



## **LAND RESTITUTION**

**PRESENTATION TO THE PORTFOLIO COMMITTEE OF RURAL DEVELOPMENT  
AND LAND REFORM STRATEGIC PLANNING SESSION**

**3 FEBRUARY 2016**

# PRESENTATION OUTLINE

## Introduction

### **Part A: 2009/10 to 2014/15**

- Policy Priorities
- Implementation Progress
- Challenges / Limitations

### **Part B: 2016/17 to 2018/19**

- Strategic Interventions
- Policy (and legislation) priorities



# INTRODUCTION

- The Restitution Programme is responsible for the settlement of land restitution claims under the Restitution of Land Rights Act, No. 22 of 1994, as amended, and the provision of settlement support to beneficiaries.
- The Commission was established 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.
- Where a claim cannot be resolved by negotiations or mediation it is referred to the Land Claims Court for adjudication.

# POLICY PRIORITIES, 2009/10 to 2014/15

- Intensify the land reform programme, so as to ensure that more land is in the hands of the rural poor.
- Provide the rural poor with technical skills and financial resources to productively use the land and to create sustainable livelihoods.
- Review the appropriateness of the existing land redistribution programme, introduce measures aimed at speeding up the pace of land reform and redistribution and promote land ownership by South Africans.
- Ensure that the land reform programme is integrated at provincial and local government levels.

## POLICY PRIORITIES, 2009/10 to 2014/15

- A review of the restitution programme was conducted as part of the process that led to the publication of the Green Paper on Land Reform.
- Consultations were held with stakeholders through a series of consultative workshops, including a national restitution workshop that was held in May 2011, attended by 1296 delegates, to assess the impact of the programme. The critical issues highlighted were the cut-off dates of the 19 June 1913 and 31 December 1998.
- A need to move swiftly to deal with outstanding land claims and provide adequate support in collaboration with other government departments and stakeholders was also identified.

# POLICY PRIORITIES, 2009/10 to 2014/15

- In the 2013 State of the Nation Address the President announced that:
  - the Government would consider re-opening the lodgement of land claims;
  - the Government would explore Exceptions to the 1913 cut-off date, to accommodate the descendants of the Khoi and San, historical land-marks and heritage sites.

# IMPLEMENTATION PROGRESS 2009/10 to 2014/15

- The Restitution of Land Rights Amendment Bill providing for the re-opening of lodgement of land claims for a period of 5 years, calculated from 1 July 2014 to 30 June 2019 was passed by the Fourth Parliament.
- Restitution of Land Rights Amendment Act was signed into law on 30 June 2014.
- Lodgement started on 1 July 2014, and is underway (until 30 June 2019), in a more effective and efficient manner.
- Claims are lodged in 14 Lodgement Offices.
- 6 Mobile offices are fully operational (4 buses and 2 4x4 all terrain vehicles)

# IMPLEMENTATION PROGRESS 2009/10 to 2014/15

- With regards to the Exceptions, the Department focused on organising the descendants of the Khoi and San.
- The First Khoi and San Dialogue (Kimberley 1) was held in April 2013. This was the first national gathering of Khoi and San since colonialism.
- Kimberley 1 resolved to establish a National Reference Group that would assist the Department to develop the Exceptions Programme.
- The Second Khoi and San Dialogue (Kimberley 2) was held in May 2014. It recommended that the exceptions should be implemented through land redistribution.
- Two other National Conferences with other stakeholders discussing the Exceptions were held in June 2014 and November 2015.



# IMPLEMENTATION PROGRESS 2009/10 to 2014/15

- During the period 2009/10 and 2014/15 2294 new land claims were settled.
- 8047 claims were outstanding at 31 March 2015.
- The breakdown, per financial year, of the claims that were settled is as follows:

# IMPLEMENTATION PROGRESS 2009/10 to 2014/15

Fin. Year	Performance indicator	Annual Target	Achievement (Actual Performance)	% Achieved to target
2009 – 2010	Number of claims settled	-	121	-
	Number of phased projects approved	-	43	-
2010 – 2011	Number of claims settled	60	457	761%
	Number of phased projects approved	-	77	-
2011 – 2012	Number of claims implemented (finalised)	360	209	58.06%
	Number of claims settled	90	416	462%
	Number of phased projects approved	-	87	-

# IMPLEMENTATION PROGRESS 2009/10 to 2014/15

Fin. Year	Performance indicator	Annual Target	Achievement (Actual Performance)	% Achieved to target
<b>2012 – 2013</b>	Number of land rights restored or awards of alternative redress finalised	380	376	98.9%
	Number of land claims settled	133	602	452%
	Number of phased projects approved	-	141	-
<b>2013 – 2014</b>	Number of claims settled	230	270	117%
	Number of claims finalised	208	292	140%
	Research on the opening of new Restitution Claims	Completed Research Report submitted to Parliament	Report was completed and submitted to Parliament	100%

# IMPLEMENTATION PROGRESS 2009/10 to 2014/15

Fin. Year	Performance indicator	Annual Target	Achievement (Actual Performance)	% Achieved to target
<b>2014 – 2015</b>	Number of claims settled	379	428	112%
	Number of claims finalised	239	372	155%
	Number of phased projects approved	53	119	224%
	Number of claims lodged by 1998 to be researched	1445	1525	105%

# IMPLEMENTATION PROGRESS 2009/10 to 2014/15

Financial Year	Adjusted Appropriation R'000	Final Appropriation R'000	Expenditure R'000	Variance R'000	% Spending on final appropriation
2009/2010	1 879 284	2 338 393	2 331 634	6 759	99,7
2010/2011	1 568 596	3 774 221	3 766 833	7 388	99,8%
2011/2012	2 497 293	2 393 051	2 376 290	16 761	99,3%
2012/2013	2 961 519	2 885 753	2 865 733	20 020	99,3%
2013/2014	2 916 838	2 836 851	2 836 703	148	100%
2014/2015	2 680 742	2 998 742	2 997 937	805	100%

# CHALLENGES / LIMITATIONS

- The challenges are summarised as follows (also informed by an evaluation conducted by the DPME and the SAHRC:

## Strategy

- The mandate of the CRLR has very often clouded by matters that are beyond the legal mandate
- Lack of a standardised business process
- Unclear delineation of roles and responsibilities between the DRDLR and the CRLR.

## Structure

- Not aligned to the mandate
- The budget structure: Appropriate delegations not in place



# CHALLENGES / LIMITATIONS

## Systems

- No Management Information System
- No business process/ project management system (EPMO now used)
- Ineffective system

## Style

- Inadequate communication and awareness-raising
- Because of close relationship with the DRDLR – not seen as autonomous and separate
- The CRLR needs to be more visible.

# CHALLENGES / LIMITATIONS

## Staff

- Improved coordination and integration in the planning and implementation between stakeholders needed
- A competent and dedicated human resource capacity to be established
- Improved performance management systems to be put in place
- Additional staff capacity required for new claims.
- High staff turnover and inadequate research capacity

## Skills

- Poor research skills raised
- Training for manner in which new claims are to be processed required



# STRATEGIC INTERVENTIONS 2016/17 TO 2018/19

- Accelerate the settlement of remaining land claims submitted before the cut-off date of 1998.
- Re-open the period for the lodgment of claims for restitution of land for a period of five years, commencing in 2014.
- Codify the exceptions to the 1913 cut-off date for the descendants of the Khoi and San, and identify affected heritage sites and historical landmarks
- The Commission to implement a programme to improve its operational efficienciveness.

# STRATEGIC INTERVENTIONS 2016/17 TO 2018/19

Strategic Goal 1	Land rights restored in order to support land reform and agrarian transformation by 2020
Goal Statement	Restoration of land rights or equitable redress to those dispossessed of rights in land as a result of past racially discriminatory laws or practices, prioritising claims lodged prior to 31 December 1998
Strategic Goal 2	Lodgement of restitution land claims re-opened for people who did not meet the 1998 deadline
Goal Statement	Solicit and receive claims for restitution of land rights, by 30 June 2019
Strategic Goal 3	Organisational change management
Goal Statement	Improved corporate governance and service excellence through <i>inter alia</i> the operationalisation of an autonomous CRLR, a strengthened legal framework, improved business information and improved communication

# STRATEGIC INTERVENTIONS 2016/17 TO 2018/19

## 17.1 Business as usual

<b>Strategic Objective 1</b>	Land rights restored
<b>Objective statement</b>	Facilitate the restoration of land rights and alternative forms of equitable redress by 2020
<b>Baseline</b>	270 claims settled and 292 claims finalised in the financial year 2013/14
<b>Justification</b>	Equitable land dispensation and agrarian reform
<b>Links</b>	Linked to DRDLR Strategic Goal 5

<b>Strategic Objective 2</b>	Redress land rights lost after 1913
<b>Objective statement</b>	Solicit and receive new land claims up to 30 June 2019
<b>Baseline</b>	79 696 land claims were lodged by the cut-off date of 31 December 1998
<b>Justification</b>	Equitable land dispensation and agrarian reform
<b>Links</b>	Linked to DRDLR Strategic Goal 3

# STRATEGIC INTERVENTIONS 2016/17 TO 2018/19

## 17.2 Business unusual

### Hard Elements (Strategy, Structure, Systems)

#### *Internal*

<b>Strategic Objective 5</b>	Clear organisational mandate and business processes supported by resources
<b>Objective statement</b>	Operational processes defined and implemented effectively
<b>Baseline</b>	Number of SoPs approved
<b>Justification</b>	This objective will increase productivity and accountability
<b>Links</b>	Linked to DRDLR Strategic Goal 1

#### *External*

<b>Strategic Objective 6</b>	Improved information and project management
<b>Objective statement</b>	Claims management electronically and information produced on
<b>Baseline</b>	Time taken to resolve claims
<b>Justification</b>	This objective will improve accountability, reporting and responsiveness and promote service delivery and improved redress to claimants by speeding up the settlement and finalisation of claims lodged
<b>Links</b>	Linked to DRDLR Strategic Goal 5

# STRATEGIC INTERVENTIONS 2016/17 TO 2018/19

Soft Elements (Shared values, Skills, Staff, Style)

*Internal*

<b>Strategic Objective 3</b>	Improved governance and service delivery
<b>Objective statement</b>	Organisational change management
<b>Baseline</b>	The number of audit findings in performance audits
<b>Justification</b>	This objective will contribute to a dedicated, loyal, results-oriented, professional and people-focused workforce
<b>Links</b>	Linked to DRDLR Strategic Goal 1

*External*

<b>Strategic Objective 4</b>	Improved customer satisfaction and communication
<b>Objective statement</b>	Communication on performance and plans are properly communicated
<b>Baseline</b>	Number of communication initiatives
<b>Justification</b>	This objective will promote openness and transparency
<b>Links</b>	Linked to DRDLR Strategic Goal 1

# POLICY PRIORITIES 2016/17 TO 2018/19

## Exceptions Programme

- The point of departure for the Exceptions is that by the time that the Natives Land Act was enacted on 19 June 1913, the Khoi and San, and other indigenous Africans, had long been dispossessed of land.
- A need for targeted interventions to cater for the descendants of the Khoi and San, heritage sites and historical land-marks has been identified.
- The policy proposals are informed by the provisions of the:
- The Exceptions shall be a Special Moment of an expanded land redistribution programme.

## POLICY PRIORITIES 2016/17 TO 2018/19

- It will be an opportunity to integrate South Africans, irrespective of race, gender, class or historical origins;
- The Exceptions shall not be linked to the Restitution of Land Rights Act, 1994, as amended;
- The current law applicable to the management, conservation and preservation of heritage sites, will continue to apply; provided that –
- Where there is conflict between the law and the Exceptions Programme, the Court shall be the arbiter, taking into account the intention of the Exceptions.

## POLICY PRIORITIES 2016/17 TO 2018/19

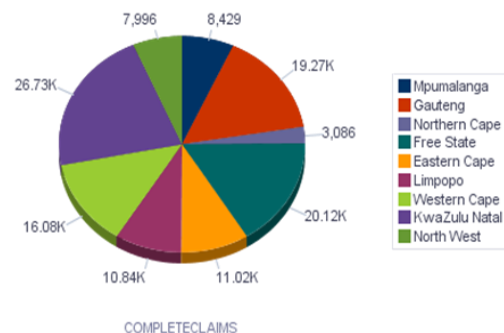
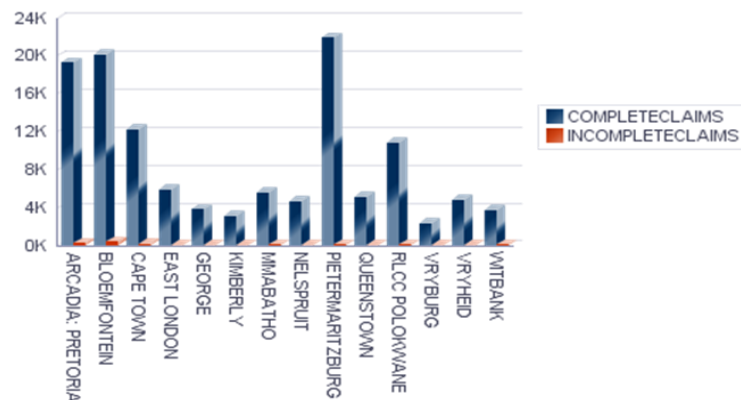
- A task team shall be established to finalise the policy framework, consisting of representatives from the National and Provincial Houses of Traditional Leaders, CONTRALESA, the National Khoi and San Council, the Department's National Khoi and San Reference Group, and relevant Government Departments;
- A multi-disciplinary, multi-cultural research team shall be established to identify heritage sites and historical landmarks for all of South Africa's indigenous peoples;



# STRATEGIC INTERVENTIONS 2016/17 TO 2018/19

- As at 19 January 2016, 123,571 land claims had been lodged.

Province	Lodgement Office	Total
Mpumalanga		<b>8429.0</b>
	WITBANK	3756.0
	NELSPRUIT	4673.0
Gauteng		<b>19272.0</b>
	ARCADIA: PRETORIA	19272.0
Northern Cape		<b>3086.0</b>
	KIMBERLY	3086.0
Free State		<b>20117.0</b>
	BLOEMFONTEIN	20117.0
Eastern Cape		<b>11022.0</b>
	EAST LONDON	5871.0
	QUEENSTOWN	5151.0
Limpopo		<b>10840.0</b>
	RLCC POLOKWANE	10840.0
Western Cape		<b>16076.0</b>
	GEORGE	3817.0
	CAPE TOWN	12259.0
KwaZulu Natal		<b>26733.0</b>
	VRYHEID	4852.0
	PIETERMARITZBURG	21881.0
North West		<b>7996.0</b>
	MMABATHO	5629.0
	VRYBURG	2367.0
Total		<b>123571.0</b>



# STRATEGIC INTERVENTIONS 2016/17 TO 2018/19

- In processing claims, the Commission shall distinguish between old order claims and new order claims.
- The Commission shall not devote its resources to the processing of new order claims beyond the point of data capture after lodgement and acknowledgement of receipt, unless:
  - The Commission is directed to do so by the Court; or
  - The new order claim overlaps with an old order claim that is being processed; or
  - The new order claim was lodged in response to a notice in terms of Section 12 (4) and, or, Section 38D (1) of the Restitution Act; or
  - The new order claim is in a province where all old order claims have already been finalised or referred to Court.

# APP TARGETS FOR 2016/17

Performance Indicator	Number of land claims settled	Number of land claims finalised	Number of phased projects approved	Number of claims lodged by 1998 to be researched
Eastern Cape	94	55	7	125
Free State	0	40	0	0
Gauteng	24	31	14	63
KwaZulu Natal	118	59	12	346
Limpopo	54	54	16	273
Mpumalanga	74	13	17	395
North West	9	19	18	0
Northern Cape	15	14	6	0
Western Cape	227	169	0	328
National Target	615	454	90	1530

# MTEF BUDGET

ITEM	2016/17 R'000	2017/18 R'000	2018/19 R'000	Total R'000
COE	336 637	371 813	409 317	1 117 767
G&S	310 927	347 032	358 457	1 016 416
TRANFERS	4 954	4 226	4 471	13 651
CAPITAL ASSETS	2 459	2 576	2 725	7 760
HOUSEHOLD	2 513 231	2 622 886	2 783 714	7 919 831
<b>TOTAL</b>	<b>3 168 208</b>	<b>3 348 533</b>	<b>3 558 684</b>	<b>10 075 425</b>

## Outstanding Claim forms for the 31 Dec 1998 lodgement as at 31 Dec 2015

The total number of claim forms outstanding as at 31 December 2015 is 7584 as per the provincial breakdown below.

Province	Phase One	Phase Two	Phase Three	Phase Four	Outstanding claims as at 31 Dec 2015
	Lodgment & Registration	Screening and Categorisation	Determination of Qualification in terms of Section 2 of the Restitution Act	Negotiations	
Eastern Cape	-	366	0	484	850
Free State	-	-	0	3	3
Gauteng	-	155	4	82	241
KwaZulu Natal	-	738	141	1154	2033
Limpopo	-	24	55	462	541
Mpumalanga	-	1647	150	800	2597
Northern Cape	-	8	0	81	89
North West	-	4	0	70	74
Western Cape	-	668	0	488	1156
<b>Total</b>		<b>3610</b>	<b>350</b>	<b>3624</b>	<b>7584</b>

**To be noted:**

1. The screening of the outstanding claim forms is an on-going process in terms of verification of actual claim forms submitted
2. Baseline info used is summary for 8733 claim forms as at June 2013



# THANK YOU

