



rural development & land reform

Department:
Rural Development & Land Reform
REPUBLIC OF SOUTH AFRICA

PROGRAMME 4: RESTITUTION

Presentation on Settlement of Outstanding Claims

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INTRODUCTION

- The Commission of Restitution on Land Rights has embarked on a Turn Around Strategy which is aimed at settling all outstanding claims within a period of four (04) to five (05) years. This strategy consist of short term strategy initiated by the department which should result in the Minister reporting to the Portfolio Committee within sixty (60) days.
- A long term strategy initiated by the Commission itself it is aimed at assisting the offices of the Regional Land Claims Commission in spending the budget allocated to them, researching and settling both the backlog and outstanding claims.

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STATUS OF THE CLAIM

No of claims lodged	79696
.No of claims gazette	75844
No of dismissed claims, included in gazetted	2980
No of claims finalized	57547
No of claims gazetted and still to be finalized	18297
No of claims to be researched	3852

BACKLOG VS CURRENT

Since the inception of the Commission there were three (03) institution

(a) Restitution of Land Rights

(b) Department of Rural Development and Land Reform

(c) Land Claims Court –

involved in settling the land claim .

BACKLOG VS CURRENT (Cont')

- The Commission of Restitution of Land Rights received, investigated, researched and refereed the matter to the department for its response in instances where there was no dispute, the office of the Chief Land Claims Commissioner would refer the matter to the Land Claims Court for its ratification.
- Once the claim has been ratified by the Land Claims Court it was regarded as a settled claim but not a finalized. It remained the function of the Commission to implement the court order for the claim to be finalized.
- The amendment of the Restitution of Land Right Act making it administrative as opposed to the judicial process created the difficulty of explaining the difference between settled claims and finalized claims. In that all claims were now settled within the Commission and also expected to be finalized within the same Commission, consequently this created a back log of settled claims which still needed to be implemented in order to be finalized.
- Hence a part of the budget allocated must still be used to implement the settlement agreements of signed Section 42d's in order for the claim to be finalized.

The Commission intends to address the issues of back log vs current claims by allocating 80% of the annual budget to the finalization of the back log and 20% to the settling of current claims.

CHALLENGES

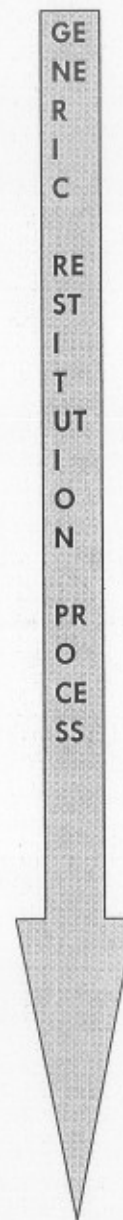
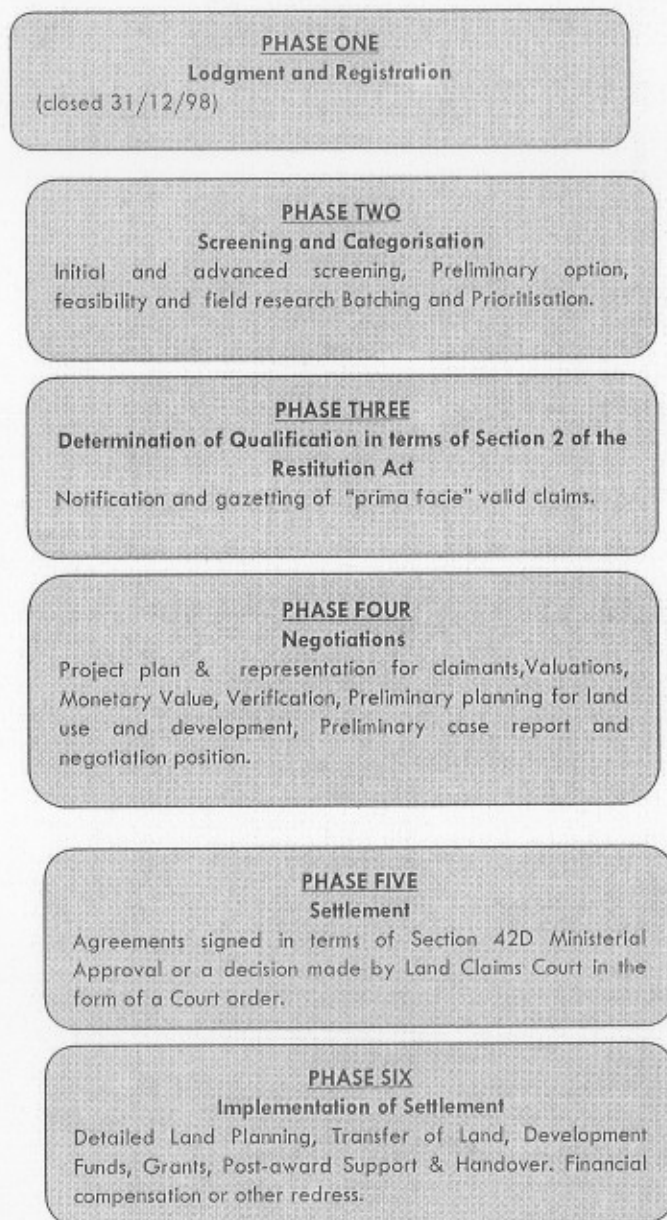
- Information Management
- Terminology
- Settlement Models
- Disputes
- Large complex and costly projects
- Limited scope of Restitution
- Finance
- Reporting

STRATEGY

- Elements of the Turn Around Strategy
- Implementation of the Strategy (Short term and the long term plan.

RESTITUTION PROCESS

RESTITUTION MANDATE



Elements of the Turn Around Strategy -

The Restitution Programme has developed a turnaround strategy and areas of intervention. The elements of the strategy are:

- An analysis, categorization, quantifying and costing of all outstanding claims.
- Develop and Information and Record Management System.
- Finalizing Research of all outstanding (un researched claims).
- Settle and finalize all the claims partially settled in terms of our administrative processes.

- Develop new settlement models for settlement of all complex, large and costly claims and settlement of claims in accordance with the CRDP principles.
- Develop a Negotiation Strategy and Evaluations Vetting Committee.
- Development of a claims Verification Guidelines and claims Verification Vetting Team.
- Develop of a communication strategy for communicating with stakeholders (including, but not limited to claimants, current owners of claimed land, political principals, and other interested parties).
- Review of the structure of the commission and organizational restructuring.
- Minimizing legal risk, litigation and other legal challenges.
- Improved financial management system and spending.
- Lobbying for allocation of more funds.

- Develop new land acquisition instruments
- Streamline the restitution “process map” and restitution value implementation chain.
- Putting in place monitoring and evaluation of performance against predetermined outcomes.
- Amendments of legislation
 - (a) Section 42 (c), re-direct grants, the Re capitalization,
 - (b) Section 6.2 (b); and
 - © Settlement strategy (Amakhosi Land, Complex, large, costly claims).