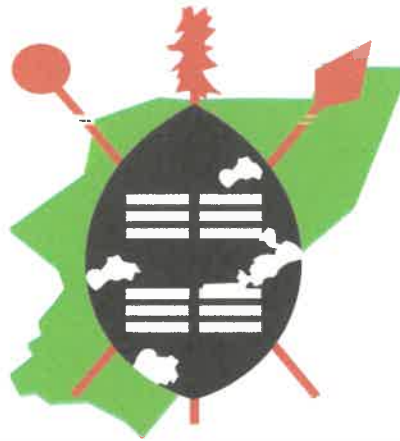


**INGONYAMA TRUST BOARD
ANNUAL PERFORMANCE PLAN**



**INGONYAMA
TRUST BOARD**

TRUST BOARD
INGONYAMA

2024 - 2025

TABLE OF CONTENTS	
ACCOUNTING AUTHORITY STATEMENT	3
OFFICIAL SIGN-OFF	5
PART A: OUR MANDATE	6
RELEVANT LEGISLATIVE AND POLICY MANDATES	6
INSTITUTIONAL POLICIES AND STRATEGIES	6
RELEVANT COURT RULINGS	6
PART B: OUR STRATEGIC FOCUS	8
UPDATED SITUATIONAL ANALYSIS	8
PART C: MEASURING OUR PERFORMANCE	10
Programme 1: Administration	10
Programme 2: Land and Tenure Management	12
UPDATED KEY RISKS	14
PART D: TECHNICAL INDICATOR DESCRIPTIONS	14

ACCOUNTING AUTHORITY STATEMENT

Ingonyama Trust is an organisation with great potential to carry and give effect to the aspirations of its beneficiaries. Notwithstanding such potential, it has evidently struggled to find its feet and define a sustainable path towards the improvement of the lives of its beneficiaries. The review of the last financial year's performance (2022/2023) paints a picture of an organisation that had challenges which impacted on the achievement of what it had set itself to achieve.

Assuming our roles as the newly appointed board of the Ingonyama Trust, we acknowledge the historical challenges and unfavourable perceptions that have persistently prevailed among most of our stakeholders. Consequently, our primary focus for the upcoming fiscal year is to facilitate the alignment of our organisation with its legislative mandate. Mandate alignment, while vital to pave the way for the development of processes that will enable the fulfilment of our organisational goals, cannot be done without rigorous consultation with key stakeholders, including Ingonyama Trust beneficiaries. This endeavour will serve as a bridge to close the gap between expectations and reality.

We recognize that the realization of our organization's mandate is contingent upon a concentrated effort in the realm of stakeholder relationship management. Such alignment will also facilitate the precise determination of the resources required to execute the responsibilities entrusted to the Board. The core essence of the Ingonyama Trust's existence lies in the Board's commitment to administering it for the benefit, social well-being, and material welfare of its beneficiaries, as stipulated in the founding statute. To understand the socio-economic needs of our beneficiaries, we are committed to fostering open dialogue and discussions through relationship and capacity building.

One of our key objectives is to enhance the administration of the trust fund, a fundamental reason for the establishment of the Ingonyama Trust. This will involve a comprehensive review of various business models, including the funding structure and development capacity of Ingonyama Trust.

Efficiently confirming tenure rights on Ingonyama land remains a paramount priority. In the year ahead, the Board has dedicated significant efforts to streamline and expedite the approval process for these tenure rights, ensuring the benefits reach our deserving beneficiaries promptly.

Governance also plays a pivotal role in the successful implementation of the Trust's mandate. Consequently, the Board is unwaveringly committed to ensuring the establishment and effectiveness of all governance and governance-enabling structures. One of our foremost priorities as the new Board is to establish a robust control environment that will facilitate the effective administration of the Trust and trust land, in alignment with the overarching mandate of this accounting authority.

We remain committed to improving the Ingonyama Trust's standing and operations, thereby ensuring its positive impact on the lives of the Trust beneficiaries. The Board will summon all its available energy towards the achievement of the outputs contained in this Annual Performance Plan.

His Majesty Misuzulu S Zulu

Chairperson: Ingonyama Trust Board

Date:

OFFICIAL SIGN-OFF

It is hereby certified that this Annual Performance Plan:

- Was developed by the Board of Ingonyama Trust and the Secretariat.
- Was prepared in line with the Strategic Plan of the Ingonyama Trust Board 2020/2025.
- Accurately reflects the performance targets which Ingonyama Trust Board will endeavour to achieve given the resources made available in the budget for 2024/2025 financial year.

Mr S Vilakazi

Signature:

Handwritten signature of Mr S Vilakazi in black ink, written over a horizontal line. The signature is cursive and stylized.

Chief Financial Officer

Mr V Z Mngwengwe

Signature:

Handwritten signature of Mr V Z Mngwengwe in black ink, written over a horizontal line. The signature is cursive and stylized.

Chief Executive Officer

His Majesty Misuzulu S Zulu

Signature:

A horizontal line representing a blank space for the signature of His Majesty Misuzulu S Zulu.

Chairperson of the Board

PART A: OUR MANDATE

UPDATES ON THE RELEVANT LEGISLATIVE AND POLICY MANDATES

The KwaZulu-Natal Ingonyama Trust Board (commonly referred to as Ingonyama Trust Board) is a National Public Entity, in terms of Schedule 3 Part A of the Public Finance Management Act, 1999, whose mandate is to administer the affairs of the Trust and the Trust land.

Since the sole reason for the existence of Ingonyama Trust Board is to administer the affairs of Ingonyama Trust and the Trust land, any reference to mandate of the entity is therefore inclusive of the mandate of Ingonyama Trust. The Ingonyama Trust is empowered by the KwaZulu-Natal Ingonyama Trust Act No. 3KZ of 1994 (founding Act), as amended, to do all such acts and things as bodies corporate may lawfully do.

The founding Act further provides that the Trust shall, in a manner not inconsistent with the provisions of this Act, be administered for the benefit, material welfare and social well-being of the members of the tribes and communities ... referred to in the second column of the Schedule, established in a district referred to in the first column of the Schedule and the residents of such a district.

The Strategic Plan (2020/2025) indicates an intention to undertake a legislative review towards alignment with related laws. This would have been a litigation driven strategy whose appropriateness is being reviewed by the entity. There is therefore no more likelihood of any legislative amendments during the planning period.

As an alternative to the envisaged litigation strategy, the entity will be placing a special focus in building relationships with its stakeholders towards creating a conducive environment for the achievement of its mandate.

UPDATES ON INSTITUTIONAL POLICIES AND STRATEGIES

The entity has not, during the planning period, developed or updated its policy environment except for operational policies.

RELEVANT COURT RULINGS

COUNCIL FOR THE ADVANCEMENT OF THE SOUTH AFRICAN CONSTITUTION & OTHERS V INGONYAMA TRUST & OTHERS 12745/2018P

The Council for the Advancement of the South African Constitution (CASAC), acting with other eight applicants, launched an application in the Pietermaritzburg High Court against the Ingonyama Trust (IT) and four other respondents. CASAC alleged that the IT and Ingonyama Trust Board (ITB) had persuaded and or induced occupiers of Trust held land to conclude leases, which action was unlawful and constitutionally invalid,

as the IT and ITB do not have the power to do so since such power vests with the Minister and or her delegate (Member of Executive Council for Cooperative Governance and Traditional Affairs in KwaZulu-Natal).

The judgement was delivered on 11 June 2021 and found the IT and ITB to have acted unlawfully and violated the Constitution by; concluding residential lease agreements with persons living on the land held in trust by the Ingonyama, who are the true and beneficial owners of Trust held land under the Zulu Customary Law; and concluding residential lease agreements with persons who held or were entitled to hold Permissions to Occupy (PTOs) or other informal rights to land protected under IPILRA in the land subject to leases, without complying with the requirements in s2 of IPILRA. All residential lease agreements concluded with persons described in this paragraph were declared to be unlawful and invalid. The Court further declared that money paid to the IT in terms of the leases referred to here was refundable.

The Minister was, amongst other things, directed to reinstate the administrative capacity to implement Chapter X1 of the KwaZulu Land Affairs Act, 1992, until such time that an alternative systems of recording customary and other informal rights to land of persons and communities residing on Trust-held land, was implemented.

The implications of the judgement are that; persons who reside on Trust-held land who, for whatever legitimate reasons, seek a residential lease agreement or lease agreement on arable land are precluded from obtaining one; validly concluded lease agreements where lessees have obtained capital from financial institutions are now unlawful and the financial institutions' security has been diminished; and the Trust-held land can be disposed through Chapter XI without the involvement of the IT or ITB, thereby creating dual and conflicting authority between the IT or ITB and the Minister.

The basis for this litigation is that some of the applicants claimed that they were misled and forced by the Ingonyama Trust Board to sign leases in respect of land for which they already had previously been issued with Permission to Occupy (PTO) and had oral customary law right to occupy land. This was disputed by Ingonyama Trust.

The Trust sought and was granted leave to appeal the judgment to the Supreme Court of Appeal. The appeal was set down for 15 November 2023, however the Board decided to withdraw the appeal and is therefore in the process of implementing the judgment.

PART B: OUR STRATEGIC FOCUS

Vision

To become a leader in communal land management.

Mission

To contribute to the improvement of the quality of life of the communities living on Ingonyama Trust land by ensuring that land management is to their benefit and in accordance with the laws of the land.

To develop progressive business models for the social and economic upliftment and the empowerment of the communities on land administered by Ingonyama Trust Board.

Values

- Value for money
- Consultation
- Courtesy
- Redress
- Service Standard
- Information
- Transparency
- Openness
- Access

UPDATED SITUATIONAL ANALYSIS

External Environmental Analysis

The beneficiaries of Ingonyama Trust are geographically located in areas that were, by design, subjected to systemic underdevelopment. This has resulted in high levels of social and economic infrastructural deficiencies, which imposes a high expectation burden on public organisations to correct the situation. Ingonyama Trust should have, as per its mandate, defined and found its place in reversing the harsh socio-economic conditions that have come to be associated with rural KwaZulu-Natal. The entity is consequently going through a soul searching phase so as to reposition itself as a caring organisation that impacts positively in the lives of its beneficiaries.

Ingonyama Trust manages Trust land in the context where land tenure rights have been issued by preceding authorities without appropriate records being safely stored in one place continuously. It also presides over land where primary land management authorities (Traditional Councils) exist and actively issue land tenure rights without any common system of recording such rights. This results in the entity routinely finding itself entangled in land allocation disputes that sometimes become litigious. This

however represents a macro land administration disintegration where national, provincial and local regulatory bodies keep localised information management systems for any function they each regulate. The entity therefore needs to put energy in engaging like-minded stakeholders towards an integrated land administration system at least for KwaZulu-Natal.

Internal Environment Analysis

Ingonyama Trust has struggled with appreciating or defining its own organisational nature for a while. The question has been whether the KwaZulu-Natal Ingonyama Trust Board (Ingonyama Trust Board) is an organisation that is separate, with its juristic personality, from Ingonyama Trust. The Board preceding the current one had answered this question in the affirmative. This had inhibitive resource allocation implications, which impacted in organisational development and further created misalignment between income generating activities in the Ingonyama Trust and expenses for such activities in the Ingonyama Trust Board.

The current Board has come to the conclusion that Ingonyama Trust Board is a board of Ingonyama Trust and therefore has no separate juristic personality. This allows the entity to correct all the anomalies that resulted from many years of its mischaracterisation. This will particularly enable the entity to devise a sustainable funding model that will culminate in the gradual achievement of the mandate of Ingonyama Trust.

PART C: MEASURING OUR PERFORMANCE

Institutional Programme Performance Information

Programme 1: Administration

Purpose: The purpose of this programme is to provide administrative support to Ingonyama Trust in order to execute and discharge the mandate.

Annual and MTEF Targets: Outcomes, outputs, performance indicators and targets

OUTCOME	OUTPUTS	OUTPUT INDICATORS	ANNUAL TARGETS					ESTIMATED PERFORMANCE	MTEF PERIOD		
			AUDITED PERFORMANCE						2020/21	2021/22	2022/23
Improved corporate governance and service excellence	Unqualified external audit opinion	Unqualified external audit opinion	Unqualified external audit opinion	Unqualified external audit opinion	Unqualified external audit opinion	Unqualified external audit opinion	Unqualified external audit opinion	Not yet audited	Unqualified external audit opinion	Unqualified external audit opinion	Unqualified external audit opinion
			Beneficiary disbursement requests processed within 14 days	Number of days taken to process beneficiary disbursement requests (from receipt to payment)	New indicator	New indicator	New indicator	New Indicator	14 days.	14 days.	14 days.
	% of lease income collected against lease income invoiced.	90%	New Indicator	New Indicator	New Indicator	New Indicator	90%	90%	90%		

Output Indicators, Annual and Quarterly Targets

OUTPUT INDICATORS	ANNUAL TARGET	Q1	Q2	Q3	Q4
Unqualified external audit opinion	Unqualified external audit opinion	N/A	Unqualified audit opinion	N/A	N/A
Number of days taken to process beneficiary disbursement requests from receipt to payment.	14 days.	14 days.	14 days.	14 days.	14 days.
% of lease income collected against lease income invoiced.	90%	90%	90%	90%	90%

Explanation of planned performance over the medium-term period

The outputs listed in the Programme: Administration mainly support the outcome titled, *improved corporate governance and service excellence*. They seek to address governance challenges that used to bedevil the organisation in the past, with more focus towards a clean audit outcome. The outputs also underline the entity's commitment to efficient delivery of its services, through time bound performance indicators.

Programme Resource considerations

The entity (Ingonyama Trust Board) suffers from historical lack of funding for its programmes and differences between its previous governing Board and Government regarding the appropriate funding source for the entity's programmes. The consequence is that there is still no budget available for the implementation of programmes hence there's no alignment between the budget and the outputs or activities of the entity. An exercise is currently underway to create this alignment, however it is highly dependent on engaging Ingonyama Trust beneficiaries.

Programme 2: Land and Tenure Management

Purpose: The purpose of this programme is to facilitate land and tenure management for the beneficiaries to secure their tenure.

Outcomes, outputs, performance indicators and targets

OUTCOME	OUTPUTS	OUTPUT INDICATORS	ANNUAL TARGETS						
			AUDITED PERFORMANCE			ESTIMATED PERFORMANCE		MTEF PERIOD	
			2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Improved security of land tenure	Secured Tenure Rights on Ingonyama Trust land	% of leases approved by the Board within 90 days of submission by the prospective lessee	New indicator	New indicator	New indicator	New indicator	100%	100%	100%
	Capacity building to Traditional Councils	Number of Traditional Councils capacitated.	0	11	26	Unaudited performance	50	100	150
	Secured Tenure Rights on Ingonyama Trust land	% of signed leases within 30 days from approval by the Board	New indicator	New indicator	New indicator	New indicator	100%	100%	100%

Output Indicators, Annual and Quarterly Targets

OUTPUT INDICATORS	ANNUAL TARGET	Q1	Q2	Q3	Q4
% of leases approved by the Board within 90 days of submission by the prospective lessee	100%	100%	100%	100%	100%
Number of Traditional Councils capacitated.	50	10	10	15	15
% of signed leases within 30 days from approval by the Board	100%	100%	100%	100%	100%

Explanation of Planned Performance over the medium-term period

The achievement of the planned outputs will not just result in the ultimate achievement of the outcome on tenure security, however it will also result in physical land development, which will constitute the entity's contribution in the medium terms strategic priority on economic transformation and job creation.

Programme Resource considerations

The resource considerations discussed under Programme 1 equally apply to this programme.

UPDATED KEY RISKS

OUTCOME	RISKS	MITIGATE
Improved corporate governance and service excellence	Lack of adequate human and financial resources	Identify better income generating activities or avenues

PART D: TECHNICAL INDICATOR DESCRIPTIONS

Indicator Title	Unqualified external audit opinion
Definition	Audit opinion expressed by external auditors on financial and non-financial performance.
Method of calculation or assessment	N/A
Means of verification	AGSA audit report
Assumptions	The audit report will be issued within the legislated period
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Non-cumulative
Reporting cycle	Annual
Desired performance	Unqualified audit opinion
Indicator responsibility	CEO

Indicator Title	Number of days taken to process beneficiary disbursement requests from receipt to payment.
Definition	Average number of working days taken to process beneficiary disbursement requests from receipt to payment.
Source of data	Traditional authority/council or community authority requests received, and date stamped at registry. Proof of payment downloaded from the payment system.
Method of calculation or assessment	Average number of working days calculated from the date of receipt of the request via registry to date of payment by finance.
Means of verification	Report and POE (from source data) calculating the average number of days.
Assumptions	Funds and cash are available for disbursement. All documentation required per the disbursement policy to enable processing of request are included in the request.
Disaggregation of beneficiaries (where applicable)	Traditional Authorities/councils; and/or Community Authorities; and/or Amakhosi/ iNkosi
Spatial transformation (where applicable)	N/A
Calculation type	Non-Cumulative
Reporting cycle	Quarterly
Portfolio of evidence	Report calculating the average number of days, registry date stamped beneficiary request and proof of payment by finance.
Desired performance	Payment of beneficiary request within 14 days from receipt
Indicator responsibility	CEO

Indicator Title	% of lease income collected against lease income invoiced.
Short definition	Comparison between billing and collection to ensure that the organisation is collecting 90% of what it billed in a specific period.
Purpose/importance	The indicator measures the income collection rate of Ingonyama Trust lease income.
Source/collection of data	Financial reports (customer/ debtors ledger and receipts).
Method of calculation	Total lease income collected in the period. $\frac{\text{Total lease income collected in the period}}{\text{Total lease income invoiced in the period}} \times 100$
Data limitations	Statements/ Invoices are issued on the 7 th for the previous month and debtors have up to the end of that month to make payments.
Type of indicator	Output
Calculation type	Non-Cumulative
Reporting cycle	Monthly/ Quarterly/ Annual
Portfolio of evidence	Financial Reports on income invoiced and income received.
New indicator (Yes/No)	Yes
Desired performance	90%
Indicator responsibility	CEO

Indicator Title	% of leases approved by the Board within 90 days of submission by the prospective lessee.
Definition	The indicator measures the amount of time taken to process and confirm tenure rights applications by the Ingonyama Trust Board.
Source of data	<ul style="list-style-type: none"> - Registry date stamp received Application forms (ITB1 & or ITB2) - Minutes of approval by the Board (Tenure Committee). - Report/register of all applications received and processed in the period.
Method of calculation or assessment	Quantitative
Means of verification	Report calculating the % of applications processed within 90 days from total application received.
Assumptions	All prerequisite supporting document are provided with the application.
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Non-Cumulative
Reporting cycle	Quarterly
Portfolio of evidence	Signed tenure committee minutes and application receipt register.
Desired performance	100%
Indicator responsibility	CEO

Indicator Title	Number of Traditional Councils capacitated
Definition	The indicator tracks the number of Traditional Councils capacitated by the Ingonyama Trust Board. Capacitation will be in a form of a training provided to various TC members on different aspects, relating to land allocation, land use, dispute management.
Source/collection of data	Capacity building records.
Method of calculation/assessment	Number of Traditional Councils capacitated.
Assumptions	Capacitation will assist the Traditional Councils to discharge their duties effectively and efficiently.
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation	Not applicable
Reporting cycle	Quarterly
Portfolio Evidence	Attendance Registers
Desired performance	50
Indicator responsibility	CEO

Indicator Title	% of signed leases within 30 days from approval by the Board
Definition	The indicator measures the percentage of leases signed within 30 days from approval by the Board (Tenure Committee).
Source of data	<ul style="list-style-type: none"> - Application forms (ITB1 & or ITB2), land tenure minutes. - Signed leases.
Method of calculation or assessment	Quantitative (number of approved applications divided by the number of signed leases)
Means of verification	Report calculating the amount of time from approval of leases by the Tenure Committee to when they get signed by the delegated official.
Assumptions	
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Non-Cumulative
Reporting cycle	Quarterly
Portfolio of evidence	Signed leases.
Desired performance	100%
Indicator responsibility	CEO