

Land claims is a priority

LAND claims will be handled by a newly created Land Claims Commission which will recommend awards to a Land Claims Court for endorsement. The Land Claims Court will resolve any disputes which the commission is unable to settle.

Legislation to effect this land claims process will be tabled at the first session of the new South African parliament. The aim is to make land restitution a quick, effective and accessible process.

The new legislation will say that all land claims must be lodged within three years of the start of the land claims process. Claims will first have to be lodged with the Land Claims Commission, which will have offices in each province. The Land Claims Commission will investigate claims, by getting more information on them, proposing solutions and trying to negotiate and mediate settlements. Agreements on land claims reached at the Land Claims Commission level will be referred to the Land Claims Court for ratification. Claims which the commission cannot resolve or which are very complex, will be referred to the Land Claims Court.

The process aims at encouraging local settlement of land disputes through constructive participation from affected parties. Attempts to evict claimants or to sell land in dispute will result in contempt of court orders. And awards of the Land Claims Court will take into account whether parties refused to negotiate or



For communities like Crimen, in Natal, whose land was sold to a private owner after the forced removal, the Land Claims Court provides a ray of hope for restitution.

whether they tried to obstruct settlement.

In many cases, which come to the Land Claims Commission, ordinary administrative processes, such as upgrading land rights or protecting leases, may settle the claim. If current owners try to take preemptive action, resulting disputes will inevitably bring the claims to the Land Claims Court.

The Land Claims Court will have a panel of judges and will operate as a circuit court. It will be a court of law at the level of the Supreme Court and appeals on its decisions will go to the Constitutional Court.

The Land Claims Court will have powers to order the transfer of state land and expropriation or purchase of land which has passed into private ownership. It may

also award alternative land to claimants, just compensation or alternative remedies, depending on the circumstances of a case.

Awards to claimants will take into account compensation they were paid at the time of their dispossession and this compensation will be deducted from the award the court may order.

Cases now before the Commission on Land Allocation will automatically be transferred to the Land Claims Commission and Land Claims Court when these start operating.

The Land Claims Court's main focus will be claims arising from forced removal and only people who have specific claims will have these addressed.