



12TH (TWELFTH) LAMOSA REPORT
TO THE JUDGE PRESIDENT OF THE LAND COURT
AS REQUIRED IN TERMS OF THE CONSTITUTIONAL COURT
ORDER DATED 19 MARCH 2019 – LAMOSA II

JUNE 2025

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LIST OF ABBREVIATIONS

APP - Annual Performance Plan

CLCC - Chief Land Claims Commissioner

CRLR - Commission on Restitution of Land Rights

DLRRD - Department of Land Reform and Rural Development

ENE – Estimate National Expenditure

LC - Land Court

MTEF – Medium Term Expenditure Framework

OVG – Office of the Valuer General

PFMA – Public Financial Management Act

RLCC – Regional Land Claims Commissioner

LASA – Legal Aid South Africa

SOPs – Standard Operating Procedures

EC – Eastern Cape

FS – Free State

GP – Gauteng

KZN – KwaZulu Natal

NC – Northern Cape

NW – North West

LP – Limpopo

MP - Mpumalanga

WC – Western Cape

Definitions

Settled claims refers to the total number of claims lodged that have been settled either by the Minister or as per delegations at the time or through court directives. It also includes full and final settlement for missing, untraceable or uncooperative beneficiaries where the settlements were not previously counted.

A claim is settled once the Minister, or the duly delegated official, has approved an award for the restoration of a right, alternative land or financial compensation.

Finalised claims refers to full financial compensation being disbursed, or the land purchase price has been disbursed; and/ or land has been transferred or a combination thereof. It also refers to the settlement through S42D, or a court order, has been affected, i.e., the property has been transferred to the beneficiary or the financial compensation paid, or the land purchase price paid.

1. INTRODUCTION

1.1. PURPOSE OF THE REPORT

The Chief Land Claims Commissioner (CLCC) has been tasked to submit the LAMOSA 12 report to the Judge President of the Land Court (LC) on behalf of the Commission on Restitution of Land Rights (CRLR, hereafter referred to as the "Commission"). This is in compliance with the Constitutional Court order dated 19th March 2019, *Land Access Movement of South Africa and Others v Chairperson of the National Council of Provinces and Others* (CCT40/15) [2016] ZACC 22; 2016 (5) SA 365 (CC) (10) BCLR 1277 (CC) (28 July 2016) – commonly referred to as LAMOSA II Judgment.

1.2. BACKGROUND

The Constitutional Court Order delivered on 19 March 2019 – also commonly referred to as LAMOSA II - requires the Commission to furnish the LC with the information itemised below at six monthly intervals starting from the date of the Order:

The Commission, thus, needs to appraise the Court with information regarding:

- The number of outstanding old order claims in each of the regions on the basis of which the Commission's administration is structured.
- The anticipated date of completion, in each region, of the processing of old order claims, including short-term settlement targets.
- The nature of any constraints, whether budgetary or otherwise, faced by the Commission in meeting its anticipated completion date.
- The solutions that have been implemented or are under consideration for addressing the constraints; and
- Such further matters as the LC may direct; until all old order claims have been processed.

In line with the Commission reporting requirements to the LC, this report also includes information on claims that the Commission has committed to refer to the LC.

1.3. OUTLINE OF THE REPORT

The report follows on the 11th report that was submitted in January 2025. It follows a *standard reporting structure and it either confirms status quo or provides an update on a specific area*. Where applicable, *progress on the areas reported on in the 11th report* is provided.

Firstly, the report maps the Commission's timeline over a period of time and illustrates the business process followed by the Commission.

A detailed progress report is provided on the number of outstanding old order claims; setting out the national and provincial breakdown, showing progress as well as land use and land portions associated with the outstanding land claims. It is followed by progress against the Annual Performance Plan (APP), which addresses short term targets, and the processing of outstanding claims based on the Medium-Term Expenditure Framework (MTEF), with anticipated dates of completion.

Furthermore, the report provides an updated summary on the Kuyasa Project, a comprehensive turnaround strategy which the Commission has been implementing incrementally since 2019. The backlog reduction strategy is the Commission's primary intervention aimed at expediting the investigation and settlement of all outstanding claims.

The third section of the report focusses on the progress made in terms of the Legal matters such as land claims referred to the LC.

Lastly, the nature of the constraints – financial and human resources - faced by the Commission with suggested interventions.

2. HISTORY/TIMELINE OF THE COMMISSION

The key milestones in the Commission history are:

- the establishment of the LCC in 1995;
- the cut-off date for lodgement of claims in 1998;
- the initial date for finalisation of claims in 2005;
- the extension to finalise claims in 2008;

- the establishment of the Department of Rural Development and Land Reform in 2009 which led to hand over of Post Settlement Support to the Department of Agriculture, Land Reform and Rural Development (DALRRD) in 2013;
- the rationalisation of the Commission from 9 Regional Land Claim Commissioners to one Regional Land Claims Commissioner;
- the reopening of lodgement of claims in 2014 for a period of 5 years; and
- the Lamosa judgments in 2016 and 2019;
- the development and implementation of Kuyasa project in 2019;
- COVID -19 pandemic disrupts Restitution operations, 2020;
- the adoption of the Land Court Act No. 6 of 2023;
- 30-year anniversary of the Restitution of Land Rights Act in 2024;
- Establishment of the Department of Rural Development and Land Reform and
- Tabling of the CRLR Strategic Plan (2025-2030).

These key milestones with other historical dates as mapped below defined and guided the Commission in the implementation of its duties, settlement of claims and directives for future operations.

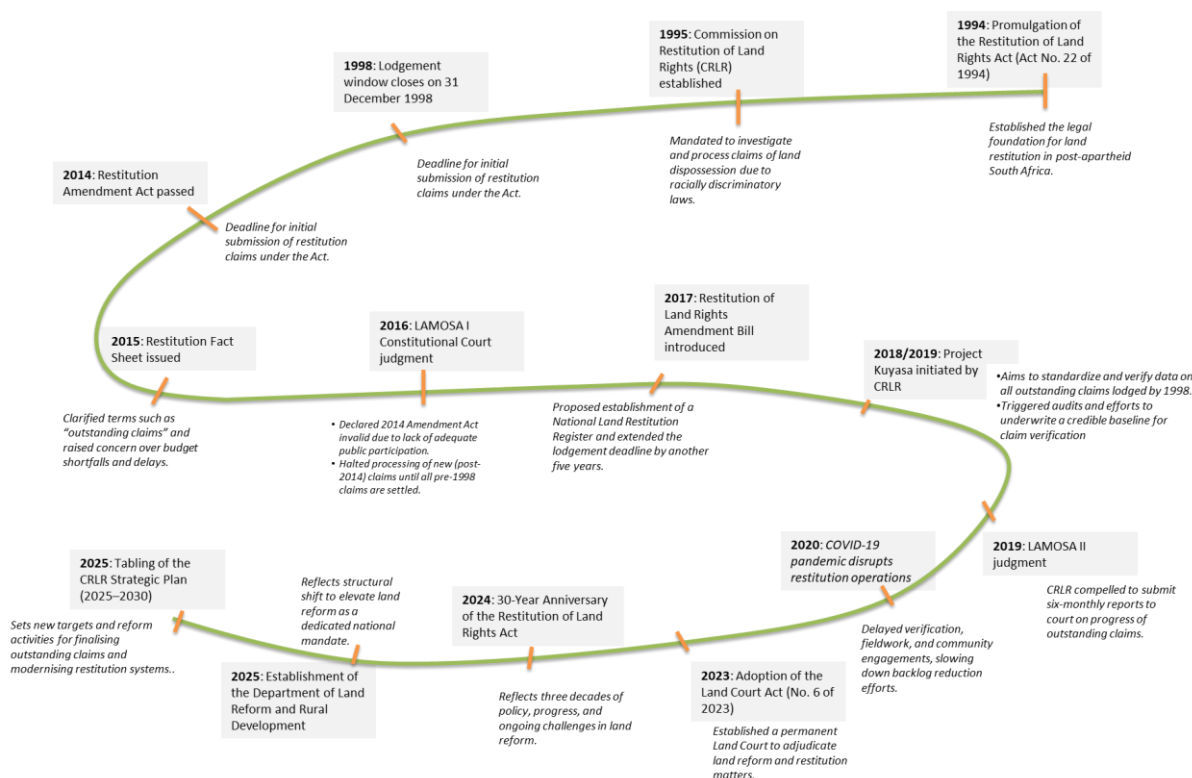


Figure 1- Restitution Timeline

Business Process

The main function of the Commission is to settle claims and finalise claims lodged by the deadline of 31 December 1998. The Commission has identified seven steps to guide its work, which are discussed under the Kuyasa Project section of the report.

It should be noted that the Commission, in collaboration with other strategic role-players, will consider an approach that deals with post-settlement support. Land which is restored without meaningful support fails to realise its full potential aimed to add value to the lives of people.

3. OUTSTANDING CLAIMS

3.1 CUMULATIVE NUMBER OF SETTLED CLAIMS FROM INCEPTION TO 30 JUNE 2025

The table below indicates claims settled since inception in 1995 up to 30 June 2025. Since the previous report, an additional 259 claims have been settled. The number of settled claims currently stands at 83607, with more than 467 719 households benefiting. Restitution awards to claimants are either financial or land restoration. In terms of the total awards, the ratio between financial and land compensation is more or less the same; 50:50 between Financial Compensation (R27.3 billion) and Land compensation (R26.7 billion). The initial rise in land restoration has plateaued again (with only EC, MP and NW settling claims via financial compensation during the period under review) with a slight increase again in financial compensation.

PRO	CLAIMS	HHs	BEN	HECTARES SETTLED	LAND COST	FIN COMP	GRANTS	TOTAL AWARD
EC	17313	96977	473753	152289	229 711 154.29	8 610 509 410.70	553 607 922.49	9 393 828 487.48
FS	2679	8741	52955	60561	93 522 832.05	475 139 486.34	55 460 224.71	624 122 543.10
G	13267	21920	82613	17166	97 839 933.57	1 152 814 509.39	74 362 166.38	1 325 016 609.34
KZN	16311	100474	564854	887672	9 214 299 369.23	6 047 452 189.34	1 095 435 616.58	16 363 562 175.15
LP	4913	70506	350345	742531	4 580 478 812.04	4 770 959 285.84	1 013 748 961.04	10 365 187 058.92
MP	3503	62465	335625	585394	6 552 603 075.41	2 363 629 093.01	793 702 812.59	9 709 985 481.01
NC	4069	26389	144297	858267	931 414 836.39	1 337 039 005.42	284 663 096.60	2 553 116 938.41
NW	4011	45912	228593	588957	4 753 857 801.56	798 013 115.14	755 252 403.47	6 307 123 320.17
WC	17541	34335	156988	11268	305 197 750.52	1 828 243 623.14	913 654 797.52	3 047 137 171.18
TOTAL	83607	467719	2390023	3904105	26 758 925 565.06	27 383 799 718.32	5 539 888 001 .38	59 82 613 284.76

Table 1 - Cumulative statistics

3.2 GENERAL PERFORMANCE – OUTSTANDING CLAIMS STATISTICS

For the reporting period under the 11th LAMOSA report, the total number of outstanding old order claims was 5931.

For the 12th Lamosa reporting period, the 6-monthly period is from January 2025 – June 2025; quarter 4 and quarter 1 of the 2024/2025 & 2025/2026 financial year respectively.

The substantial change of -567 in the reported figures is due to continuous improvements in the data quality and corrections and the performance of settlement and finalisation of claims in the period that was:

- 240 reduced claims through settlement;
- 234 reduced claims through finalisation; and
- 93 reduced claims corrected through verification.

This means that the total number of outstanding old order claims are now at 5364, shown below.

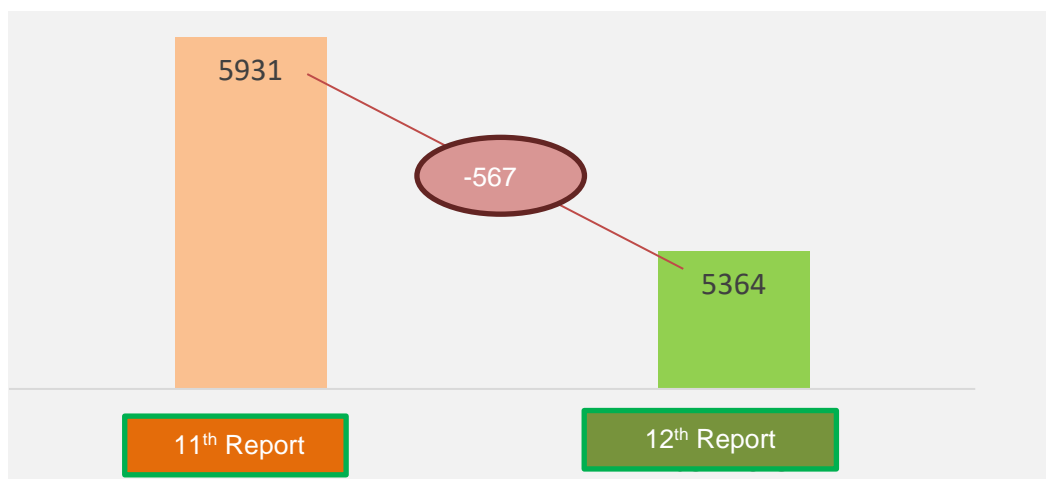


Figure 2 - Claims outstanding June 2025

The 93 claims corrected through verification likely resulted from the Commission's ongoing data cleaning and validation processes, which aim to improve the accuracy and integrity of the claims database. These corrections may have occurred due to:

- Duplicate entries being identified and removed.
- Claims that were incorrectly captured or categorised in earlier reports.

- Consolidation of related claims into a single case after further investigation.
- Claims found to be invalid or previously finalised but not reflected as such.
- Boundary or property description errors corrected during land and beneficiary verification.

Such adjustments are common in large datasets and reflect the Commission's efforts to refine the underwritten baseline and ensure credible reporting aligned with LAMOSA II obligations.

The Diagram below indicates the movement of outstanding claims settled per provincial breakdown for the 4th and 1st Quarters, January 2025 – June 2025.

Output Indicator	PROVINCE	11th Report Total	Settlement Performance (Q4 & Q1)	Finalisation ⁽¹⁾ Performance (Q4 & Q1)	Verified Corrections ⁽²⁾ Data	12th Report Total
Number of outstanding land claims settled	EC	538	23	16	122	377
	FS	2	4	4	-9	3
	GT	329	15	65	26	223
	KZN	1946	97	34	38	1777
	LIM	1205	46	51	-7	1115
	MPU	1457	22	23	-127	1539
	NC	31	1	18	-11	23
	NW	202	0	2	76	124
	WC	221	32	21	-15	183
	TOTAL:	5931	240	234	93	5364

Table 2- Outstanding old order land claims movement per province

Note

- (1) Not all finalisation reduction figures have been linked back to Kuyasa and backlog claims settled prior to October 2021 – the audited date of Kuyasa – would not be reflected against the backlog.
- (2) The corrections are mainly in a negative (reduction) nature, however there are instances of not previously captured claims being added to the list through the newly established Claims Validation Committee.

The reported total of 5 364 is the truest reflection of the outstanding claims, however, under the broader Kuyasa project, there are continuous data improvement projects that

continue to refine and improve the data reporting accuracy. One such project is the commitment register project that is outlined in the section below which looks at addressing the reporting of the finalisation claims.

The chart below shows the overall movement of claims per province from January 2025 to end of June 2025, with an indication of slow (red), neutral (orange) and high (green) movement of settlement of claims across the provinces in relation to the reporting periods.

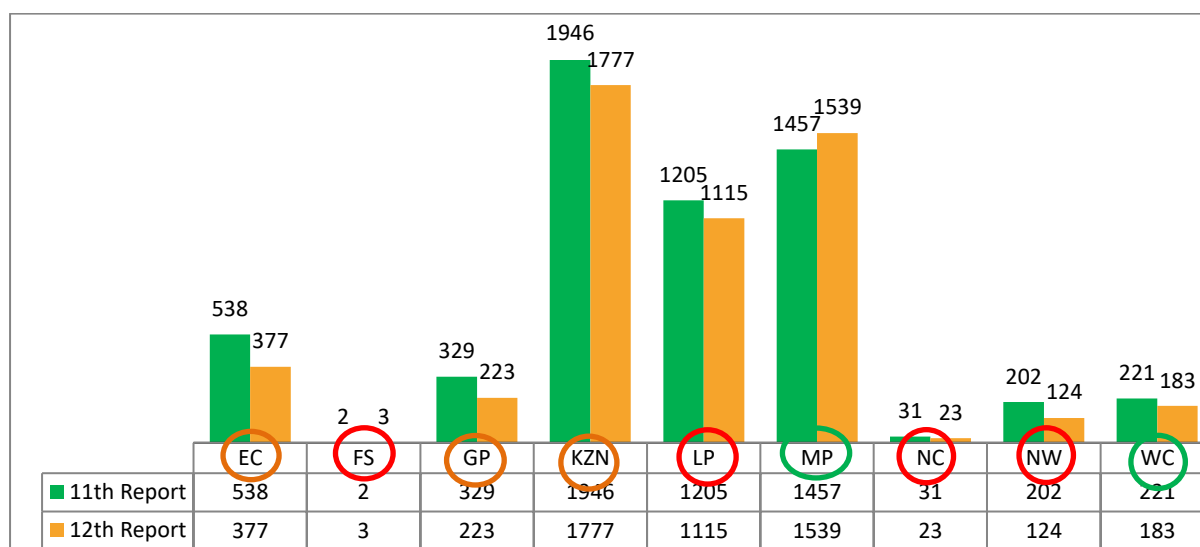


Figure 3 - Settled vs outstanding claims per Province

The figure below reflects the current outstanding claims that are targeted for completion across the business process stages of the Commission on Restitution of Land Rights (CRLR). It visually breaks down how many claims are sitting at each stage of the restitution process. The business process of the CRLR typically includes the following steps (as outlined in the CRLR's "As-Is" process maps and TOR documents):

1. Lodgement and Registration
2. Screening and Categorisation
3. Research (Rule 3 and Rule 5 Reports)
4. Claimant Verification
5. Mediation and Negotiation
6. Settlement (S42D Approval)
7. Finalisation

The claims shown in this graph are those that still require processing in one or more of these stages. This means the graph is effectively showing the "to-do list" of claims across the CRLR pipeline—what remains to be done for the backlog to be cleared.

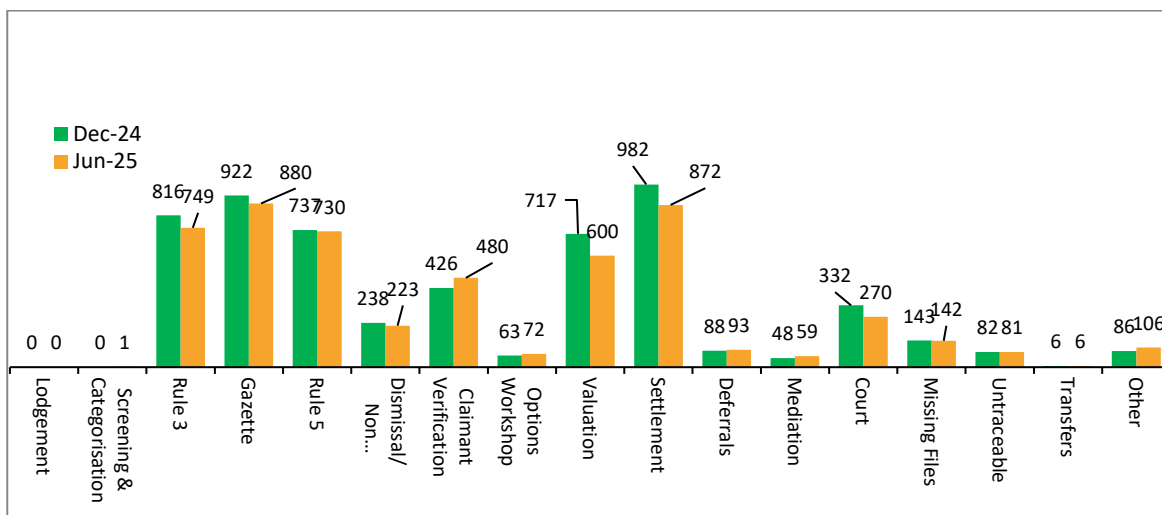


Figure 4: Progress Against Business Process (Targeted Milestones)

This figure shows a geographical breakdown of outstanding restitution claims across the nine provinces, with a total of 5,364 claims that remain to be processed for settlement by the Commission.

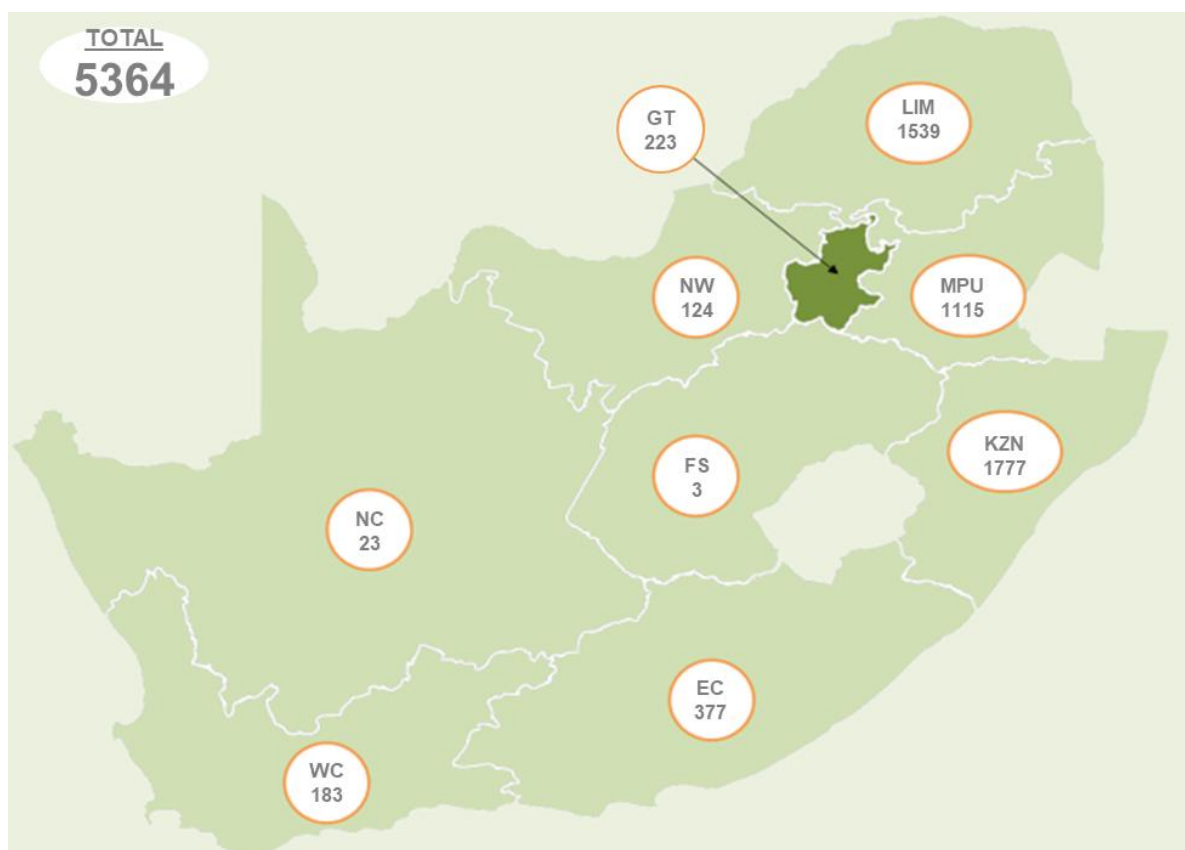


Figure 5 - Outstanding old order claims per province

The figure indicates that the bulk of the outstanding claims are still rural, with a few claims still to be determined. The rural claims have increased slightly from 78% to 79% and Urban claims decreased slightly from 22% to 21% as per the latest Kuyasa M&E report. This slight decline show that there is a balanced approach in settling claims, despite rural claims having far more complexity linked to them.

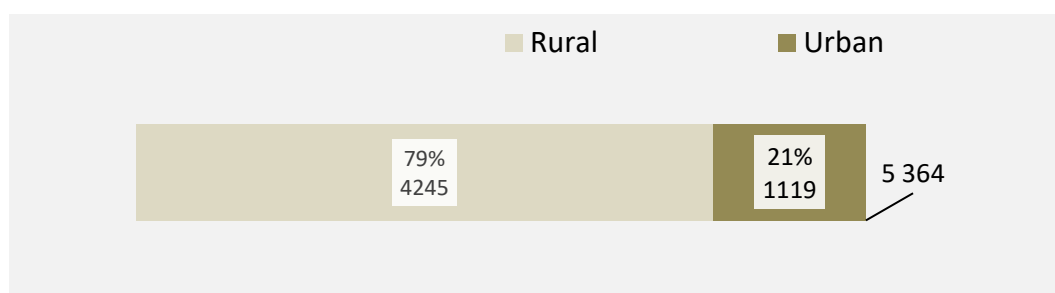


Figure 6 - Breakdown between urban and rural claims

3.3 LAND USE LINKED TO OUTSTANDING CLAIMS AND SETTLEMENT MODELS

The settlement models based on outstanding claims were developed per sector continue to be geared toward expediting and improving the sustainability of settled land claims.

Accordingly, it is necessary to also analyse outstanding land claims by land use category. This approach supports targeted engagement with relevant sector stakeholders to ensure sustainable settlement of claims, safeguard ongoing economic activity, and promote job creation.

From the chart below, it is clear that most outstanding claims fall under Residential (26%) and Mixed-use (26%) land categories, followed by land still to be determined (TBD) at 21%. These three categories alone account for over 70% of all outstanding claims, indicating a strong need for integrated planning that accommodates both human settlement and multi-functional land uses.

Although sectors such as Conservation (2%), Sugarcane (0%), and Forestry (3%) appear in the lower percentiles in terms of volume, these claims tend to be more complex. They often involve overlapping land rights, high environmental sensitivity, or sector-specific regulatory frameworks. As a result, they require a coordinated approach involving sector experts, which can affect the pace at which these claims are processed and settled. Nonetheless, their successful resolution remains critical to the broader goal of achieving equitable land restitution while preserving or enhancing economic productivity and ecological integrity.

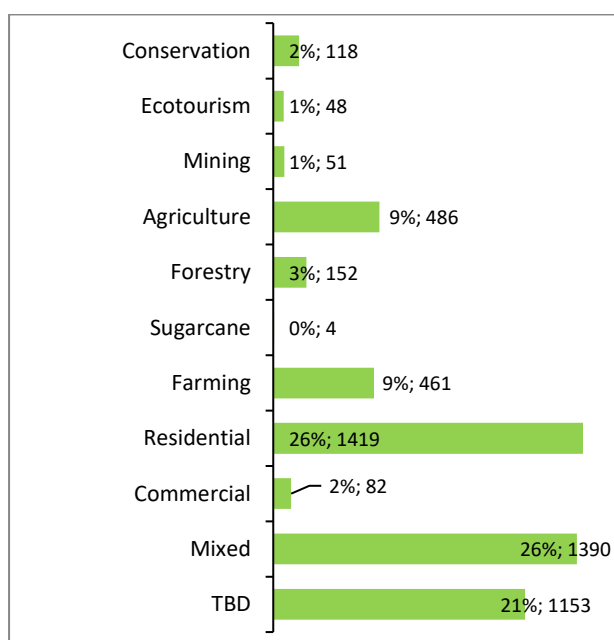


Figure 7 - Land Use per Settlement models (Claim; %)

3.4 PROGRESS AND PERFORMANCE AGAINST APP TARGETS FOR 2024/2025 AND MTEF ALLOCATION

The below figures show the performance against target for the previous 2 quarters (Q4 FY 2024/24 and Q1 FY 2025/26)

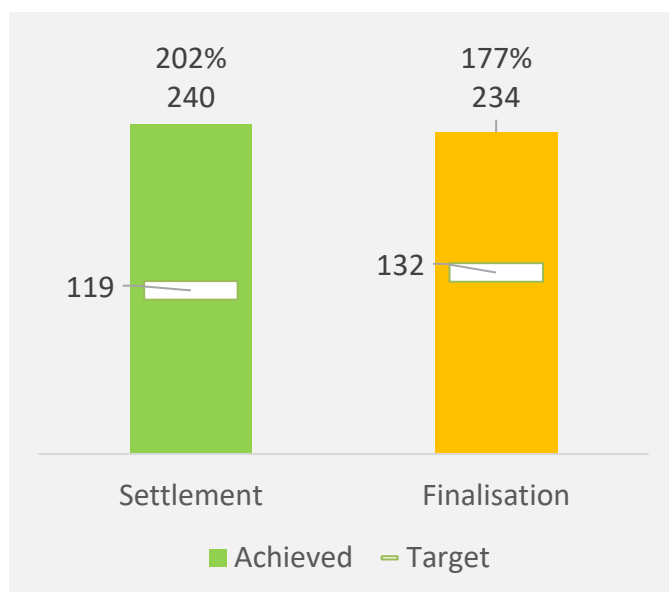


Figure 8 - Performance against target (Q4 FY 2024/2025 and Q1 FY 2025/2026)

The reporting period for the 12th report covers Quarter 4 and Quarter 1 of the 2024/2025 and 2025/26 financial years respectively. Targets are directly linked to the allocated budget and available staff complement.

For the 2024/2025 financial year, the Commission set annual targets of 319 claim settlements and 339 claim finalisations. For combined quarters under review, the Commission set sub-targets of 119 settlements and 132 finalisations.

As illustrated in the chart below, the Commission has significantly exceeded both targets:

- 240 claims were settled, representing 202% of the target.
- 234 claims were finalised, amounting to 177% of the target.

This strong performance reflects increased operational efficiency and sustained momentum into the latter half of the 2024/25 financial year due to the introduction of an operational focused War Room.

3.5 PROGRESS AND PERFORMANCE MTEF ALLOCATION

Based on the current MTEF allocations the Commission intends to settle some of the outstanding land claims as follows:

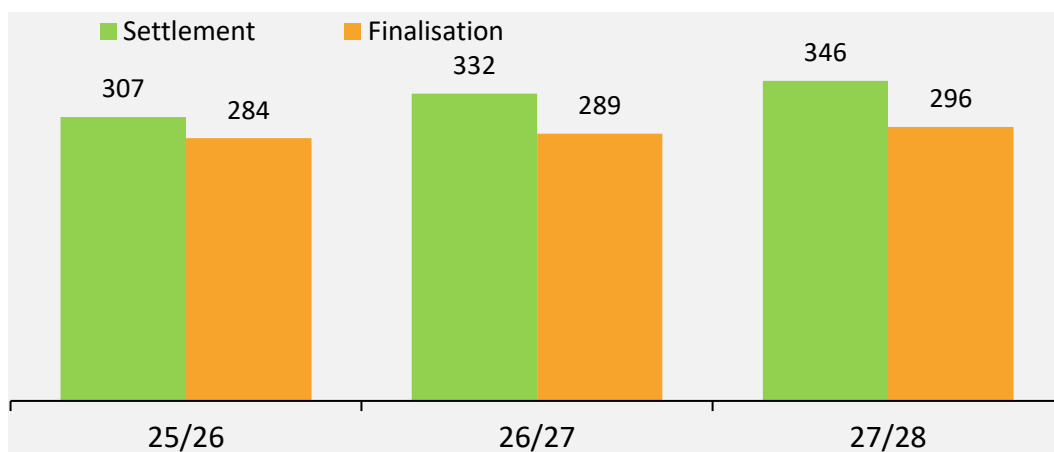


Figure 9 - MTEF Baselines

The challenge remains that the budget allocation does not match the outstanding claims to be settled and a considerable increase in MTEF budget allocation would be required to settle and finalise the old order claims in line with the Backlog Reduction Strategy.

3.5 GENERAL PERFORMANCE

Drawing from the statistics presented, KwaZulu-Natal, Limpopo, and Mpumalanga continue to hold the highest number of outstanding old order claims. Figures have been updated to reflect the status at the end of June 2025. The same underlying challenges remain per province, as noted in the 11th LAMOSA report.

KwaZulu-Natal (KZN) maintains the largest backlog with 1,777 outstanding claims, with the majority located in eThekweni Metropolitan Municipality, as well as in rural districts such as uMkhanyakude, uMzinyathi, and Zululand. These rural claims are largely communal, state, or privately owned land and tend to involve high claimant volumes per claim. Unresolved disputes, competing rights and phased finalisations remain a burden on the Provincial Office. Further, KZN still has a high rate of court referrals, often due to disputes involving labour tenants, traditional leadership, and private owners contesting overlapping rights.

Limpopo records 1,539 outstanding claims, mostly rural and complex in scope. Key pressure areas include Sekhukhune and Vhembe Districts, with claims often comprising multiple property parcels and large beneficiary groups. Mining-related disputes and historic proclamations favouring specific traditional leaders or communities in Sekhukhune remain a challenge to settlement.

Mpumalanga follows with 1,115 outstanding claims, with a significant concentration in Nkangala District. The rural nature of the claims (mainly communal and formal farming land) is compounded by overlaps with mining rights and prospecting approvals by the Department of Mineral Resources. Disputes between claimants and private mining operators remain common. Furthermore, claims on conservation and tourism-designated land require careful negotiation with park authorities to avoid land use conflicts.

The **Eastern Cape** has 377 outstanding claims, primarily concentrated in Amatole and Sarah Baartman Districts, and often located on communal rural land. The Mobile Office Initiative has been deployed to reach remote areas and expedite consultations and verification processes. A significant portion of these are financial compensation claims with historic backlogs, now receiving renewed prioritisation.

In the Western Cape, 183 claims remain unresolved, with most linked to Registered Rights and Urban Tenancy in Cape Town Metro. The historically significant District Six has been settled but will be finalised once the redevelopment has been completed. Urban claims face particular difficulties due to limited land availability and encroachment challenges, including informal land invasions.

Gauteng registers 223 outstanding claims, a combination of rural labour tenancy claims and large-scale urban claims, such as Alexandra Township. Jurisdictional disputes involving traditional authorities continue to delay finalisation. City of Tshwane holds the largest share of unresolved claims in the province, with many linked to overlapping community rights.

North West has 124 claims outstanding, largely concentrated in Bojanala and Ngaka Modiri Molema Districts. The province also exhibits a unique complexity: despite the relatively low number of claims, it has 2,161 outstanding land portions, indicating vast tracts of land under claim, often involving multiple ownership layers. This volume and complexity have led to the adoption of phased settlement approaches, and some claims (e.g. in Mmabatho Town) are under Land Court adjudication.

The **Northern Cape** has the lowest number of outstanding claims at 23, mostly rural and concentrated in the Namakwa District. Long travel distances to remote beneficiary communities challenge outreach and service delivery. Despite the low volume, the

complexity of these claims demands focused strategic interventions.

The **Free State** Province is now only focusing on the finalisation of claims with two of its claims part of the region's litigation monitor.

Additional insights

The **high number of land portions and hectares under claim** remains a critical bottleneck. These often involve **competing rights and overlapping interests**, slowing settlement progress.

North West and Gauteng illustrate this pattern well:

- North West: Though it has only 124 claims, the province has 2,161 land portions under claim—indicating expansive, multi-party claims often requiring extensive research and negotiations.
- Gauteng: Hosts 2581 portions outstanding, largely due to traditional leadership jurisdictional claims, which span large urban and peri-urban areas.

The Commission continues to monitor and analyse progress on claims, hectares, and portions restored annually, informing prioritisation strategies under the LAMOSA II compliance framework.

4. PROGRESS ON PROJECT KUYASA

As reported in the previous LAMOSA reports, the Commission has developed a turnaround strategy on its current operating model, making use of the project named “Kuyasa”.

Project Kuyasa was designed on the five (5) outcomes that emanated from Operation Phakisa. Project Kuyasa consists of several organisational improvement objectives such as the development and implementation of improved business processes and systems, the development of a claims backlog reduction strategy, development of financial and settlement models options including a fit for purpose structure. The Commission can report that all the above objectives have been mostly achieved.

The backlog reduction strategy is being monitored, through the Commission's M&E programme and monthly, quarterly and annual reports are provided. Besides monitoring the backlog, the management and tracking tool assist with the unblocking of bottlenecks

in the business process of the settlement of land claims.

10-year Performance review

This section provides a consolidated overview of the Commission's performance over the past decade (FY2014/15–FY2024/25) in relation to the settlement and finalisation of land claims. It highlights key achievements, trends, and gaps against annual and cumulative targets, as well as provincial contributions.

The review offers insight into claim volumes processed, household impacts, and overall delivery efficiency—critical for assessing institutional capacity, identifying persistent bottlenecks, and informing forward-looking strategies under the LAMOSA II compliance framework.

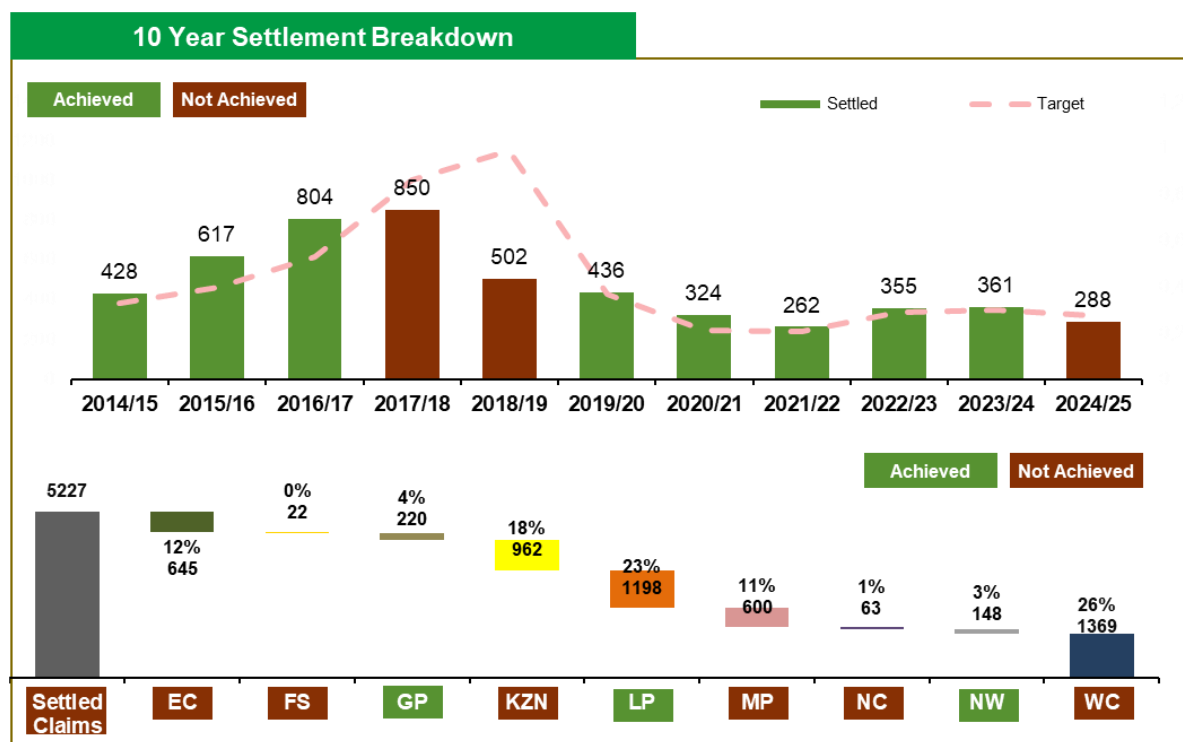


Figure 10 - 10 Year Settlement Breakdown

Since FY2014/15, a total of 5,227 land claims have been settled, benefiting 106,495 households nationwide. The highest annual settlement figure was 850, which significantly exceeded typical annual targets, but has not been matched in recent years.

Over the 10-year period, Gauteng, Limpopo, and North West were the only provinces to fully meet or exceed their cumulative targets. Notably, Limpopo and Western Cape alone

account for 49% of all claims settled during this period, highlighting strong delivery in these regions.

Despite consistent effort, the national settlement target of 5,525 was missed by 298 claims, with three financial years—including 2024/2025—falling short of annual targets. This underscores the need for renewed focus on sustaining delivery momentum and addressing provincial backlogs.

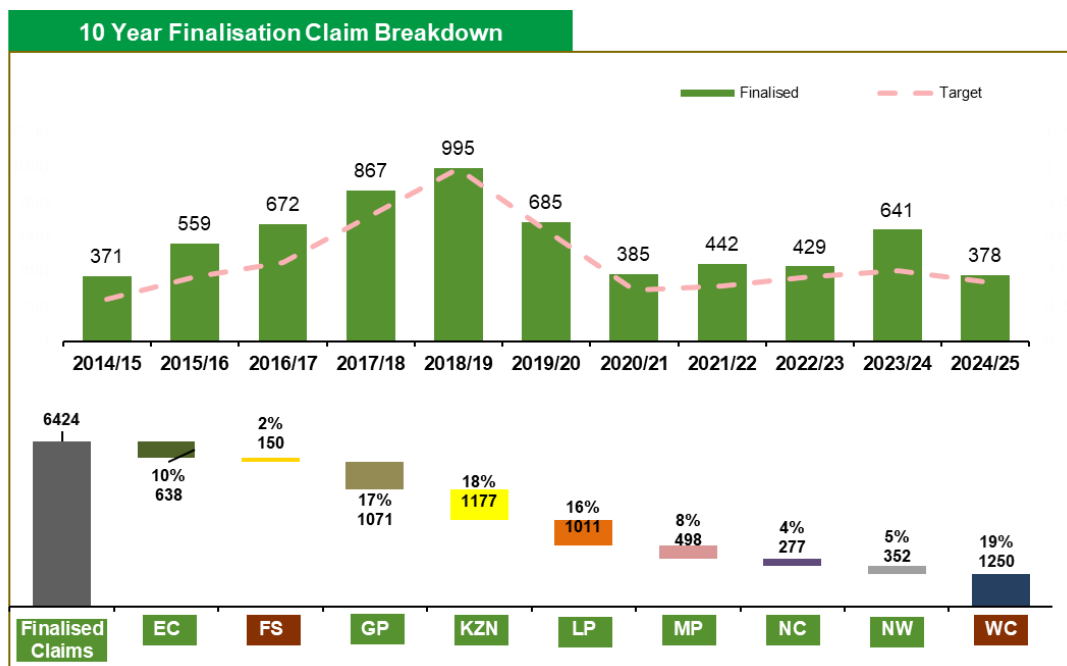


Figure 11 - 10-year Finalisation breakdown

Since FY2014/15, a total of 6,424 land claims have been finalised, surpassing the 10-year target by 1,278 claims. The highest annual performance was recorded in FY2019/20, with 995 claims settled, accompanied by a notable increase in household verifications.

In total, 24,134 households have benefited from claim settlements during this period. Finalisation efforts were evenly distributed across provinces, although KwaZulu-Natal, Free State, and Limpopo showed slightly lower performance compared to others.

Importantly, each year exceeded its annual target, reflecting consistent delivery, with overall progress driven by effective planning and intensified implementation, particularly during peak years.

4.1. AUTONOMY AND THE INTERIM STRUCTURE

It should be noted, that no further progress has been made regarding Autonomy and the interim structure as well as the fit for purpose structure as per the previous reports.

The establishment of the Commission as an autonomous entity, (see diagram below), is linked to the approval of a business case and the processing of the Restitution of Land Rights Amendment Bill. **To date no final approval has been obtained**

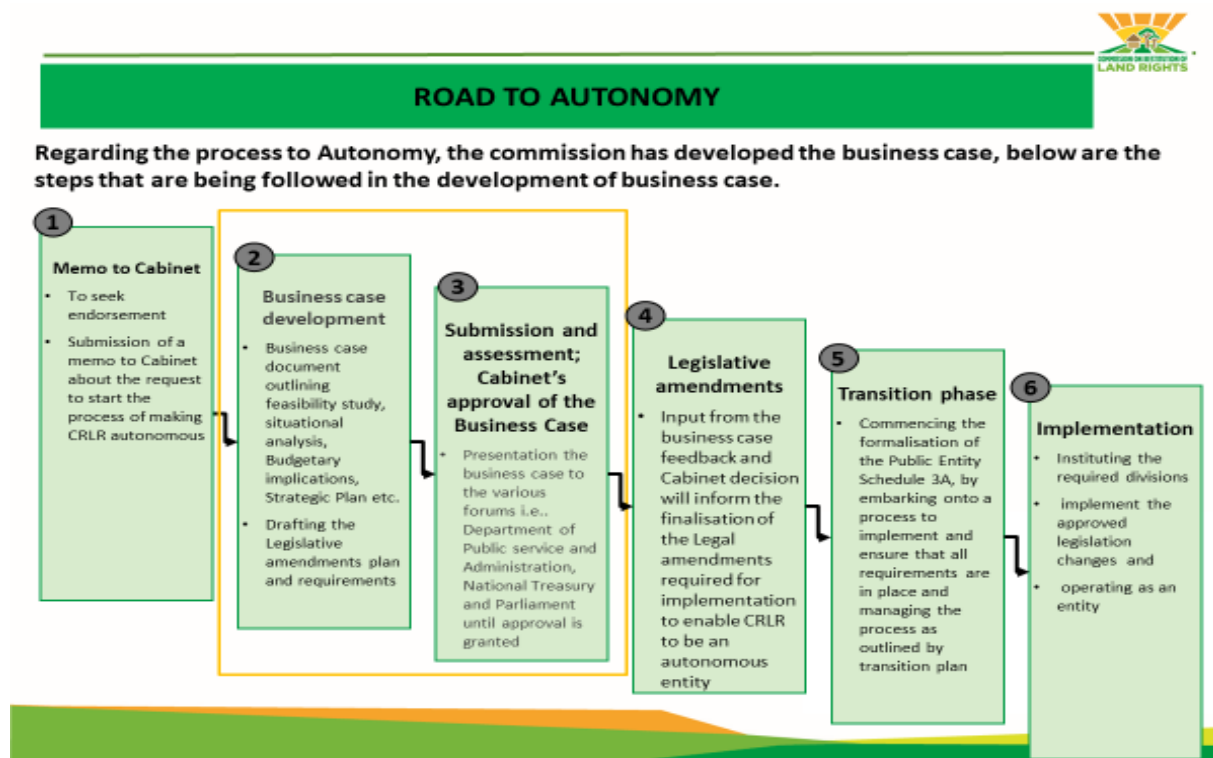


Figure 12 - Road to Autonomy

4.2 RISKS ASSOCIATED WITH THE ABOVE MATTERS (AUTONOMY & INTERIM STRUCTURE)

Failure of processing the Interim Structure towards approval by DLRRD now compels the Commission to review commitments raised in the Strategic plan and Annual Performance plan.

Failure to mitigate the risks identified will further negatively affect the pace within which the Commission can deal with the remainder of the old order claims.

4.3 REDUCTION OF THE COMMITMENT REGISTER

The Commission's Strategic plan states that there are approximately 65 000 claims to be finalised. A strategy to reduce the commitment register has been developed. It is clear that due to capacity constraints the CRLR will not be able to implement the recommendations.

The Commission decided to focus on statistical verification exercises, development of recommended policies. Various of the recommendations will be implemented over the next few years to reduce the commitment.

4.4 POLICY MATTERS

The Commission continues to implement Policies and SOPs to mitigate risks identified and create uniformity across provinces; however, the issue of human capacity remains a serious concern to ensure full compliance with the internal controls. In addition, the Commission is earmarking to review the said Policies to ensure continuous alignment with audit findings and other legislative prescripts during quarter two (2) of the current financial year (2025/2026).

5. LEGAL REPORT

5.1 LAND COURT MATTERS

5.1.1 As at 30th June 2025, the Commission had a total of 421 matters active at the Land Court and all of them are currently on case management and others on trial.

5.1.2 At the beginning of every financial year, the Commission sets a target of 10% (Which was inserted as 51 matters in the 2025/2026 operational plan) for all the Restitution legal directorates to work on, aimed at the reduction of the above-mentioned active Land Court matters.

5.1.3 Further to the above as part of assisting in the backlog reduction of old order land claims, which were identified in terms of section 14 of the Restitution Act, the Commission identified a total of 23 matters to be referred to Court as matters which cannot be settled by agreement.

5.2 SECTION 14 REFERRALS

5.2.1 During the 4th Quarter of the 2024/2025 financial year a total of **3** matters and in the 1st quarter of 2025/2026 of the current financial year **4** new matters were identified to meet the section 14 criteria and referred to Court accordingly.

5.2.2 In the current financial year, the Commission has targeted **23** claims to be referred to the Land Court for adjudication as provided for by section 14 of the Restitution Act. Thus far a total of **4** cases have been approved by the Regional Land Claims Commissioner and issued at the Land Court with the balance of **19** matters that are outstanding.

5.2.3 The provincial Legal officers have provided reasons for variance and have identified the matters to be referred accordingly. See the table below for the breakdown of the targets in quarters:

Performance indicator	Current litigation cases	Annual Target	Quarter 1 Target	Achieved	Quarter 2 Target	Achieved	Quarter 3 Target	Achieved	Quarter 4 Target	Achieved	Performance against Annual Targets
Section 14 Referrals as per LAMOSA 2 judgement	23	3	4	5	0	8	0	7	0	19	

Table 3- Section 14 Referrals – targets and performance for Q4 & Q1

5.3 PROGRESS AND QUARTERLY PROVINCIAL REFERRAL TARGETS FOR 2024/2025 AND 2025/2026 FINANCIAL YEARS

ACHIEVEMENT AGAINST 2024/2025 OPERATIONAL TARGETS: 01 JANUARY 2025 – 30 JUNE 2025							
Performance Indicator	Province	Annual Target 2024/2025	Quarter 4 Target	Achieved	Annual Target 2025/2026	Quarter 1 Target	Achieved
Section 14 Referrals as per LAMOSA 2 Judgement	Eastern Cape	1	0	-	1	0	-
	Free State	1	-	-	0	0	-
	Gauteng	1	-	1	2	0	-
	KwaZulu-Natal	6	1		6	1	
	Limpopo	3	1	1	4	1	2
	Mpumalanga	8	3	1	7	1	2
	North West	1	1	-	0	0	-
	Northern Cape	1	1	-	1	0	-
	Western Cape	1	0	-	2	0	-

Table 4 - Progress on referrals

5.4 INTERACTIONS BETWEEN THE CRLR AND LASA

The EXCO quarterly meetings of CRLR and LASA were held on the 19th February 2025, being a 4th quarterly meeting of 2024/2025 and on 11th June 2025, being the 1st quarterly of 2025/2026 meetings. The following were identified:

- i. LASA's exclusionary policy and the legislative operational protocols currently implemented.
- ii. Withdrawal of panelists or judicare and replacement with internal personnel contributes to the inevitable delays.
- iii. Delays in the appointment of experts for claimants before submitting their statement of claim.
- iv. Provincial litigation reviews targeting Land Restitution matters in MP, Limpopo, WC and KZN.
- v. Restitution training for Legal Aid and State Attorneys will be arranged by CRLR.

5.5 THE ISSUE OF NON-COMPLIANT LAND CLAIMS/ DISMISSALS

5.5.1 In terms of the Commission's 2024/2025 report a total of 97 Non-compliant land claims was raised to the Judge President, and Commission is awaiting Court to provide guidance in closing such matters.

5.5.2 The above matters if closely monitored they do contribute in the reduction of old order received land claim forms, thus falling within this report.

5.6 STATUS OF UNTRACEABLE AND DEFERRALS

5.6.1 The Gauteng Regional Land Claims Commission has submitted a referral on four lodged land claims affected by the above and the exchange of pleading is unfolding.

5.6.2 This matter has been referred Land Court by Minister, CRLR and RLCC in terms of section 22(1) (cA) of the Restitution Act, on an 'Exparte' basis to the Land Court, and the Commission awaits the necessary guidance in terms of dealing with all similar matters in various RLCC Provinces.

5.6.3 On the 22 October 2024, a court order with clear directives was handed down to the effect that the Commission must file a supplementary affidavit dealing with the following issues:

- a. Provide statistical information from all the provinces affected by the untraceable claims.
- b. To provide the budgetary constraints in relation to filling substituted service nationwide.
- c. To serve Home Affairs, IEC and SASA. (The Chief Land Claims Commissioner is engaging the accounting officer at DHA)
- d. The directive allowed any interested parties to join the proceeding as friends of the court.

5.7 LITIGATION STRATEGY/ STAKEHOLDER MANAGEMENT

- A review of the Commission's litigation strategy is underway. The Statutory meeting of the Commissioners has approved the appointment of a service provider to conduct a structural review of the current establishment and assist with an integrated litigation management strategy. The Service Provider, was appointed effective from the month of July 2025 to January 2026, attending to the repositioning and integrating the litigation monitor systems with all relevant stakeholders.
- The Commission on Restitution of Land Rights and the Land Court Judge President have established quarterly meetings via the Office of the Registrar to ensure that the Commission is up to date in terms of roll out program of Court online and ready to swiftly deal with all matters on the court rolls.
- In addressing the issue of training of the newly appointed legal officers within the Commission, internal seminars on critical Restitution principles is unfolding. Further, there is a plan to invite certain Judges of the Land Court and Advocates and experienced restitution Practitioners to deliver papers to the Commission's legal officers and operational staff. The challenges of certain offices still using the Guardian Fund Offices based in Pretoria, results in delays of closing of certain matters with deceased estates and affecting minors.

- The Commission is also engaging the Office of the Solicitor General in terms of finding solutions on issues of capacity at the various State Attorney Offices as the matter was raised sharply in all the current Provincial reviews held at Mpumalanga, Limpopo, KZN and Western Cape.
- Finally, the Commission is engaging the Office of the Master of the High Court, to resolve issues of Deceased Estates, especially in relation to deceased Intestate and Testate restitution beneficiaries with Minors.

6 CONSTRAINTS, CHALLENGES, INTERVENTIONS AND SOLUTIONS

6.1 INTERNAL CHALLENGES AND CONSTRAINTS

Most of the challenges and constraints remain the same and the Commission continues to address these as best as possible. A brief update where relevant follows.

The risks associated with the settlement of outstanding land claims linked to the possible impact of audit findings on the **number of claims outstanding** remain. The Commission will report on the audit findings and when updated verification of data has been finalised, with reasons for possible fluctuation in baselines and upwards or downwards adjustments of data.

Progress on **research** is still slow and remains the same as per the 11th report. In terms of poor quality of research, the implementation of the standardised formats and checklists are resulting in an increase in the quality of research reports. An intensive training programme that focusses on Documentary research such as Archival and Deeds and Historical Participatory rural research has been developed and rolled out. The State Attorney's office has also attended the training. Further specialised training in Survey reporting and Map reading is being rolled out to the provincial offices. In depth discussions are also being held with the Chief Surveyor General to assist with the mapping of and determining the exact extent of land rights lost for example labour tenants.

In line with the Property Valuation Act, **Valuations** remain a challenge however there is an improvement in the number of received

valuation reports and certificates. Valuation reports and certificates are issued without the value of improvements, due to the unavailability of records/details of improvements during dispossession, Valuers are unable to determine the value of improvements on properties. The Commission continue to hold standard meetings and constant discussions with the Office of the Valuer General (OVG) on possible solutions.

The Rejected offers remain a serious challenge as they slow down the pace of settling of land claims and therefore impacts negatively on the achievement of the APP targets. The Claimants and Landowners rejects the offers requesting higher amounts. Upon rejecting the offers by Claimants and Landowners, OVG is engaged by the Commission if there are documents (financials, veterinary certificates, permits etc) or improvements that might have been considered during the valuation process.

6.2 Human Capacity Implications (Skills and capacity)

Historically, the CRLR had an overall number of 1442 of positions on the approved version 2.9 Departmental structure. A total of 750 positions were approved and funded on version 2.9 Departmental structure. The version 2.9 structure has since ceased to exist, with the advent of the approved DLRRD structure dated 11 December 2020, as concurred by Minister of Public Service Administration.

The staff establishment in line with the approved structure dated 11 December 2020 is 757 with the total number of filled positions being 699 with 58 vacant positions. This constitutes a vacancy rate of about 8% slightly below the ideal vacancy rate of 10% as prescribed by National Treasury.

In the month of October 2023, the Department of Agriculture Land Reform and Rural Development issued a directive on implementation of cost containment measures aimed at assisting Executive Authorities in managing fiscal sustainability during the process of creating and filling of vacant positions within the Department. This implied that all positions that are vacant and require appointments, shall be reviewed for prioritization and funding against a set criteria. The total number of filled positions for levels 12 and below, prior to the moratorium is 50, nationally.

With the creation of the new Department of Land Reform and Rural Development, a baseline structure was approved. All vacant positions were removed from the structure,

which left the CRLR with 647 posts. A review of the structure and work of the department will address the need for additional posts.

Due to the moratorium on filling of vacant positions, the Branch Restitution embarked on an initiative to create opportunities for temporal assignment in business units where there were dire capacity gaps.

6.3 Challenges and Remedial Action:

The DLRRD issued cost containment measures in line with a directive issued by the Department of Public Service Administration aimed at assisting Executive Authorities in managing fiscal sustainability during the process of creating and filling of vacant critical vacant positions. A moratorium was placed on filling of vacant positions, and this necessitated the re-prioritisation of the vacant positions which will be presented for approval before an oversight committee set up to evaluate the available Compensation of Employees budget and the service delivery requirements, linked to the prioritised positions. Through this exercise specific focus has been placed by the Commission on positions which form part of the core business as well as the critical support functions such as legal services, policy, and finance.

The Commission is working with the department and DPSA to identify and prioritise critical posts that will assist with reaching the planned targets of the commission

6.4 Financial Implications

As previously reported, the budget constraints continue to have a direct impact on the goals set to accelerate settling of outstanding old land claims. The cost containment measures implemented by Government puts a further strain on the settlement of claims. The budget allocation of Restitution has been reduced in the past few years. Although the budget was augmented with fund virements within the department, there is still an overall reduction in the budget. The 2025/2026 project budget was increased with an amount of R95 million from R2,693 billion to R2,788 billion. This is still R300m less than in 2023/24. The 2024/25 total budget allocation was reduced with an amount of R288 million from the previous financial year to R3,7 billion. The project budget for 2023/24 was R3,1 billion, but this was further reduced to R2,6 billion in 2024/25. As previously indicated in the reports, at the current settlement rate, the Commission will need

approximately 30 years to settle claims at a cost of R172 billion.

The financial performance for the current fiscal year as at June 2025 is as follows:

ECONOMIC CLASSIFICATION	BUDGET	EXPENDITURE	AVAILABLE BUDGET	% EXP
Compensation of Employees	480,992,000	112,475,801	368,516,199	23%
Goods and Services	343,906,000	30,476,831	290,845,490	9%
Municipality	24,492,000	1,076,956	23,415,044	4%
Social Benefits	425,000	0	425,000	0%
Capital Assets	89,164,000	4,822,150	74,989,029	5%
Sub Total – Operational Costs	938,979,000	148,851,738	758,190,762	16%
Land and sub soil (Land Purchase)	278,183,000	144,478,600	133,704,400	52%
Households - Financial Compensation	2,510,169,000	107,482,600	2,402,686,400	4%
Subtotal (Project budget)	2,788,352,000	251,961,200	2,536,390,800	9%
Total	3,727,331,000	400,812,938	3,294,581,562	11%

Table 5 - Financial Breakdown and Expenditure

7. EXTERNAL CHALLENGES

Most of the external challenges identified in the Eleventh Lamosa report remain persistent and continue to impact the work of the Commission. While other external challenges are also outlined in the Strategic Plan of the Commission, the focus of this report is specifically on those challenges related to the settlement and finalisation of land claims.

Settlement of claims represents only one of the objectives of the restitution process. The Commission is mandated under the Restitution Act to acquire land or provide financial compensation as part of redress to communities who were dispossessed of their land. However, restitution does not end at settlement. Government has a responsibility to provide ongoing support to communities that receive their land back. This includes targeted support and grants from various departments.

The success of the land restitution programme hinges on the quality and consistency of post-settlement support. Unfortunately, the transition from claim settlement to post-settlement support remains underdeveloped and requires urgent strategic intervention.

The absence of a coherent and institutionalised post-settlement support structure undermines the long-term value of restored land and limits benefits to the beneficiaries.

The **finalisation of land claims** is the second key performance indicator in the Commission's Annual Performance Plans. A claim is deemed *finalised* when the settlement—as defined in Section 42D of the Restitution Act—or a Land Court order has been fully effected. This means:

- The land must have been transferred to the beneficiary's land-holding entity.
- Approved grants for land development must have been fully disbursed.

Until these two conditions are met, a claim cannot be considered finalised. This presents a significant challenge for the Commission, particularly as **post-settlement responsibilities lie outside of its direct mandate**, even though the Commission plays a coordinating role.

As such, the Commission's **Backlog Reduction Strategy** is designed to target only the **settlement** of claims.

To meet the directives of the Constitutional Court in the LAMOSA II Order, the Chief Land Claims Commissioner anticipates approaching the Land Court for a directive. This will clarify the Commission's role and responsibilities in determining when *old-order claims* can be considered effectively dealt with; allowing the commencement of *new-order claims*. This clarification is essential, as it highlights the critical distinction between settlement and finalisation.

8. Conclusion

The Twelfth Lamosa Report demonstrates that the Commission continues to make steady progress in settling land claims, despite facing ongoing challenges. The performance indicators for 2024/2025 and 2025/2026 reflect a strong commitment to prioritising the settlement of outstanding land claims.

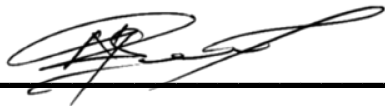
The **Kuyasa Project** remains a positive influence on the Commission's operations, enabling faster processing and improved performance. Additionally, the review and standardisation of internal policies have contributed positively to the claims process.

However, the funding constraints imposed by National Treasury continue to hinder efforts to scale up performance and implement the Backlog Reduction Strategy. In his NCOP Budget Speech, the **Minister of Land Reform and Rural Development, Hon. M. Nyhontso**, emphasised the need for additional funding and personnel to address the backlog.

The question of the Commission's autonomy remains unresolved and requires further discussion with relevant authorities to determine an appropriate structure and scope.

Despite these challenges, the Commission anticipates that it will **settle and finalise a further 119 and 132 claims**, respectively, by the end of March 2026. This **Twelfth LAMOSA Report** is hereby submitted to the Land Court in compliance with the 2019 Constitutional Court Order.

SUBMITTED BY:



MS NOMFUNDO NTLOKO
CHIEF LAND CLAIMS COMMISSIONER

DATE: 25 July 2025