#### COMMITTEE ON RURAL DEVELOPMENT PRESENTATION TO THE PORTFOLIO AND LAND REFORM

05 JUNE 2013

CHIEF BANID CLAIMIS COMMISSIONER

WIS, NIOMITUNIDO GOBODO

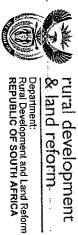


# COMMISSION ON RESTITUTION OF LAND RIGHTS (CRLR)

#### BACKGROUND

- The restoration of land rights commenced in 1991 with the establishment of the Advisory Commission on Land Allocation focused on undeveloped state land Commission on Land Allocation (ACLA) through Act No. 108 of 1991. The Advisory
- Applications through the Commission were done through advertisements and public hearings
- The Commission could only make recommendations to the State President at the time
- The Advisory Commission on Land Allocation was later replaced by the Commission on Restitution of Land Rights
- lodged with the Advisory Commussion on Land Allocation were decined to have been In terms of section 41(2) of the Restitution of Land Rights Act 1994 all claims that were lodged`with-the Commission on Restitution of Landik oh s

o **The Commissio**n on Residudion of Lend Rights commenced epensions on a Weldin 1995



## COMMISSION ON RESTITUTION OF LAND RIGHTS (CRLR) BACKGROUND CONTINUED ...

- During this period (1995) until December 1998 all claims were lodged manually. Claim then submitted to the restitution offices. forms were prepared in various languages which had to be completed by claimants and
- The entire process was done manually and the claim forms received were registered in boxed to be processed at a later stage manual registers. Alpha numeric reference numbers were allocated. Claim forms were
- An electronic capturing system only became available after the close off date, that is 31 issue provincial, district and suburbs specific reference numbers for departmental use December 1998 when the claim forms were captured on the Magic database in order to
- The claims acknowledged included those transferred to the Commission on Restitution. database database were transferred to the Restitution database and the minimerated to the Landibase January 1999 and was finalised Mid 2000 where all the claims capitured on the Mad Land Rights by the Advisory Commission on Land Allocation. This process commenced



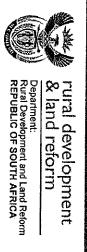
# **COMMISSION ON RESTITUTION OF LAND RIGHTS (CRLR)**

#### CHALLENGES

for reporting purposes Commission's terminology did not allow statistical information to be captured in a uniformed way Due to the complexity in terms of the restitution settlement process, the interpretation of the

## Some terminology used at the time:

- Claim settled was referred to as "restoration of a right in land", that is where claimants claimed 5 properties under 1 claim form, records indicated that there were 5 claims
- Where financial compensation was paid in relation to 2 properties despite one claim form, this were counted as two claims. The claim form was therefore not counted, but the rights
- During 2006 the Commission moved away from counting the Rici COUDING NUMBER OF GLAIM FORMS LODGED
- Iltrappears further that effect 31 December 2006 the Commission deased to countemy unitem lend cellins whether settled or mo



## COMMISSION ON RESTITUTION OF LAND RIGHTS (CRLR) CHALLENGES CONTINUED ...

- Furthermore in 2006, due to pressure to settle claims the Commission started settling of the 2 properties acquired, despite the 3 properties still outstanding settled at a later stage. It appears that this would then be counted as a settled claim in light claims in Phases. Phased claims means that if a claimant claimed 5 properties and the Commission is only able to acquire 2 of the 5, the remainder of 3 properties would be
- In 2009 a decision was taken by the Commissioners not to count "phased" settled claim statistics as there were still properties to be added in order to settle the claim. The claim would only be considered settled once all the phases had been completed
- Restitution Terminology:
- Settled means a claim that has been resolved with an approved (signed) section 42D submission or a Land Claims Court Order Implementation thereofisiillio

Finalised – means a settled claim that that speen brought to completion with the transfer of peen dealt with land/funds to the relevantibeneiticiantes tinaitis all actions partiaining to a specific olatin mas



# COMMISSION ON RESTITUTION OF LAND RIGHTS (CRLR)

- The Commission on Restitution of Land Rights received approximately 79 696 land claims This figure includes both rights and claim forms
- Since inception the Commission has settled 77 334 claims and finalised 59 758 claims.
- and properties transferred) terms of Section 42D) and 376 claims were finalized (that is where awards were fully paid up In the 2012/13 financial year a total of 602 claims were settled (that is Ministerial approvals in
- settled was a combination of claim forms and rights restored 696 (approximate lodged) minus 77 334 (settled) which equates to 2 362 because counting It should also be noted that the number of outstanding claims is not the variance between 79
- The provisional total for outstanding claims is therefore 8 098, which the offices are currently unbacking in terms actual claim forms lodged and the rights claimed oncean claim torm.

#### **Further comments**

Some of the claims which we remittally dismissed as monecompliant are taken to court to decembe delims but will anity obeinge in terms or the restituitor business process, their is alkankssed hit succeed, the claim is then processed as valid. Thus will not increase the total of outstanding



### SETTLED & FINALISED CLAIMS: SINCE INCEPTION TO 31 MARCH 2013

PROVINCE	INITIAL REPORTING OF TOTAL CLAIMS LODGED	NUMBER OF CLAIMS SETTLED	NUMBER OF CLAIMS FINALISED
EASTERN CAPE	16 716	16.444	17 360
FREE STATE	2 682	2 682	3 135
GAUTENG	13 162	13.324	10 953
KWAZULU-NATAL	16 394	15 161	605
LIMPOPO	3 489	3 641	3 944
MPUMALANGA	3 400	2 848	2.760
NORTHERN CAPE	3 852	3.713	2 824
NORTH WEST	3 902	787.8	2 120
WESTERN CAPE	16 099	15 787	16 047
TOTAL	79.696	158 77	59 758

#### Note the following

As indicated in the Slide 6 the settled claims (77 334) as well as the finalised deline (50 7 3) consist on a dendination claim forms and rightstrestored.

The discrepancies in terms of the variance with had sed sented and matrised darms, would only be resolved once the unipacking process of claim forms ledged and here can claim near hear in a legal tracking process of claim forms ledged and here can claim out the least tracking process of claim forms ledged and here can be sent in a least tracking process of claim forms ledged and here can be sent to be sent to the contract tracking tracking the contract tracking tracking the contract tracking dedicated full-time capacity/ordeal/with utlooning eglonally and nationally



# SUMMARY OF SETTLED & FINALISED CLAIMS: 01 APRIL 2012 TO 31 MARCH 2013

976	602	TOTAL
245	198	Western Cape
		North West
23	3	Northern Cape
7	47	Mpumalanga
104	105	Limpopo
33	61	KwaZulu -Natal
125	118	Gauteng
26	5	Free State
18	53	Eastern Cape
Number of finalised claims	Number of settled claims	Province

& land reform
& land reform
Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

Note: The total of 376 finelised clarms consist of 153 backlog claims and 223 new

# CURRENT STATUS OF VERIFICATION ON THE COUNTING OF CLAIMS AS AT 31 MAY 2013

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Province	Status of lodgment as at 31/05/2013	Claims settled as at 31/03/2013	Total outstanding claims
Eastern Cape	17 456	16 444	1 012
Free State	2 696	2 682	14
Gauteng	13.581	13.324	257
KwaZulu Natal	17 206	15 161	2 045
Limpopo	4 397	3.641	756
<u>Mbumalanga</u>	5 608	2848	2 760
Northern Cape	3.854	3 7/13	141
North West	3.822	7.737.c	<u>85</u> 5
Western Cape	17/341		
Total	85 961	77 334	≘ 8 627





### THANKYOU

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