Workshop on a participatory process for transforming policy into law, May 24-28, 1993

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Discuss Solutions:
Role of courts in review: limit

Theories: Land reform - land claims court in SA = no inquiry into merits; only re procedure. Only appeal to Const Ct. → est'd v new govt.

Bob: lawyers at Cape Town admin. wish that rev in SA = too narrow re human etc.

Theories: Concern that slow proj. too much inf. & exp.

Discuss proposed outline:
Understand local govt's - their powers, etc. - so can propose actions/measures likely to work - for purposes of negotiation.

Bob: puzzle/ment: Law gets enactd because it's "good" but because of power relations; drafters often say, "If I put this in will I lose votes" i.e., weaken eq. Arg: shd draft against bill you can let politicians mk chps/pwr sit. Biggest prob = Rationale in eq. → prciple of drafting. - maybe ethical "Success in negotiations = need to newness to computer."

Given inst, frmr wks, enhance bngg. posit. = where we are at in LRC → we won in sit.

Theories: Std disc w broad win first few days - maybe large benefit of first days - big inf. to 2 bills; shd wk on gen' tmw 1 stwv comes/ceder. = system

- Sindi mthd: when pressure in sec. rels, key = sequence = difficult to impose entire legislative prog at once, delay + difficulty - identify priorities

Barry: In our gap, reason choice that behaviour = to learn methodology

- Took from owners, where rd role occupants = uncomplicated to wk w.
Theorics: Haven't yet seen existing chgs, effects of chgs.
Johnny: ANC policy paper really only offers difficulties.
Bob: Paper follows ends-means document; eg says what people said do, but no dischn. of explanations & exam.
-little reimplementation (except mobile offices), ie what came out of the chsn. of expls = power rels w-source=
lack of farms, areas' sophistication & remoteness ...
If we analyze that chsn. paper = weak/weakness
proces of arrivng at farm ley = no dischn. of consult'n.
Proposed staff bill est'd pantri processes which flower'ed out of
Theorics: Agree re mktg paper -> guard against that kind
of paper; saw this in Leseotho -> same prevs. where proces
via "fly-by-night researchers" from out of town.
Londi: Agree: paper written by someone from other areas
based on for. expen; didn't go to grad.
Inshallah: Also -> various expensive
- My husb came home heard abt re-priv.
re water taps = ignored key proces as people
experience.
Inshallah: V-c in proposed: All agree; have attended
so many workshops = one of best -> poss. to implement
some of things chns. here. = useful to have
follow-up workshop. = very excited abt getting home
to do it.
- As someone involved in dev't + more man
an interdisciplinary discipline - need more coop
bet NGOs/various fields; can't be expct in
everything... coord... if just take off idle
occupant: if don't disc who = vole occupants/ "m" 
commnity, must understand community... can't be
exclusive.
Barry: Our network/ Nati Comm, have committed selves to drafting vision/land reform. Want it to come from community = planned process yet now NPV lead up to Conf as part of on-going process till now, tended to stick to tried methods of gathering demands (Freedom Chants) best if unstructured, people say 'need water', not land - this recog analysis -> way of structuring designing participatory methods in each category to discuss parties' ways of analyzing' reality in some SIFs, w/ civic orgs, old go into drafting memoranda, ie can facilitate analysis -> info for memos, for me, may turn to LRC to draft, but can plan.

Bob: Suggest when talk abt parties, usually think re non-rural communities; but same method = rec. for complex orgs (eg like writs) -> think through their

Theorist: S'mpt - think of name for project:

Follow-up:

Irmina: Bob: will we w/ women in rural villages; impact of patriarchy/collecting data - June 4 - July 15 - live in E-Tv/ coffee 1st piltn how gender ops in that context/history, how impov'd community care study of big farms/corps

Lanie: We'd be able to offer access to orgs in Nata1/apprec if steering comm - I'd send questionnaires = million people -> research no both. As considered; involved w/ woms

Sip
Big: research time = scarce, but need to involve people themselves; be caught don't put own ans into questionnaires, avoid something tricky.

Thoklane: Try out preliminary questionnaires; start panic/res even in terms of easy questionnaires

Charlie: Structure life/needs assessment

Janice: Very aware of this

Barry: Even more critical -> who is doing it
Janice: always = 200 exp, avoid

Makushi: Don't need questionnaires; but see categorize

Charles: Work in 16 communities need 1/mo. - can always workshop, facilitate process

Makushi: Questionnaire method - don't always give right info.

Johnny: Six bases = quantiative but need qualitative info. - need info, no how many

Barry: Will be using till Sept. -> re-transfer of property
-> how think of cheaper system
- now = expensive, time consuming, this process -> enhanced by using Prochip in Stellenbosch area.

Barry: S/Scape/land reform consultants, were asked in designing workshops — esp. in group #1 yesterday, have ideas of why we pick us X pick us gender, community dynamics, take back to org. Re facilitation of workshops -> go/structure wheels + freedom to each. tasks

Theunis: Conf: papers will send to MEC -> asked by MEC to go abroad Sept -> non-partaic. using data already gathered, NCS sent out list of data categories to...
Facilitate relevant data gathering — contact govt. posit/land reform; suggest ways rts in land can -> secured; field work (we've been w/ who will fill in forms)

3) Proposals/land claims rts = near major shrmt/rts; when get to drafting -> new patterns. Find workshop useful/teaching methods

-> em powerfed us. Despite what Lundi said.

Magenta: Rights abusing human rts upheld w/in const; as draft in q, w/in that const = sec, civ + pol, rts = intertwined;

2) Human Rts. Center/ Pretoria — Conf. re de facto racial disarmament & study of 1200 restaurants, etc = still disarming will present method to them -> translate into bill to go.

Mmakwezi: Yesterday mentioned refugees: will you incl. that in your draft?

Magenta: Absolutely.

Thoahlane: Why on migrant lab — w/ Prof. Copeland/Soekr = examine patterns of mig lab systs/Sn. Af, w/ focus on Lesotho before came to workshop -> divided into 2 -> collect data/documents, books; later identify 4-5 listes -> partis. Soj; since workshop, will suggest addn. try them out, see how works; next yr -> conf.; present findings + pub. (w. James) -> think A + B ("best ever attended"); usually when go, forget everything, even names — but this -> methodology = "Seidman methodology"

Bob: Leg at migrant why prot. What will now focus on? Wurse, what behavior?

Thoahlane: Migrants mine rts/owners

Dumile: Will you exam jam structure?

Thoahlane: Yes
Feb 6

Derry: @RC: Pretoria: Land claims/rural areas - also in peri-urban areas, then go into land tenure.

Yesterday, land claim court: "Your clients had freehold, now you're going 'seded' → realized it had perception, imposed it = 'seded' → rec. to st. W. community's perception & prob. → conc: what kind of tenure they went "dwel-trus" → bld into it cost/community ties/mug resources + res. → useful to community, owned by community, = true for rural + we been wk. 3) Need to dual-legal framework with existing sit = need larger view.

Fecility = useful.

Charger: Want to network w. you.

Margot: Will she get info. w. others -

Makaoshi: You mentioned Durreno case - do you have committee for all communities?

Derry: Wkg W. community/community = diff land claims.

Barry: Don't know how wk in Pretoria - in Cape wk w/ your office = dealing w/ many more communities = "Restoration" claims. Held wk w/ land-claiming communities = '60-'70 = aff'd to nat'l land comm. = many more / SA. But → nat'l network.

Derry: Anwre = overextended → sep. sep. Cape + Pretoria w/ in 3-4 wks. get out of area.

Ellen: insights, CP's, taking in getting to know others w. all as res. for almost whole area of wkshp = low, reservation; (2) feel type of workshop
inc, more people from communities; 2) have political dir./ to tackle land reform/ directed = tendency of trying to say done by respective progs = create sit where st. won't have inputs = complete papers from researchers → ignored since st. not involved from start - i.e. ANC said = involved in such workshops; doesn't make sense from ANC papers → Crit'd w/ ANC presence; 3) concerned w/ way progs/LAPC from beginning; doesn't have info; from regions → create very unproductive context = useless to have for exp. but can't have w/o relating to local sit. 4) Shd mt w/ ANC land Comm/Denytz/Heuerman = outline prog. since our area of concern before disc. leg. before disc. are getting out research to people on grd; what people want; held workshops, why? get their views. next Mar. June = lay out policy form'n → involve local communities → set out 5-6 per area/prog = beans for leg = 6pm as possible =

Seeda: How workshop → one'd didn't "exc" ANC invited all regions, laged to send someone, others didn't come. All NCC Comms = invited, not all resp'd.

Makoshi: Wonder why DBSA people didn't come.

Thobhane: Agree w/o of pts David made. We all came from diff. pol'it orgs - must link city, belongs to all of us. When it comes to matters of land, affects all of us. 2) The state - w/ partic. methods, try to empower people from below. 3) Need to disseminate throughout town, but note "workshop failure" - I came to this because I knew it will be worthwhile. In Jan, workshop → more inclusive
Duskie: new appr., doesn’t fit into ordinary corporate culture.

PDSA people’s matrix: why go?

= Why progressive orgs -> more likely to partic.

Minakoshi: Glad everyone is partic. Once want to PDSA seminar everyone knew what expected.

People presented model -> “expert” just crashed model.” -> happy we’re writing together.

Linda: Think all Wk 4 sitting in Joburg disc rural areas; next Wkshp be in rural area.

Duskie: in some rural people.

Fiona: Wkshp “consultants” have -> business.

David: Sometimes must create avenues/ workshops to st. process, e.g. when people want to org land claims, help them find right avenue.

John: This wkshp came at appropriate time/our work last 20 mos. = enquiry SA fisheries in W. cape(90% of nationals) = common property resource; belongs to nation.

= Sec. to mgmt. syst. -> alloc. harvesting rights -> allocated by SA St. to 2 monop.: Barlow Rand & AAR = extreme allocation.

Cape Communities aim to find better way to alloc. marine resources. Used panic method — identifying probs. where came from, -> seek cols. -> alloc. meeting -> restructuring process; used inclusive appr., involved everyone, from sm. ents. to monop. coe. & govt. also expand other chimps’ exp.: want to Namib, to see how restructured fisheries = no real change this = Nam’s most imp. ind.; no one else why in ind. = mammoth task -> compelled to do.
Major demographic study 10,000 (govt + ANC, fisheries, app, fishermen + ANC experts = coord by Allan Boraak) = 20 communities, sourced by SEDC + ANC.
Field trip: rec 2 fishermen = 1 near shore; 1 beyond.
Ownership of inchr = mnd test by coastal communities. Propose strategic plan/community ownership. Aims discussed, etc. 1) health & safety. 2) helping that = 3) st trying to 'buy votes.' fishermen have no time for poaching = conservative, but st. gks. Then upgr; we talked poaching = stg. 1) fishermen went on strike for first time in 26 yrs. = lots of public; 2) antic by restructuring ownership w/ ANC reps. = disc of 'inter'd term. poing coastal communities = is = bro inter'd prog.
- bro demogric pg. envmt (not labelled "ANC")
- realized that for fishermen = part of community, some rural, some = capita, but coastal prov.
UV collective sales = Visited sup. It coop
appear = various workshops, but together eg lobster fishermen in Brocraft Lodge (are Tom = family (taking picture of each other) = forest = consid how "role occup" (maj cos, sma-firms, indiv fishermen) = why on creatively acceptable structure; std putting together policy. So fishermen w/ some exp. = consid new leg: workshop = useful for how to structure grp, also crucial. We shd consid. Many of us came here exhausted, here = relaxed. We were all in field often women, if this = 'best/hardest, got time,' women in 40s & 50s not this time of life.

Undia: Ever since Tommy spoke, fishermen, what abt women?
Johnny: two

Lon: what abt community, incl. women.
Bob: Lobetera, Ship, Maine = 10% women = only in last 20 years.

Johnny: Fishing ind = 3 sectors: harvesting, processing, selling.
In communities, women very important, but only 2 women in harvesting. Old use "fisherfolke". Women do processing in the factories.

Darrie: Women make it.


Johnny: In Cape they're almost all ANC = very helpful in designing research, had toンドt tell govt. imposition of design.

Thansi: 1. Re HSRC = if can get $, better indep.
2. Imp. Phenom of St. trying to pre-empt action - eg. land claims - in Cape Town -> set up cts, don't use, now trying to push reforms, can't get on to victors, democracies, can't get on to GOvts, etc -> when talk abt transforming insts, not so clean (bad)

Johnny: St. = busy in bilateral relations is very problematic out there; people desperate, can't say no, but must 60% where sit is = confronted by this all the time. That's why dis. Integ. prog. Now had to get in there, say let's go for it. But must fight St. on their agenda.

Dakly: Can't ignore St.'s action = prob/DET