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PRESENTATION TO THE PORTFOLIO COMMITTEE ON RURAL DEVELOPMENT AND LAND REFORM

05 JUNE 2013

**CHIEF LAND CLAIMS COMMISSIONER
MS. NOMFUNDO GOBODO**



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Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

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 (ACLA) through Act No. 108 of 1991. The Advisory Commission on Land Allocation focused on undeveloped state land.
- 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.
- In terms of section 41(2) of the Restitution of Land Rights Act 1994 all claims that were lodged with the Advisory Commission on Land Allocation were deemed to have been lodged with the Commission on Restitution of Land Rights.
- The Commission on Restitution of Land Rights commenced operations on 1 March 1995.



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

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



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COMMISSION ON RESTITUTION OF LAND RIGHTS (CRLR)

CHALLENGES

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

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 restored.
- During 2006 the Commission moved away from counting the RIGHTS RESTORED and started counting NUMBER OF CLAIM FORMS LODGED
- It appears further that after 31 December 2006 the Commission ceased to count any urban land claims whether settled or not.

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

- Furthermore in 2006, due to pressure to settle claims the Commission started settling 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 settled at a later stage. It appears that this would then be counted as a settled claim in light of the 2 properties acquired, despite the 3 properties still outstanding.
- 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 thereof still ongoing.
 - **Finalised** – means a settled claim that has been brought to completion with the transfer of land/ funds to the relevant beneficiaries. That is all actions pertaining to a specific claim has been dealt with.



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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.
- In the 2012/13 financial year a total of 602 claims were settled (that is Ministerial approvals in terms of Section 42D) and 376 claims were finalized (that is where awards were fully paid up and properties transferred)
- It should also be noted that the number of outstanding claims is not the variance between 79 696 (approximate lodged) minus 77 334 (settled) which equates to 2 362, because counting settled was a combination of claim forms and rights restored
- The provisional total for outstanding claims is therefore 8 098 which the offices are currently unpacking in terms actual claim forms lodged and the rights claimed on each claim form.

Further comments

- Some of the claims which were initially dismissed as non-compellable are taken to court for review. If it succeed, the claims is then processed as valid. This will not increase the total of outstanding claims, but will only change in terms of the restitution business process, that is dismissed no valid



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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	3 737	2 120
WESTERN CAPE	16 099	15 784	16 047
TOTAL	79 696	77 334	59 758

Note the following

- As indicated in the Slide 6, the settled claims (77 334) as well as the finalised claims (59 758) consist of a combination of claim forms and rights restored.
- The discrepancies in terms of the variance with lodged, settled and finalised claims would only be resolved once the unpacking process of claim forms lodged and rights on claim forms has been finalised. However, this process will need dedicated full-time capacity to deal with it both regionally and nationally.



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

Province	Number of settled claims	Number of finalised claims
Eastern Cape	53	18
Free State	5	26
Gauteng	118	125
KwaZulu - Natal	61	33
Limpopo	105	104
Mpumalanga	47	7
Northern Cape	3	23
North West	12	5
Western Cape	198	35
TOTAL	602	376

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



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

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
Mpumalanga	5 608	2 848	2 760
Northern Cape	3 854	3 713	141
North West	3 822	3 787	85
Western Cape	17 341	16 784	1 557
Total	85 961	77 334	8 627



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