



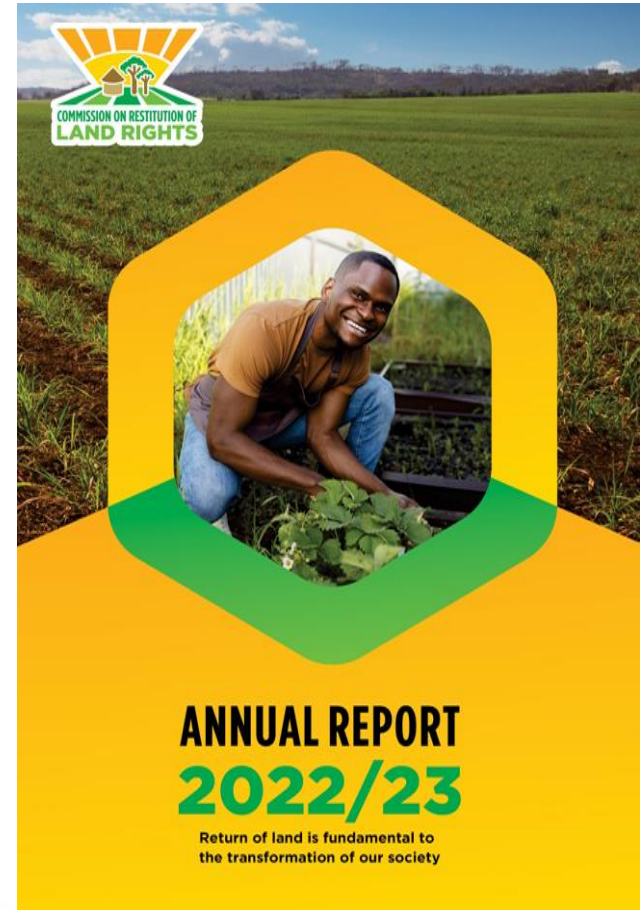
**PRESENTATION TO THE PORTFOLIO COMMITTEE ON
AGRICULTURE LAND REFORM AND RURAL DEVELOPMENT**

14 NOVEMBER 2023



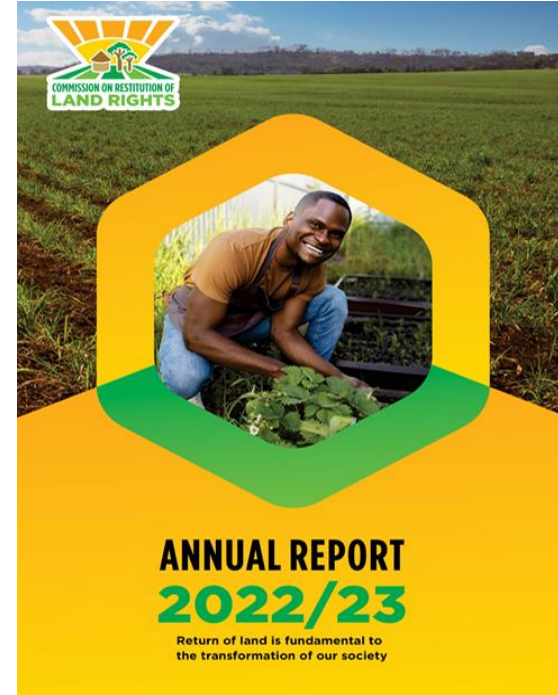
PRESENTATION OUTLINE

- Introduction
- **Part A:** General Information (Vision, Mission, Values, Mandate and State land)
- **Part B:** Performance Information
- **Part C:** Financial Information
- **Part D:** Governance
- **Part E:** Human Resource Management



INTRODUCTION

- ❑ Section 21 of the Restitution of Land Rights Act No 22 of 1994 (the Restitution Act), as amended, requires the Commission to submit its Annual Report to the Parliament at the beginning of June each year.
- ❑ Due to the Audit process culminate on the 31 July 2023, the Commission therefore synchronised its submission with the Department.
- ❑ The findings of the Auditor General's Office is included in the Commission on Restitution of Land Rights (CRLR) Annual report.



PART A



GENERAL INFORMATION



GENERAL INFORMATION

Vision

- A commission of excellence that ensures that effective, efficient and speedy redress is provided to victims of racially based land dispossessions.

Mission

- We exist to provide equitable redress to victims of racially motivated land dispossession, in line with the provisions of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994).

PART A



**GENERAL
INFORMATION**

CONTINUE - GENERAL INFORMATION

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Values

We uphold the following values:

- We value and encourage diversity and will not discriminate against anyone. We uphold the rights of individuals as enshrined in the Constitution of the Republic of South Africa
- We strive to be transparent, accountable and responsive in all the services we offer to claimants and other stakeholders, in order to ensure equitable redress.

PART A



GENERAL INFORMATION



CONTINUE - GENERAL INFORMATION

Values

- We strive towards maintaining high service standards through improved business processes and a focus on ethical and professional operational principles.
- We ensure that we have a dedicated, loyal, results-orientated, professional and people-focussed workforce that is passionate and committed to serve the people of South Africa.
- In collaboration with all stakeholders, the CRLR will comply with all laws of this country and will not implement any policy that is in conflict with the Constitution.

PART A



GENERAL INFORMATION



CONTINUE - GENERAL INFORMATION

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Mandate

- Section 4(1) of the Restitution of Land Rights Act, 1994 establishes the Commission on Restitution of Land Rights (CRLR)
- The Commission is responsible for the settlement of land restitution claims.
- The functions of the Commission are to solicit, investigate, and to resolve through negotiations and mediation, claims for restitution from persons and communities dispossessed of rights in land, after 19 June 1913, as a result of past racially discriminatory laws and practices or refer such matters to the land claims court for adjudication.

PART A



GENERAL INFORMATION



CONTINUE - GENERAL INFORMATION

Constitutional Court Judgements

During the second Land Access Movement of South Africa (LAMOSA 2) Constitutional Court order made on 19 March 2019, the court ordered the Chief Land Claims Commissioner to file a report with the Land Claims Court at six-monthly intervals.

- The seventh report to the LCC was submitted on **24th of January 2023**.
- The court confirmed that 2014 new order land claims are still interdicted pending finalization of the old order claims, or a new Amendment legislation has been enacted.
- The Commission was also instructed to refer all claims the CRLR is unable to resolve to the Land Claims Court in terms of Section 14(1) of the Restitution Act.

PART A



GENERAL
INFORMATION



PROJECT KUYASA

- The Phakisa outcomes, 2018/19 Auditor-General's findings and LAMOSASA Order by LCC prompted the Commission to embark on a Business improvement process.
- This turnaround project was named "Project Kuyasa," and it included several organisational improvement goals such as the development and implementation of improved business processes and systems, a claims backlog reduction strategy and strengthening land and financial settlement options development.
- To date 95 % of project Kuyasa deliverables have been achieved. Operational policies and Standard Operating Procedures were approved, and full implementation commenced on 1 October 2022.
- We are waiting for guidance on the outstanding deliverables.

PART A



GENERAL INFORMATION



PART B



PERFORMANCE INFORMATION



PERFORMANCE INFORMATION

PART B



PERFORMANCE INFORMATION



Performance indicator	Actual performance against target		Reasons for variance
	Target (2022/23)	Actual (2022/23)	
Number of land claims settled	336	355	The settlement of projects with multiple claims i.e. Eastern Cape, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape and Western Cape.
Number of land claims finalised	372	429	The over performance is attributed to the non-compliant claims which are planned for; however, no targets were set as the Commission would not be able to plan for when the final non-compliance letter would be signed.

PROVINCIAL BREAKDOWN OF LAND CLAIMS SETTLED AND FINALISED PER PROVINCE

Province	Claims settled		Claims finalised	
	Target	Actual	Target	Actual
Eastern Cape	70	65	75	58
Free State	0	1	8	5
Gauteng	14	20	30	85
KwaZulu-Natal	100	95	120	93
Limpopo	57	69	16	58
Mpumalanga	40	51	45	44
North West	2	1	8	20
Northern Cape	5	5	10	5
Western Cape	48	48	60	61
Total	336	355	372	429

PART B

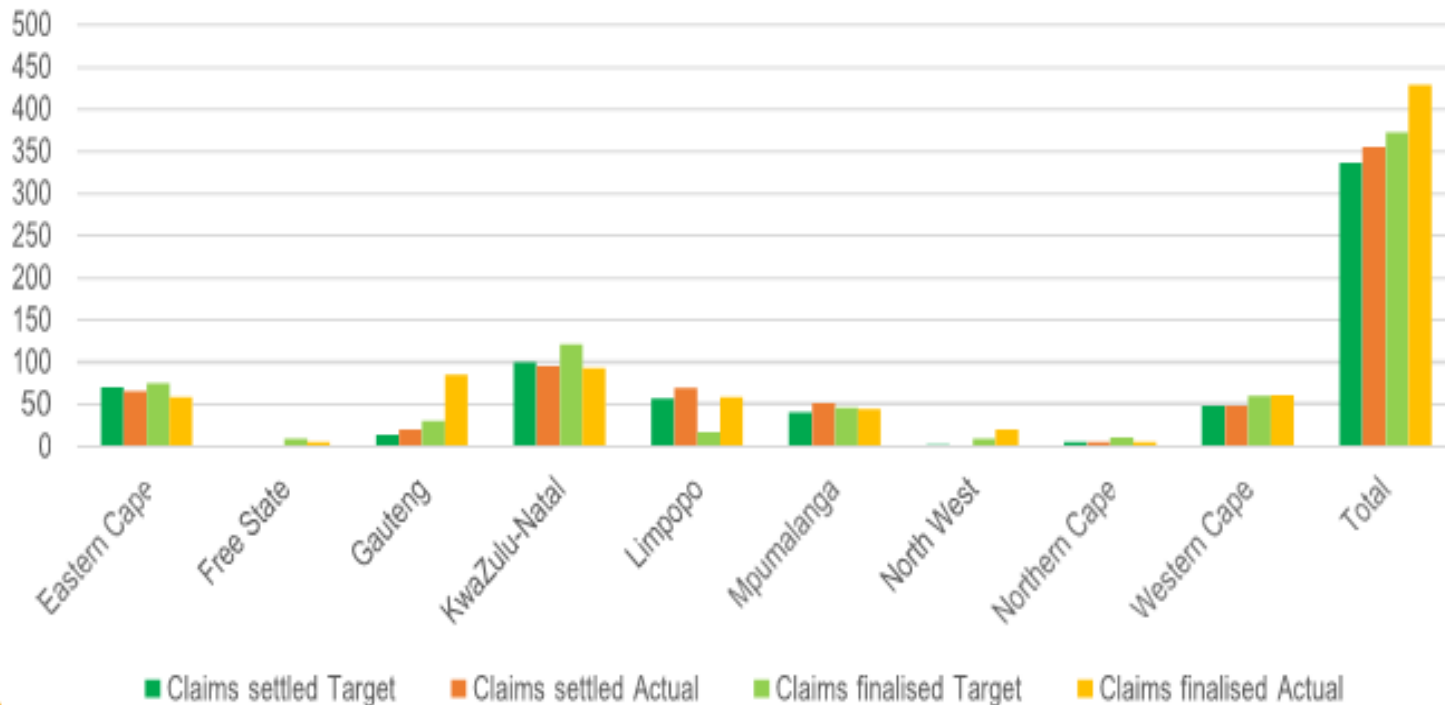


**PERFORMANCE
INFORMATION**



PROVINCIAL BREAKDOWN OF LAND CLAIMS SETTLED AND FINALISED PER PROVINCE

Number of land claims settled and finalised per province: 01 April 2022 to 31 March 2023



PART B



PERFORMANCE
INFORMATION



PART B: PERFORMANCE INFORMATION – Hectares & Beneficiaries

Province	Hectars awarded	Land Cost	Financial compensation	Grants	Total award
Eastern Cape	4402	84 026 804,00	1 566 508 775,46	-	1 650 535 579,46
Free State	-	-	6 094 656,00	-	6 094 656,00
Gauteng	-	-	16 856 284,00	-	16 856 284,00
KwaZulu-Natal	5 662	550 264 553,00	231 333 563,48	35 302 363,00	816 900 479,48
Limpopo	2 547	10 548 250,00	730 620 079,00	-	741 168 329,00
Mpumalanga	11 570	61 867 354,08	158 295 538,16	-	220 162 892,24
North West	1 766	28 988 815,00	11 263 800,42	-	40 252 615,42
Northern Cape	3 994	359 955 507,90	26 818 208,67	-	386 773 716,57
Western Cape	1,3851	-	35 835 353,44	-	35 835 353,44
GRAND TOTAL	29943,0274	1 095 651 283,98	2 783 626 258,63	35 302 363,00	3 914 579 905,61

Quarter	Beneficiaries	Hectares Awarded
Quarter 1	9775	1950,9939
Quarter 2	14180	15984,9270
Quarter 3	15282	2807,5310
Quarter 4	26674	9199,5755
TOTAL	65911	29943,0274



PART C



FINANCIAL INFORMATION



FINANCIAL INFORMATION

The CRLR is an entity under the Department of Agriculture Land Reform and Rural Development. The department's financial year is from 1 April to 31 March each year. The CRLR follows the same financial year period. The annual financial statements of the CRLR consists of the functions performed by the entity which only includes the investigation and recommendation of the settlement of claims.

The settlement and finalisation of claims is performed by the branch Restitution within DALRRD. The budget and expenditure are reported in the department's annual financial statements and annual report. Only a high-level overview will be included in this annual report.

PART C



**FINANCIAL
INFORMATION**

Summary of Budget and Expenditure for 2022/23 Financial year.

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PART C



FINANCIAL
INFORMATION



	Adjusted Budget	a	Virement	Final budget	Actual Expenditure	Variance	Expenditure as % of final budget
Economic classification	R'000	R'000	R'000	R'000	R'000	R'000	%
Current payments	602 108	25 488	636	628 232	613 201	15 031	97,61%
Compensation of employees	410 318	3	-	410 321	395 306	15 015	96,34%
Goods and services	191 790	25 475	636	217 901	217 885	16	99,99%
Transfers and subsidies	2 427 794	- 413 513	-	2 014 281	2 014 264	17	100,00%
Households	2 420 062	- 410 905	-	2 009 157	2 009 141	16	100,00%
Other transfers to households	2 419 107	- 410 863		2 008 244	2 008 228	16	100,00%
Payments for capital assets	743 550	504 880	25 969	1 274 399	1 274 399	-	100,00%
Machinery and equipment	11 138	3 184	-	14 322	14 322	-	100,00%
Land and sub-soil assets	732 412	485 369	25 969	1 243 750	1 243 750	-	100,00%
Payment for financial assets		1 252		1 252	1 252	-	100,00%
Total	3 773 452	118 107	26 605	3 918 164	3 903 116	15 048	99,62%

Project expenditure summary per province for the 2022/23 financial year

PART C



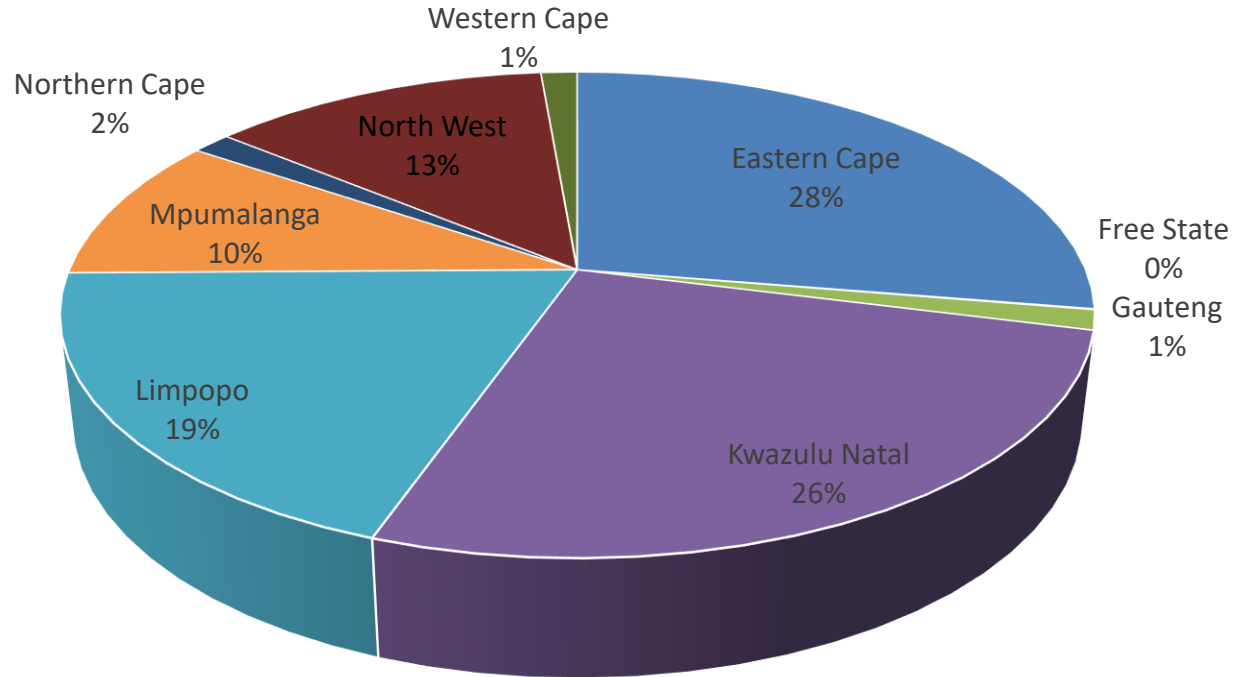
FINANCIAL
INFORMATION



COMMISSION ON RESTITUTION OF
LAND RIGHTS

OFFICE	LAND PURCHASE R'000	LAND & SUBSOIL R'000	RECAP R'000	EBT R'000	LISTS R'000	TOTAL R'000
Eastern Cape	75 624	-	-	23 910	797 799	897 334
Free State	-	553	-	1 120	-	1 673
Gauteng	-	-	3	20 306	22 616	42 926
Kwazulu Natal	447 250	131 583	2 485	22 424	255 798	859 540
Limpopo	3 651	81 613	-	8 232	537 265	630 763
Mpumalanga	34 143	79 620	32 500	81 901	87 398	315 562
Northern Cape	-	27 212	10 990	3 179	6 221	47 603
North West	135	360 596	1 542	30 491	19 777	412 543
Western Cape	520	1 209	-	8 688	33 615	44 034
Total	561 324	682 387	47 523	200 254	1 760 490	3 251 978

EXPENDITURE PER PROVINCE



- | | | |
|-----------------|--------------|----------------|
| ■ Eastern Cape | ■ Free State | ■ Gauteng |
| ■ Kwazulu Natal | ■ Limpopo | ■ Mpumalanga |
| ■ Northern Cape | ■ North West | ■ Western Cape |

PART C



**FINANCIAL
INFORMATION**

PART D



GOVERNANCE



Risk type	Risk	Risk response/mitigation plan
Financial risks		
Budgetary risks	Limited budget	Offers to be negotiated and linked to the recommendations of the Valuer-General Annual submissions to National Treasury to indicate funds required in adjustment and medium-term expenditure framework cycle
Expenditure risks	Under-spending	Monthly expenditure monitoring and cash flow revision(s) to be done
IT systems	Lack of effective information and records management system	Development of standardised business process to be fed into the project and management information system Apply change management principles during implementation
Human resource risks	Ineffectual human resources	Development of revised institutional form and continual training
Process risks	Delays in implementation of settlements No standardised business process with timeframes	Developed detailed business process that is elaborated into standard operating procedures and time frames. Implementation of reviewed settlement models
Reputational risks	Reputational risk linked to delays in the settlement of claims	Statutory Commission meetings to be held with formal and widespread communication aims, including media, as well as quarterly statistics releases. Communication process underway in collaboration with the Government Communication Information System (GCIS)
Legal and regulatory risks	No clear definite mandate of the CRLR (e.g. scope creep into post-settlement issues) Litigation risks	Clarify mandate in the context of future autonomy and develop plans to ensure integration with the DALRRD's processes Improvement of tracking and management of matters in court Compliance checklist and quality control by quality assurance Increased quality assurance capacity

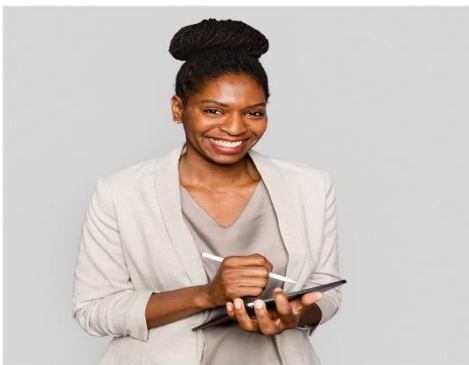
AUDIT COMMITTEE REPORT

- During the year under review the Audit Committee consisted of four members.
- The Audit Committee had 3 Standard Audit Committee meetings wherein matters pertaining to the Interim Financial Statements, Annual Financial Statements and Auditor-General South Africa's Audit Report were deliberated upon.
- The Audit Committee acknowledges that the system of internal controls governing financial reporting at the CRLR were adequate and effective.
- The Audit Committee appreciates that CRLR Reporting submissions were done timeously and appropriately.
- The Audit Committee acknowledges and **commends the clean audit outcome for the CRLR.**

PART D



GOVERNANCE



PART E

HUMAN RESOURCE MANAGEMENT



HISTORICAL AND CURRENT ANALYSIS OF HUMAN CAPITAL

- Historically, the CRLR had an overall no. of 1442 positions on the approved version 2.9 Departmental structure.
- The version 2.9 structure has since ceased to exist, with the advent of the approved DALRRD structure dated 11 December 2020, as concurred by Minister of Public Service Administration.
- The staff establishment in line with the approved structure dated 11 December 2020 is 748 with the total number of filled positions being 678 with 71 vacant positions.
- This constitutes a vacancy rate of about 9% slightly below the ideal vacancy rate of 10% as prescribed by National Treasury.
- The reduction of Human Capital from version 2.9 poses a serious risk to the performance of the Commission.
- The budget cuts on compensation of employees, has necessitated prioritisation of positions in line with the available budget.
- Deputy Chief Land Claims Commissioner was appointed on the 1st June 2023.

NB: Expenditure on Compensation of Employees on page 87, table 11 indicated the overall budget of the Commission. An addendum has been submitted to specifically report on expenditure for compensation of employees only.

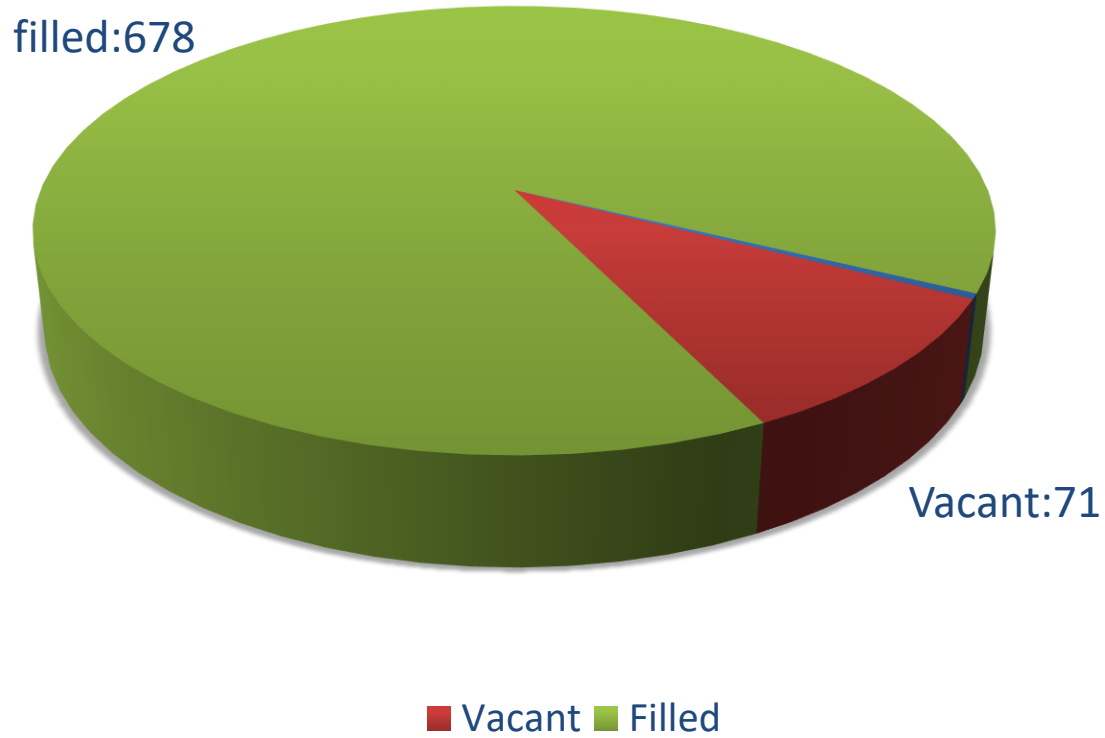


PART E

HUMAN RESOURCE

MANAGEMENT

Positions filled and vacancies

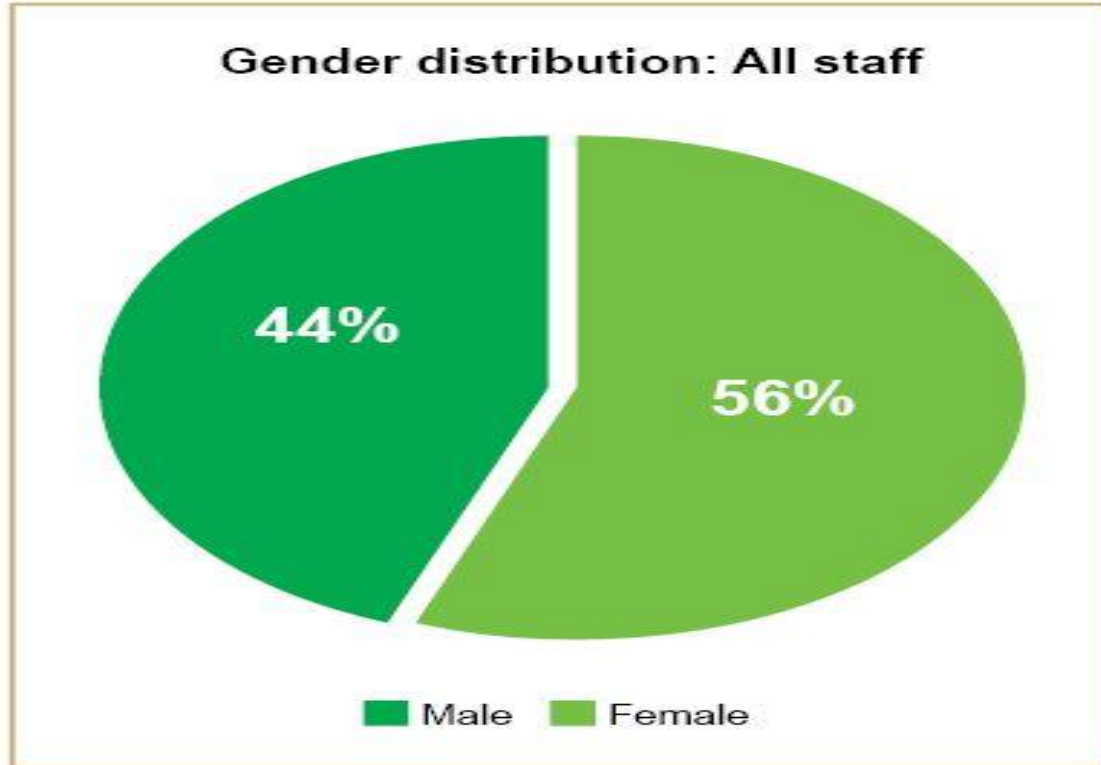


PART E

HUMAN RESOURCE MANAGEMENT

EMPLOYMENT EQUITY: GENDER AND RACE DISTRIBUTION

Female staff members comprise 56% of all staff, with 44% being male staff complement.



PART E

HUMAN RESOURCE MANAGEMENT

SUMMARY

- During the period under review the CRLR managed to settle **355** claims against target of **336** claims, finalised **429** claims against target of **372** exceed all APP targets.
- The Commission has spent **99.62%** of the budget allocated during the period under review.



NGIYATHOKOZA

DANKIE KE A LEBOGA

NGIYABONGA

NDIYABULELA

INKOMU NDI KHOU
LIVHUHA

Thank you

