IMPLEMENTING AN IMPACT STRATEGY FOR DOCUMENTARY FILM USING A COMMUNITY DRIVEN APPROACH: A CASE STUDY OF THIS LAND.

Minor Dissertation by
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**COMPULSORY DECLARATION**

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

Signed: H.M. (MIKI) REDELINGHUYS

Date: 29/01/2020
Abstract

A documentary film has the capacity to effect social change or have impact, when the creative language of film is harnessed through a well-structured impact strategy that inspires audiences to engage with the content. This minor dissertation examines the implementation of an impact strategy through an in-depth case study of the documentary film, *This Land*. During the last few years the impact campaign has become an integral component of documentary film production, recognising the need to activate a film beyond it’s broadcast or cinema exposure and provide a structured plan to employ the film as a tool for social change. While case studies exist that provide models for impact strategies, this study addresses a need for a grassroots-focused alternative for marginalised communities in remote locations, who may be more directly affected by the issues raised in the film than a mainstream or urban audience. The study takes an empirically approach to research that analyses both quantitative and qualitative data gathered during the implementation of the impact campaign for *This Land*. This data was gathered at film screenings through audience survey, focus group discussions and observational research. This informed structured research interviews with key role-players in the documentary impact campaign. The findings of the study are used to propose a model for documentary filmmakers when structuring and implementing a grassroots focused impact strategy, with a view to community driven social change.

**Key words:** Documentary impact; Change agents; Grassroots engagement, Social activism, Land redistribution, Traditional leadership.
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Chapter 1: Introduction

A social documentary uses the film medium as a tool for activism, effectively employing the creative language of the genre to inspire audiences to engage with the content. It aims to transform the viewer’s perception to effect social change or have impact (Curtis, 2015). To this end, the film team structures an impact strategy that targets audiences to reach the impact goals.

The documentary film, *This Land* (2017), was commissioned by the Land and Accountability Research Centre (LARC) with a view to bringing about legislative change, supporting rural activism and raising awareness around issues of land rights in rural South Africa. It is with these aims in mind that the film was produced and an impact strategy devised. *This Land* is a 48-minute narrative documentary which tells the story of a small village in rural South Africa, where the community resists the development of a mine on their land. While an impact campaign may seek to bring about policy or legislative change, these goals are often hard to reach, not because there is no knowledge of the situation portrayed in the film, but for lack of political will to bring about change. It is also ambitious, and probably unrealistic, to expect one intervention – a film – to effect real, lasting or structural change. In this instance impact goals may be more effectively achieved by a “community driven” approach, described in the *Impact Field Guide* by Doc Society as a “bottom up” strategy. This strategy aims to build a large groundswell of support in order to bring about social change, in that the mobilisation of the public can place pressure on the decision-makers (Doc Society, 2018: 26). In this way a combination of “bottom up” and “top down” strategy can be employed for optimal impact.

This case study on documentary impact takes an empirically approach to research that analyses both quantitative and qualitative data gathered during the implementation of the impact campaign for *This Land*. During a series of impact screenings attended by grassroots audiences, quantitative data was gathered through audience survey and qualitative data gathered through focus group discussions and observational research. In

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1 In my view the term “bottom up” draws on an assumption of hierarchical power, which I do not wish to entrench in this paper, hence the term “community driven” is preferred.
addition to this, a series of qualitative interviews were conducted with various role players in the film’s campaign strategy to gather perspectives about the efficacy of the impact in relation to the impact goals. The observational and qualitative research is analysed to present an argument for the creation of an impact model based on the strategy followed by *This Land*, when specifically wishing to engage audiences who don’t have access to mainstream distribution and (social) media platforms. In taking this approach the study is mindful that “an ideal impact assessment approach layers several research methods” (Chattoo, 2014: 4). In a report titled *Measuring media impact: An overview of the field*, Napoli outlines that:

“A comprehensive approach to impact assessment requires the application of multiple methodological approaches that address different levels of analysis that reflect different spheres of potential impact” (Napoli, 2014: 4).

With this in mind this study seeks to assess the impact strategy for *This Land* by collating qualitative research interviews and quantitative data of the impact screenings in relation to the impact goals. Chattoo maps various research methods for documentary impact such as Audience Survey, Content Analysis, Experiment, In-depth Interview & Focus Groups and Ethnography (2014:11). This study employs audience survey, observational research with focus groups and in-depth interviews with specific subjects. Audience survey examines the perspectives of individuals who attended *This Land* impact screenings. This involved posing a series of questions at the screenings and data gathered according to the guidelines of the *This Land* screening report. The limitation of this quantitative method is that it does not reflect audience engagement. In the case of focus groups, the research focused primarily on rural communities, similar to the communities portrayed in the film. Where the focus groups were in urban or academic environments, there were strong familial connections to the rural context as per the South African lived experience. As Chattoo points out the limitations of focus group research is that it is anecdotal and does not reveal the full numerical scope of the impact. For this reason the audience survey and focus group data was used collectively to inform the focus of questions for the in-depth interviews. Interviews were conducted with the following people who participated in the implementation of the impact campaign for *This Land*:

1. Mbhekiseni Mavuso is the protagonist in the film and land activist. He is a key individual in driving grassroots activism and opposing the land dispossession of rural citizens. The impact goals of the film are aligned to his leadership goals.
2. Dr. Aninka Claassens was the director of the Land and Accountability Research Centre (LARC) at the time that *This Land* was commissioned and the impact strategy was implemented. She was instrumental in advising on the impact goals of the film, before and during production.

3. Nokwanda Sihlali is a researcher at LARC tasked with advising on the implementation of the impact campaign of behalf of LARC.

4. Nozuko Poni served as a screening and discussion facilitator for *This Land*. Poni gathered data from the screenings and drafted impact reports that have informed the impact research.

5. Emily Tjale is a leader in the Alliance for Rural Democracy (ARD) – a grouping of civil society organisations who collectively contest legislation that undermines the rights of rural citizens. ARD opted to use *This Land* in countrywide workshops ahead of a series of nationwide public hearings on the amendment of Section 25 of the South African constitution as it pertains to property rights.

6. Sydelle Willow Smith is a director at Sunshine Cinema, an organisation that provided mobile screening units for the implementation of the *This Land* impact screenings in rural areas. Her expertise lies in alternative film distribution, including for social justice films.

Using a guide to structuring questions by Kvale (1996: 2), the interviews were conducted in a conversational style, where questions started with the general and gradually moved the interviewee to the more specific. Ethical research practices were followed at all times, including that interviewees were briefed clearly on the purpose of the research, agreed to being interviewed and that the content of the interview could form part of this research paper. The interviews were recorded on an audio device, with the consent of interviewees, to facilitate the free flow of dialogue.

This study demonstrates that an important factor in implementing an impact strategy is timing. I maintain that the success of a film’s impact is directly linked to identifying a socio-political context within which to structure a campaign, while at the same time using innovative ways to reach target audiences, supported by dialogue and informative take-home material. This relates to understanding the change context and how change happens. In a Theory of Change Review written by Cathy James for Comic Relief, she
highlights the importance of noting the structures and processes that influences the lives of the target group (2011: 5). In the case of the This Land screenings, the political processes taking place in South Africa provided a particularly receptive environment for the film’s impact campaign at the time that it was implemented.

Starting with an overview of the film itself and the evolution of the impact strategy, the study documents the implementation and analyses the data along the following focus areas:

1. Impact goals and the relationship to impact outcomes;

2. The development of a grassroots impact campaign, including aspects that relate to timing, partnerships and resources created for the impact campaign;

3. An in depth report of the implementation of the impact strategy for the documentary, This Land, outlines how the power of a community driven campaign can be harnessed for social impact and could serve as a replicable model for grassroots impact.

It is important to note that the This Land impact campaign is also documented in the “Implementation Report: a grassroots impact campaign for the documentary film, This Land”, which was submitted as a written documentation of my creative project on documentary impact towards a Masters of Documentary Arts at the University of Cape Town. The two documents are closely linked and should be read together to gain a full picture of the practical and academic aspects of the implementation of the impact campaign. Where there is repetition between the two documents it is in order to provide contextualisation needed in order to read each document on its own. What differentiates the implementation report from academic engagement with the topic is that the report uses narrative enquiry to describe and reflect on the process of developing and implementing the impact strategy. This allowed me to relate the events and refer to individuals in the form of a story with characters so that I could ‘gain a deeper understanding of [my] experience’ (Sparks-Langer and Colton 1991: 42). The academic study proposes that my original contribution to the field, drawn from the experiences documented and contained in the dissertation, is a matrix that can form the foundation for a grassroots impact campaign with a limited budget that optimises partnerships with community-based organisations and other stakeholders through deep and meaningful collaboration.
The findings of this study could support documentary filmmakers when planning an impact strategy. I furthermore propose that the impact strategy used for *This Land* can provide a replicable model for optimising a film’s impact and serve as a tool for filmmakers wishing to facilitate social transformation, in particular when taking a grassroots approach to audience engagement.
Chapter 2: *This Land* Documentary: An Overview of the Impact Strategy and Practical Implementation

2. 1. Background

The documentary film, *This Land* (2017), was commissioned in 2015 by the Land and Accountability Research Centre (LARC), which is based at the University of Cape Town, Faculty of Law. According a researcher at LARC the organization “provides strategic support to struggles for the recognition and protection of rights and living customary law in the former homeland areas of South Africa” (N Sihlali 2018, personal communication, 22 May). LARC aims to ensure that law and policy work towards supporting democracy; and questions archaic power structures that undermine these principles in former homelands.

LARC recognised the potential of film to support this work and commissioned Plexus Films\(^2\) to make a documentary that would raise awareness about the escalating abrogation of land and other rights of rural communities by politically connected elites and build solidarity amongst affected people (B Boyle 2015, personal communication, 29 January). I was appointed as director and co-producer and worked closely with the research and commissioning team from LARC to create a film that illustrates through narrative some of the issues that the organisation wished to address.

Brendan Boyle\(^3\), a senior researcher at LARC and experienced investigative journalist served as the producer of the film within the organisation, connecting the organisational objectives and the filmmaker’s creative vision. He outlined the impact goals as follows:

1. Raise national and international awareness about the continued and intensifying exploitation of people living on communal land in the poorest parts of the country.
2. Influence policy and legislation to protect the ownership and other rights of people who own or occupy rural land with informal rights.

\(^2\) Plexus Films is an independent documentary production company, which specializes in social documentary and films as tool for change. Established in 2000, Plexus Films is managed by producer team, Lauren Groenewald and Miki Redelinghuys.

\(^3\) Brendan Boyle, who was leading the LARC team for *This Land*, became ill during the implementation of the impact campaign. Sadly he passed away before it was possible to interview him for this study, but his input during the development and production of the film is included via references to personal communication via email and documented attachments to email.
(and in terms of customary law).

3. Create a tool to be used in NGO and grassroots activism for the protection of the land and other rights of rural people and communities (B Boyle 2015, personal communication, 29 January).

It is important to set realistic impact goals in relation to the narrative and the issue(s) represented in the film. If it is a very complex issue it may be hard to create actionable goals for the impact campaign. In this case the impact campaign may focus on raising awareness and shining a light on the topic. When the campaign seeks to bring about a clear action, there needs to be an infrastructure in place that encourages individuals, organisations and communities to act (Barrett & Leddy 2008: 14). Shedding light on an unexposed issue could be the primary impact goal, as in the case of This Land, where the isolation of affected rural areas can lead to a lack of visibility and access to and representation in mainstream media.

It followed from these goals that the target audience would include:

1. Decision makers who have an influence on policy and legislation, political influencers and thought leaders;
2. Mining and other big corporations that have an interest in exploiting rural land;
3. Rural communities seeking access to information for the protection of their land and other rights;
4. Civil society leaders who could use the film as a tool for activism in their work;
5. Students, especially those studying towards working in the mining industry, economic development or law;
6. The South African public;

In proposing a blueprint for measuring impact with a study titled, Assessing the Social Impact of Issues-focused Documentaries: Research Methods and Future Considerations, Chattoo highlights the importance of identifying goals early in the film project when striving for social change (2014: 5). In the case of This Land, the broad impact goals were drafted before the narrative of the film was identified. The impact goals in fact served as a research brief for finding the story. As such the impact goals shaped the choice of narrative, but not at the expense of the creative vision of the filmmaker.
After an initial research period of three months, which was led by Lauren Groenewald for Plexus Films and Thuto Thipe for LARC, where various rural areas were visited, documented on camera and reviewed, it was decided to tell the story of Makhasaneni in the Kwazulu Natal province. Comparative narratives from the communities of Babanango and Mtubatuba were identified as secondary stories for the film.

2.2. The documentary

This Land is a forty-eight minute narrative documentary which tells the story of a small village in rural South Africa, where the community resists the development of a mine on their land. The film was completed in 2017 and features as its main protagonist, land activist, Mbhekeseni Mavuso from the village of Makhasaneni. It is directed by myself, Miki Redelinghuys, with location research support and narration by Stha Yeni, an academic researcher in agrarian studies based at LARC. As the film opens, the camera follows Mavuso walking through the land surrounding his homestead. He observes the undulating hills of KwaZulu-Natal his words capture the essence of the struggle portrayed in the film and states:

“We have seen that the chiefs are selling land to business people, mining companies, giving land to foreigners to build malls. We know that sometimes our land rights are not properly written in the law. But we know that traditionally we have a land right” (This Land 2017).

Makhasaneni was considered worthless land during the apartheid era and relegated to the homeland of Kwazulu. But in 2011 geologists and mining prospectors started to visit the area. Their initial tests revealed rich deposits of iron ore and the mining company, Jindal, gained permission from the traditional leaders to prospect on the land. In order for the mining project to proceed, the people living on the land, under the custodianship of Chief Zulu would have to be relocated or “forcibly removed”, as they viewed it. But the people of Makhasaneni refused to go. This Land is the story of rural activists who oppose the development of a mine and assert their right to the land on which they live (This Land 2017).
2.3 Defining documentary impact

As noted by Chattoo, it is important to contextualise social impact within the documentary genre. In a report by Learning for Action, *Deepening Engagement: A Framework for Measuring Media Performance and Results*, impact is defined as follows:

… change that happens to individuals, groups, organisations, systems, and social or physical conditions. Typically long-term and affected by many variables, impact represents the ultimate purpose of community-focused media efforts – its how the world is different as a result of our work (Learning for Action 2014: 1)

Social value is described as “analytical approaches that extend beyond financial measures of success and take into account criteria such as improving the well-being of individuals and communities” (Napoli 2014: 6). Social impact is a broad umbrella concept that encompasses change to individuals, groups, systems and institutions. Social impact does not include financial measures of success. It assumes a public interest foundation or an improvement of a state of affairs around a social issue (Chattoo 2014). In the case of *This Land*, the production did not include a commercial value and any financial benefits were re-invested in the impact campaign. Social value was prioritised in that the film shed a light on an issue with a view to improving the well being of communities.

2.4. Developing an impact strategy for *This Land*: allowing a campaign to evolve

The US based organization, Active Voice, coined the term “ecosystem of change”, which includes the researchers, creative team, funders and policymakers working together to produce a documentary and the campaign for social change (Active Voice 2014). In the case of *This Land*, this “ecosystem” consisted of the expert and research team from LARC under leadership of Brendan Boyle and Aninka Claassens (interviewed for this study). During production, LARC researchers, Stha Yeni and Sifiso Dladla informed the process, while Nokwanda Sihlali led the impact campaign on behalf of the organization. As filmmaker I represented the creative team, but also planned and managed the impact implementation, based on the strategy that was devised collectively.

The *This Land* “ecosystem” included organisations, civil society and community activists,
as described below, as well as screening dialogue facilitators. The screening facilitators are identified in this study as important role-players when structuring a grassroots focused campaign.

I would describe the impact strategy designed for *This Land* as an “evolving strategy”, where the process was informed through participation and as tools emerged that could support the strategy. I did not set out to be the impact producer for the film, but as the importance of the potential impact of the film emerged, I devised a strategy with the LARC team that could best support the impact outcomes and took on the role of impact producer as the campaign developed. What emerged was a grassroots, community driven impact strategy that, I would argue, serves as a valuable case study to fill a critical gap in the existing research on and documentation of impact, where the models predominantly reflect highly resourced impact budgets, seldom available to filmmakers from developing countries.

*Assessing Creative Media’s Social Impact* by Barret and Leddy (2008) outlines a framework that is useful in devising an impact strategy for documentary film. Their recommendations suggests that the strategy incorporates the following:

1. Clear goals that link to the narrative and the objectives of the movement, which could include actionable steps, movement building, grassroots organizing as well as broader policy influencers
2. A specific plan that understands the key target audiences and how to reach them.
3. Flexibility that enables the project to take advantage of new opportunities and partnerships, to sustain the implementation of action steps and to keep audiences updated on continued developments on the subject
4. Appropriate level of partnership with organizations that have expertise in the area. This supports the long-term sustainability of the project.
5. Sufficient expertise and resources that include management, technical and financial. Successful outreach campaigns require ongoing coordination and commitment
6. Defined timeline that reflects different phases of the project.
7. Plan to track impact that is linked to the goals, this moves beyond the quantitative data of number of screenings and people in audience or website hits, but seeks to find the deeper level of engagement achieved that includes anecdotal evidence (Barrett & Leddy 2008: 11-12).

It is important that each project sets its own parameters, remaining cognisant of its resource limitations and aligning the campaign to this. For example, a large part of the target audience for *This Land* does not have Internet access, limiting the potential for
online engagement; there are however rural networks that provided an opportunity for the implementation of a grassroots campaign.

Although there is no “one size fits all” approach when structuring an impact campaign, the framework as outlined by Barrett and Leddy provides adequate scope and appropriate parameters for the analysis of the *This Land* Impact campaign and will be referenced in the sections that follow.

**a. Screening to members of the South African parliament with a view to influencing policy**

LARC expressed an urgency to screen *This Land* to members of the Parliamentary portfolio committee who were tasked with making recommendations on the Traditional and Khoisan Leadership Bill (TKLB)\(^4\). In essence the bill re-entrenches the controversial Bantustan boundaries and ‘tribal’ classifications of the apartheid-era. In giving additional power to traditional leaders it creates legal divisions between the former Bantustans\(^5\) and the rest of South Africa (Claassens 2016). *This Land* was one of the tools identified by LARC to influence members of the relevant parliamentary portfolio committees to interrogate the ratification of the bill. The film highlights, through the lived experiences of rural citizens, the impact the bill would have on their lives.

A special preview screening of *This Land* was arranged at The Labia Independent Cinema in Cape Town for 30 November 2016\(^6\), to take advantage of the presence of parliamentarians in Cape Town as they prepared for the convening of parliament. Despite personal invitations and careful planning to accommodate the members of the parliamentary portfolio committee for mineral resources, only one researcher for the committee attended and engaged. The film was received with enthusiasm by invited guests with an interest in the subject matter, who enquired about using the film as a tool for engagement, for example the UCT Law Faculty and the Institute for Poverty, Land and Agrarian Studies (PLAAS), who would later use the film to inspire dialogues.

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\(^4\) The Traditional and Khoisan Leadership Bill was introduced in the National Assembly of the South African parliament in September 2015. It provides for the “recognition of kingship or queenship, traditional community, headmanship or headwomanship” Government Gazette 2019, 2).

\(^5\) The Bantustans were 10 “tribal” homelands created by the Apartheid Government, to which the black majority was restricted according to the “tribal” classification. This effectively isolated the black majority of the population to just 13% of the land (*This Land* 2017).

\(^6\) Final edits were made after this preview screening and the final version of *This Land* was completed in January 2017.
Community members from Makhasaneni and Babanango who are featured in the film were present and a powerful discussion ensued after the film, where audience members could ask questions prompted by the film. This underpinned the value of the participation of the activists in screenings and would motivate decisions when planning the impact campaign. The screening also highlighted flaws in the approach taken to engage legislators.

Aninka Claassens from LARC asserts that she believed *This Land* to be a used as an informative tool for members of Parliament tasked with evaluating certain policies. She believed that if parliamentarians could witness the impact legislative shortcomings by watching the film, the laws and policies contributing to the problem could be identified and addressed. But during an interview conducted for this research paper she describes the response to the screening as disheartening, “In retrospect I think that we were naive at the time to think that the issue was that people didn't know. I think actually the issue has got much more to do with corruption” (A Claassens 2019, personal communications, 8 April).

The outcome of the preview screening, which targeted policy makers directly, indicated the need for flexibility when designing a campaign, as outlined in Barrett and Leddy’s framework for impact (2008: 11-12). The direct approach to political decision makers did not prove effective since, as Claassens points out, there was not a lack of knowledge, but a lack of will to engage. As such, the preview screening served as a good testing ground for the potential impact of the film and highlighted the need for a comprehensive strategy. There was a realization that while legislators may not respond to a direct approach, comprehensive engagement of a public audience could create the visibility required to draw the attention to the issues raised. As such a series of events were planned as described below.

b. Screening at film festivals and creating visibility through high profile panelists

*This Land* premiered at the Encounters South African International Documentary Film Festival (Encounters) in June 2017 in both Cape Town and Johannesburg. Screenings included attendance by and panel discussions with high profile South Africans including
former president Kgalema Motlanthe\textsuperscript{7} and retired deputy chief justice Dikgang Moseneke\textsuperscript{8}, as well as thought-leaders and community activists. The post-screening panel discussions featured Mbhekiseni Mavuso, land activist and protagonist in the film. In an interview he described the impact of the screenings as follows:

> It’s a very powerful tool, because people like Motlanthe, Judge Moseneke, are high profile people. They now understand the communities’ plight on land issues; they know the story of Makhasaneni and other communities that are affected by certain laws that are imposed (M Mavuso 2019, personal communication, 4 March).

In July 2017 \textit{This Land} screened at the Durban International Film Festival (DIFF). Community leaders featured in the film, as well as members of other mining-affected communities, attended. Representatives of land and environmental movements such as Abahlali baseMjondolo, the Rural Women’s Movement and Groundworks were also present. Representatives of organisations and committees in attendance requested screenings of \textit{This Land} in their regional areas, expressing a need for facilitated discussions to accompany the screenings.

In \textit{The Impact Field Guide} by Doc Society it is noted that “connecting and engaging with strategic audiences serves the dual purposes of recruiting audiences and [effecting] social impact” (2019: 139). It highlights the importance of special event screenings for building contacts, raising visibility and reaching influencers since “it can be effective to curate a focused conversation in one community - say amongst business leaders, lawyers or civil servants” (2019: 140). This supports Barrett and Leddy’s framework that identifies targeting a key audience and “knowing how to reach them” (2008: 11-12). While the initial phase of the impact strategy targeted strategic audiences, the nature of the audiences contributed to the public interest. Targeting high profile audience members and screening in mainstream locations answered to the impact goal of raising local and international awareness of the issue (see page 9 above for a full list of goals). The interest generated by the screenings drew attention to issues raised in the film and generated


\textsuperscript{8} Dikgang Moseneke is regarded as one of the strongest judges on South Africa's Constitutional Court and is a highly regarded political commentator. He served as Deputy Chief Justice of South Africa from 2005-2016 (SA History Online 2012).
media exposure on other platforms including print media, radio, television and social media.

In June 2017 Daily Maverick⁹ published a feature on This Land. The journalist who wrote the article interviewed Boyle from LARC and Mavuso from Makhasaneni to gain an understanding of the issue. The article effectively communicated the key issues that underlie the film and the work of LARC. She states:

At the core of the film, say the researchers, is one key question. Who does own the land? Is it the Ingonyama Trust and the King, or is it the community? (Van der Merwe 2017: n.p.)

The Daily Maverick is a free online newspaper with an estimated readership of over 700 000 people daily. It has been described as a frontrunner when it comes to “insight into what's happening at grassroots and political intelligence” (Wikipedia 2019: n.p.). While the screening itself reached a few hundred people in urban centres, the reach of the media generated by the screening was much greater.

Kaya FM¹⁰ hosted a screening and panel discussion of This Land on 10 September 2017 at The Bioscope Independent Cinema in Johannesburg. The panel discussion that followed the screenings was broadcast on Kaya FM. This was supported by a series of radio discussions on Kaya FM on the broader issues raised in the film.

At around the same time Afridocs¹¹ offered to license This Land for broadcast on its satellite channel and online platform. This enabled easy reference to the film for further screening requests, but highlighted the need to access audiences who do not have Internet connectivity.

Interest generated by these multi-platform engagements enabled the further development of the impact strategy in that the level of engagement supported the funding proposal for the implementation of more screenings. The broadcast license fee from Afridocs served as bridging finance until further funds could be raised. The impact strategy was informed by

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¹⁰ Kaya FM broadcasts in the Gauteng province, and reflects the lives of largely black urban listeners between the ages of twenty-five and fifty. It is described on its website as “Home of the Afropolitan”, with a listenership of approximately 438 000 (Kaya FM, 2019: n.p.).

¹¹ Afridocs is a free to access online documentary streaming platform (geoblocked for Africa and the diaspora) that also broadcasts documentary films on one of the subscription-based satellite broadcaster DSTV’s satellite channels (Afridocs n.p.)
feedback from the first series of screenings, reflecting the need for flexibility when implementing an impact campaign, as recommended by Barrett & Leddy (2008).

c. Targeting Groups for Focused Conversation and Civil Society
Brendan Boyle, senior researcher and This Land producer for LARC could employ academic networks such as the Students for Law and Social Justice\textsuperscript{12} (SLSJ) and The Human Sciences Research Council\textsuperscript{13} (HSRC) to gain access to academic audiences with research interest in issues raised by the film. In addition to this, the public interest that was raised by the exposure that came from the high profile screenings resulted in the film being in demand amongst various organisations that wished to screen it as part of issue-driven discussions. As such, the next phase of impact strategy targeted various groups for focused conversation, including academics, future thought-leaders and civil society.

The film had more than twenty screenings during the latter half of 2017, including:

1. In partnership with the SLSJ This Land screened on campuses across South Africa, including those of the University of Cape Town, University of the North West, University of KwaZulu-Natal, Stellenbosch University and the University of the Witwatersrand in Johannesburg. The SLSJ hosted discussions after each screening and sent reports to LARC that highlighted the following issues:
   a. The “disconnect” between the law and the everyday lives of South Africans, particularly in rural areas.
   b. Laws are required for the protection of citizens who don’t wield financial or political power.
   c. There is a need to balance economic development with the recognition of informal land rights.
   d. There is a need for equitable compensation where people have lost their land.
   e. Many students could relate to the issues raised in the film as they had family members in rural areas.

\textsuperscript{12} The SLSJ “aims is to expose law students nationally to the potential of the law as a mechanism for advancing a society founded upon the principles of the rule of law and social justice” (The Claude Leon Foundation n.p.)

\textsuperscript{13} The HSRC is South Africa’s statutory research agency, which undertakes research on the African continent in the social sciences and humanities (HSRC n.p.).
f. Students expressed a desire to grapple with the issues raised in the film and find ways to bring this conversation into the academic discourse; undertaking to develop this conversation in the future.

2. The HSRC hosts weekly seminar programs on pertinent issues. The HSRC hosted a multi-city live-streamed screening and panel discussion of *This Land*. The participants and audiences in Cape Town, Pretoria and Durban were linked via the HSRC’s internal broadcast channels. This provided a rare opportunity for activists and researchers to interact in order to address the issues raised in *This Land* and discuss collective strategy, that included themes of:
   a. Activism
   b. The law and democracy
   c. The purpose of the film and the role the film can play in society
   d. The film-making process

3. *This Land* screened at the Alternative Mining Indaba\(^\text{14}\), which was attended by Mavuso and Boyle, who hosted a discussion on the social impact of mining in rural areas. The Alternative Mining Indaba was also used as an opportunity to launch *This Land* on the Afridocs online platform.

4. *This Land* brought the rural discourse onto urban platforms by screening at the Msanzi Women’s festival and the Abantu Book festival and Rethink Africa in Johannesburg as well as a pop-up screening the the Thsisimani Centre for Activist Education in Cape Town. Reports from these screenings highlighted the followings issues:
   a. The importance of screening the film in rural areas
   b. The film could help rural audiences to verbalise their own struggles
   c. The film could be a powerful educational tool

5. Further student engagements followed, aimed at the thought-leaders of the future, a new generation of mining practitioners, economists, law practitioners and filmmakers. Screenings included:
   a. The UCT Centre for Film and Media Studies
   b. Rhodes University Department of Journalism

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\(^{14}\) The Alternative Mining Indaba is an annual conference attended by representatives from mining affected communities where delegates seek solutions to concerns about the mining sector (Alternative Mining Indaba n.p)
c. Inkhulu FreeHeid, a youth-led non-partisan movement aiming to bring about social cohesion (Inkhulu FreeHeid, 2019).

d. The Metals to Mining programme in the UCT Faculty of Engineering hosted the film along with discussions led by Brendan Boyle and Mbhekiseni Mavuso.

e. The UCT School of Economics screened the film as part of a short course on Land Economics and Governance for PhD students coming from across Africa. Mavuso was invited to address the students and engage in debate around the issues raised.

Issues highlighted in these screenings included:

a. Citizen rights must be balanced with the need for economic development

b. There is a need to address the way the mining sector engages with communities

c. Title deeds to property could be a way to address recognition of land rights

d. There needs to be a recognition of the spiritual value of land in indigenous culture versus the commodification of land

By the end of 2017, the series of curated screenings had reached political leaders, civil society, business leaders, the legal fraternity, and students. But reaching the segment of the target audience that does not have access to mainstream venues, university campuses, satellite television or reliable Internet remained a challenge.

With consideration of the third impact goal of the commissioning brief from LARC, namely, “to create a tool to be used in NGO and grassroots activism for the protection of the land and other rights of rural people and communities” (B Boyle 2015, personal communication, 29 January) This Land needed to reach rural audiences across the country. The aim was to devise a strategy to screen the film in rural communities living under customary law. The logistics and cost of screening films in remote places, where there are no screening facilities and, in some cases, not even access to a venue with reliable electricity was a challenge. Furthermore, it was clear that the film impact is most powerful
when supported by a dialogue or workshop where information can be shared and audience members have an opportunity to relate their own stories. In 2018 a political opportunity presented itself to gain support for the countrywide screenings of *This Land*, when the newly elected president of South Africa, Cyril Ramaphosa, proposed a review of the South African constitution to allow for the expropriation of land without compensation. This created fresh interest in the subject matter of the film that facilitated fund-raising for the implementation of the impact campaign.
Chapter 3: Developing a Grassroots Impact Campaign

The first series of screenings, which were held in mainstream venues at festivals or academic institutions, responded specifically to the impact goals of targeting policy decision makers and raising international and national awareness. It was through the feedback from these screenings and research based on anecdotal evidence that the grassroots impact campaign was developed. In a report titled, Lessons in Grassroots Collective Impact, Cara Priestly writes, “Community engagement helps us understand others’ experiences, since most of us haven’t personally lived all the social issues we are trying to tackle” (Priestly 2014: 1). With this in mind we developed an impact strategy to enable the film to become “a tool to be used in NGO and Grassroots activism for the protection of the land and other rights of rural people and communities” (B Boyle 2015, personal communication, 29 January). In doing so, the strategy recognises “that the community is best positioned to articulate its own vision and needs” (Priestly 2014: 2) and takes a participatory approach to impact. The implementation of this strategy offers guidelines for a grassroots impact model that could serve other documentary filmmakers who wish to use film to build activist networks while equipping NGOs and social justice movements with a tool for social engagement. The ability to achieve of impact goals is “guided to a great extent by the campaign’s timing, having the right partners on board, and the appropriate level of resources” (Barret & Leddy 2009: 4). In 2018 the right moment presented itself when the debate on land expropriation without compensation came to the forefront of the South African political discourse. In order to align the impact strategy of This Land with this political moment, strategic alliances had to be forged. Organisational and grassroots partnerships were established to structure a comprehensive screening program in all nine provinces of South Africa. In addition to this, support material was generated for the screenings in the form of information brochures for the audience, screening facilitation guidelines and data gathering documents for the screening facilitators. The following section examines how these factors were combined in order to develop and implement a grassroots impact strategy for This Land.

3.1 Timing and Impact

The issue of land reform and the effective implementation thereof has been at the core of political discourse in South Africa since the first democratically elected government came
into power in 1994. When the ANC entered into negotiations with the National party in the early 1990’s, the policy framework for land reform presented a range of options, including the expropriation of land without compensation. It was agreed that, “property rights would be protected while the transformation of property relations would be pursued through a gradual and market-based programme of land reform (Hall 2004). But the process has been slow and since the election of a democratic government in 1994 it is estimated that only 6-7% of the land reform targets have been met (Ngcukaitobi 2018).

The theory of the formalization of property rights where the property right is seen as a transferrable commodity, which improves the right holder’s access to integration in a western economy (Clarke 2017) contributes to the notion that access to land is a key to access to economic stability. For this reason as well as historical reasons of colonial dispossession and forced removals, the land issue is at the heart of the South African political debate. It is within this context that President Cyril Ramaphosa announced the acceleration of the land redistribution programme in his maiden State of the Nation address on 16 February 2018 by stating that,

We will pursue a comprehensive approach that makes effective use of all the mechanisms at our disposal… This approach will include the expropriation of land without compensation (The Presidency 2018: n.p.).

This placed the issue of land at the centre of the national discourse, creating an opportunity for an impact strategy for This Land that was aligned with current socio-political events. We identified the potential of This Land to unlock debate in facilitated workshops on the land issue, thereby creating an opportunity to place the other issues addressed in the film (such as corruption prevalent in traditional leadership, the impact of mining on rural communities and the threats posed by Traditional Khoisan Leadership Bill) on the national agenda.

In July and August 2018 The Constitutional Review Committee hosted thirty-four countrywide public hearings on the proposed review of Section 25 of the South African constitution, which pertains to property rights. Section 25 of the Constitution states the following in relation to property:

1. No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.
2. Property may be expropriated only in terms of law of general application –
   a. for a public purpose or in the public interest; and
subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court. (Constitution of the Republic of South Africa 1996: n.p.).

The public hearings focused on whether this section of the Constitution should be amended in order for the South African government to be able to expropriate land without compensation. LARC partnered with the Alliance for Rural Democracy\(^ {15} \) (ARD) to facilitate workshops ahead of the hearings to share information on the law and what the amendment of the constitution would effectively mean for rural citizens, who would be directly impacted by the legislation. The aim was to schedule ARD workshops to precede the public hearings, for example the first public hearing was scheduled for Groberlaarsdal in the Limpopo Province on 26 June 2018. ARD hosted a workshop in a nearby conference centre on the 24\(^ {th} \) and 25\(^ {th} \) of June, where This Land was screened. In this way the discussion could inform participants ahead of the public hearing, allowing them to prepare for their submissions to the Constitutional Review Committee. The This Land impact team identified these workshops as an opportunity to screen the film in order to illustrate through the narrative, the effect of the prevailing lack of clarity on land rights, specifically in rural areas, which previously fell within the boundaries of Bantustans. The film became the tool to unlock the discussion.

### 3.2. Forging Partnerships

Partnering with organisations with expertise in the area is “critical to the sustainability of the campaign” (Barrett and Leddy 2009: 4). The impact strategy for this land was driven by the primary partnership between LARC, represented by Nokwanda Sihlali and me. While LARC’s primary function is that of research, strategic support and connection to rural networks, I brought an understanding of the role film can play in unlocking debate, an ability to assemble a team to drive a strategy forward and experience of working in rural communities. It was clear that we would need to forge more partnerships to execute our vision: We would need technical equipment and expertise, access to community networks, financial support, logistical support and the ability to share information that could respond to matters arising from the discussions. For this reason a series of strategic alliances were forged to implement the impact campaign. Partners included Sunshine

\(^ {15} \) The Alliance for Rural Democracy (ARD) is a loose association of community-based groupings and non-governmental organisations. ARD assists rural people to defend their rights to land and resources, specifically in areas previously falling in the Bantustans. (Alliance for Rural Democracy, n.p)
Since ARD is a loose association of various civil society groups in rural South Africa, alliances were established with various grassroots community organisations throughout the country. Using a process modeled on snowball sampling, I established relationships with a gradually increasing collection of smaller organisations, which served as our screening partners in specific locations. This process played an important role in building networks between community organisations that have continued beyond the screening of *This Land*.

### a. Logistical and infrastructural support: Sunshine Cinema

Although public hearings on the proposal to change the constitution took place in regional centres such as Groblersdal, Mokopane and Giyani, the location for the workshops that formed part of the impact campaign were held in community halls with fluctuating access to electricity and technical infrastructure. For this reason I approached Sunshine Cinema, who developed mobile film screening units that are used to host film screenings in rural Southern Africa. As such they have created a technical support tool for impact screenings in remote locations (Sunshine Cinema n.d.). Although they have experience in facilitated screenings, the impact campaign for *This Land* was the first collaboration of its kind that Sunshine Cinema undertook. In an interview with co-founder Sydelle Willow-Smith she describes that this process differed from their usual model in that they “hadn’t been approached by a filmmaker directly who had a very clear idea of what they wanted to do in terms of impact and how they could use our equipment and our developing model to benefit their impact” (S Willow-Smith 2019, personal communication, 5 August). After an initial meeting between Sunshine Cinema, LARC and Plexus Films in May 2018, it was clear that we shared a vision. By combining our resources and skills sets we could structure a comprehensive implementation strategy for the *This Land* impact campaign.

Sunshine Cinema made two mobile cinema units, called “Sunboxes” available to the *This Land* team. Each unit comprises of a projector, audio speakers, a screen and solar powered battery-pack, all of which fits into a compact suitcase. The units require technical coordinators who take responsibility for the screenings, or “Sunbox Ambassadors” as Sunshine Cinema refers to them. In the case of the *This Land* screenings the Sunbox Ambassador had to understand the political issues at stake, as well as have knowledge of film for impact. Of the eight people interviewed, Nozuko Poni and Samkelo
Donisi presented an adequate combination of political interest, social justice commitment and a background in communication and media to be able to facilitate *This Land* screenings. They were employed to run the screenings and facilitate the dialogue, share relevant information and report back to the filmmaker and LARC.

**b. Organisational support: Alliance for Rural Democracy and grassroots networks**

LARC’s primary partner in rural networks is the Alliance for Rural Democracy. ARD convened workshops ahead of the public hearings, where *This Land* impact screenings took place. The reach of the workshops were limited and we realised that additional community partnerships would be required to host screenings in areas where community members did not have access to the workshops, but still had a need for information sharing on the issues represented by the film and through the dialogues. Forging these relationships required a process of purposive and snowball sampling. This allowed us to access relevant civil society networks and leaders working in rural areas as well as marginalised urban communities. Many communities had not mobilised ahead of the public hearings on the proposed review of section 25 of the constitution, therefore it was up the *This Land* impact team to set-up the screenings and discussions in these cases. It follows that in many instances the *This Land* screenings became the key for unlocking the dialogue and created a platform for knowledge sharing ahead of and following the public hearings.

Grassroots and civil society partnerships were required across the country. Through the primary connection with the Alliance for Rural Democracy, who in turn, put me in touch with their network of community leaders and civil society organisations, we built a network of organisations to host screenings, including (listed according to the chronology of screenings):

- Land Access Movement of South Africa (LAMOSA)
- Association for Rural Advancement (AFRA)
- Rural Women’s Movement (RWM)
- Culisa
- Sekhukhune Environmental Justice Network
- South African National Community Organizations
- Walter Sisulu University, SRC
• Border Rural Committee
• Orange Farm Human Rights Centre
• Zingela Ulwazi
• Institute for Poverty, Land and Agrarian Studies (PLAAS)
• Tshintsha Amakhaya
• Ndifuna Ukwazi (Dare to Know) Organisation
• Reclaim the City
• International Labour Research and Information Group
• Tshimani Centre for Activist Education
• UCT Centre for Film and Media Studies
• Kwazulu-Natal South African Gallery Education
• The Makhasaneni leadership committee
• The Impaphala committee
• The Babanango committee
• The KwaShikishela committee
• Sony Music
• Riverside Arts Academy
• Institute for Property, Land and Agrarian Studies (PLAAS)
• Institute for Reconciliation and Social Justice, UFS
• The Nelson Mandela Foundation

C. Funding and resource partnerships: The Nelson Mandela Foundation and The Bertha Foundation

Successful outreach campaigns require on-going coordination, commitment and the financial resources in order to execute the plan effectively (Barrett and Leddy 2008). Once partnerships where in place that would provide technical and organizational support, funds were required to implement the impact strategy. The Nelson Mandela Foundation (NMF) is a non-profit organisation that carries Nelson Mandela’s vision for freedom and equality for all in its mandate. NMF has supported a series of dialogues in support of this vision and in 2018 identified the issue of land reform as a key focus area. As such NMF undertakes “strategic Dialogue & Advocacy interventions in support of finding sustainable solutions to societal problems” (Nelson Mandela Foundation n.d.). NMF
identified *This Land* screenings to have the potential of creating strategic dialogue interventions and as such agreed to partner with the *This Land* impact campaign. Not only could NMF support the screenings and dialogues through funding, the organization brought greater networks, expertise and generated public awareness. This would contribute to getting the *This Land* team closer to achieving its impact goals.

Additional funding was provided by the Bertha Foundation, which had already supported the film’s production. The Bertha Foundation “support[s] activists, storytellers, and lawyers who are working to bring about social and economic justice” (Bertha Foundation n.d.) and as such the *This Land* impact campaign received a Bertha impact grant.

Barret and Leddy highlight the importance of a specific plan that reflects an understanding of the key target audience and how to reach it when devising an impact strategy for documentary film. The importance of flexibility and taking advantage of new opportunities is noted (2008: 11-12). The way in which the *This Land* impact strategy evolved pays cognisance to these directives: The impact strategy team made use of the right political moment to launch an impact campaign aligned to the timing of public hearings on Section 25; Strategic alliances supported access to the target audience by way of technical and infrastructural support, knowledge of the subject and knowledge of the audience; and in recognition of the need for resources and strategic alliances, partnerships were forged with the Nelson Mandela Foundation and The Bertha Foundation - both credible organisations who could provide the financial resources to enable the implementation of the strategy, while at the same time lending credibility and visibility to the campaign.
Chapter 4. The Implementation of a Grassroots Impact Strategy

From July to December 2018 *This Land* screened in forty-two locations around the country, including all nine provinces, namely: Limpopo, Mpumalanga, North-West Province, Northern Cape, Eastern Cape, Gauteng, Kwazulu-Natal, Free State and the Western Cape.

Additional materials were created to support the impact screenings which included printed material, report templates, an Impact Toolkit with guidelines for screening content, publicity materials and three language versions on the film, namely, isiZulu, English and Setswana.

Sunshine Cinema supplied training and technical support to the Sunbox Ambassadors while I managed the logistical and production set-up of the screenings, as well as content briefings to the screening facilitators for the discussions. LARC and ARD created the environment for the screenings through the workshops, and where there were no workshops they assisted by providing introductions to community organisations and leaders and information resources so that screenings could be arranged.

The screening facilitators, Nozuko Poni and Samkelo Donisi set up the Sunbox mobile cinema in the workshop environment and introduced the film with guidelines drafted by Nokwanda Sihlali from LARC and myself. Audiences could choose, by show of hands at the event, their preferred language version for the screening. The screening was followed by a facilitated discussion, where community members were encouraged to reflect on their own experience as it relates to that of the people of Makhasaneni. Below is a summary of the screening guidelines for the discussion. (A complete screening guide document that includes practical and logistical pointers is attached as Annexure A.)
Before the screening commenced, the facilitator welcomed the audience and introduced the impact campaign partners. An attendance register was circulated to build a database in the various areas, which could be shared with LARC, ARD and NMF for future programs. Brief background was provided about the film and when present, Mbhekiseni Mavuso was introduced. In a context where there is often intimidation and fearfulness, it is important to explain beforehand that there will be documentation of the event, by way of written notes, photography and in some instances audio and video recordings. Following principles of ethical issues in qualitative interviews as outlined by Kvale (1996), informed consent was secured before any form of documentation was made.

During each screening, the facilitator would take photographs for our records and complete the screening report, which included details such as location, organisational affiliation, audience numbers and demographics such as gender, age and language preference. The screening report informed the quantitative research, which included
attendance numbers, audience demographics and locations reached (see screening report template and completed example attached as Annexure B).

After each screening, facilitators invited representatives from the audience to respond to the film and to introduce their comments by indicating which area or organisation they represented. The discussion was guided by leading questions, for example:

How does this story relate to your own situation with regards to access to land or recognition of land rights? (*This Land* Screening Questions 2018: n.p)

It is important to be informed about whether there would be any ward councilors or traditional leaders in the audience, in order to determine to what extent audience members would be able to speak freely. Initially we asked audiences to fill in a screening survey, but this wasn’t well received as, according to the screening facilitators’ reports, people distrusted the notion of providing written information or failed to answer in a useful manner. For this reason the survey was abandoned in favour of the guided discussion, which was collated in the screening report and informed the anecdotal research. A guideline to leading the discussion after the screening is attached as Annexure C.

A brochure that was compiled by LARC was distributed at the screenings. It contains useful information, such as a summary of laws pertaining to land rights, tenure rights, The TKLB and the rights of mining companies (when issued with a license to prospect for minerals) as outlined by the Department of Mineral Rights. The brochure also lists organisations that offer support to rural communities with regards to land rights or infringements by mining companies. The English version of the brochure is attached as Annexure D. This proved a vital tool for the impact campaign and was later distributed electronically as well.

The grassroots impact campaign was implemented during the period of June-November 2018. Forty-two *This Land* screenings with facilitated dialogue took place in all nine provinces of South Africa. More than two thousand people saw the film and participated in the discussions during this period. Most of the participants were from rural communities living under similar conditions as those portrayed in the film. The film was screened in either isiZulu, Setswana or English, depending on the language most spoken in the district where the screening took place. The screening facilitators were responsible
to gather qualitative and quantitative data as outlined by the screening report. The table below summarizes the quantitative data gathered during this period of the impact campaign.

<table>
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<tr>
<th>SCREENING DATE</th>
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<th>LANGUAGE</th>
<th>ATTENDANCE</th>
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Nine of the screenings relied on the partnership with the Alliance for Rural Democracy. This included the screenings at Groblersdal, Kuruman, Rustenburg, Durban, Mamelodi, two screenings in Soweto, Moutse and Carletonville. The ARD leaders, Constance Mogale and Emily Tjale, arranged the workshops or community meetings where the screenings were hosted.

In an interview with Emily Tjale, she explains that ARD used the film in their workshops because similar situations are experienced in the communities that they represent, where people are afraid to speak out against corrupt leadership. “Communities became inspired and interested and they keep phoning me and saying they want to stand up for their own issues because of this film” (E. Tjale 2019, personal communication, 4 March). Even though the narrative portrayed by the film is not unfamiliar to Tjale, the fact that it was documented and presented in the form of a film brought about a collective realisation that there is a countrywide “selling out of the community” (E. Tjale 2019, personal communication, 4 March). This speaks to the power of film to spurn insight, even amongst audiences familiar to the issue. This Land screening facilitator Nozuko Poni concurs:
Usually people have heard the information and they know that there is some corruption, but they don’t know to what extent, how to stop that in their communities or how to mobilise. So when they watch the film and see a small community standing up to these people that usually inspires them. I’ve been to screenings where, after the screening, people don’t leave. They stay and ask how can they mobilise (N Poni 2019, personal communication, 8 February).

Inspired by the responses to the initial screenings, Emily Tjale introduced me via email to community organisations across the country. It was through many of these connections and rigorous pursuit of contacts that alliances were forged for further screenings.

Kholisile Dingiswayo is a community leader in the North West Province, where the effects of mining and alleged corruption by traditional leaders have left communities impoverished and angry16. He arranged five screenings (including Bapong, Bokfontein, Mammoetse and Rustenburg). In two instances screenings were undermined in what Dingiswayo described telephonically as a purposeful attempt to stop the screenings from going ahead (2018, personal communication, 18 July). Samkelo Donisi described the cancellation of the screening in Bokfontein in his screening report of the day, where he outlines the ability of local organisers to reschedule the screening in another location and gather feedback from the community, despite the challenges of the day:

What a stressful day it was! Initially the film was going to be screened at workshop organized by the municipality. They cancelled the screening last minute...We discovered that none of the community members have title deeds. Some of them have been moved more that three time and they expect to be moved soon. They will be in touch with Kholisile [Dingiswayo] for assistance (S Donisi 2018, personal communication, 18 July).

The ability of both the Donisi and the Dingiswayo to be flexible meant that a new venue and audience transport could be arranged for the screening to take place despite the venue cancellation. Case studies on social movement building reflect similar findings. Abrash notes for example, “The advantage of ad-hoc networks is their flexibility and adaptability;

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16 The Lonmin platinum mine, where the Marikana massacre took place on 16 August 2012, is situated in the North West Province. This is where the South African Police opened fire with live ammunition on a group of striking miners, killing 34 people. A report titled “Action Voices”, issued by the Bench Marks Foundation reports extensively on injustices suffered in mining affected communities of the North West province. These include health problems, environmental damage, damage to property and infrastructure, bad working conditions and intimidation (2012 n.p).
the downside is the difficulty of knowledge building and sustainability” (Abrash 2011, n.p). This underpins the need for good organizational partnerships and flexibility in order to implement a grassroots campaign. Dingiswayo’s on-going presence and activism in the district supports sustainability.

In the small village of Kasteel, near Bushbuckridge, community activist, Speaker Mahlake, hosted a This Land screening. Mahlake represents a group of land claimants in the Limpopo province who fall under the Moreipuso Traditional Authority. Forty members were expected to attend the screening, but more than a hundred people arrived. Donisi posed the question: “Has anyone in the room faced a forced removal or come from a family that has been forcibly removed from their land?” The entire audience raised their hands.

![Figure 2: A show of hands in Kasteel for the question posed: “Have you or a family member been directly affected by forced removal or land dispossession?” 28 June 2018.](image)

Since there was such a strong response to the film screening, it was agreed to host four more screenings in the region in Sethlare, Phelendaba, Lethabo and Bushbuckridge. Two
of the screenings were cancelled in what Mahlake believes to be sabotage by traditional authorities. In an interview he maintains that audiences were intimidated not to attend (S Mahlake 2018, personal communication, 19 November). Mbhekiseni Mavuso, who was in attendance for the scheduled screenings, used the opportunity to engage with community members and share his experiences with them. The decisions to host screenings under these circumstances were made in consultation with community leaders and the research team from LARC. Care was to mitigate risk and balance caution with the right of rural communities to have access to information. Since some people were fearful to attend scheduled screenings in Bushbuckridge, a special screening was arranged at night at the home of Mahlake. Community members who attended discussed the issues in their villages that relate to land dispossession and traditional leadership. According to Mavuso:

I went to Limpopo and North West. Communities became inspired and interested and they keep phoning me and say they want to stand up for their own issues because of this film (M Mavuso 2018, personal communication, 4 March).

Priestly states, “the community must engender the energy and excitement for the work from within, and mobilise each other to carry it forward” (2014: 2). The way in which civil society organisations used the film screenings to mobilise communities asserts the effectiveness of a grassroots impact campaign that reaches the people with direct experience of the issue. The Impact Field Guide by Doc Society describes “bottom up change” as a strategy that works amongst the community that is most affected by the issue in question. It states that “the act of making a film is often as important as who sees the film once made” and that “participating in the making of a media project is itself a powerful way for communities and their members to reflect on their own stories, and identify their own power and desire for change” (2018: 26). This view is supported by Emily Tjale from ARD when she describes the power of the film to shed a light on a familiar situation, “we don’t notice until it is documented” (Personal Communication, 4 March 2019). She describes how various communities where she hosted ARD workshops and This Land screenings claimed the film as “their story”, in that they recognized their own plight in the narrative portrayed.

In Kwazulu Natal where This Land was filmed, the screenings were especially poignant. During the time of the public hearings on the proposal to amend the constitution, there
was a great deal of violent conflict and political assassinations in the province. Much of the violence stemmed from a volatile relationship between communities and the Ingonyama Trust\textsuperscript{17}. The violence was reported extensively in the media and was directly linked to land ownership and resources, as described in the Daily Maverick:

“Controversies around the Ingonyama Trust flared up after land expropriation without compensation became a policy position of the governing ANC. Senior ANC leaders were at pains to stress that land under the custodianship of traditional leaders was safe” (Mailovich, 2018: n.p).

During this time the team was advised not to screen This Land in Kwazulu Natal, as it could place activists at risk. By September 2018 Mavuso advised that the situation was calm and This Land screened in Makhasaneni on Heritage Day, 24 September 2018. In consultation with Sithembiso Gumbi, a Kwazulu Natal based researcher for LARC a series of screenings were scheduled in the province to include Durban, Makhasaneni (where most of This Land was filmed), Eshowe, Mtubatuba (where portions of This Land was filmed), Babanango (also featured in This Land) and Isingolwene.

A valuable aspect of the screenings in Kwazulu Natal is that Mavuso was in attendance. His presence was key in building a network of activism and solidarity. In an interview after the screening a community member, Basil Sibiya, expressed the community’s frustration with the traditional leader in their area, but also acknowledged the power of the engagement at the screening as follows:

We took all the advice that he [Mavuso] gave us. We will try by all means to follow up with all the guidance that he has given (B Sibiya 2018, personal communication, 23 September).

The long-term sustainability of a project relies on strong partnerships (Barret and Leddy 2009: 4). Sith Gumbi, the LARC researcher based in KwaZulu-Natal is engaging with Sibiya and the Eshowe community to address the problems they face with the way in which customary law is interpreted and applied in their area. In his view there is a need for a change in policy and the interpretation of the law in order to protect the rights of rural citizens. In an interview after the screening he stated:

\textsuperscript{17}The Ingonyama Trust was established in 1994 to be the custodian of land that was previously part of the Kwazulu homeland. The Zulu monarch, King Goodwill Zwelithini is the sole trustee of the trust. The land held in trust by the Ingonyama trust comprises nearly 30% of Kwazulu-Natal (Mailovich 2019).
I think that other communities can learn from Makhasaneni and they must mobilise their communities to stop these injustices… Currently people on rural land are only protected by IPIRRA\(^{18}\), but they have no legal ownership. Government hasn’t passed a law to transfer this land to communities (personal communication, 22 September).

Gumbi’s observations reflect the notion that a film can mobilise groups that are focused on a particular problem, and, as Karlin & Johson put it, it can be a valuable tool in bringing about collaboration between various people who are seeking to effect change and support the creation of a social movement (2011: 3). While the initial screenings did not lead to structural change or policy implementation, as set out in the impact goals, the qualitative interviews support the view that it did support the creation of a social movement. Claassens from LARC maintains that the greatest strength of the campaign was in building rural networks, while Tjale from ARD asserts that it empowered citizens with the knowledge for the protection of their constitutional rights. Sihlali from LARC believes that the screenings drew attention to the TKLB (also called the Bantustan Bill). While not directly influencing policy, it was part of a series of actions by LARC and ARD to stop the ratification of Bantustan bill. In the following chapter I will explain how the grassroots campaign led to high profile exposure for and mainstream media attention on the issues raised in the film, bringing the impact strategy full circle in the way it targeted influencers of structural change by following a community-driven impact strategy.

\(^{18}\) The Interim Protection of Informal Land Rights Act 31 of 1996 provides “for the temporary protection of certain rights to and interests in land which are not otherwise adequately protected by law”\((\text{Government Gazette 1996: 2})\).
Chapter 5. Conclusion: harnessing the power of a community driven impact strategy

In conclusion, this chapter will discuss the final two screenings conducted in the period between July and November 2018 and how these events highlight the power of a community driven impact campaign. It will furthermore assess the findings of this study and propose how this research can serve to provide as a model for the implementation of a community driven impact strategy for documentary film.

While the initial undertaking to target high profile audiences and political decision makers had limited impact, the grassroots campaign gained momentum and created national interest. The interest generated provided an opportunity for two screening events that reached an audience with strong social and political influence. These were:

1. *This Land* screening and round table discussion hosted by the Nelson Mandela Foundation in Johannesburg;
2. a panel discussion hosted by The Institute for Poverty, Land and Agrarian studies (PLAAS) in Cape Town

The Nelson Mandela Foundation partnered with LARC to host a *This Land* screening and round table discussion on 23 October 2018 to examine the impact that the TKLB and other legislation would have on property rights of rural citizens. In attendance were representatives of the rural networks created through the *This Land* screenings, academics, business leaders and media. During the round table discussions Aninka Claassens and Constance Mogale (from ARD) outlined the threat posed by the TKLB and other legislation. Activists and community leaders present discussed how this legislation impacts on the lives of rural communities. Together they aimed to forge concrete solutions to securing property rights for black South Africans and undertook to drive a campaign to stop the ratification of the TKLB. ARD launched a campaign titled “Stop the Bantustan Bill” which has drawn national attention to the issue. The screening and following panel discussion by Mbkhekiseni Mavuso, Constance Mogale, Emily Tjale and Nozuko Poni, was covered by SABC television. Several radio interviews followed and newspaper reports on the issues raised.
Dr. Ruth Hall, who serves on the presidential advisory panel on land reform, hosted a *This Land* screening at the Institute for Poverty, Land and Agrarian studies at the University of the Western Cape on 24 October 2018. She invited Ronald Lamola (from the ANC National Executive committee), Stha Yeni (*This Land* narrator and agrarian academic) and Mavuso to participate in a panel discussion on land reform after the screening.

These engagements with political, academic and business thought leaders came about as a direct result of the networks formed and interest generated through the grassroots campaign. This supports the assertion by Abrash that film projects create new tools of circulation in a multiplatform media environment. She maintains that, “they help to create sustainable network infrastructures for participatory public media that extend from local communities to transnational circuits and from grassroots communities to policy makers” (2011, p 1).

Reviewing the impact campaign for *This Land* in relation to the impact goals outlined in chapter the study offers the following conclusions:

It is my assertion that the *This Land* grassroots strategy and implementation harnessed the collective power of community networks and created a public awareness, which gained the attention of policy makers who have the power to effect structural change. This view is supported by the anecdotal observations at screenings, documented audiences responses and data gathered through interviews with representatives from partner organisations and community activists. While Mavuso believes that the film drew attention to their plight nationally, it also empowered rural communities with the information to address their own struggles. It confirmed that their issues are not unique, but shared by communities across the country and provided a structured space to share stories (personal communication, 4 March 2019). Sihlali asserts that while the film may not have changed the minds of rural citizens, “it has given them strategies to deal with their land issues”. She furthermore believes there was a shift in perception amongst urban dwellers and parliamentarians as a result of the groundswell of awareness generated (personal communication, 13 February 2019). Claassens believes that what is required is more screenings in rural areas and greater information sharing through radio programs in vernacular languages, in order to continue building on the success of this strategy (personal communication, 8 April 2019). While the current study is limited to research findings on the *This Land* impact campaign,
future studies could explore the extension of an impact campaign to include a structured audio campaign in the form of radio programs or podcasts that support the campaign.

While the timeframe and resources used in this study does not extend to measure impact on policy and legislation, it documents the impact on communities directly and indirectly affected by the issues raised in the film. In November 2019 President Cyril Ramaphosa signed the TKLB in parliament, bringing into effect a legislation that the campaign for *This Land* sought to highlight as a threat to democracy. The campaign thus failed to have a noticeable influence on that particular policy, which was one of the three impact goals identified. On reflection, the film impact campaign could have been better aligned with the campaigns led by civil society and should have provided a focused course of action from film screenings to the petition to stop the ratification of the TKLB. Future studies could seek to document the way in which a film campaign could be more effectively linked to specific legislation and develop tools to measure the impact of the film in this regard. This would serve as a resource for future impact campaigns that seek to affect legislation and policy.

As a study based on an “evolving” impact strategy this study documents a process created in practice and employs the research data gathered to propose a model for an impact strategy that is flexible and that can be adapted according to scale of the project. I outline below guidelines for the implementation of a grassroots impact strategy for documentary film that can serve as a replicable model when conceptualizing and impact campaign for film:

1. Engage in real participation with affected communities to capture their knowledge, harness their networks and ensure that the film and campaign serve their actual needs in a meaningful way.
2. Consult with experts from organisations that work with the issues addressed by the film and the impact campaign.
3. Assess the practical requirements for the implementation of the strategy and identify partners that can support the realisation of the campaign. This includes (a) organizational, (b) technical and (c) funding partnerships.
4. Harness existing networks and communities of interest to support and facilitate screenings.
5. Make use of snowball implementation (get each partner to introduce you to other relevant role players).
6. Create new networks and communities of interest where none exist.
7. Support screenings with (a) discussions and (b) relevant take-home materials (e.g. booklets) (c) information on organisations that offer information and support issues addressed in the film.
8. Where possible invite the protagonist in the film or a person who has the authority to speak about the issues to attend the screening as a guest speaker.
9. Make the film and all other resources available in multiple languages and encourage verbal engagements where written ones are not possible or meaningful.
10. Take the film to affected communities (rather than expecting them to seek out the film) and work with the material resources and facilities available in each community.
11. Release film at an opportune time so that its themes align with existing local, national or international debates.
12. Link the film to relevant key dates or events and use existing platforms to distribute it (e.g. film festivals, opening of parliament, conferences, academic programs).
13. Optimise media coverage of the film to reach the general public with the key issues of the film (this includes reaching out to news media to entice them to cover the film or its themes and then making use of whatever coverage is secured in strategic ways to optimise the film's reach and influence).
14. Make use of different platforms and media to engage with different audience segments (e.g. mobile screening equipment in community halls for rural communities, mainstream news media for general public, film festivals and academic screenings for urban audiences).
15. Be flexible. If it is apparent that the strategy is not reaching the goals, then either adjust the strategy or reassess the goals. If a tool or element of the strategy doesn't work (e.g. written questionnaires in rural communities), replace it with another, preferably one suggested by members of the community

In conclusion, this study maintains that the This Land impact campaign provides a replicable model for the implementation of a grassroots impact strategy for documentary film. Future research could develop the model to include the integration of the film impact
campaign with campaigns by activist organisations that relate to legislation in order to effective socio-political change.

Existing case studies of documentary impact highlight primarily international feature documentaries that have access to financial and other resources beyond the means of film campaigns in the developing world. The model created by This Land relied on a modest budget and is achievable with a small, committed team for implementation. It can be used as a guide to structure impact campaigns for films seeking to reach rural audiences. As such, it highlights the power of harnessing a grassroots, community-driven impact campaign in order to harness rural networks and effect societal change.
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Referenced websites

Afridocs, viewed 30 January 2020, https://afridocs.net/about/

Alliance for Rural democracy, viewed 30 January 2020, https://allianceforruraldemocracy.org/


Bertha Foundation, viewed 30 January 2020, https://berthafoundation.org


KAYA FM, viewed 30 January 2020 https://www.kayafm.co.za


Filmography

This Land 2017. Miki Redelinghuys, South Africa, Plexus Films, 48 minutes, viewed 5 December 2019,
http://www.thislandfilm.com
http://afridocs.net/watch-now/this-land/

This Land Impact Screenings 2018. Miki Redelinghuys, South Africa, Plexus Films, 11 minutes, viewed 5 December 2019,
https://vimeo.com/314470275
ANNEXURE A
This Land impact screening guide document

Screening set-up and strike checklist

1. The Impact Toolkit
   a. Sunshine Cinema suitcase with projector, speakers, power cables, memory stick with films, battery, inverter and chargers
   b. Collapsible screen and light stand with balancing head for projector
   c. Additional suitcase with: Blackout curtain, Duck/gaffer tape, scissors, prestik, whiteboard marker; extension cable and two-prong adaptor
   d. Posters: laminated option for re-use, non laminated as some organisations like to keep a copy with the screening particulars written on it
   e. Sunshine cinema laminated logo poster
   f. LARC information pamphlets
   g. This Land Impact Survey leaflet for completion after screening
   h. Dialogue question guide
   i. Sunshine Impact report for Sunbox Ambassador to complete

2. Location Set-up (1-2 hours)
   a. On arrival greet and talk through the process with the local leader/liaison; establish what they would like to achieve and if they agree with the format we use; enquire if there are specific issues they’d like to add.
   b. Request assistance to set-up and hang blackout, move and wipe surfaces if required.
   c. Check electrical points and windows and decide on best possible screening position.
   d. Set-up own power if required.
   e. Set-up projector and sound and do technical checks; make sure focus and audio levels good.
   f. Place This Land and Sunshine Cinema posters on entrance to venue; and inside venue
   g. Hang blackout
   h. Set out pamphlets and survey sheets
   i. Have attendance register ready
   j. Set out refreshments.

3. Introduction to screening (5-10 minutes)
   a. Introduce and welcome, thanking local organization for hosting and local coordinator for arrangements and venue logistics.
   b. Briefly outline project, where LARC & Plexus Films partnered with Sunshine cinema to conduct screenings and facilitate dialogue; this was made possible with the support from Bertha Foundation and the Nelson Mandela foundation.
   c. Introduce the mobility of the Sunbox and invite groups to arrange screenings.
   d. Inform audience that there will be a discussion after the film and that we will make brochures available with supporting information
e. Send attendance register (establish that it is voluntary for people to fill in their names), We would like to know organization and communities represented at the screening.
f. Establish informed consent for documentation and data collection, clearly outlining the purpose of the research.

4. This Land screening (48 Minutes) (activities during screening)
   a. Gather data for Sunshine Cinema impact report sheet
   b. Take photos:
   c. People watching the film (try to capture from the front, with light from screen on faces, but also silhouettes from behind with strong visual on screen);
   d. Context of screening, i.e. where is the venue, show anything interesting or specific about the context, capture identifying location markers, like signboards, town or venue names;
   e. Photo of leader/leadership of organization; note full names and correct spelling as well as name of organization and location for accurate reporting.

5. Facilitated discussion after screening (1 hour)
   a. Invite local coordinator/leader to join in leading the discussion
   b. Gather initial responses and comments
   c. Where possible record comments/quotes on phone audio, or write it down, if someone has made a point we’d like to quote, note their name
   d. Offer refreshments
   e. Explain survey and how to tear for answers (This was later replaced with a raise of hands survey)

6. Location strike
   a. Remove posters and prestik from walls, offer non-laminate poster to organization/youth leader;
   b. Remove and fold black-out, remove all tape before packing fabric away;
   c. Remove all tape from venue walls, remove all waste, biscuit wrappers, and pack chairs and furniture, restoring venue to its state on arrival.

7. Reports and documentation
   a. Fill in reports and share on same evening as delays may cause observations to be forgotten;
   b. Send photos and comments to be added to This Land and Sunshine Cinema Social media pages;
   c. Create a folder for each screening with photos and add captions, people names where possible, to use for our research report
ANNEXURE B
Example of This Land Screening report, using the Sunshine Cinema template

Sunshine Cinema Screening Report

Name of Organisation: Plexus Films, LARC, ARD, Nelson Mandela Foundation

Facilitators Name and Gender: Samkelo Donisi, Male

Country, Location: South Africa, Moreipuso Traditional Authority: Casteel

Date of Screening: 28 June 2018

Which film(s) were screened: This Land.

Estimated number of people who viewed the films: 131

Adults: 116

<table>
<thead>
<tr>
<th>Males</th>
<th>Females</th>
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<tr>
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<td>75</td>
</tr>
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Youth: 15

<table>
<thead>
<tr>
<th>Males</th>
<th>Females</th>
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<td>7</td>
<td>8</td>
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</table>

Description of the Target Audience:
Policy makers/influencers (e.g. government officials, international agencies): N/A
Community Members: Yes
Civil Society Organisations: Yes
Schools: N/A
Tertiary educational institutions: N/A
Innovation Hub Participants: N/A
Social Entrepreneurs: N/A
Community Activism Groups: Yes
Other: Please specify

What was the purpose of the screening? - Why were the films shown?
• Motivate the community about the role of Activism.
• Share information with regards to rights of citizens occupying land under custodianship of traditional authorities.
• Listen to the issues the community would like to address.

Briefly describe the main issues that came out in the discussion after the screening?
• Lack of support from other organisations.
• Lack of unity.
• Lack of information.
• Empty promises from authorities

Describe the significant audience reactions (positive and negative)
• Positive

Did the audience consider the actions they could take as individuals to address the issues raised in the films (such as poverty, inequality, climate change) Please explain in detail:
• The community is having a meeting on Saturday, 30 June 2018
• The community is awaiting the feedback from claims office in Nelspruit regional office.
• The community requested LARC, ARD, Miki’s contact details for additional access to information and resources

How do you think future screenings can be improved?
• Brief the translator beforehand about the film, funders, supporters etc.

Any other comments you would like to add?
• Need to check Eco box power; it keeps on losing power even though it is off and unused.
• The need for further engagement is stressed. More screenings in the area is required
• The community is seeking support from LARC and the LRC with regards to their land restitution claim

Thank you for your participation and effort ☺
ANNEXURE C

Guide to questions for facilitated discussion after the screening

1. How does this story relate to your own situation with regards to access to land or recognition of land rights?

2. Have you ever experienced any of the situations depicted in the film: e.g.
   i. being forcibly removed or threatened by eviction
   ii. being intimated
   iii. fearing for your life

3. Has the film affected the way you think about the role of activists?

4. Are there any tools that you can take home and apply in your community or situation from the film?¹⁹

   1. Land dialogue: How has This Land assisted you in engaging with the land debate

¹⁹ Notes to lead interaction on question 4:

   i. Mobilise and stand together
   ii. Recognize the power of community and standing together
   iii. Know the law and know your rights: Seek legal support from organizations who can advise and support
   iv. Know the facts: research and understand what is happening, who is threatening your rights? What process was followed?
   v. Alert media or use your own social media and networks to make other groups and the broader public aware
   vi. Network – connect with other groups who face similar challenges and share experiences, build solidarity and support
ANNEXURE D
This Land screening information brochure

THIS LAND DOCUMENTARY

“We have seen that the chiefs are selling land to business people, mining companies, giving land to foreigners to build malls. We know that sometimes our land rights are not properly written in the law. But we know that traditionally we have a land right

Mbhekiseni Mavuso, Makhasaneni, Kwazulu-Natal, South Africa – Land Rights activist

THIS LAND is a powerful 48-minute documentary, about a small village, as they oppose the development of a mine and assert their right to the land on which they live.

The documentary film This Land was commissioned by the Land and Accountability Research Centre (LARC) at the University of Cape Town. The intention of the project is to raise awareness about the escalating abrogation of rights to land of rural communities by politically connected elites with interests mainly in mining, and to build solidarity amongst affected people and communities.

Assisted by government officials and facilitated by a range of current and proposed laws and amendments that seek to dilute the constitutional, statutory, informal and customary rights of rural people, these elites strike deals with traditional leaders purporting to speak for communities.

We are using the film as a resource to bring awareness to rural citizens; to stimulate national dialogue and to advocate for the development of legislation that secures the tenure of individuals and families in traditional communities.

This includes ensuring that people are not unfairly denied access to their land, that natural resources necessary for living are not contaminated, and that the benefits from the minerals in community land flow to the people on the land fairly and in an accountable manner.

http://www.thislandfilm.com/

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Please note that the cover page artwork and visual formatting has been omitted for easier inclusion as word document
Amending the Property Clause
Nokwanda Sihlali and Zenande Booї

Since the 2017 ANC Conference, supplemented by Cyril Ramaphosa’s State of the Nation address in February 2018, the land debate has intensified and there is a renewed interest in fast tracking land reform. The motion for amending section 25 of the Constitution (the “property clause”) to allow for expropriation without compensation, brought forward by the EFF leader Julius Malema, was adopted with a vote of 241 in support and 83 against.

The matter has been referred to the Constitutional Review Committee chaired by Mr. Vincent Smith and Mr. Lewis Nzimande, which must report back to Parliament by August 30 2018. The constitutional review committee will be hosting public meetings on the proposed review of section 25 of the South African constitution. The outcome of these hearings could determine whether land can be expropriated without compensation, playing a key role in the future redistribution of land in South Africa.

However, according to some land experts, activists and High Level Panel report chaired by former president Kgalema Motlanthe, the current failures in land reform are not due to the inadequacy of the Constitution. The state has failed to articulate and provide for the exercise of its extensive powers to achieve land reform, and give effect to the positive rights provided for in section 25.

Thus, they believe that there is no need to amend the Constitution because:

1. The Constitution envisions and legitimates significant intervention on the part of the state in the existing distribution of wealth in SA. Illustrated by:
   a. The obligations it places on the state to reverse injustices of the past;
   b. The rights in the Bill Of Rights that provide for access to housing; healthcare; social security; food and water.

2. To this end, when interpreted properly section 25 already allows for expropriation without compensation for the purposes of land reform.

3. Section 25 has two functions:
   a. prohibiting the arbitrary deprivation of property - a procedural right against property being taken with no legal justification;
b. gives the state power to achieve land and related reforms aimed at reversing the effect of colonial and apartheid dispossession.

4. Throughout section 25, land reform is confirmed as an appropriate legal justification for the deprivation of property.

   a. Section 25(2) and (3) empowers the state to expropriate land in the public interest - public interest includes land reform (section 25(4));
   b. Section 25(8) provides that no provision of section 25 can be interpreted in a way that impedes the ability of the state to take steps to achieve land reform.

5. The above subsections read together illustrate the commitment of section 25 to remedy the consequences of pre-constitutional South Africa, based on the dispossession and subjugation of black South Africans.

6. The rest of section 25 provides positive rights that are aimed at achieving land reform and requires laws to be passed to fulfill these rights:

   a. Section 25(5) requires land redistribution;
   b. Section 25(6) requires land tenure security reform;
   c. Section 25 (7) requires land restitution for people dispossessed after 1913.

7. The power of expropriation is limited by the requirement that a law governing it be passed and that just and equitable compensation be paid.

   a. What ‘just and equitable compensation’ is must be considered in the context of the Constitution and the provisions set out above.

8. Thus, if read properly the requirement to pay just and equitable compensation can be read to include the payment of no compensation.

9. What is necessary is that the law required by the Constitution be clear about the exact parameters of state power in expropriating. Also:

   a. The point of departure must remain just and equitable compensation, providing for no compensation in clear instances for land reform alone.

   Courts must remain the final arbiters of whether in each case no compensation is just and equitable.
1. *Simmer & Jack Proprietary Mines LTD v Union Government*: a case from 1912 says the state has the power to expropriate without compensation - but it must be clearly set out.

2. *First National Bank of SA v Commissioner of SARS*: the Constitutional Court in 2002 said expropriation without compensation clearly defined in law is permissible.

**The Traditional and Khoi-San Leadership Bill**

*Monica De Souza Louw, Thiyane Duda and Ayesha Motala*

The stated aim of the Traditional and Khoi-San Leadership Bill (TLKB) is to provide recognition of Khoi-San communities, leaders and councils; as well as combine all laws on traditional leadership to create a single law. However, the Bill has been criticised for reinforcing apartheid geography and its effects. It does so by adopting and merely renaming structures created by colonial and apartheid laws.

In the main, the Bill creates divided citizenship between urban and rural citizens, with the most marginalized South Africans subjected to chiefly rule without any choice of opting out. The bill encourages elite capture as it vests all decision making with traditional institutions to the exclusion of community members.

This Bill also allows traditional councils to enter into agreements and partnerships with municipalities, government departments and, most importantly, “any other person, body or institution” without getting the consent of the community, who are the owners of the land. This is a common unconstitutional practice that many communities are complaining about and amounts to dispossession of communal land by traditional councils without compensation and this Bill seeks to make it legal.

Many grassroots civil society organisations view the Bill as the government’s way of taking rural citizens back to apartheid days by resuscitating the Bantustans and subjecting them to the rule of traditional leaders without the possibility for opt-out.
A day before the much anticipated report of former President Kgalema Motlanthe’s High Level Panel recommended to Parliament that it should be disbanded, the Zulu King’s Ingonyama Trust Board urged KwaZulu-Natal residents to swop their land rights for leases.

In reassessing the laws that affect rural citizens, especially those residing in KwaZulu-Natal, where 2.8 million hectares of land are vested in the Ingonyama Trust, with the king as the trustee and the Ingonyama Trust Board being the administrator of the land affairs, the panel criticized the ITB’s record and proposed that it should be disbanded.

The Panel motivates for the repeal of the Ingonyama Trust Act to bring KwaZulu-Natal in line with national land policy, and to secure land tenure for the communities and residents concerned. If repeal is not immediately possible, substantial amendments must be made. They must secure the land rights of the people affected, and ensure that the land vests in a person or body with proper democratic accountability.

The Witness and other newspapers on 20 November 2017 published adverts suggesting that the Permission-To-Occupy (PTO) certificates that rural residents have used to confirm their land rights would no longer be enough.

The first advert said:

“All people, companies and other entities holding land rights on Ingonyama Trust land in terms of the Permission To Occupy (PTO) are hereby invited to approach the Ingonyama Trust Board (ITB) with a view of upgrading these PTOs into long-term leases in line with Ingonyama Trust Board tenure policy”.

There are many issues with the purpose and wording of the adverts. The first being the manner in which PTO holders are implicitly forced to forfeit ownership of their land. The advert tells residents that people need a lease agreement as proof of residence for purchasing cellphones, opening a bank account or even to vote. It suggests that they have no alternative if they want to engage proactively as South African citizens.
The second issue is that ITB/IT is effectively taking ownership away from people and forcing them to pay for land that they already own. This completely abrogates their property ownership rights and opens them up to potential dispossession if they fail to make lease payments. Though the leases are presented as an upgrade of existing rights, we know from its reports to Parliament that the ITB’s rental revenue rocketed from a few thousand rand before the residential leases were implemented to R96.1 million in the 2015/2016 financial year. There is no evidence in the reports that any substantial share of this income has benefited ordinary residents.

Interim Protection of Informal Rights Act
LARC Factsheet

In 1996 IPILRA was introduced to provide immediate protection to vulnerable rights holders whilst parliament was developing a more comprehensive and permanent law. Informal land rights were elevated to the status of property rights, in that the Act provides that people may not be deprived of informal rights to land without their consent, except by expropriation.

The former Land Rights Bill of 1999 was meant to replace IPILRA, however because this process is yet to be finalised - IPILRA has been subjected to renewal annually since its inception. Interim Protection of Informal Land Rights Act (IPILRA) has been renewed every year to fulfill section 25(6) of the Constitution. IPILRA protects “informal rights to land”. These informal rights are defined to include rights to use, occupy or access land in terms of customary law in the former Kwa-Zulu and other former homeland areas.

Section 2(1) provides that people who have such informal rights to land may not be deprived of these rights without their consent. They may only be deprived of land without their consent if the disposal of the land is approved by the majority of those who hold such rights within an affected community. If they are deprived of the land based on a community decision, they are entitled to compensation.

http://www.larc.uct.ac.za/larc-factsheets
**Mineral and Petroleum Resources Development Act**

*Zenande Booi*

The MPRDA makes the state the custodian of all the mineral wealth in South Africa and tasks it with allocating mining rights. It does not require the consent of the owner or occupier of land before a mining right is granted or can be exercised. For mostly white landowners with registered title deeds, the practice is that a mining company negotiates with the owner and agrees, usually through legal representatives, on a surface lease that includes compensation for any loss that results from the exercise of the mining right.

This process is clear because the rights, including the nature of the rights held, are registered in the Deeds Office in the name of the holder. It is a very different story for black rural communities and people living on land that falls under the jurisdiction of traditional leaders. In such instances the registered nominal owner of the land is the Minister of Rural Development and Land Reform.

The actual holders of rights, and the nature of the rights they hold, are not formally recorded. The practice in such instances has been that the Department of Mineral Resources encourages mining houses to engage with officially recognised traditional leaders rather than with the people who actually hold rights to the land and will directly be affected by mining. In both the North West Bakgatla ba Kgafela and Eastern Cape wildcoast Xolobeni contexts, the officially recognised traditional leader is a shareholder in the mining operations.
The Traditional Courts Bill is before Parliament for the third time. While the current version is an improvement on its previous iterations, the portfolio committee on justice and correctional services seems determined to reverse these improvements. The bill was first introduced in Parliament in 2008, but was withdrawn. It was reintroduced in 2012 but lapsed in 2014 after being rejected by a majority of provinces in the National Council of Provinces. It faced widespread opposition from many sectors of society, especially rural citizens.

Previous versions of the bill were opposed as unconstitutional for several reasons: it did not provide for women to represent themselves or participate as members in traditional courts; only courts at the level of senior traditional leader were recognised; and only senior traditional leaders could preside over the courts. The bill proposed penalties that could include an order to provide free labour, deprivation of customary entitlements such as land and banishment from the community. It did not provide for opting out when summoned by a traditional court.

A reference group consisting of traditional leaders, the government and civil society was formed in 2015 to consider issues identified in the previous versions of the bill. The 2017 draft was informed by the outcomes of the group. Many concerns raised about previous drafts of the bill are rectified in the 2017 draft. It captures the voluntary and consensual nature of customary law by enabling people to opt out of the jurisdiction of superimposed “tribes” and of specific traditional courts.

Concerns, however, remain about the practical implementation of these improvements.

http://www.customcontested.co.za/how-mps-are-pushing-back-against-the-traditional-courts-bill/
Restitution of Land Rights Amendment Bill
LARC Factsheet

On the 5th of October 2017 LARC attended the Rural Development and Land Reform portfolio committee meeting where honourable P. J Mnguni of the ANC presented the memorandum of a private member’s bill initiated by himself for the Restitution of Land Rights Amendment Bill. He has pushed for certain amendments to the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) (“the Act”) such as:

- Extending the date for lodging a claim for restitution to five years after the commencement of the Restitution of Land Rights Amendment Bill, 2017
- To make it an offence to prevent, obstruct or unduly influence a claimant or any other person from pursuing his or rights as provided for in the Act
- To criminalise the lodgement of fraudulent claims; to regulate the appointment, tenure of office, remuneration and terms of conditions of judges of the Land Claims Court (“the Court”)
- To further amend certain provisions aimed at promoting the effective implementation of the Act.

The Restitution of Land Rights Act (No. 22 of 1994) was passed in 1994. Its goal was to offer a solution to people who had lost their land as a result of racially discriminatory practices such as forced removals. This included people who were dumped in Bantustans and put under traditional leaders.

We must roll back the legacy of land dispossession resulting from colonialism and apartheid. But in the current context and in its current form, the new Restitution of Land Rights Amendment Bill is unlikely to meet the needs of rural people, and could well undermine their land rights as protected by Sections 25(6) and 25(7) of the Constitution.

http://www.larc.uct.ac.za/larc-factsheets
Communal Property Associations Act

LARC Factsheet

Under colonialism and apartheid, millions of black people had been dispossessed of their land and their land rights. It was an urgent priority of the new democratic government to restore land to black South Africans and to secure their land rights against powerful actors, including the state (who had been a dispossessor under apartheid).

Since the land reform programme would involve the transfer of land from the state and private landowners to black South Africans, a legal entity needed to be created through which land reform beneficiaries could acquire, hold and manage property.

The new legal entities needed to accommodate and be able to adapt to a range of de facto land-holding practices, many of which were group-based. Unfortunately they have often failed to mirror or adapt to realities on the ground; focus has been too much on compliance with the Act, not enough on how they work smoothly for groups. Communal Property Associations (CPAs) were established to meet these challenges.

Beneficiaries of the land reform, restitution and redistribution programmes who want to acquire, hold and manage land as a group can establish legal entities to do so. The Communal Property Associations Act 28 of 1996 provides for government registration of CPAs and also government oversight to enforce the rights of ordinary members. At its Land Summit in September 2014, the Department of Rural Development and Land Reform (DRDLR) released a new policy on CPAs. The CPA Amendment Act is currently under consideration by the National Council of Provinces.

http://www.larc.uct.ac.za/larc-factsheets
For more information on This Land:

Facebook:
https://web.facebook.com/ThisLandDoc/

Twitter:
https://twitter.com/ThisLand_Doc

Website:
http://www.thislandfilm.com/

You can also watch it for free on Afridocs:
https://afridocs.net/watch-now/this-land/

The High Level Panel which was chaired by former president Kgalema Motlanthe to assess the progress of key legislation has been summarised into two pagers for easy reading.

These two pagers can be accessed on:
http://www.larc.uct.ac.za/hlp-summaries-2018

Organisations that assist with land issues:

PLAAS does research, policy engagement, teaching and training about the dynamics of chronic poverty and structural inequality in Southern Africa, with a particular emphasis on the key role of restructuring and contesting land holding and agro-food systems in the subcontinent and beyond.

https://www.plaas.org.za/

Tel: +27 (0)21 959 3733
The Rural Women’s movement (RWM) has been fighting for indigenous women’s rights to own land and to be treated equally since 1994. For more than 20 years we have been working side-to-side with rural communities all over the country.

ruralwomensmovement@gmail.com

https://www.facebook.com/ruralwomensmovement/

The LRC is a law clinic that uses the law to pursue justice, democracy and the realisation of socio-economic rights in South Africa, through the promotion of public interest law. The law clinic has been promoting public interest law in South Africa for 28 years and more so since 1994, when South Africa became a democratic state, whereupon the clinic
intensified its work for the development of a fully democratic South Africa based on the principle of substantive equality.

http://lrc.org.za/

Tel: +27 11 838 6601
Fax: +27 11 838 4876

Tshintsha Amakhaya is a civil society alliance for land and food justice in South Africa. Rural women and men stand united in solidarity to advance their rights and secure livelihoods. Our members are farm workers, farm dwellers, smallholder farmers, fisher folk, forest dwellers, livestock keepers, people on communal land and people on church land.

https://amakhaya.org/

Tel: 021 447 5096

Nkuzi is a non-profit section 21 company (97 20743/08) providing a range of support services to historically-disadvantaged communities wishing to improve their rights and access to land. Nkuzi started operating early in 1997 and now has 10 full time staff working throughout the Limpopo Province, northern parts of Mpumalanga Province and with farm residents in Gauteng Province.

http://nkuzi.org.za/

Tel: 015 297 6972

Ndifuna Ukwazi is part of Reclaim the City, a social movement of tenants and workers struggling with access to land and affordable housing who believe it is time to take the struggle justice and equality to the centre of the city, to the people who should live there, to the heart of power and to the land that matters. The movement has tapped into a deep sense of injustice in the city about the current model of exclusionary development, bearing in mind our history of apartheid spatial planning and forced removals. Reclaim the City now has two chapters in the inner city and surrounds.


Tel: 021 012 5094

Abahlali baseMjondolo is a movement of the poor shack dwellers in Durban, Pinetown, Pietermaritzburg and other parts of the province and the Western Cape. Abahlali’s call for land and housing in the cities has become a threat to the authorities, some NGOs and some academics who still believe that social change cannot come from the bottom, who still believe that democracy is all about being loyal to their authority. Such top down system has terrorized our society. In fact it is an insult to assume that poor people cannot think for themselves, that someone else must talk for them without their concern. In view of a rejection of this understanding a new living politic of the poor has been born.

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http://abahlali.org/

Phuhlisani Solutions provides comprehensive services and support for land reform and integrated rural development in South Africa. Together with our rapidly expanding network of associates we are expanding into the SADC region.

http://www.phuhlisani.com/view.asp?pg=contact&allow=yes

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If you would like to organise a screening in your community please contact:

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mikiinthecity@gmail.com

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We would also like to appreciate the support of the Bertha Foundation and Nelson Mandela Foundation. The seizing of this moment and ensuring that all South Africans have a chance to engage proactively with the film, would have not been possible without them. Our partners Sunshine Cinema and those working at grassroots level, namely ARD (Alliance for Rural Democracy), have assisted greatly in connecting us with local communities and for that we are incredibly grateful.