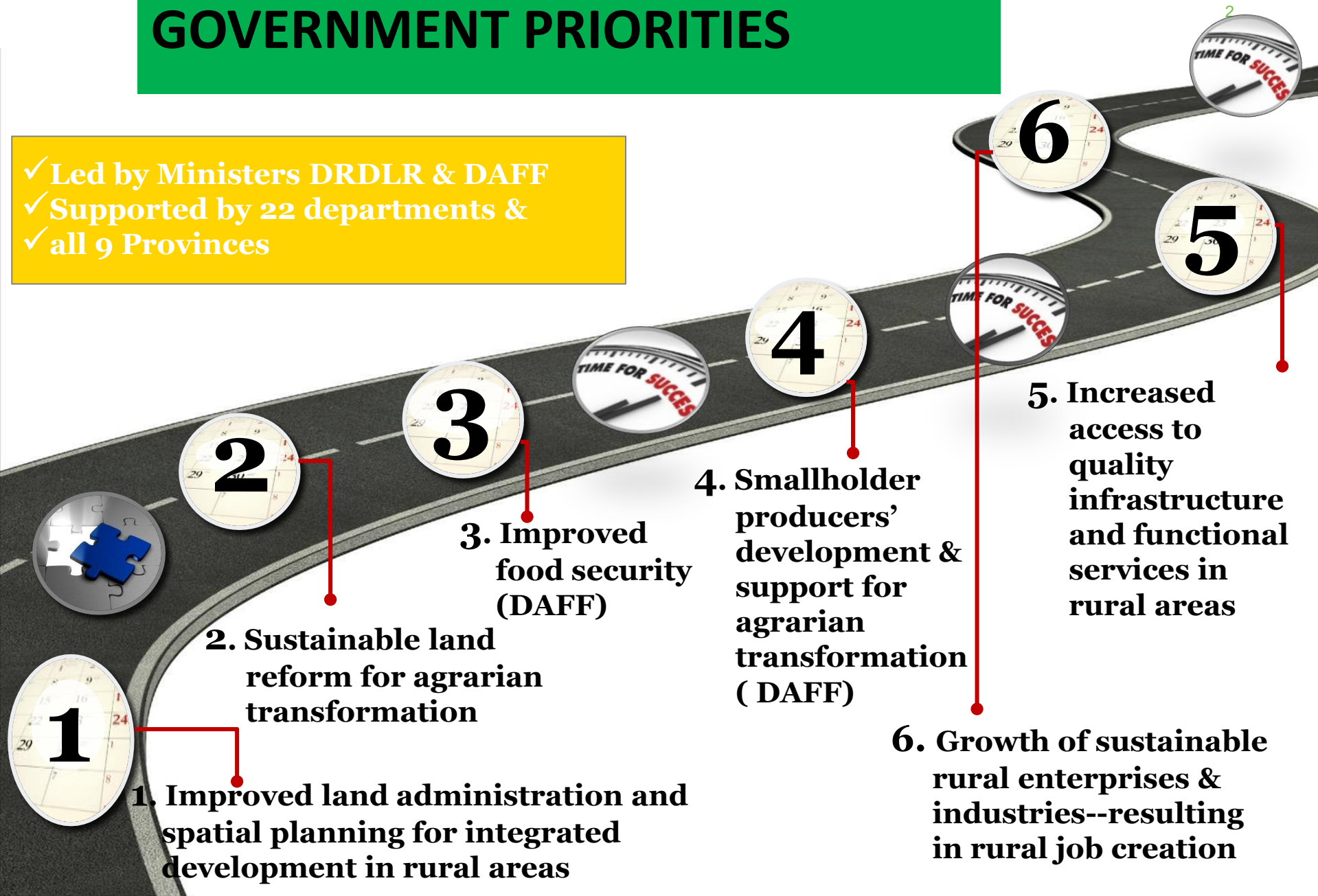




***NOMFUNDO NTLOKO-GOBODO  
CHIEF LAND CLAIMS COMMISSIONER  
28 MARCH 2019***

# GOVERNMENT PRIORITIES

- ✓ Led by Ministers DRDLR & DAFF
- ✓ Supported by 22 departments &
- ✓ all 9 Provinces

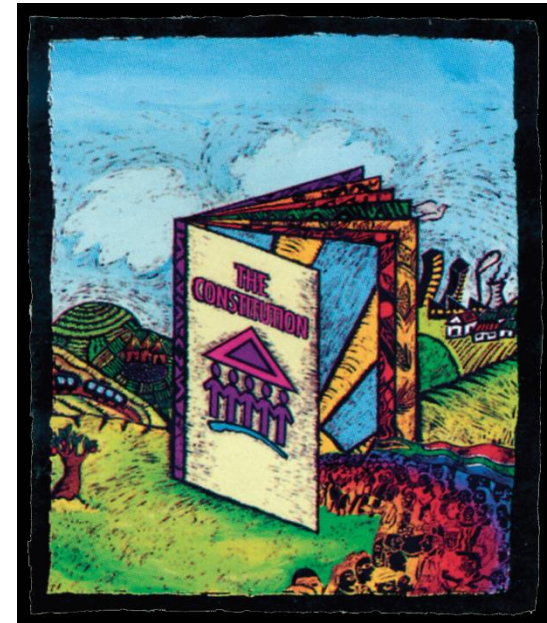


# PREAMBLE: LAND REFORM MANDATE

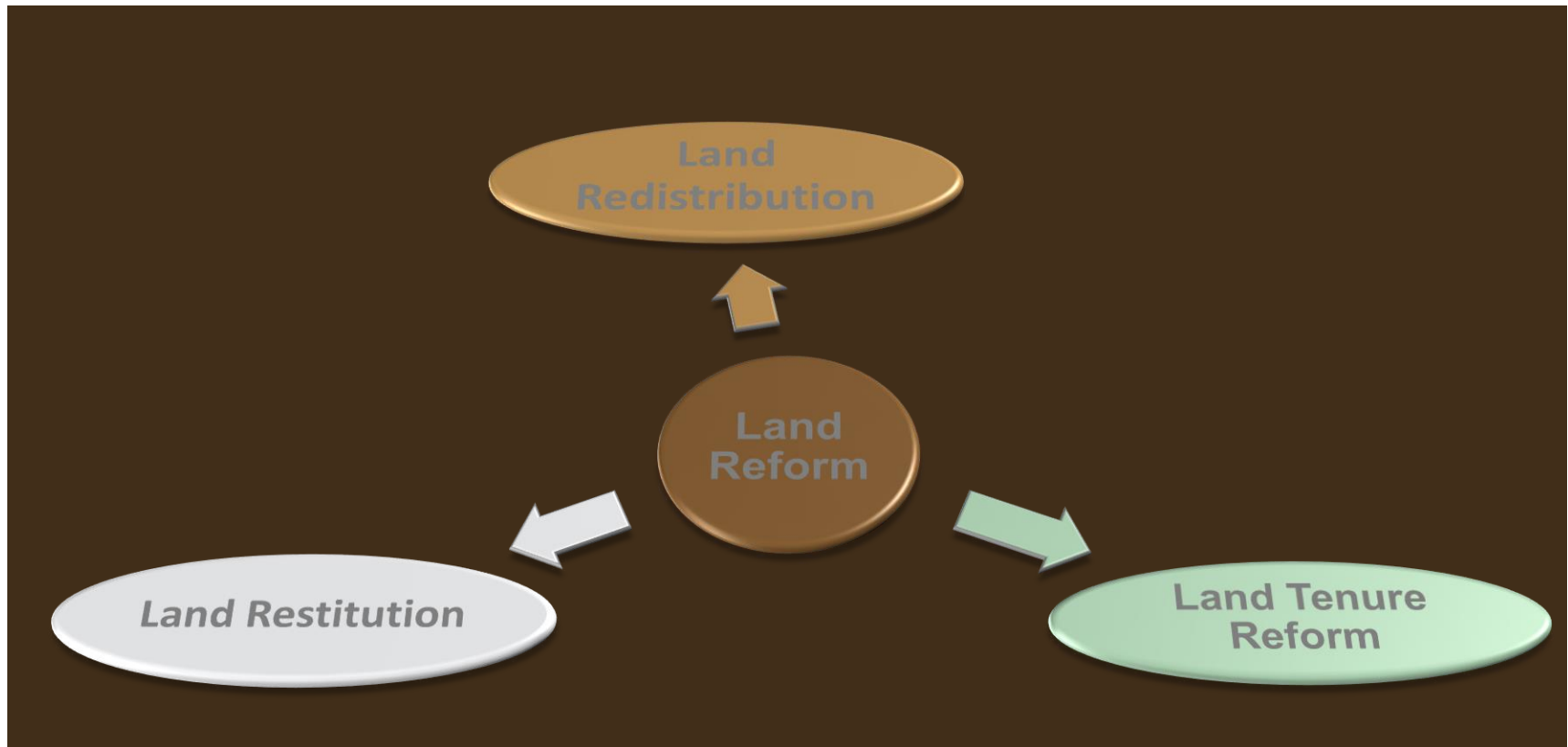
The 1996 Constitution sets out the following framework for land reform:

*That The state must take reasonable legislative and other measures, within its available resources,*

- ☐ *to foster conditions, which enable citizens to gain access to land on equitable basis (Section 25(5)).*
- ☐ *A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress (Section 25 (6)).*
- ☐ *A person or community dispossessed of property after June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress (Section 25 (7)).*



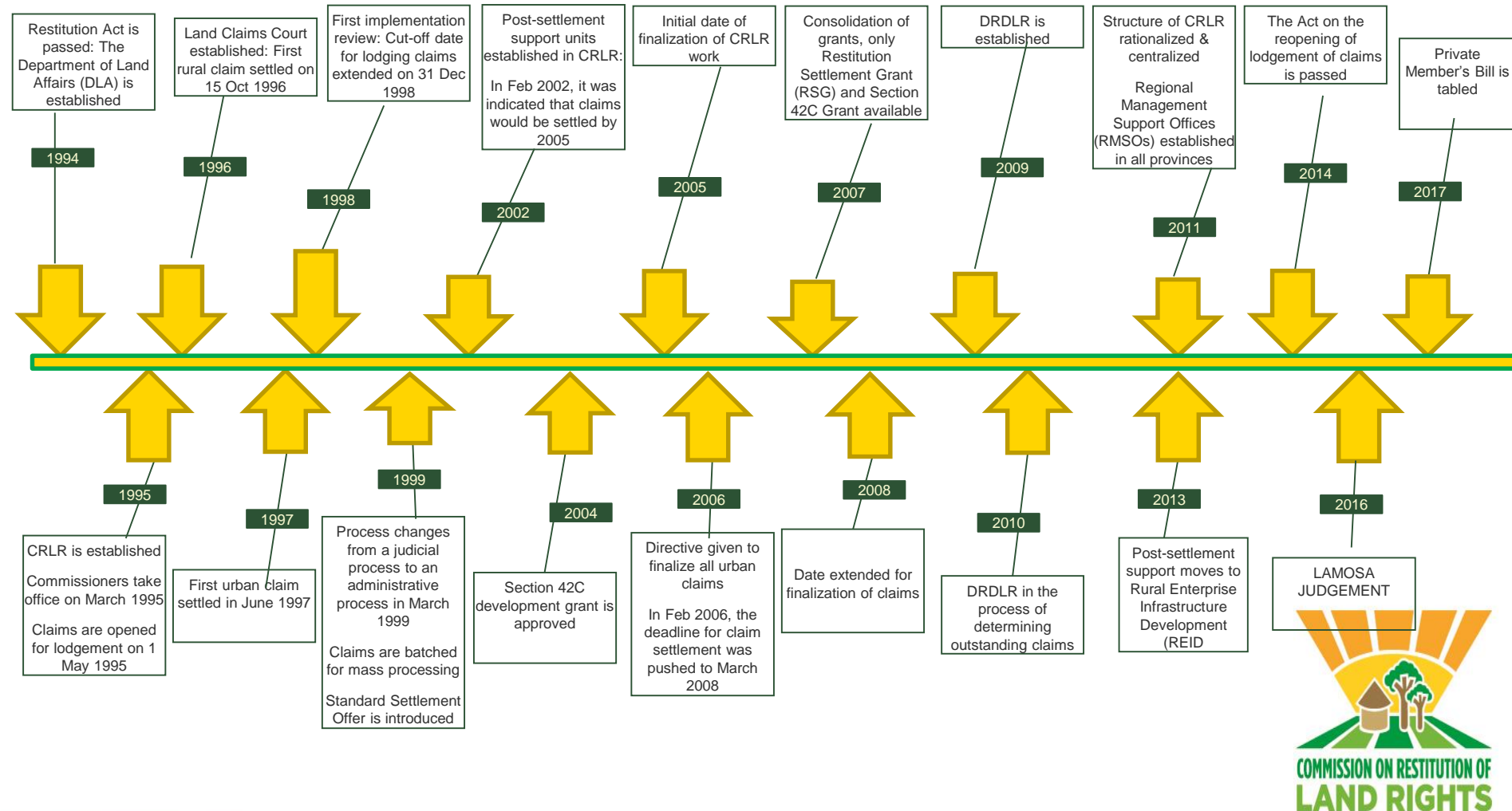
## 4 PILLARS OF LAND REFORM



# RESTITUTION PROGRAMME TIMELINE

5

The South African Land Restitution program was initiated in 1994 when the Restitution Act was passed; ever-since, tremendous progress and applicable amendments have been made to the programme



# COMMISSION FOR RESTITUTION OF LANDRIGHTS “CRLR”

- The Restitution of Land Rights Act, 22 OF 1994 establishes the Commission on Restitution of Land Rights (CRLR)
- Responsible for the settlement of land restitution claims and the provision of settlement support to beneficiaries.
- 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.
- Where a claim cannot be resolved by negotiations or mediation it is referred to the Land Claims Court for adjudication.





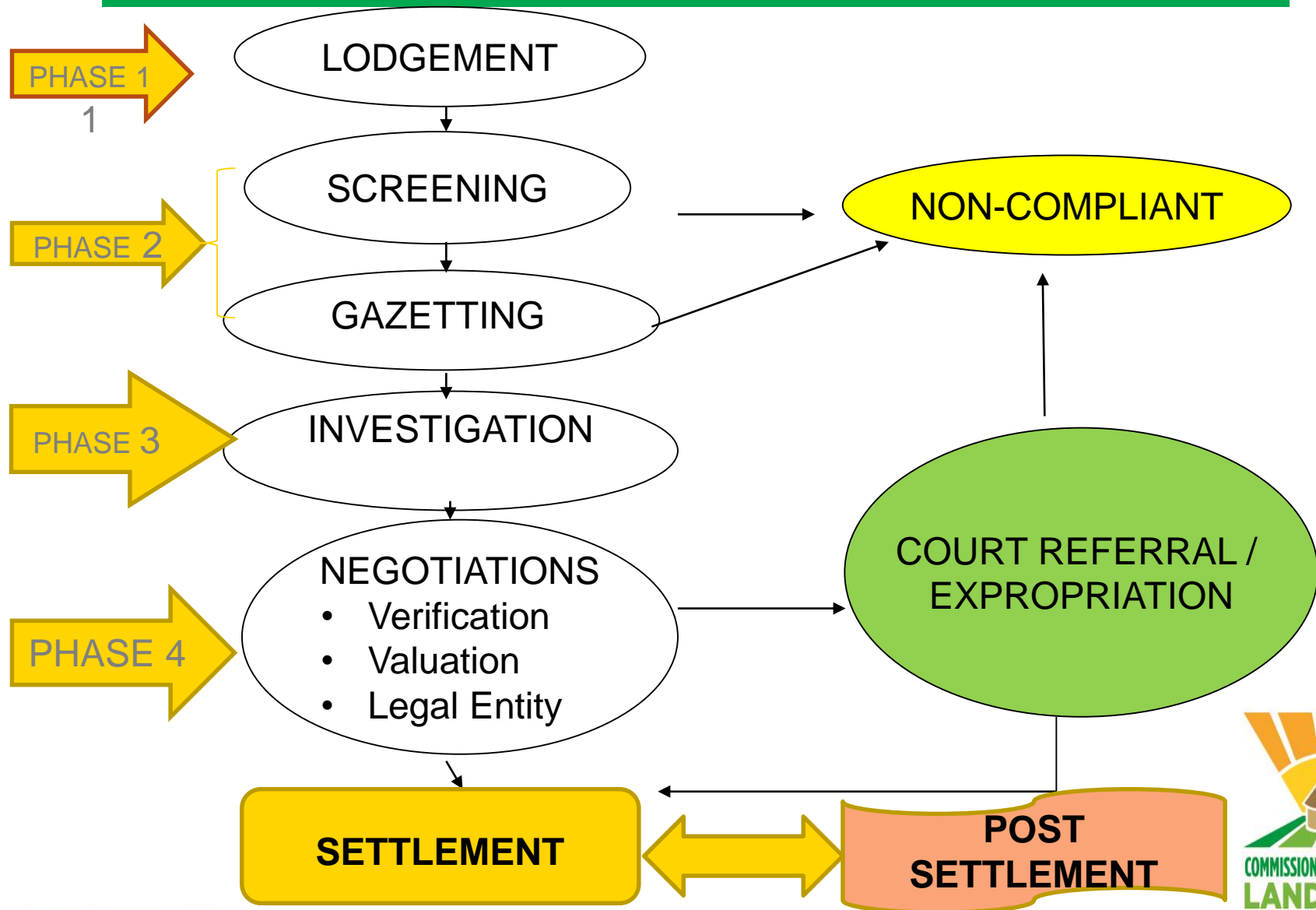
# FUNCTIONS OF THE CRLR.....

- A claimant is only entitled to restitution “to the extent provided for by an Act of Parliament” i.e. the Restitution of Land Rights Act, 1994.
- Restitution is defined as restoration of a right in land; or equitable redress.
- Restoration is defined as the return of a right in land or a portion of land dispossessed after 19 June 1913 as a result of past racially discriminatory laws or practices.
- Equitable redress is defined as any equitable redress, other than the restoration, including the granting of an appropriate right in alternative state-owned land; or the payment of Financial compensation.



# RESTITUTION BUSINESS PROCESS

8



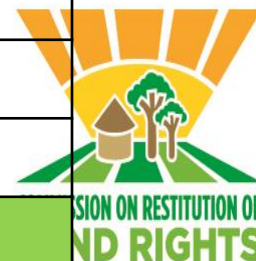


# CLAIMS LODGED AS AT 31 DECEMBER 1998

9

Claims lodged in 1998 were not only done at the Commission, however lodgement also took place at various departments, police stations, post offices and municipal offices. The above process have contributed to the challenge of arriving at a definitive figure for 1998 Lodgements. As a lesson learnt from the 1998 Lodgements, improvements were made on the New Lodgements.

Province	Total Lodged
Eastern Cape	16 716
Free State	2 682
Gauteng	13 162
KwaZulu-Natal	16 394
Limpopo	3 489
Mpumalanga	3 400
North West	3 902
Northern Cape	3 852
Western Cape	16 099
<b>TOTAL</b>	<b>79 696</b>



# CUMULATIVE STATS FOR SETTLED CLAIMS AS AT 30 SEPTEMBER 2018

10

ITEM	AMOUNT
Hectares of land acquired	3 516 718
Land cost	R21 750 928 806.71
Financial compensation ( approx. 66 000 claims)	R14 716 733 799.64
Development and planning grants	R128 240 461.49
The total award	R41 026 484 567.84
No. of beneficiaries	2 117 644
No. of female headed households	163 380
No. of people living with disabilities	1 152

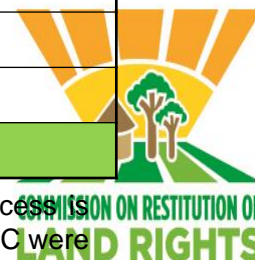
## OUTSTANDING CLAIMS STATISTICS AS AT 30 SEPTEMBER 2018

11

The issue of statistics on lodgement and outstanding claims is a long standing item and a decision was taken since June 2013 reporting that the claim form alignment process should be verified and confirmed by both regional and national offices to reach consistency. In the meanwhile, it was agreed that the public domain figures in terms of management reporting should continue by deducting the M&E verified figures for researched and settled claims in order to determine the outstanding claims summarised figures. The total outstanding claims as 30 September 2018 is therefore 5757 claims. See provincial breakdown below.

Province	Phase Two	Phase Three	Phase Four	Total outstanding as at 30 September 2018
	Screening and Categorisation	Determination of Qualification in terms of Section 2 of the Restitution Act	Negotiations	
Eastern Cape	40	0	563	603
Free State	0	0	9	9
Gauteng	-29	0	202	202
KwaZulu Natal	-71	25	1618	1643
Limpopo	-373	0	345	345
Mpumalanga	904	0	1332	2236
Northern Cape	0	0	151	151
North West	-7	0	91	91
Western Cape	187	0	290	477
<b>Total</b>	<b>1131</b>	<b>25</b>	<b>4601</b>	<b>5757</b>

**Note:** The total figures in the above table are provisional as the alignment in terms of the Restitution Business Process is currently in progress and the totals might be subject to change. It should be noted that only the figures for EC, MP and WC were considered for calculation purposes in terms of Phase 2.



## NEW ORDER CLAIMS



# LODGEMENT STATS AS AT 27 JULY 2016

13

Province	Lodgement Office	Total
Mpumalanga		10405.0
	WITBANK	4755.0
	NELSPRUIT	5650.0
Gauteng		22924.0
	ARCADIA: PRETORIA	22924.0
Northern Cape		6129.0
	KIMBERLY	6129.0
Free State		24815.0
	BLOEMFONTEIN	24815.0
Eastern Cape		12654.0
	EAST LONDON	6180.0
	QUEENSTOWN	6474.0
Limpopo		16349.0
	RLCC POLOKWANE	16349.0
Western Cape		18654.0
	GEORGE	4760.0
	CAPE TOWN	13894.0
KwaZulu Natal		39868.0
	VRYHEID	6408.0
	PIETERMARITZBURG	33460.0
North West		11585.0
	MMABATHO	8348.0
	VRYBURG	3237.0
<b>Total</b>		<b>163383.0</b>



# EXPROPRIATIONS





# SECTION 42 E OF THE RESTITUTION ACT

15

The Constitution

- Section 25(2) allows the state to expropriate in terms of laws of general application for the purpose of public interest.

The Compensation for such expropriation must be agreed upon based on negotiation or decision by the court

The compensation must be just and equitable :

- Consideration for the interests of the public interest and those affected

The 5 principles must be considered

- Current use of the property
- History of Acquisition and the use of the Property
- Market value of the property
- The extend of direct state investment and subsidy in the acquisition and use of the property
- the purpose of the expropriation

Section 25(4) Public interest includes the nation's commitment to land reform



## SECTION 42 E

16

- In 2003 Restitution Act was amended to include sec 42E to allow for expropriation.
- Sec 42E(1) provides that the Minister may purchase, acquire in any other manner or, consistent with the provisions of section 3 of the Promotion of Administrative Act 3 of 2000, expropriate land, a portion of land or a right in land
  - (a) in respect of which a claim in term of this Act has been lodged for the purpose of
    - (i) restoring or awarding such land, portion of land or right in land to a claimant who is entitled to restitution of a right in land in terms of Section 2
    - Or providing alternative relief as contemplated in section (6)(2)(b)
  - (b) and in respect of which no such claim has been lodged but the acquisition of which is directly related to or affected by such claim, and which will promote the achievement of the purpose contemplated in paragraph (a)



## STRATEGIC INTERVENTIONS AND KEY CONSIDERATIONS



# OUTCOMES OF THE PHAKISA MINI LAB

1

Develop an operating model that will assist the Commission to be better poised to deal with its current and future challenges of backlog resolution

2

Redesign the claim process to facilitate the fast tracking of the claims in backlog Outcomes of the Mini Phakisa

3

Propose key capabilities required to support the redesigned process.

4

Proposed governance structures that will guide the Commission's internal operations and its interaction with other institutions that impact its operations.

5

High level implementation plans to guide the Commission to implement the proposals.



# CONCLUSION

The following diagnostic reports were conducted and considered:

- DPME REPORT
- NATIONAL TREASURY REPORT
- HUMAN RIGHTS COMMISSION REPORT
- HIGH LEVEL PANEL REPORT



# THANK YOU

