

# **PROGRESS REPORT ON LAND RESTITUTION CLAIMS**

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

**07 FEBRUARY 2012**



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& land reform**

Department:  
Rural Development and Land Reform  
REPUBLIC OF SOUTH AFRICA

**MR T. A MAPHOTO**

**Acting Chief Land Claims Commissioner**

# BACKGROUND

- The Commission was established in 1995 following the promulgation of the Restitution of Land Rights Act in 1994.
- Records in the Commission indicate that a total of 79 696 land claims were lodged by the cut off date for lodgement of claims.
- In March 2011, the Commission embarked on a process to verify the accuracy of information regarding the number of claims lodged, and number of claims that are outstanding.
- In December 2011, the Department of Rural Development and Land Reform embarked on a process to verify the accuracy of information regarding the commitments that have been made to restitution claimants [i.e. the commitment register]



# RECORDS MANAGEMENT PROJECT

- The Records Management Project is made up of two stages, i.e. the scanning of all restitution project files, and the manual counting, and analysis, of claims based on the scanned project files
- The scanning is 95% complete and the physical counting has resumed in some offices of the Commission
- The purpose of the counting exercise is to determine
  - (1) the number of claims that were lodged;
  - (2) the number of claims that have been finalised;
  - (3) the number of claims partially settled (phase claims);  
and
  - (4) the number of outstanding claims.



# RECORDS MANAGEMENT PROJECT (cont)

- **Preliminary findings** are that in counting the total number of land claims lodged, the Commission could have excluded land claims that:
  - (1) were lodged timeously, but where the Commission did not have record of them [i.e. where the claimant has proof of lodgement of timeous lodgement of the claim];
  - (2) in some instances claims that were lodged with the Commission on Land Allocation [these are deemed to have been lodged with the CRLR]
- The method of counting of the claims differed. It appears that at one point the Commission counted land rights [number of properties claimed] and later counted land claim forms. This was further complicated by the consolidation of claims [where five consolidated claim forms were counted as one claim]
- The project is scheduled for completion in August 2012



# RESTITUTION TECHNICAL ASSISTANCE PROJECT

- This purpose of this project is to determine the full extent of the commitment register
- The project entails:
  - (1) the verification of details on payments, outstanding balances, and remedial actions taken to date in respect of approval of claims and development grants;
  - (2) physical verification of farms acquired – but not transferred to beneficiaries;
  - (3) verification of land that was acquired from private owners and transferred to the state; and
  - (3) verification of the amount of the suspense account; and
  - (4) to identify remedial action to be taken.



# OUTSTANDING CLAIMS

(Per Preliminary findings)

Province	Not Researched	Validation	Research	Gazetted	Verification	Valuation	Negotiation	S42D	Total
Eastern Cape	333	-	-	40	157	-	33	76	639
Western Cape	40	78	88	192	-	312	640	437	1787
Northern Cape	-	-	90	6	2	3	14	25	140
Free State	3	21	9	18	-	13	10	5	79
Limpopo	529	34	34	63	-	0	80	25	765
Gauteng & North West	207	28	16	10	-	-	46	16	323
KwaZulu – Natal	1359	43	55	191	-	35	390	37	2110
Mpumalanga	875	58	1117	727	-	-	13	137	2927
<b>Total</b>	<b>3346</b>	<b>262</b>	<b>1409</b>	<b>1247</b>	<b>159</b>	<b>363</b>	<b>1226</b>	<b>758</b>	<b>8770</b>



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# SETTLED RESTITUTION CLAIMS: 1995-31 JANUARY 2012

PROVINCE	CLAIMS SETTLED	NO OF HOUSEHOLDS	FEMALE HEADED HOUSEHOLDS	NO OF BENEFICIARIES	NO OF HECTARES
<b>E CAPE</b>	16380	60370	28353	217340	129075
<b>F STATE</b>	2672	6598	2245	43765	51185
<b>GAUTEN G</b>	13202	14030	5432	65715	16378
<b>KZN</b>	15081	78756	24698	465667	679092
<b>LIMPOPO</b>	3384	45643	17443	234628	556315
<b>MPLANG A</b>	2790	51197	15874	233723	428563
<b>N CAPE</b>	3708	19983	8240	105987	559634
<b>N WEST</b>	3718	37148	17487	171417	378588
<b>W CAPE</b>	15571	25356	10685	123857	3838
<b>TOTAL</b>	<b>76 506</b>	<b>339 081</b>	<b>130 457</b>	<b>1 662 099</b>	<b>2 802 668</b>

76, 506 includes claims that are partially settled (phased claims and phased payments) and those that have been finalised. The further categorisation shall be finalised at the completion of the Project.



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# HECTARES TRANSFERRED 1995-31 JANUARY 2012

PROVINCE	Total No of Ha approved for acquisition	Total No of Ha transferred to Beneficiaries	Total No of Households that Benefited	Total No of Beneficiaries that Benefited
E CAPE	129075	95766	60370	217340
F STATE	51185	6333	6598	43765
GAUTENG	16378	8416	14030	65715
KZN	679092	103931	78756	465667
LIMPOPO	556315	232231	45643	234628
MPLANGA	428563	113267	51197	233723
N CAPE	559634	129091	19983	105987
N WEST	378588	287765	37148	171417
W CAPE	3838	3119	25356	123857
<b>TOTAL</b>	<b>2 802 668</b>	<b>979 921</b>	<b>339 081</b>	<b>1 662 099</b>



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# HECTARES TRANSFERRED

- The total number of hectares acquired for restitution beneficiaries from private individuals is 2.8 million hectares.
- Of the 2.8 million hectares, a total of 979 921 hectares has been transferred into the name of claimant communities and the State.
- Of the 979 921 hectares, approximately 140 262 hectares has been transferred into the name of the State due to community disputes and other various challenges.
- We do not have a comprehensive database on details of all farms transferred as well as the title deeds information at the moment but we are developing a system



# GRANTS EXPENDED: 1995 TO 31 JANUARY 2012

Province	GRANTS - APPROVED FUNDS	GRANTS- EXPENDITURE	GRANTS - COMMITMENT
<b>EC</b>	492,827,709.76	165,376,624.51	327,451,085.25
<b>FS</b>	46,064,875.36	34,787,612.62	11,277,262.74
<b>GAUT</b>	89,237,196.38	49,511,132.00	39,726,064.38
<b>KZN</b>	1,333,560,663.95	113,943,524.09	1,219,617,139.86
<b>LIMP</b>	765,494,228.69	177,467,905.52	588,026,323.17
<b>MPUM</b>	403,573,727.84	128,058,540.38	275,515,187.46
<b>NC</b>	205,133,889.27	116,274,085.30	88,859,803.97
<b>NW</b>	555,227,883.76	24,393,507.43	530,834,376.33
<b>WC</b>	342,330,857.92	56,550,201.68	285,780,656.24
<b>TOTAL</b>	<b>4,233,451,032.93</b>	<b>866,363,133.53</b>	<b>3,367,087,899.40</b>



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# CHALLENGES AFFECTING SETTLEMENT OF CLAIMS

- Historically claims on privately owned land and claims for financial compensation were prioritised as they assisted to spend the budget;
- Conflict amongst beneficiaries;
- Claims on unsurveyed State Land
- Claims on communal land (occupied)
- Claims on invaded State Land
- Long term leases on State Land
- State Owned Entities, Municipalities demanding payment of market value for land (e.g. Alexkor)



# REMEDIAL ACTION TO CHALLENGES AFFECTING SETTLEMENT OF CLAIMS

- Validated claims on State Land shall be prioritised for finalisation by 2013
- Mediation of conflicts amongst beneficiaries by STRIF and LRMF
- Survey of State Land to be completed by 2013
- Engagement with National Treasury regarding State Owned Entities, Municipalities demanding payment of market value for land (e.g. Alexkor Mediation)



# TYPES OF CLAIMS AFFECTING NATIONAL STRATEGIC ASSETS

- Claims affecting Conservation land including National and Provincial Parks
- Claims affecting Mining land
- Claims affecting Forestry land
- Claims on SANDF and SAPS land [training facilities, etc]



# COMMON ELEMENTS OF NATIONAL STRATEGIC ASSETS

Delays in settlement of claims due to:

- Economic value
- National security value
- Conservation and or heritage value
- Being a protected area and subject to international obligations
- The Delays in finalisation of settlement models with stakeholders to ensure sustainable development and beneficiation to Claimants



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# BREAKDOWN AND STATUS OF CLAIMS ON CONSERVATION LAND

Province	Research	gazette	verificati on	valuation	negotiati on	S42d	Settled	Court cases	Total
KZN	3	1	0	4	0	0	16	0	24
MP	6	13	4	0	0	4	10	0	37
LIMP	6	1	0	0	10	0	7	0	24
NW	0	0	0	0	0	1	14	1	16
EC	6	0	2	2	1	0	7	1	19
GP	0	0	0	0	0	0	0	0	0
NC	0	0	0	1	2	1	2	0	6
FS	0	0	0	0	2	0	0	0	2
WC	1	0	0	4	3	0	2	0	10
<b>Total</b>	<b>22</b>	<b>15</b>	<b>6</b>	<b>11</b>	<b>18</b>	<b>6</b>	<b>58</b>	<b>2</b>	<b>138</b>



# BREAKDOWN AND STATUS OF CLAIMS ON MINING LAND

Province	Research	gazette	verificati on	valuation	negotiati ons	s42d	settled	Court cases	Total
MP	92	39	0	0	0	0	2	9	142
LIMP	0	8	0	0	0	0	5	0	13
NW	0	5	0	0	7	0	3	2	17
GP	0	0	0	0	1		1	0	2
NC	0	2	0	0	1	1	6	0	10
FS	0	0	0	0	0	0	0	0	0
KZN	1	13	0	0	2	2	0	0	18
EC	0	0	0	0	0	0	0	0	0
WC	0	0	0	0	0	0	2	0	0
<b>TOTAL</b>	<b>93</b>	<b>67</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>3</b>	<b>19</b>	<b>11</b>	<b>204</b>



# BREAKDOWN AND STATUS OF CLAIMS ON FORESTRY LAND

Province	Research	gazette	verificati on	valuation	Negotiati on	s42d	settled	Court cases	Total
EC	5	0	10	0	19	0	7	0	41
KZN	30	15	0	9	11	40	7	7	119
MPU	21	12	0	3	8	5	2	4	55
LIMP	1	6	2	1	6	1	12	1	30
<b>TOTAL</b>	<b>57</b>	<b>33</b>	<b>12</b>	<b>13</b>	<b>44</b>	<b>46</b>	<b>28</b>	<b>12</b>	<b>245</b>

**There are no claims on forestry land in North West, Gauteng, Free State and Northern Cape**



# NUMBER OF CASES IN COURT

RLCC	Referral	Review	Direct Access	Matters to compel payment of purchase price	Other (declaratory, interdict, etc)	Total	LAND RIGHTS MANAGEMENT FACILITY (CTH)
Eastern Cape	5	2	4	0	4	15	8
Free State	7	2	0	0	2	11	2
Northern Cape	5	2	0	0	4	11	1
Gauteng & North West	16	13	1	0	7	37	15
KwaZulu-Natal	71	9	0	0	15	95	19
Limpopo	15	11	4		19	49	21
Western Cape	0	5	1	0	1	7	2
Mpumalanga	33	13	0	0	9	55	30
<b>Total</b>	<b>152</b>	<b>57</b>	<b>10</b>	<b>0</b>	<b>61</b>	<b>280</b>	<b>98</b>



***THANK YOU***

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