



**13TH (THIRTEENTH) LAMOSIA REPORT
TO THE JUDGE PRESIDENT OF THE LAND COURT
AS REQUIRED IN TERMS OF THE CONSTITUTIONAL COURT
ORDER DATED 19 MARCH 2019 – LAMOSIA II**

DECEMBER 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

EC – Eastern Cape

ENE – Estimate National Expenditure

FS – Free State

FY – Financial year

GP – Gauteng

KZN – KwaZulu Natal

LASA – Legal Aid South Africa

LC - Land Court

LP – Limpopo

MP - Mpumalanga

MTEF – Medium Term Expenditure Framework

NC – Northern Cape

NW – North West

OVG – Office of the Valuer General

Q – Quarter

PFMA – Public Financial Management Act

RLCC – Regional Land Claims Commissioner

SOPs – Standard Operating Procedures

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 13 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 12th report that was submitted in June 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 12th 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.

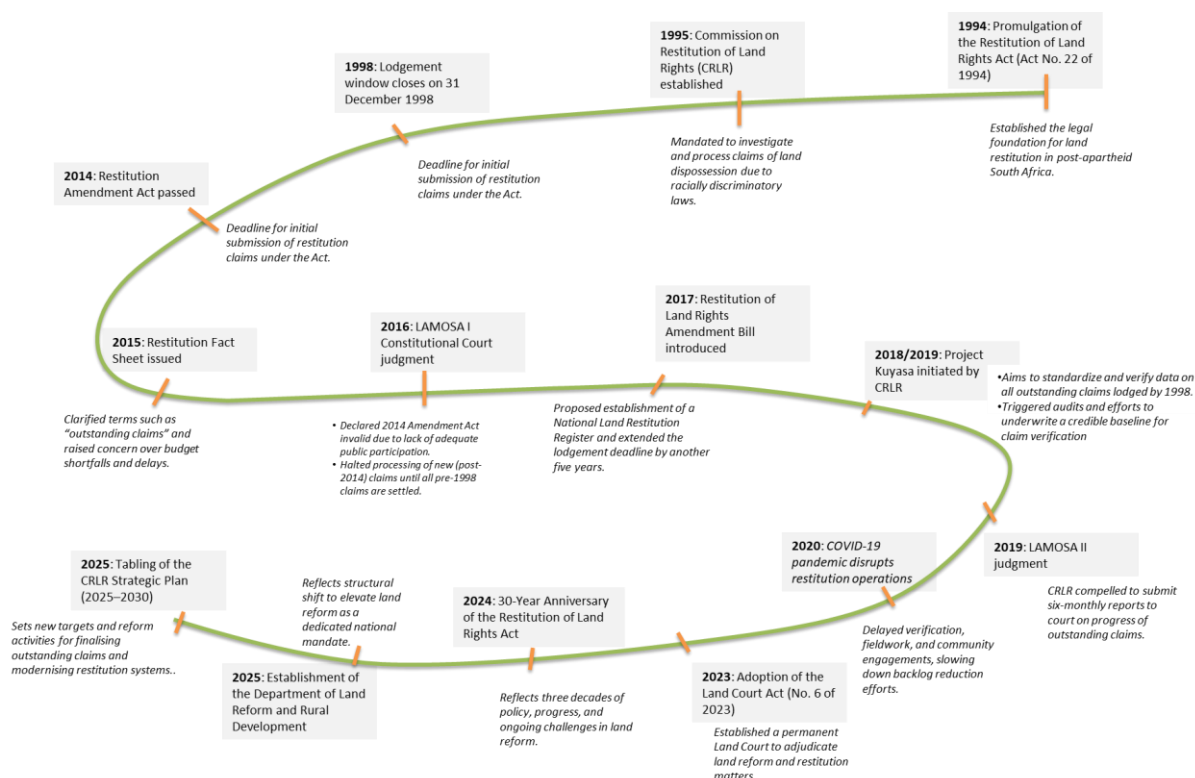


Figure 1- Restitution Timeline



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.

OUTSTANDING CLAIMS

3.1 CUMULATIVE NUMBER OF SETTLED CLAIMS FROM INCEPTION TO 31 December 2025

The table below indicates claims settled since inception in 1995 up to 31 December 2025. Since the previous report, from the target of Q1 and Q2 in 2025/26, financial is 179, of which 113 claims have been settled. The number of settled claims currently stands at 83721, with more than 468761 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 (R27.6 billion) and Land compensation (R27 billion). The initial rise in land restoration has plateaued again, with only MP settling claims via Land Restoration during the period under review, with an increase again in financial compensation.

Table 1 - Cumulative statistics

PROVINCE	CLAIMS	HHS	BEN	FHHS	PEOPLE LIVING WITH DISABILITIES	HECTARES SETTLED	LAND COST	FIN COMP	GRANTS	TOTAL AWARD
E CAPE	17320	96980	473821	37136	0	152289	229 711 154,29	8 611 816 230,70	553 607 922,49	9 395 135 307,48
F STATE	2679	8727	52925	3216	12	60461	93 522 832,05	475 139 486,34	55 311 644,71	623 973 963,10
GAUTENG	13222	22589	83427	10310	36	17166	97 839 933,57	1 185 618 215,54	74 362 166,38	1 357 820 315,49
KZN	16351	100381	564295	34363	606	889108	9 231 042 369,23	6 104 408 469,91	1 120 160 956,58	16 461 986 795,72
LIMPOPO	4952	70702	352412	29581	0	743292	4 580 478 812,04	4 877 447 171,95	1 013 748 961,04	10 471 674 945,03
MPLANGA	3565	62687	339064	21263	58	586735	6 574 140 235,41	2 393 084 476,69	793 702 812,59	9 760 978 024,69
N CAPE	4069	26420	144873	10701	161	858267	931 414 836,39	1 353 875 481,82	284 663 096,60	2 569 953 414,81
N WEST	4012	45932	228737	19757	40	598145	4 992 606 838,56	799 928 886,57	755 203 563,47	6 547 739 288,60
W CAPE	17551	34343	157059	15084	378	11271	310 805 077,52	1 832 800 256,02	913 654 797,52	3 057 301 131,06
TOTAL	83721	468761	2396613	181411	1291	3916733	27 041 562 089,06	27 634 118 675,54	5 564 415 921,38	60 240 096 685,98

3.2 GENERAL PERFORMANCE – OUTSTANDING CLAIMS STATISTICS

For the reporting period under the 12th LAMOSA report, the total number of outstanding old order claims was 5245.

For the 13th Lamosa reporting period, the 6-monthly period is from July 2025 – December 2025; Q 2 and Q 3 of the 2025/2026 financial year.

The substantial change of -119 in the reported figures is due to continuous improvements in the data quality, corrections of number, the performance of settlement and finalisation of claims, that being:

- 87 reduced claims through settlement;
- 54 total reduced claims through finalisation, of which 8 were settled prior to the establishment of the Kuyasa outstanding baseline; and
- 30 increased through claims corrected through verification.

This means that the total number of outstanding old order claims are now at 5245, shown below.

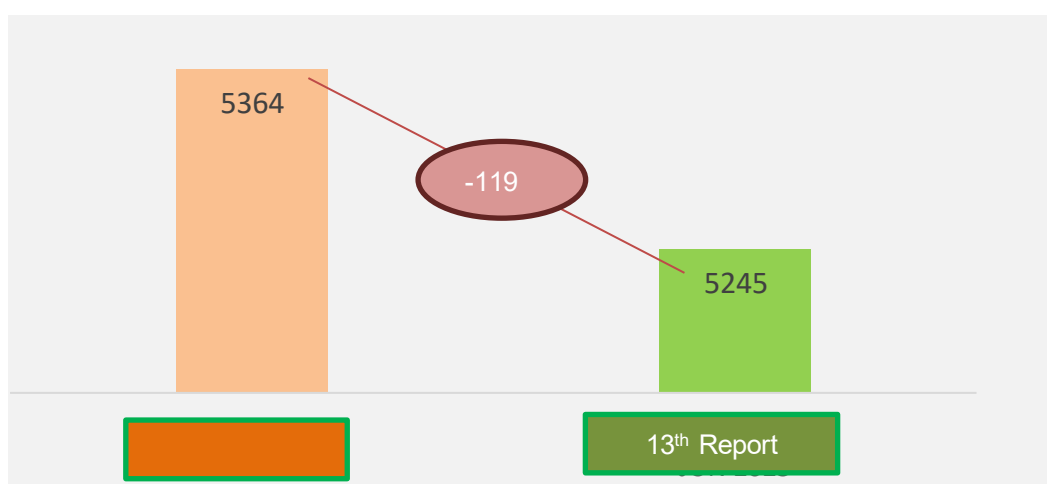


Figure 2 - Claims outstanding December 2025

The 30 claims were identified during the data validation and cleanup process and approved by the Claims Validation Committee (CVC). They are attributable to historic data corrections, including missing file reconstruction, claimant walk-ins, and the discovery of poorly archived claim files, and do not constitute newly lodged claims.

Such adjustments are expected in large, legacy paper-based datasets and reflect the Commission’s ongoing efforts to strengthen the accuracy of the underwritten baseline and ensure credible, court-compliant reporting in line with LAMOSA II obligations.

The reported total of 5 245 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 July 2025 to end of December 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.

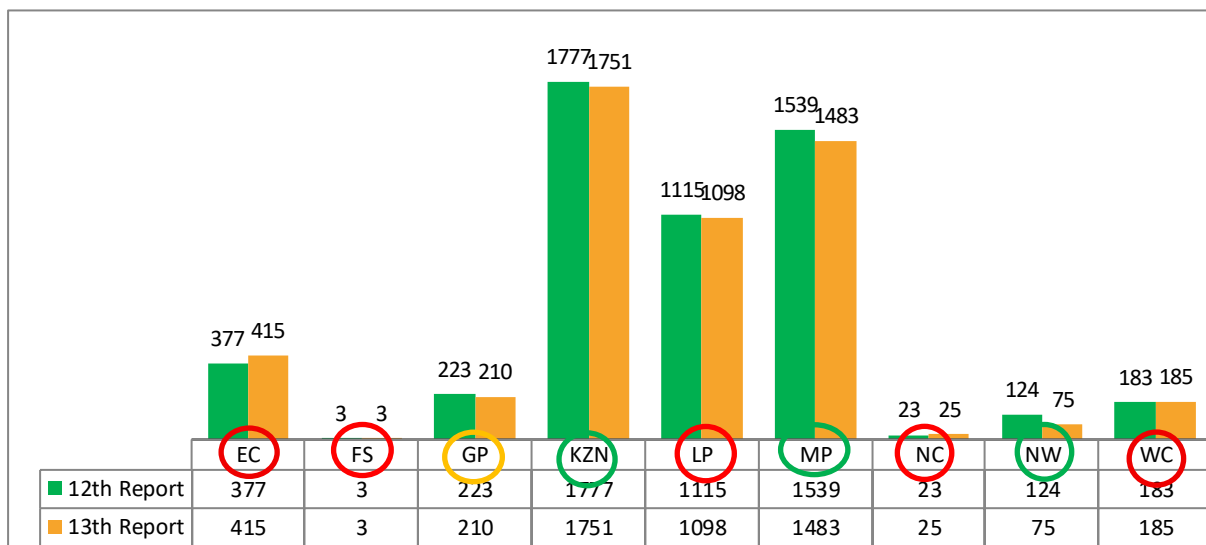


Figure 3 - Settled vs outstanding claims per Province

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.

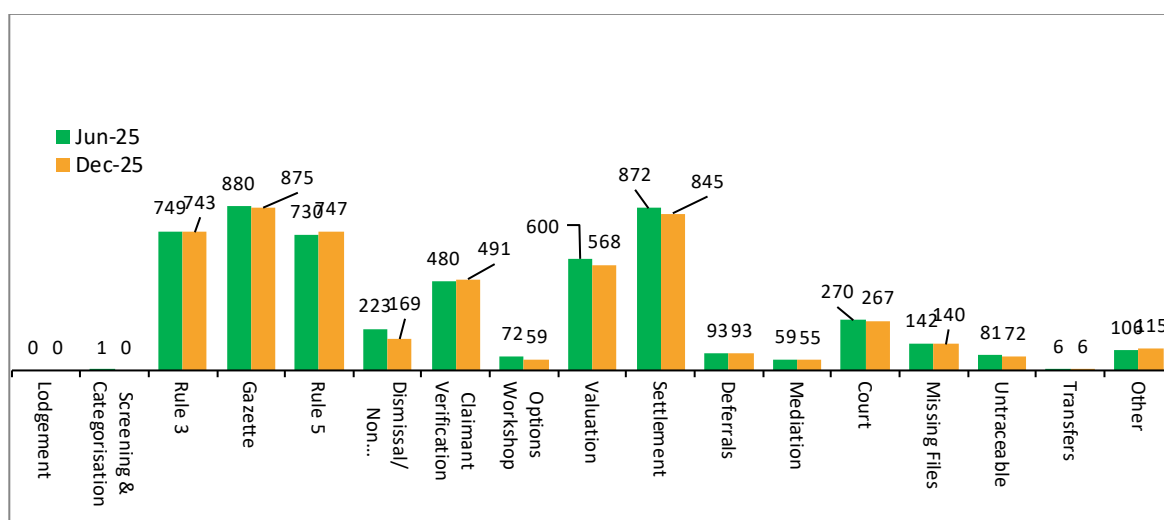


Figure 4: Progress Against Business Process (Targeted Milestones)

This figure shows a geographical breakdown of outstanding restitution claims across the nine provinces, with a total of 5,245 claims that remain to be processed for settlement by the Commission.



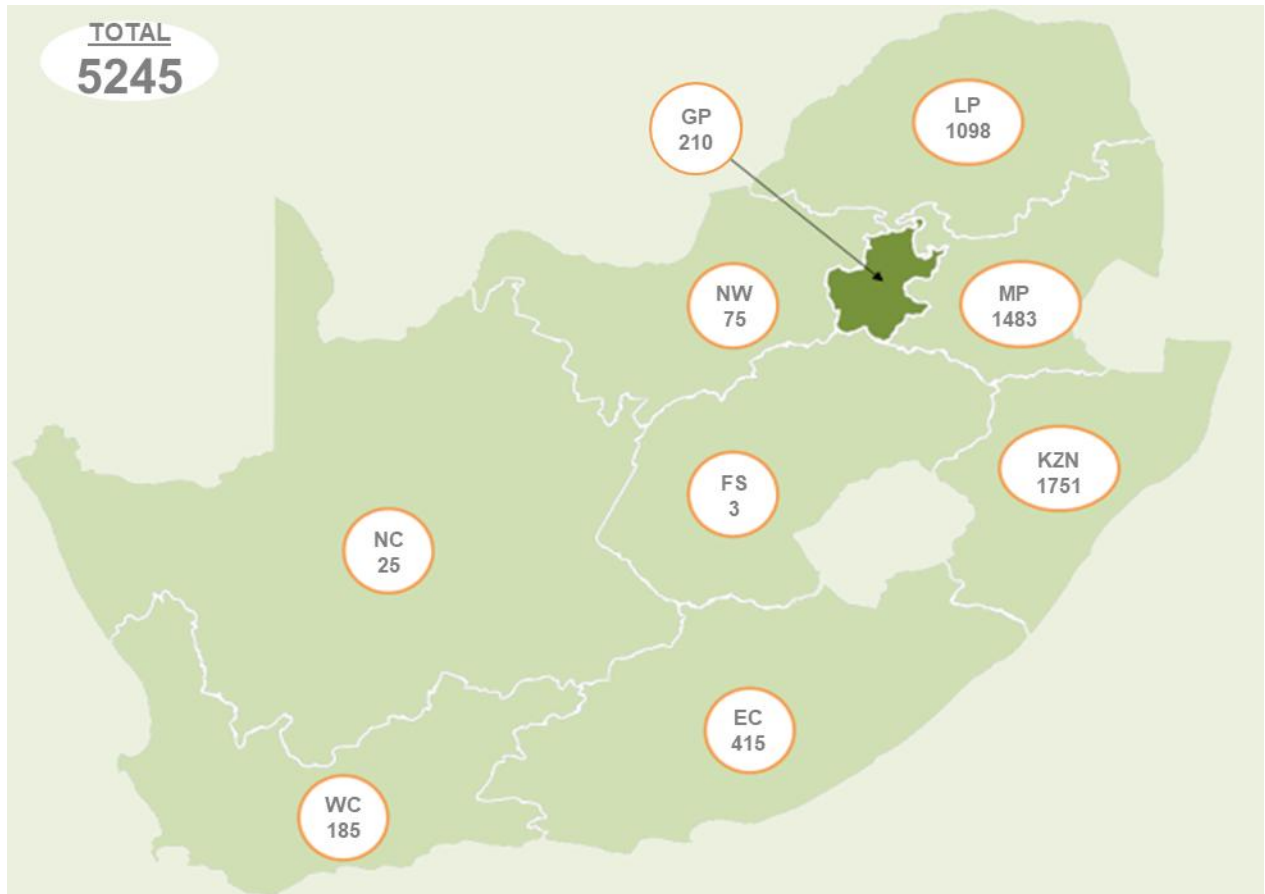


Figure 5 - Outstanding old order claims per province

The figure indicates that the bulk of the outstanding claims are still rural, with a few claims still to be determined. The rural and urban claims breakdown remained 79% and 21% respectively as per the latest Kuyasa M&E report. This consistency in weighting shows that there is a balanced approach in settling claims, despite rural claims having far more complexity linked to them.

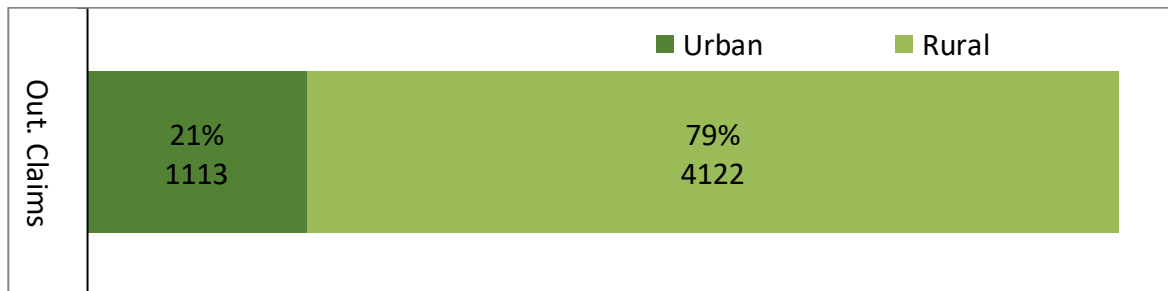


Figure 6 - Breakdown between urban and rural claims

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 (27%) and Mixed-use (27%) land categories, followed by land still to be determined (TBD) at 21%. These three categories alone account for over 75% 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.

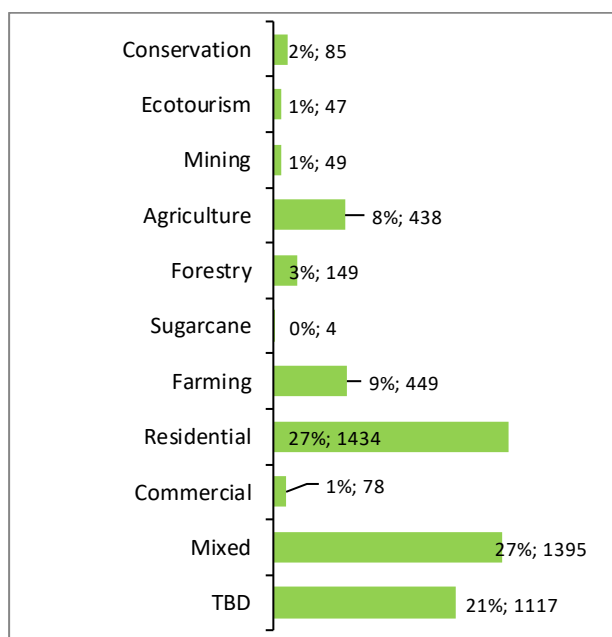


Figure 7 - Land Use per Settlement models (Claim; %)

3.4 PROGRESS AND PERFORMANCE AGAINST APP TARGETS FOR 2025/2026 AND MTEF ALLOCATION

The below figures show the performance against target for the previous 2 quarters (Q2 FY 2025/6 and Q3 FY 2025/6)

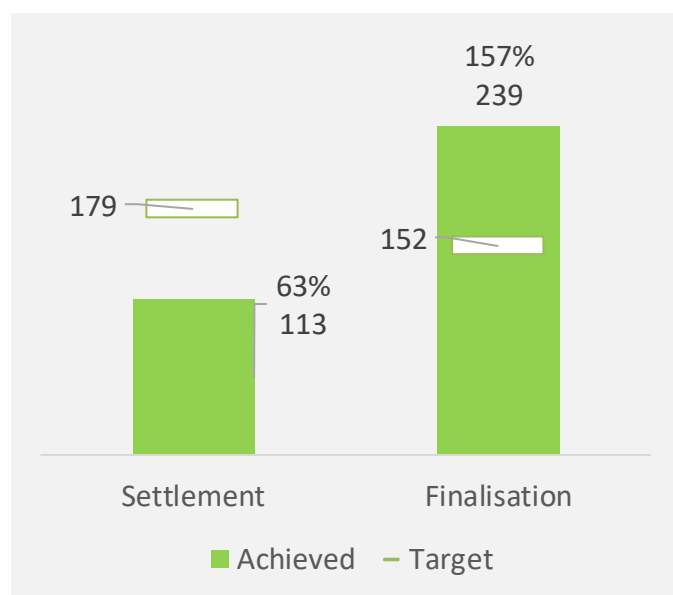


Figure 8 - Performance against target (Q2 FY 2025/26 and Q3 FY 2025/26)

The reporting period for the 13th report covers Q2 and Q3 of the 2025/26 financial year. Targets are directly linked to the allocated budget and available staff complement.

For the 2025/26 financial year, the Commission set annual targets of 281 claim settlements and 277 claim finalisations. For combined quarters under review, the Commission set sub-targets of 179 settlements and 152 finalisations.

As illustrated in the chart below, the Commission performed as follows during the two quarters:

- 113 claims were settled, where the target was 179.
- 239 claims were finalised, where the target 152.

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:

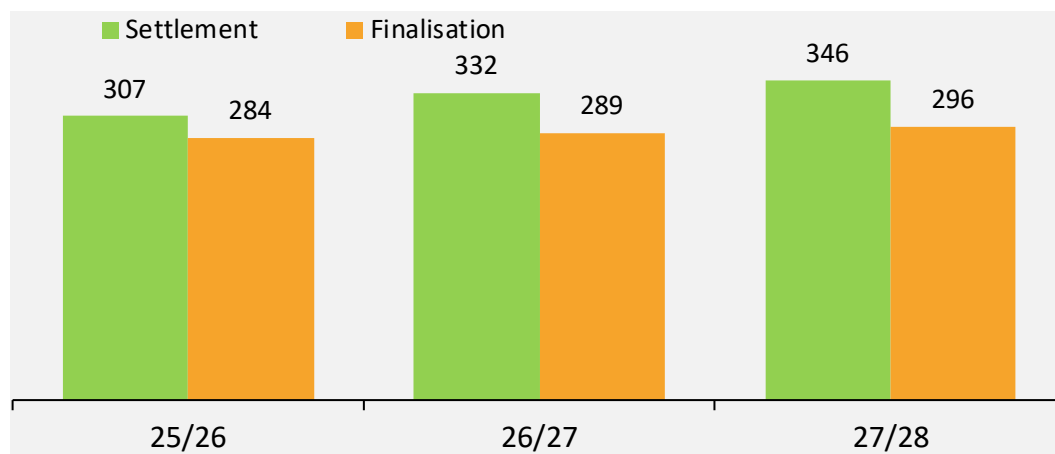


Figure 9 - MTEF Baselines

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 December 2025. The same underlying challenges remain per province, as noted in the 12th LAMOSA report.

KwaZulu-Natal (KZN) maintains the largest backlog with 1,751 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 1,098 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 1,483 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 415 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**, 185 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 210 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 75 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 2,140 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 25, 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 as almost 50% are long standing court matters.

The **Free State** Province has 3 outstanding claims, however, 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 175 claims, the province has 2,140 land portions under claim—indicating expansive, multi-party claims often requiring extensive research and negotiations.
- Gauteng: Hosts 1943 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.

3. 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.

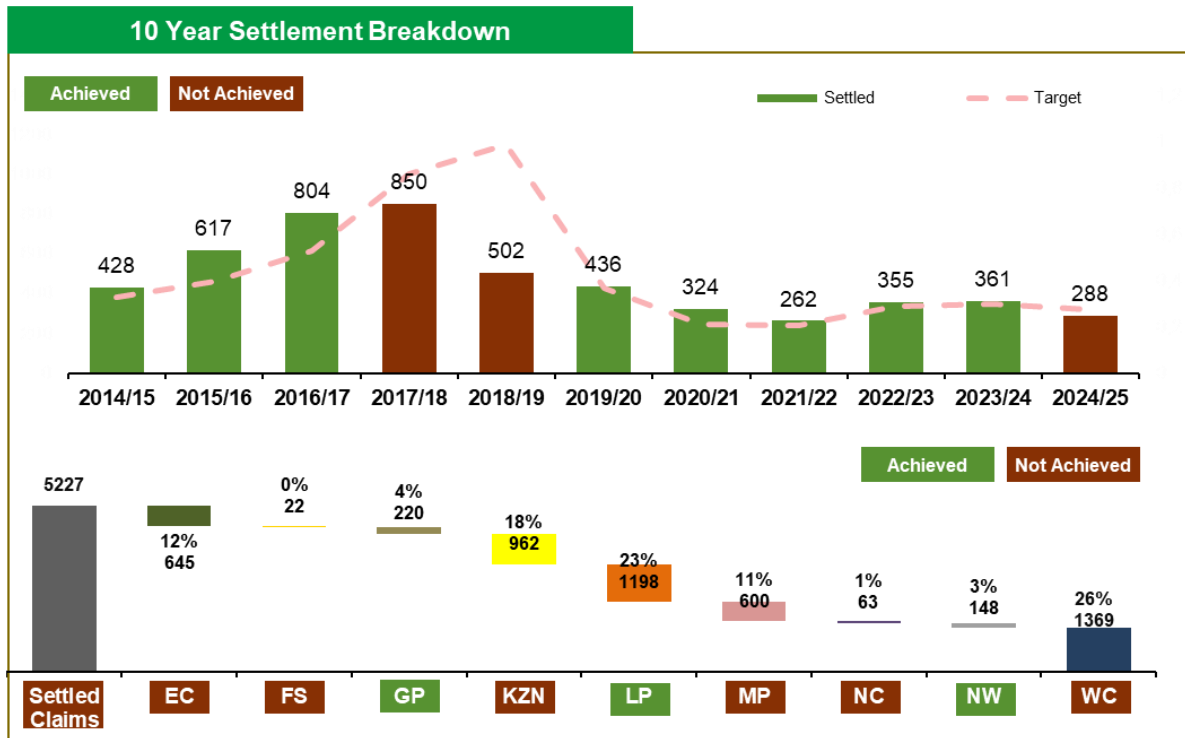


Figure 10 - 10 Year Settlement Breakdown

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.



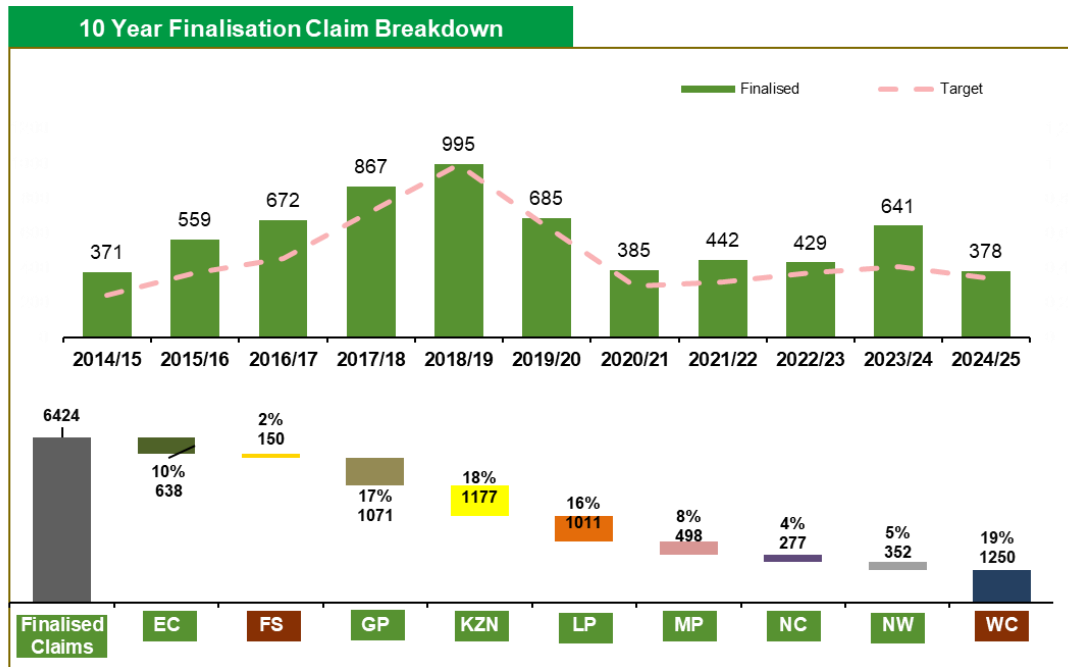


Figure 11 - 10-year Finalisation breakdown

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.

3.1. 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*

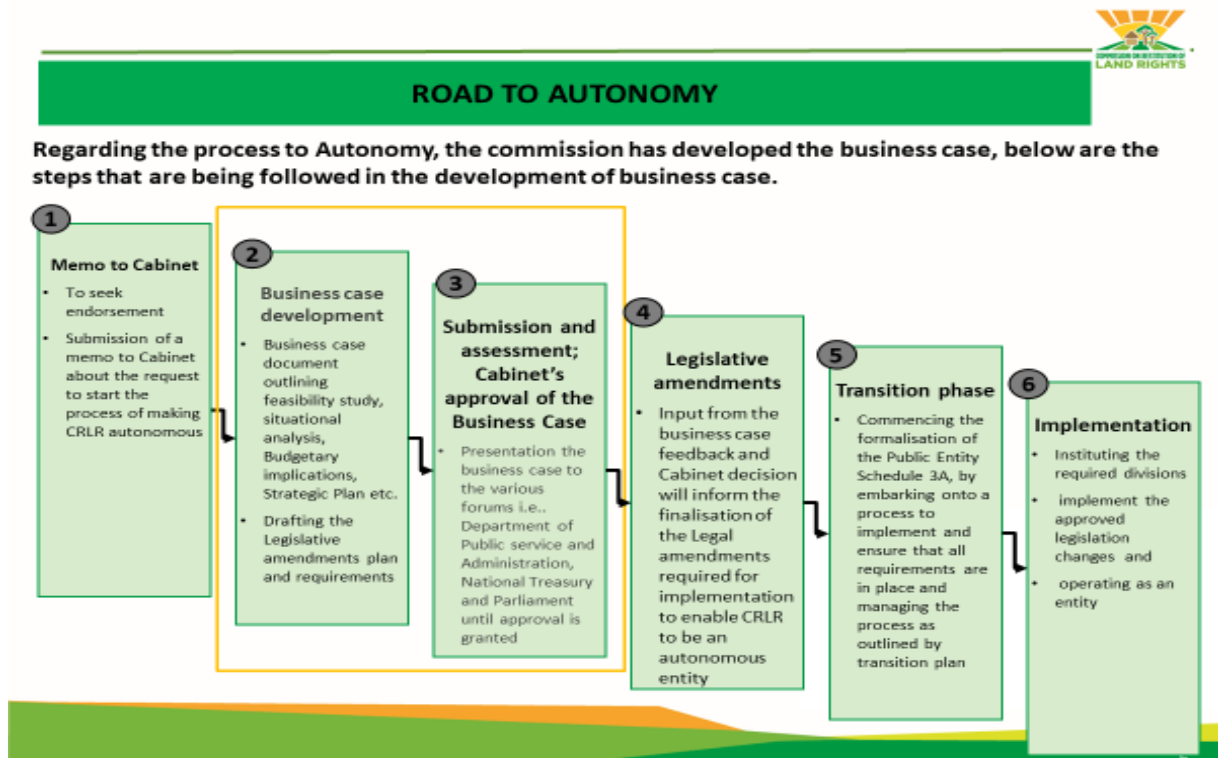


Figure 12 - Road to Autonomy

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 has embarked on the process of reviewing the Policies and SOPs from July 2025 to ensure continuous alignment with ever changing restitution spectrum, audit findings and other applicable legislations.

The process is still underway, and it is anticipated to be finalised by end of the financial year 2026/2027 due to various consultation processes and the number of Policies and SOPs to be reviewed. Parallel to that, the Commission continues to implement the current Policies and SOPs to mitigate risks identified and create uniformity across provinces. In addition, the Chief Land Claims Commissioner issued a circular suspending extended processes as a mechanism to expedite the settlements.

5. LEGAL REPORT

5.1 LAND COURT MATTERS

5.1.1 As of 31 December 2025, the Commission had a total of 416 matters active at the Land Court and all matters are currently on case management or 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 targeted a total of 23 matters to

be referred to Court as matters which cannot be settled by agreement for the 2025/2026 financial year.

5.2 SECTION 14 REFERRALS

5.2.1 During the 2ND quarter of the 2025/2026 financial year a total number of **5** matters were targeted and 2 matters achieved. In the 3rd quarter of the financial year **8** matters were identified and 5 were achieved and in the current Q4 7 matters are targeted at meeting the Section 14 criteria and being referred to Court accordingly.

5.2.2 The Commission has achieved a total number of 10 referrals which have been issued by the Land Court so far for the 2025/2026 financial year and 13 outstanding matters are still to be referred by the end of Q4.

5.2.3 The provincial Legal officers have provided reasons for variance and have identified the matters to be referred accordingly.

5.3 PROGRESS AND QUARTERLY PROVINCIAL REFERRAL TARGETS FOR 2025/2026 FINANCIAL YEAR (ANNUAL REFFERAL TARGET 23 MATTERS)

Performance indicator	Province	Annual Target	Quarter 1 Target	Achieved	Quarter 2 Target	Achieved	Quarter 3 Target	Achieved	Quarter 4 Target	Achieved
Section 14 Referrals as per LAMOSA 2 Judgement	Eastern Cape	1	0		0		1		0	
	Free State	0	0		0		0		0	
	Gauteng	2	0		1		0		1	
	KwaZulu-Natal	6	1	-	2	1	2	0	1	
	Limpopo	4	1	2	1		1	1	1	
	Mpumalanga	7	1	1	1	1	2	3	3	
	North West	0	0		0		0		0	
	Northern Cape	1	0		0		1	1	0	
	Western Cape	2	0		0		1		1	

Table 2 - Progress on referrals

5.3 INTERACTIONS BETWEEN THE CRLR AND LASA

The EXCO quarterly meetings of CRLR and LASA were held on the 20th of August, 15 October and 10 December 2025, being the 3rd and 4th quarterly meetings of 2025/6. 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.

The Office of the DLCC, supported by National Legal, has undertaken the coordination and facilitation of provincial review meetings with Legal Aid. The purpose of the meetings was to; (1) conduct a comprehensive provincial review of all active matters; (2) strengthen collaboration and communication among these offices; (3) review and assess ongoing processes, challenges, and improvements related to legal support services; and (4) align strategies for more efficient and effective delivery of legal services at the provincial level.

The outcome of the reviews resulted in alignment between both offices on progress and challenges on all matters.

5.5 THE ISSUE OF NON-COMPLIANT LAND CLAIMS/ DISMISSALS

5.5.1 In terms of the Commission's 2025/2026 report, a total of 97 non-compliant land claims were raised with the Judge President, and the Judiciary advised the Commission to bring a test case before Land Court for determination.

5.5.2 The above matters, if closely monitored, could 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: Case No: LCC99/2023 affected by the above and the exchange of pleading is unfolding.

5.6.2 This matter has been referred to 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, LCC99/2023, 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.

The Commission met with the DDG of Home Affairs on the 15th August 2025, to discuss collaboration between the offices on how to deal with the untraceable claimants.

Following the meeting, the Department of Home Affairs filed its response to the Court's directive, as per the court order, dated 22 October 2024.

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, With the following deliverables being achieved:

Key Deliverables Completed

- Inception Report
- AS-IS Analysis Report
- Benchmarking Report
- Litigation Management Strategy
- Business Process Documentation
- Consolidated Litigation Case Register

The Commission on Restitution of Land Rights and the Land Court Judge President have established quarterly meetings via the Office of the Registrar. This is to ensure that the Commission is up to date in terms of the roll out program of Court Online and to ensure its readiness to deal swiftly 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 are unfolding. Further, there is a plan to invite retired Judges of the Land Court and experienced restitution Legal Practitioners to training to all legal restitution advisors in the Commission.

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 12th 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 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 interim structure dated 07 May 2025 with the total number 700 posts. 668 filled and vacant posts are 32. This constitutes a vacancy rate of about 5% which is below the ideal vacancy rate of 10% as prescribed by National Treasury.

After the de-merger the new DLRRD uplift the moratorium and the mount of 14 431 917 million were allocated for the whole Branch to fill the posts. The process of Recruitment and Selection is on-going as we speak.

Of the 34 senior managers, just over 35% are females and 65% are males. In terms of age majority of SMS members range between 50-60. Only three SMS members age are between 36 and 45. The age composition is therefore relatively old (when measured against the prescribed retirement age), with about 31 SMS at the age band 50 – 64 years. The overall representative staff for level 1-12 is as follows. Females are 381 and males are 287 which constitutes to the amount of 54% and 46% respectively.

There are 10 staff members with disabilities, which constitutes 1.43% of the total establishment. In terms of affording employment opportunities to people living with disabilities, the Branch has not yet exceeded the national target of 2%. This might be due to some of the officials absorbed by the Department of Agriculture after de-merger. There were about 7 Service Terminations for the period under review which constitute about 1% and 4 were due to resignations, and 3 were due to retirement.

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.

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 constraints in terms of the Compensation of Employees budget have a direct impact on filling of vital posts that will contribute to the overall efficiency and effectiveness of the Commission.

During the adjustment budget in 2025/26, additional funding of R267 million was shifted to Restitution from various branches within the Department. These funds are earmarked for post settlement implementation and assisting communities with development of their land. A further R657 million was rolled over funds from the 2024/25 financial year as approved by National Treasury. These funds came at a late stage in the financial year and have a great impact on the planning and implementation of projects given the processes that are involved. The implementation of the Restitution Bulk Payment System assisted with fast tracking of payments, but the system still has some issues that are being addressed. The system has been prioritised by ICT and is continuously supported.

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 December 2025 is as follows:

ECONOMIC CLASSIFICATION	BUDGET	EXPENDITURE	AVAILABLE BUDGET	% EXP
Compensation of Employees	478 990 000	316 855 492	162 134 508	66%
Goods and Services	313 121 000	142 514 311	148 936 784	46%
Theft and losses	0	0	0	
Municipality	24 492 000	6 272 700	18 219 300	26%
Social Benefits	1 994 000	2 105 824	-111 824	106%

Capital Assets	91 771 000	13 598 316	70 961 387	15%
Interest on land	0	8 375 578	-8 375 578	
Sub Total	910 368 000	489 722 221	391 764 577	54%
Land and sub soil	280 301 000	302 588 134	-22 287 134	108%
Households	3 427 519 000	641 909 537	2 785 609 463	19%
Subtotal	3 707 820 000	944 497 671	2 763 322 329	25%
Total	4 618 188 000	1 434 219 892	3 155 086 906	31%

Table 3 - Financial Breakdown and Expenditure

Table 4 - Financial Breakdown and Expenditure

7. EXTERNAL CHALLENGES

Most of the external challenges identified in the Twelfth 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 Thirteenth Lamosa Report demonstrates that the Commission continues to make steady progress in settling land claims, despite facing ongoing challenges. The performance indicators for 2025/6 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.

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

In July 2025, the Minister of Land Reform and Rural Development, Mr. Hon. Nyhotso, indicated in his Budget Speech that the speed with which the claims are settled is heavily reliant on the allocated budget year on year. He further remarked that, in order to address the challenge of expediting the pace of settling of the old order land claims, i.e. those

lodged before the original cut-off date of 31 December 1998, the Commission is streamlining processes, underwritten by new policies and standard operating procedures (SOPs), as part of an acceleration strategy. Furthermore, he stated that additional financial and human resources will still be required, and in general terms the focus needs to be on enhancing the efficiency of the offices of the Land Claims Commission in the whole country.

Despite these challenges, the Commission anticipates that it will **settle and finalise a further 127 and 9 claims**, respectively, by the end of March 2026. This **Thirteenth 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: 29 January 2026