CW interventions are, therefore, focused on the creation of platforms for land right holders in mine-affected areas to facilitate active participation in decision-making processes<sup>1</sup> that affect their land, property, environment, and livelihoods. CW activities fall under three broad work streams namely, transparency and accountability, strategic policy interventions, and capacity building and knowledge management.

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<sup>1</sup> Kengni, Bernard. "Strengthening decision-making processes to promote water sustainability in the South African mining context: the role of good environmental governance and the law." Phd thesis UCT (2019).

## Research context

South Africa remains one of the most unequal countries in the world.<sup>2</sup> It has a high Gini coefficient<sup>3</sup> and half the country lives in poverty.<sup>4</sup> This is due to a legacy of colonialism and Apartheid, coupled with the high levels of grand corruption of the past decade and a half.<sup>5</sup> The World Bank highlights that skewed asset bases for the poor perpetuate the inequality divide.<sup>6</sup> Reflective of the country's historical legacies, economic inequalities<sup>7</sup> are highly correlated with race.<sup>8</sup> As Cathy Albertyn has noted: "It is no surprise that the achievement of equality, human dignity and freedom under South Africa's Constitution is closely tied to the eradication of poverty and inequality. These goals are an essential part of South Africa's transformative constitutional project, part of the wider constitutional commitment to 'improve the quality of life and free the potential of all persons.'<sup>9</sup>

Land is a significant vector of inequality in South Africa,<sup>10</sup> as highlighted by the European Commission (EC) Inequalities Research Initiative.<sup>11</sup> Unequal distribution of land ownership remains a massive challenge.<sup>12</sup> Thus, the racial stratification of land inequality due to Apartheid has persisted.<sup>13</sup> Inequality also affects land tenure in traditional rural areas, with women being particularly affected.<sup>14</sup>

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<sup>2</sup> Goga, Sumayya, and Pamela Mondliwa. "Structural transformation, economic power, and inequality in South Africa." *Structural transformation in South Africa: the challenges of inclusive industrial development in a middle-income country* (2021).

<sup>3</sup> See further Finn, A, 2015. A national minimum wage in the context of the South African labour market. <http://nationalminimumwage.co.za/wp-content/uploads/2015/09/NMW-RI-Descriptive-StatisticsFinal.pdf>. Accessed 25 April 2022.

<sup>4</sup> Francis, David, and Edward Webster. "Poverty and inequality in South Africa: critical reflections." *Development Southern Africa* 36, no. 6 (2019): 788-802.

<sup>5</sup> Francis, David, Adam Habib, and Imraan Valodia. "South Africa's Post-apartheid Economic Development Trajectory." *The Oxford Handbook of the South African Economy* (2021): 91.

<sup>6</sup> World Bank "Overcoming poverty and inequality in South Africa: An assessment of drivers, constraints and opportunities."

<sup>7</sup> Webster, Edward, Imraan Valodia, and David Francis. "Towards a southern approach to inequality: inequality studies in South Africa and the global South." In *Inequality Studies from the Global South*, pp. 3-21. Routledge, 2020.

<sup>8</sup> Mosoetsa, Sarah, and David Francis. "Framing poverty and inequality studies in South Africa." *Transformation: Critical Perspectives on Southern Africa* 101, no. 1 (2019): 1-10.

<sup>9</sup> Albertyn, C, 2013. Gendered transformation in South African jurisprudence: Poor women and the constitutional court. In S Liebenberg & G Quinot (Eds.), *Law and poverty: Perspectives from South Africa and beyond*. Juta, Cape Town, 149.

<sup>10</sup> Beinart, William, Sonwabile Mnwana, and Luvuyo Wotshela. "Land reform, rural inequality and agrarian change: the case of Isidenge, Stutterheim, Eastern Cape." *Transformation: Critical Perspectives on Southern Africa* 102, no. 1 (2020): 27-48.

<sup>11</sup> Agence Française de développement, "Inequality trends in South Africa: A multidimensional diagnostic of inequality," Agence Française de développement (2019), 159, <https://www.afd.fr/en/ressources/inequality-trends-south-africa-multidimensional-diagnostic-inequality>, accessed 24 April 2022.

<sup>12</sup> Sihlobo and Kapuya, "Special Report: The Truth about Land ownership in South Africa" Business Live, <<https://www.businesslive.co.za/rdm/politics/2018-07-23-special-report-the-truth-about-land-ownership-in-south-africa/>> accessed on 10 February 2022.

<sup>13</sup> Bundy, C. (2019). Post-apartheid inequality and the long shadow of history. In C Soudien, V Reddy and I Woolard (eds) *State of the nation: Poverty & inequality: Diagnosis, prognosis, responses*, 79-93.

<sup>14</sup> Beinart, W (2009), 'Strategies of the poor and some problems of land reform in the Eastern Cape, South Africa: an argument against re-communalization', in T Chesters (ed) *Land Rights: The Oxford Amnesty lectures 2005*. Oxford: Oxford University Press

Despite that, land reform has encountered great resistance.<sup>15</sup> A study funded by the European Commission shows that an effective land reform would also assist in the creation of new jobs, supporting those most left behind.<sup>16</sup>

In the mining industry,<sup>17</sup> a variety of problems exist for people living near the mines.<sup>18</sup> Inequality<sup>19</sup> and resistance to effective reforms continue to be challenges.<sup>20</sup> While in recent years there have been advances in the legal framework<sup>21</sup> requiring the government or community leaders to consult with communities<sup>22</sup> and assess the impact of mining projects before negotiating mining rights or licenses<sup>23</sup>, in practice, participation is limited<sup>24</sup> and consultations rarely take place.<sup>25</sup> Often they are merely tick the box exercises.<sup>26</sup> The lack of consultation<sup>27</sup> combined with a lack of transparency<sup>28</sup> raises questions about the decision making.<sup>29</sup> Often, communities lose their land because of mining projects.<sup>30</sup> Their rights are insufficiently safeguarded.<sup>31</sup>

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<sup>15</sup> Kepe, T. and Hall, R., 2018. Land redistribution in South Africa: Towards decolonisation or recolonisation?. *Politikon*, 45(1), 128-137.

<sup>16</sup> Capacity Building Programme for Employment Promotion (CBPEP), Employment-intensive land reform in South Africa. <https://theconversation.com/study-shows-land-redistribution-can-create-new-jobs-in-agriculture-in-south-africa-139333>.

<sup>17</sup> Leonard, Llewellyn, and Thema Lebogang. "Exploring the impacts of mining on tourism growth and local sustainability: The case of Mapungubwe Heritage Site, Limpopo, South Africa." *Sustainable development* 26, no. 3 (2018): 206-216.

<sup>18</sup> Shongwe, Bonisile Nolwando. "The impact of coal mining on the environment and community quality of life: a case study investigation of the impacts and conflicts associated with coal mining in the Mpumalanga Province, South Africa." Master's thesis, University of Cape Town, 2018.

<sup>19</sup> Shackleton, Ross T. "Loss of land and livelihoods from mining operations: A case in the Limpopo Province, South Africa." *Land Use Policy* 99 (2020): 104825.

<sup>20</sup> AfricaNews, 2019. "South Africa's dilemma of land reforms and mining investment". <https://www.africanews.com/2019/02/10/south-africa-s-dilemma-of-land-reform-and-mining-investment/>

<sup>21</sup> Republic of South Africa "Minerals and Mining Policy of South Africa: Green Paper" (2019) South African Government. See also Igbayiloye, Oluwatosin B., and Danny Bradlow. "An assessment of the regulatory legal and institutional framework of the mining industry in South Africa and Kenya for effective human rights protection: Lessons for other countries." *African Human Rights Law Journal* 21, no. 1 (2021): 363-388.

<sup>22</sup> Adler, Rebecca A., Marius Claassen, Linda Godfrey, and Anthony R. Turton. "Water, mining, and waste: an historical and economic perspective on conflict management in South Africa." *The economics of peace and security journal* 2, no. 2 (2007) 33.

<sup>23</sup> Hamann, Ralph. "Corporate social responsibility, partnerships, and institutional change: The case of mining companies in South Africa." In *Natural resources forum*, vol. 28, no. 4, pp. 278-290. Oxford, UK: Blackwell Publishing Ltd., 2004.

<sup>24</sup> Leonard, Llewellyn. "State governance, participation and mining development: Lessons learned from Dullstroom, Mpumalanga." *Politikon* 44, no. 2 (2017): 327-345.

<sup>25</sup> du Plessis, Ané. "Public participation, good environmental governance and fulfilment of environmental rights." *Potchefstroom Electronic Law Journal* 11, no. 2 (2008): 1-34.

<sup>26</sup> Huiženga, Daniel. "The Right to Say No to Imposed Development: Human Rights Vernacularization in Reverse in South Africa." *Journal of Human Rights Practice* 13, no. 2 (2021): 205-224.

<sup>27</sup> Twum, Kojo Kakra, Peter Ansu-Mensah, Martin Kwadwo Amaniampong, James Telari Bonn, and Nicholas Asiedu Nyarko. "Sustainable Mining in Emerging Economies: A Case of Reputable Mining Companies in Africa." In *Responsible Management in Emerging Markets*, pp. 345-373. Palgrave Macmillan, Cham, 2021.

<sup>28</sup> Moeng, Kholofelo. "Community perceptions on the health risks of acid mine drainage: the environmental justice struggles of communities near mining fields." *Environment, Development and Sustainability* 21, no. 6 (2019): 2619-2640.

<sup>29</sup> Mnwana, Sonwabile, and Andrew Bowman. "Land, conflict and radical distributive claims in South Africa's rural mining frontier." *The Extractive Industries and Society* (2021).

<sup>30</sup> Farrell, Leanne A., Ralph Hamann, and Eric Mackres. "A clash of cultures (and lawyers): Anglo Platinum and mine-affected communities in Limpopo Province, South Africa." *Resources Policy* 37, no. 2 (2012): 194-204.

<sup>31</sup> Matebesi, Sethulego. *Social Licensing and Mining in South Africa*. Routledge, 2019.

## No-one Left Behind

In this context, a key issue is that of “no-one left behind”. This theoretically emerges from the 17 Sustainable Development Goals (SDGs) which call on states to do what they can to end all forms of poverty, fight inequalities, and tackle climate change, while ensuring that “no one is left behind.”<sup>32</sup> Thus, understanding issues of exclusion and marginalisation are important to understand and document. Key aspects include how processes can be more people centred, how to incorporate and allow traditional communities to be involved and being gender sensitive and respecting human rights. Thus, how can the “poorest, most vulnerable, and those furthest behind” be better involved in such processes?<sup>33</sup> The problem generally is that they are usually not included.<sup>34</sup>

Thus, while issues of reform are essential in a whole host of areas in relation to the mining and land<sup>35</sup> sectors in South Africa, a key aspect is that this must be done incorporating the people that are usually voiceless.<sup>36</sup> For meaningful change to occur in these sectors,<sup>37</sup> opportunities need to be given to communities and groups needs to be engaged and make significant contributions.<sup>38</sup> Thus, key issues are what strategies and means need to be adopted to combat these problems.

## Research focus

An aim of the project is to develop a series of working papers that are a combination of research and policy which could later become a book. The intent is to develop materials for law and policy makers, judicial officers, private sector actors, civil society organisations, and so on, to be able to analyse significant policy issues in land reform and natural resource governance, with a view of offering constructive solutions. The research is meant to be a combination of theory and praxis in each area that is to be researched as will be laid out later in this document. Each paper should ascertain the problems, which are the various communities that are suffering and affected by the specific area being researched, and then advocate for legal and policy reform to promote those from traditional communities being better able to participate in the various decision-making processes.

The research is to be conducted through the lens of strengthening of democracy, addressing corruption vulnerabilities, and the protection of human rights. This is to promote the overarching theme of addressing income and wealth inequality related to land rights and

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<sup>32</sup> Bamberger, M., M. Segone, and F. Tateossian. 2016. “Evaluating SDGs with a “No One Left behind Lens” through Equity-Focused and Gender-Responsive Evaluations.” UN Women, New York.

<sup>33</sup> Segone, Marco, and Florence Tateossian. "No one left behind. A focus on gender and social equity." *Evaluation for Agenda 2030. Providing Evidence on Progress and Sustainability* (2017): 23-24.

<sup>34</sup> Flores, Walter, and Jeannie Samuel. "Grassroots organisations and the sustainable development goals: no one left behind?" *British Medical Journal* 365 (2019).

<sup>35</sup> Malkamäki, Arttu, Tuomas Ylä-Anttila, Maria Brockhaus, Anne Toppinen, and Paul M. Wagner. "Unity in diversity? When advocacy coalitions and policy beliefs grow trees in South Africa." *Land Use Policy* 102 (2021).

<sup>36</sup> Brown, Julia. "Assuming too much? Participatory water resource governance in South Africa." *The Geographical Journal* 177, no. 2 (2011): 171-185.

<sup>37</sup> Szablowski, David, and Bonnie Campbell. "Struggles over extractive governance: Power, discourse, violence, and legality." *The Extractive Industries and Society* 6, no. 3 (2019): 635-641.

<sup>38</sup> Huizenga, Daniel. "Governing territory in conditions of legal pluralism: Living law and free, prior, and informed consent (FPIC) in Xolobeni, South Africa." *The Extractive Industries and Society* 6, no. 3 (2019): 711-721.

mining, among others.<sup>39</sup> This includes land reform, access to natural resources, as well as creating mechanisms for those living in traditional communities to be able to participate in decisions affecting their land and to claim their right to compensation if they have to leave their land and so on.

## **Research areas for the different papers**

(Please note that these are not completely fixed and there is some degree of flexibility):

1. The role of the Sustainable Development Goals (SDG 5, 10, 16): 'Leaving no one behind' principle in land reform
2. The role of the Sustainable Development Goals (SDG 5, 10, 16): 'Leaving no one behind' principle in the extractive industry
3. Promoting Financial Mobility for local mining communities
4. Democratizing Natural Resource Governance
5. Promoting Public Participation of Land Right Holders in extractive sectors
6. Promoting Traditional Governance and the management of Natural Resources
7. A critical analysis of the SA Land reform agenda for mining communities and needed reform
8. Understanding the Gendered impacts in land and promoting reform.
9. Understanding the Gendered impacts in mining and promoting reform.
10. Understanding the Gendered impacts in economic mobility and promoting reform.
11. Comparative lessons from land reform processes in Africa (including comparative analysis of policies, jurisprudential trajectory and regional mechanisms)
12. Land reform in South Africa: Reforms needed to the laws and practice (various areas)
13. The Role of Civil Society in mining reform
14. The Role of Civil Society in land reform.
15. The Role of the Private Sector (mining companies, international standard bodies etc) in land and promoting reform.
16. The Role of Private Sector (mining companies, international standard bodies etc) in mining reform and promoting change.
17. Comparative strategies to deal with no one left behind in mining reform sectors.
18. Comparative strategies to deal with no one left behind in the land reform sectors.
19. Comparative lessons from mining reform processes in Africa (including comparative analysis of policies, jurisprudential trajectory and regional mechanisms)
20. Other topics and suggestions that fit within the broad overall themes mentioned above.

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<sup>39</sup> Webster, Edward, Imraan Valodia, and David Francis. "Towards a southern approach to inequality: inequality studies in South Africa and the global South." In *Inequality Studies from the Global South*, pp. 3-21. Routledge, 2020.

## Timeline of the Project

The deadline for the receiving of applications and abstracts from prospective authors is **17h00 SAST on 3 July 2022**.

Accepted authors will be notified by CW mid-July 2022.

A research workshop will be held with all authors on 15 August 2022 in either Cape Town or Johannesburg.

Full Draft Papers are to be received from authors with a deadline of 30 December 2022.

A second research workshop with all authors will occur at the end of January 2023 after which papers are to be finalised. All authors will participate and comment on the papers at that Workshop.

Final Papers are to be received by 28 February 2023.

## The Research Papers

1. Each Research and Policy Paper will fit into the broad overall theme of “Leaving No-one Behind.”
2. Key overlapping areas and themes to be addressed broadly in each paper are addressing inequality, the protection of human rights, transparency, good governance, access, democratisation, accountability, addressing corruption vulnerabilities, strategic policy interventions, capacity building and knowledge management. Thus, a key focus is how these issues can be promoted in each of the areas to be researched.
3. Each paper should set out the problems that exist in that specific area (relatively briefly) and how they could be overcome – thus, strong recommendations for reform are to be discussed in each paper directed at the various constituencies involved in that area. This means that each paper should identify and advocate for legal and policy reform.
4. Each paper will be confined to the area under review and will not have much more than a brief background and context to the area as a whole. The papers will not discuss the broad South African context. The idea is focus on the problem to be addressed specifically and to avoid overlap. Thus, each paper will be self-contained to that particular area. Areas of reform and recommendations are key.
5. No travel is expected for this project except to the two research workshops which will be either in Cape Town or Johannesburg in August 2022 and January 2023. These costs will be covered by CW. The researchers will complete their research assignment from their primary place of work.

## Application process to participate in the project

1. About 15 authors will be chosen to participate in the project.
2. Researchers should have a number of years’ experience in national work in **one or more** of the following fields: mineral resource governance, civil society, land

governance, traditional governance, developmental studies, human rights, anti-corruption and good governance, and any other related field. Each applicant needs to have at least 5 years of research experience and some publications.

3. Additionally, a post graduate degree in Law, Political Science, Social Science, Economics and/ or any other relevant discipline is necessary. Researchers need to have a good understanding of land rights, customary rights, rural democracy and traditional governance rights and so on depending on the particular area they will research and write about.
4. Researchers need to also have a proven research background including highly developed analytical skills, with a track record of undertaking research. They need to have demonstrated written skills and will need to provide evidence thereof.
5. An application is required which includes the methodology to be followed to conduct the research, including aspects such as whether interviews will be conducted and what other methods will be used.
6. Also required is a well written and researched abstract of about 750 words about the area to be researched (excluding references which need to be provided).
7. Final papers will be expected to original, well researched and referenced papers of about 9 000 words, including footnotes in Chicago style.

### **Financial Aspects of the Project:**

Payments in the range between R20 000 and R85 000 depending on the researcher's background, experience, publications, degrees etc.

### **To apply to be part of this project please provide:**

- ✓ A short document of around three (3) pages setting out the area you wish to research, why you want to do it, your background and experience to do the research paper, the methodology you will follow, and anything else you think will be important for your application.
- ✓ A 750-word abstract of your topic (please include references but do not count the references in your word total).
- ✓ A current curriculum vitae.
- ✓ Two of your single authored research papers or publications electronically (if you have i.e. a published paper, paper for a course, thesis, published article, etc).

Please send the aforementioned documents to [admin@corruptionwatch.org.za](mailto:admin@corruptionwatch.org.za) with the subject line "Project Larona Research Papers" by **17h00 SAST on 3 July 2022**.