



**11th (ELEVENTH) 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**

JANUARY 2025

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LIST OF ABBREVIATIONS

APP - Annual Performance Plan

CLCC - Chief Land Claims Commissioner

CRLR - Commission on Restitution of Land Rights

DALRRD - Department of Agriculture, 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

SOPs – Standard Operating Procedures

1. INTRODUCTION

1.1. PURPOSE OF THE REPORT

The Chief Land Claims Commissioner (CLCC) submits this 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") 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.

This report follows on the 10th Lamosa report submitted to the Land Court in January 2024.

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 contains information on claims that the Commission has committed to refer to the LC as discussed in the on-going engagements between the Commission and the Judge President.

1.3. OUTLINE OF THE REPORT

The report follows on the 10th report that was submitted in July 2024. It follows a *standard report structure and it either confirms status quo or provides an update on a specific area*. Where appropriate, *progress on the areas reported on in the 10th report* is given.

The report starts with the standard re-affirming of the Commission's timeline and business process.

A detailed progress report is provided on the number of outstanding old order claims; setting out national and provincial breakdown with progress as well as indications of 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 settling of outstanding claims based on the Medium-Term Expenditure Framework (MTEF).

The report provides an update summary on the Kuyasa Project which sets out the way in which the Commission is changing the way it conducts business.

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

Lastly the sections on challenges, interventions and Financial and Human Resources, have been updated or status quo retained.

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 2018
- the adoption of the Land Court Act No 6 of 2023.

These key milestones defined and guided the Commission in the implementation of its duties, settlement of claims and directives for future operations.

The diagram below indicates the major timeline events in the life of the Commission:

RESTITUTION PROGRAMME TIMELINE

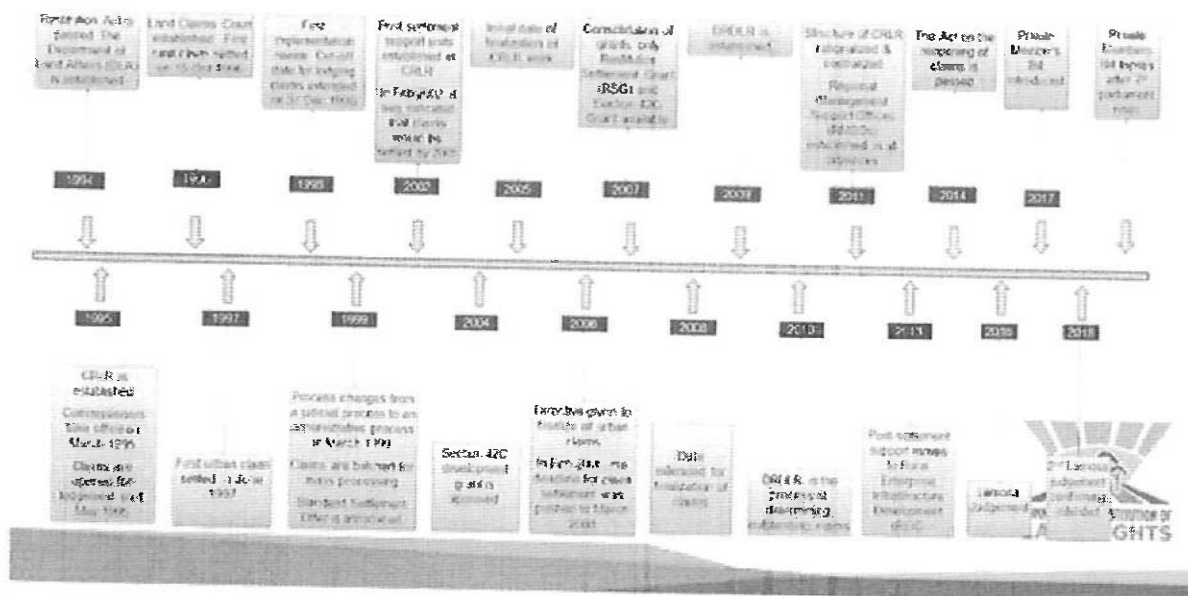


Figure 1- Restitution Timeline

3. OUTSTANDING CLAIMS

3.1. CUMULATIVE NUMBER OF SETTLED CLAIMS FROM INCEPTION TO 31 DECEMBER 2024

The table below indicates claims settled since inception in 1995 up to 31 December 2024, the total claims settled have increased since the previous report and are now at 83 348 with more than 466 000 households benefiting. Restitution awards to claimants are either financial or land compensation. In terms of the total awards, the ratio between financial and land compensation is more or less the same; 50:50 between Financial Compensation (R26.58 billion) and Land compensation (R26.43 billion). The initial rise in Land compensation has plateaued again (with only EC, Mpu and NW that have settled claims via land compensation during this 6-month period) with a slight increase again in financial compensation but is not statistically significant.

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Table 1 - Cumulative statistics

PRO	CLAIM	HHs	BEN	HA	LAND COST	FINANCIAL COMPENSATI ON	GRANTS	TOTAL AWARD
EC	17285	96879	473139	152289	229 711 154	8 580 113 332	553 607 922	9 363 432 408
FS	2675	8735	52790	60561	93 522 832	469 109 644	55 460 224	618 092 700
GT	13294	22133	83495	23970	97 879 933	1 142 427 974	85 659 986	1 325 967 894
KZN	16200	99827	562141	885133	9 065 304 369	5 753 040 660	1 036 151 066	15 860 871 096
LIM	4844	70205	354111	763622	4 570 721 812	4 477 203 676	1 014 872 281	10 062 797 769
MPU	3477	62415	333615	558598	6 517 882 908	2 307 331 267	730 948 246	9 556 212 922
NC	4069	26202	142088	858267	931 414 836	1 258 353 730	284 663 096	2 474 431 663
NW	3996	45906	228343	583788	4 623 711 176	798 013 115	755 252 403	6 176 976 695
WC	17508	34266	156336	11268	305 197 750	1 798 846 079	876 439 475	2 980 524 305
TOT	83348	466568	2386058	3897495	26 435 346 773	26 584 439 481	5 393 054 703	58 419 307 457

3.2. GENERAL PERFORMANCE

For the reporting period under the 10th Lamosa report, the total number of outstanding old order claims was 5994.

For the 11th Lamosa reporting period, the 6-monthly period is from July 2024 – December 2024; quarter 2 and quarter 3 of the 24/25 financial year. The number of claims settled during the 2nd quarter was 46 and during the 3rd quarter was 17, total claims settled under the period of review is 63. This means that the total number of outstanding old order claims are now at 5931.



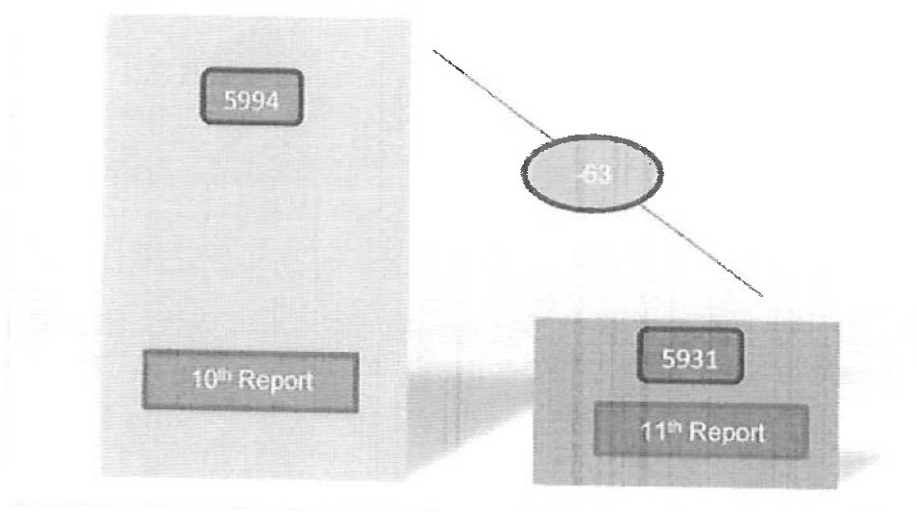


Figure 2 - Claims outstanding December 2024

The Diagram below indicates the movement of outstanding claims settled per provincial breakdown for the 2nd and 3rd Quarters, July 2024 – December 2024.

Table 2- Outstanding old order land claims movement per province

Output Indicator	PROVINCE	10th Report Total	Q2 24/25	Q3 24/25	TOTAL Q1 & Q4	11th Report Total
Number of outstanding land claims settled	EC	543	5	0	5	538
	FS	2	0	0	0	2
	GT	340	10	1	11	329
	KZN	1952	5	1	6	1946
	LIM	1210	5	0	5	1205
	MPU	1476	12	7	19	1457
	NC	31	0	0	0	31
	NW	203	1	0	1	202
	WC	237	8	8	16	221
	TOTAL:	5994	46	17	63	5931

The chart below shows the overall movement of claims per province from July 2024 to end of December 2024, 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.

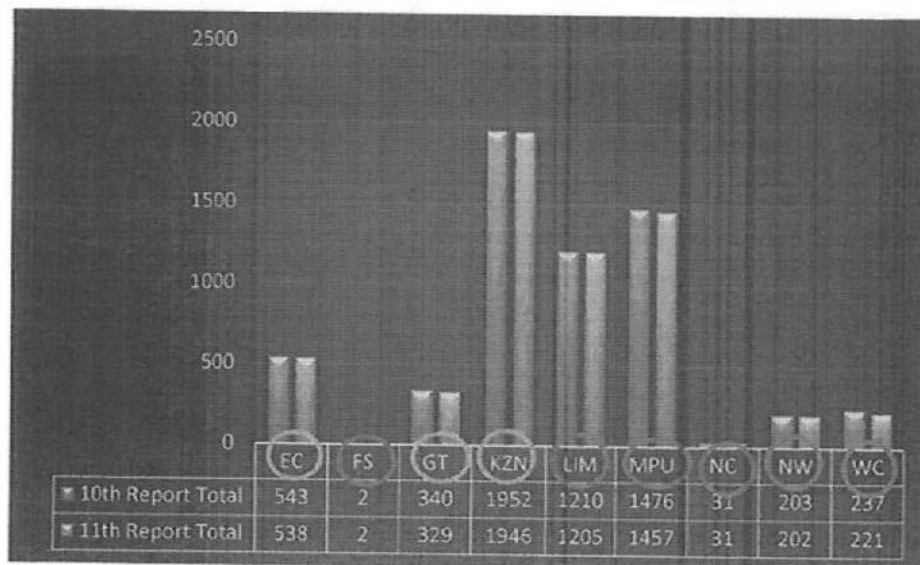


Figure 3 - Settled vs outstanding claims per Province

The total outstanding Claims per province as of December 2024 are as follows:

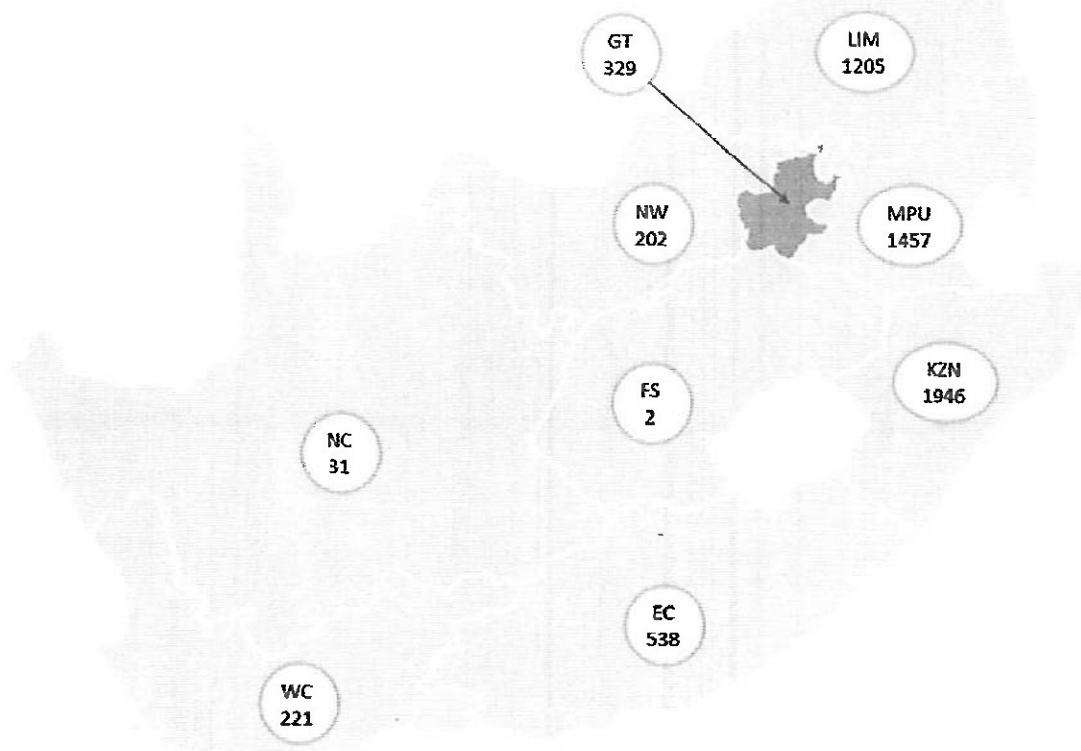


Figure 4 - Outstanding old order claims per province

- KwaZulu Natal, Limpopo and Mpumalanga still have the highest number of outstanding old order claims. Figures have been adjusted for the outstanding claims to reflect the status quo at the end of December 2024. The same challenges exist per province as per the 10th Lamosa report.
- KwaZulu Natal still has the highest number of outstanding claims at 1946 claims. Although the majority of these claims are found in the Ethekweni Municipality, a large number of claims are in the rural District Municipalities, mostly rural in nature and have the largest concentration of claimants per claim. These claims are a combination of communal land, state land and privately owned land.
- The staff of the KwaZulu Natal Provincial office must travel long distances to far flung areas to address both the outstanding claims as well as dealing with those claims that have been settled but have community disputes or where finalisation of the claims is still outstanding.
- KwaZulu Natal has contestation between labour tenancy, traditional leadership authority over the land as well as the current land owners, at times all contesting the rights to claimed land. As a result, KwaZulu Natal also sees a higher number of matters referred to the Land Court for adjudication, creating further delay in settling the claims.
- Mpumalanga follows with 1457 outstanding claims. Most of these claims are found in Nkangala District Municipality and are also mostly rural and a combination of both communal land and formal farming land. Mpumalanga has several claims that are found on land that is either being mined or earmarked for prospecting approved by Department of Mineral Resources. This often creates contestation between the claimants and the private mining right holders.
- Some outstanding claims in Mpumalanga is land that is under conservation or tourism and requires careful negation between the Parks Management Authorities and the claimants.
- Limpopo follows with outstanding claims at 1205 claims. These claims are mostly rural in nature and large claims comprising of many property parcels and large number of claimants. The districts that have the greatest number of outstanding claims in Limpopo are Sekhukhune and Vhembe. Furthermore, the issue of mining also impacts on the settlement of the claims in this province. The province also has outstanding claims in the Sekhukhune region where there is historic contestation

because of Proclamations that were issued in the past to certain Traditional leaders and or communities.

- Eastern Cape has 538 outstanding claims to settle. Most of these outstanding claims are found in the Municipal districts of Amathole and Sarah Baartman. A lot of these claims are found on communal rural lands. The Restitution Mobile offices have been earmarked to travel across the Eastern Cape Province to consult directly with the claimants in their own villages.
- The Eastern Cape also has a commitment of several financial compensation claims which have historic backlog payments that are outstanding but are receiving priority attention for payment. The Mobile bus office initiate will assist in the verification of beneficiaries for final payment.
- Western Cape has 221 claims outstanding. The highest number of claims outstanding are Registered rights and Urban Tenancy Claims, mostly located in the City of Cape Town. One of these claims is the famous District 6 where the Commission has made significant progress. A lot of these claims are in the urban area which are often ached with the struggle to find appropriate alternative land to be released to the claimants. Some of the land that is available has challenges of land invasions.
- Gauteng has 329 outstanding claims. These consist mostly of rural Labour Tenancy Claims as well as large Urban Claims that were historically partially settled e.g., Alexandra township located in the City of Johannesburg. Other large outstanding settlements in Gauteng include jurisdictional claims by traditional communities that are in court, where vast tracts of the province are under claim. The district that has the highest number of outstanding claims in the province is the City of Tshwane.
- North West has 202 outstanding claims. Most of the outstanding claims are in the Bojanala district with the 2nd highest number of outstanding claims in the Ngaka Modiri Molema district. As previously stated, these outstanding claims involves vast tracks of land for each community claim, this has resulted in the province settling the claim in phases. This includes the Mmabatho Town claims with a claim that effects most of the city. Some of these claims have had to be referred to the Land Court for adjudication an even validity.

- Northern Cape has only 31 outstanding claims to settle, and these are mostly rural claims. The Commission is focusing closely on the province to ensure that there is a target strategy to settle these outstanding claims as quickly as possible. The highest number of these claims are found in the Namakwa District. Traveling to claimant beneficiaries can also be a challenge in this province because of the distances that officials must travel to get to the claimants.

The breakdown between urban and rural claims, 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 77% to 78% and Urban claims decreased slightly from 23% to 22% as per the latest Kuyasa M&E report.

RURAL – 78%

URBAN – 22%

As per the previous report, the number of outstanding portions and land parcels per province is still quite significant and are also some of the more complex of claims with overlapping and competing rights in land, resulting in the delay in settling of these claims.

The high number of outstanding portions in the North West as depicted by the table below is peculiar to the North West. There is peculiarity because the number of claims outstanding in the province are relatively low at 202 land claims. However, the high number of land portions (2161) still outstanding reflects the high number of hectares under claim by various communities. These claims are vast and are owned by multiple private land owners and in some instances state owned. Some of these claims have had to be referred to the Land Court for the determination of the extent of validity of the claim.

Gauteng Province also appears to have a higher number of portions outstanding (2581) as opposed to the number of outstanding claims. These portions outstanding relate to some of the Jurisdictional claims by some Traditional leaders as already referenced above.

The Commission continues to monitor and analyse the movement of both claims' hectares and portions restored to the beneficiaries each financial year.

3.3. LAND USE LINKED TO SETTLEMENT MODELS

As far as it relates to the land use of the land restored to claimants the status quo remains as per the previous reports.

The Settlement models developed per sector are aimed at expediting and improving the sustainability of the settled land claims. As a result, it is necessary to also breakdown outstanding land claims per land use. This assists with engaging the relevant sector players to ensure the sustainability of the settlement of outstanding claims and to ensure that the economic activities are not interrupted, and job opportunities are created.

From the chart below, the indication is that most claims are characterised by residential and mixed land use. Although the chart below indicates that the sectors such as Conservation; Sugarcane and Forestry are in the lower percentiles, these claims are complex and require a coordinated approach involving the sector experts thus affecting the swiftness at which these claims are settled.

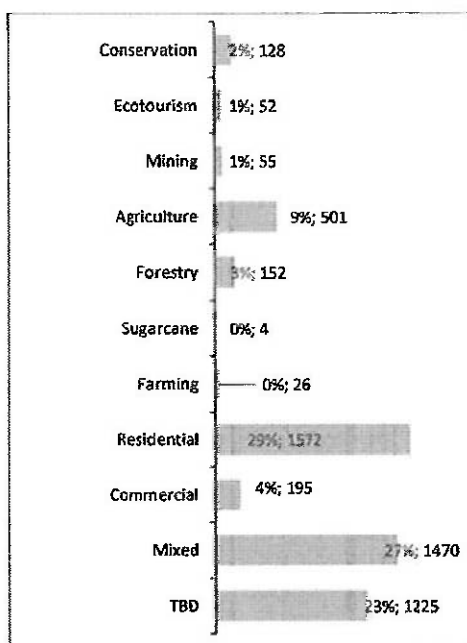


Figure 5 - Land Use per Settlement models (Ha; %)

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

The reporting period for the 11th report is for quarter 3 and quarter 4 of the 24/25 financial year. Targets are directly linked to the allocated budget and staff compliment.

For the 2024/2025 Financial year, the Commission has set itself a target of **settling a total of 319 claims** and **finalising a total of 339 claims**. During the 2nd and 3rd Quarters of this financial year, the target for settlement of claims was 186; the Commission over this period managed to settle 63 claims. The forecasting for Q4 looks promising and the Commission is confident that it will achieve the overall targets set for this financial year. Below is the progress against the 24/25 APP targets.

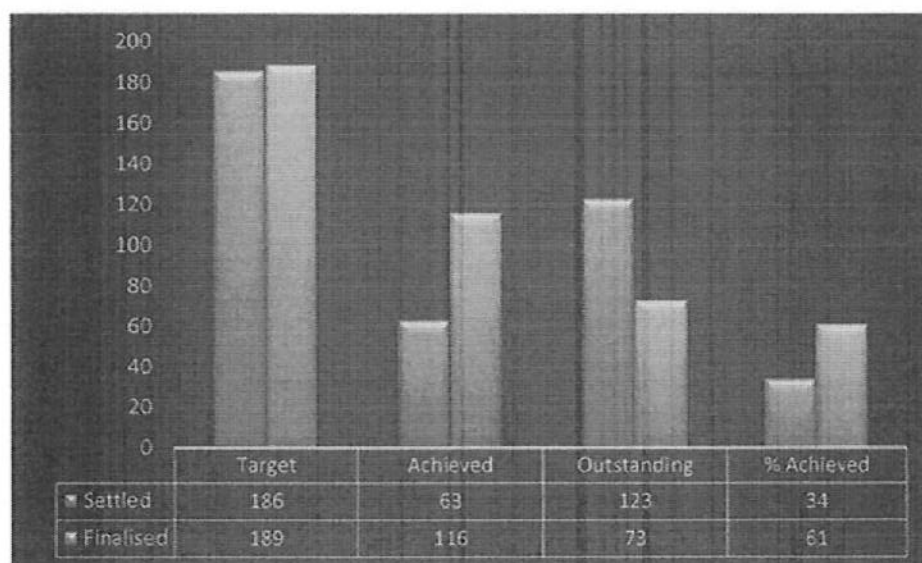


Figure 6- Progress against APP Targets

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

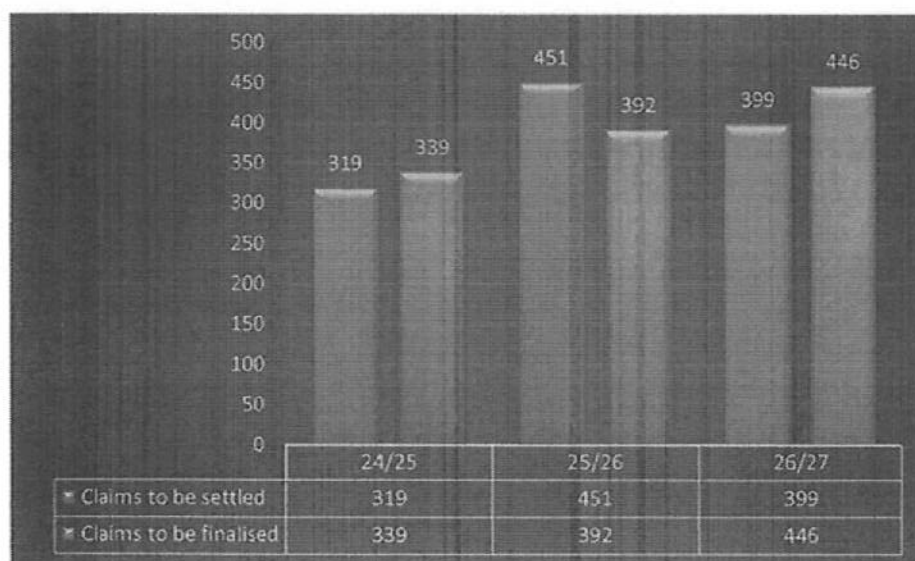


Figure 7- MTEF Baselines

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.

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.

4.1. AUTONOMY AND THE INTERIM STRUCTURE

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 that can be referred to.

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.**

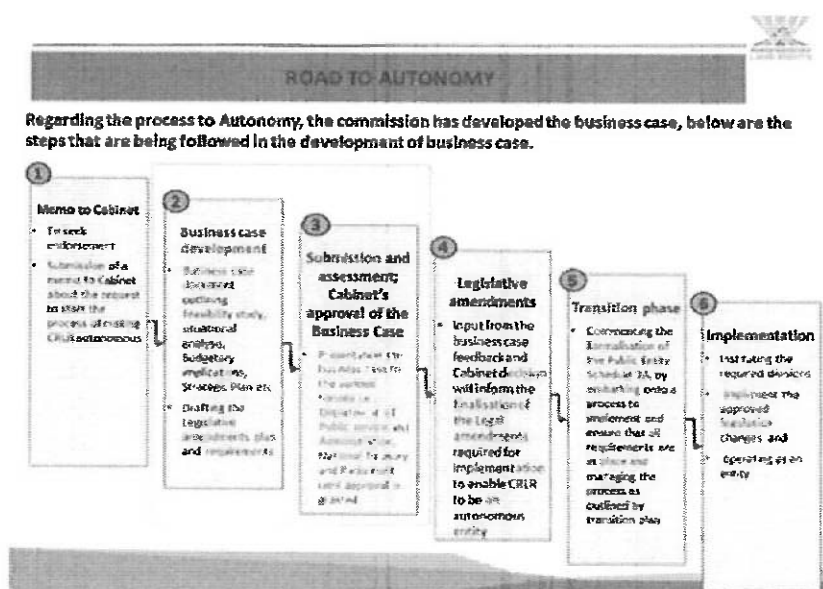


Figure 8- Road to Autonomy

4.2. RISKS ASSOCIATED WITH THE ABOVE MATTERS

The risks reported in the 10th Lamosa report remain.

Failure of processing the Interim Structure towards approval by DALRRD 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.

4.4 POLICY MATTERS

The status as per the 10th Lamosa report remains.

The Commission is implementing the new policies to mitigate risks identified and create uniformity across provinces; however, the issue of human capacity remains a serious concern as the policies and SOPs were developed with a specific structure and capacity in mind that has not been met (as reported under Kuyasa progress).

In addition to the implementing of the developed policies, the Commission maintains compliance with existing policies and addresses audit findings to ensure efficient and effective service delivery through a documented restitution process.

The proposed Sector-Specific Settlement Models have not yet been approved. Continuous engagement with various department and sector experts are ongoing.

Finally, the National Policy Unit and Policy Forum have aided the Commission in ensuring a central repository for policy specific matters, prompt responses with policy interventions wherever needed. This also assists in guiding Provinces with the interpretation of policies and SOPs, central fora responsible for policy development, reviews, and advising the Commissioners as and when required, to name a few.

5. LEGAL REPORT

SECTION 14 REFERRALS

During 2024/2025 financial year, the Commission had 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 **8** cases have been approved by the Regional Land Claims Commissioner, and issued at the Land Court with the balance of **15** matters that are outstanding, and provincial Legal officers have provided reasons for variance and have identified matters that can be issued before the end of the financial year. See the table below for the breakdown of the targets in quarters:

11th (ELEVENTH) LAMOSA REPORT TO THE JUDGE PRESIDENT OF THE LAND COURT

Table 3- Section 14 Referrals – targets and performance for 2024/25

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	2	4	6	9	0	7	–	8

The Provincial breakdown is captured in the Table below:

PROGRESS AND QUARTERLY PROVINCIAL REFERRAL TARGETS FOR FINANCIAL YEAR 2024/2025

Table 4 - Progress on referrals

ACHIEVEMENT AGAINST 2024/2025 OPERATIONAL TARGETS UNIT LEGAL ALL PROVINCES:
01 APRIL 2024 – 31 MARCH 2025

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	0
	Free State	1	-	-	-	-	1	-	-	0
	Gauteng	1	-		-		1		-	0
	KwaZulu-Natal	6	1	1	2	2	2		1	3
	Limpopo	3	0	0	1	0	1		1	0
	Mpumalanga	8	2	1	1	4	2		3	5
	North West	1	0		0	-	0		1	0
	Northern Cape	1	0		0	-	0		1	0
	Western Cape	1	0	0	0	-	1		0	0
	Total	23	3	2	4	6	9	0	7	0



During the years 2021/ 2022 the Land Court through the then Acting Judge President gave several directives regarding incorrectly issued referrals. The following issues were raised in most of the matters brought to court:

- No clear dispute between the parties.
- There was no compliance with Directive 15 of the Land Court in that the claimants were not well represented. The Commission was informed to ensure claimants are represented before claims are filed for issuing at the LC.
- Poor research which did not outlines strong merits for the land claim which justified the publication of the claims. Further research required for matters to be trial ready.
- In addressing these the Commissioners have developed:
 - (a) A Kuyasa backlog strategy to appoint researchers to update all the rule 3 reports to rule 5 reports.
 - (b) The internal National Research Directorate is conducting inhouse research trainings for all the officials responsible for land claims investigations.
 - (c) The development of Standard Operating Procedures to ensure that the issues raised by the then Acting Judge President are attended to accordingly.
 - (d) Upon the amendment of the Restitution Act and the enactment of Land Court Act, legal representation of indigent claimants has since been transferred from DALRRD/ CRLR to the Legal Aid South Africa.

IMPACT OF THE REPEAL AND AMENDMENT OF THE RESTITUTION ACT 22 OF 1994

On 27 September 2023, through Government gazette No 3744, the President of the Republic, effectively assented Act No. 06 of 2023: The Land Court Act. To provide for the establishment of a Land Court and appeals against decisions of the Land Court; to make provision for the administration and judicial functions of the Land Court; to provide for the jurisdiction of the Land Court and Magistrates' Courts for certain land related matters; to provide for mediation procedure; to amend certain laws relating to the adjudication of land matters by other courts; and to provide for matters connected therewith.

Due to the obligations placed by legislation (Extension of Security of Tenure Act No. 62 of 1997, The Land Reform (Labour Tenants Act No. 3 of 1996 and Restitution of Land Rights Act No. 22 of 1994)) on DALRRD and the Commission, the bulk of the referrals to Legal Aid South Africa will come from DALRRD and the Commission.

It is also important to note that whilst the legal representation was given to Legal Aid South Africa, the other important aspect of the fund remained with the Department, being mediation. In terms of S13 (2) (b) of the Restitution Act, the Chief Land Claims Commissioner is empowered to appoint a mediator, hence the panel of Mediators. The Department advertised calling on all mediators to form part of a panel through which all future appointments will be made. This will also contribute to the Backlog Reduction strategy of old order outstanding land claims, identification of matters before court where parties agree to mediate and enter into settlement negotiations.

The ongoing discussions between the Commission and Legal Aid South Africa to find each other with a proposal for parties to conclude a Co-operation Agreement are at an advance stage.

CHALLENGES

- The entire process is in the hands of Legal Aid South Africa without consultation with the Commission, as the means test is an internal Legal Aid South Africa document, which is used to audit their matters.
- The quarterly meetings between Legal Aid South Africa and the Commission, have been helpful in terms of identifying who is handling Restitution matters on the side of Legal Aid South Africa at their national and the Regional Land Claims Commission offices.
- There is still no clear appeals process after claimants' request for legal representation are declined on the side of the Legal Aid South Africa. It is however hoped that ongoing negotiations and around the service level agreement will address this issue.
- The issue of Legal Aid South Africa taking long to process and settle payments of Land Reform Management Facility invoices which result in panellist threatening not to attend court on matters which are set down for trial or hearing.

- 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 and ready to deal with all matters on the court roll.
- 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 certain Judges of the Land Court and Advocates and experience restitution Practitioners to deliver papers to the Commission's legal officers and operational staff.
- Finally, the Commission is in talks with the State Attorney to secure services of candidate attorneys to assist in the drafting and identification of referrals. In a meeting between the DLCC's Office and the State Attorney, there is an in principle agreement to train Junior State Attorneys on the Restitution Act, as well as a room to train unqualified officials to work at the State Attorney until they finish their qualifications.

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 10th 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. 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 Land owners rejects the offers requesting higher amounts.

Human Capacity Implications (Skills and capacity)

Historically, the CRLR had an overall no. 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 DALRRD 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 749 with the total number of filled positions being 680 with 69 vacant positions. This constitutes a vacancy rate of about 9% 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.

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.

Challenges and Remedial Action:

The DALRRD 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, research, and finance.

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 still an overall reduction in the budget. The 2024/25 budget 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 December 2024 is as follows:

Table 5 - Financial Breakdown and Expenditure

TOTAL	BUDGET (R'000)	EXPENDITURE (R'000)	COMMITMENTS (R'000)	AVAILABLE BUDGET (R'000)	% EXP
Compensation of Employees	461,048	335,693	0	125,355	73%
Goods and Services	301,851	126,925	39,591	135,334	42%
Theft and losses	0	0	0	0	0
Municipality	8,182	12,360	0	(4,178)	151%
Social Benefits	492	570	0	(78)	116%
Capital Assets	99,571	7,392	6,770	85,408	7%
Interest on land	0	16	0	(16)	1600%
Sub Total	871,144	482,956	46,362	341,826	55%
Land and sub soil	297,186	482,345	0	(185,159)	162%
Households	2,396,268	1,164,242	0	1,232,026	49%
Subtotal	2,693,454	1,646,587	0	1,046,866	61%
Total	3,564,598	2,129,543	46,362	1,388,692	60%

6.2 EXTERNAL CHALLENGES

Most of the external challenges as reported on in the 10th Lamosa report remain and will be challenges that the Commission will need to continually engage with.

The settlement of claims involves just one of the objectives of the Restitution process. The Commission is mandated to acquire land and pay financial compensation as part of the redress to those communities who were dispossessed in line with the Restitution Act. However, as part of the Restitution process government has a responsibility to provide support to these communities who receive their land back through directed

support through grants from various departments in the State. This is part of the post settlement support that is to be coordinated by DALRRD.

Finalisation of land claims is the second target measured in the Commission's Annual Performance Plans. The ***Finalisation of claims*** target is defined as finalised when the settlement, as contained in section 42(D), or a Land Court order has been affected, i.e., the property has been transferred to the beneficiary or financial compensation has been paid. This means that the grants allocated towards the development of that land as well as the land that has been allocated to the community has been transferred to the beneficiaries. Each claim cannot be considered as finalised until all the land that was approved by the Minister under section 42D or a court order is transferred to their land holding entity and all the grants that have been approved and allocated by the government have been disbursed.

The provision of post settlement support is a mandate that sits outside the Commission although the Commission has a responsibility to assist in the coordination of the support.

The Commission therefore anticipates that the Backlog Reduction Strategy can only target the ***settlement of claims*** and not the finalisation stage as this is not within the domain and control of the Commission.

Therefore, in seeking to meet the directives of the Constitutional Court in the Lamosa II Court Order, the Chief Land Claims Commissioner will be compelled to approach the Land Court for a directive on the correct understanding of when the Commission can consider having effectively dealt with the **old order** claims to be able to commence with the **new order** claims and thus dealing with the distinctive separation between ***settlement*** and ***finalisation*** of claims.

7. CONCLUSION

The 11th Lamosa report demonstrates that the Commission is still making steady progress in settling of land claims. The 2024/2025 performance indicates that the Commission is committed to settling land claims as a priority.

The performance under review further demonstrates that the Kuyasa project continues to have a positive impact on the business and the performance of the Commission with the view of settling and finalising land claims in the shortest period as possible. The review and standardisation of current policies has had a positive impact on processing claims overall.

The fund allocation and budget cuts by Treasury remains a challenge to the idea of upscaling the performance of the Commission and the Backlog Reduction Strategy. The cost containment measures by National Treasury will also have a negative impact on delivery.

The Commission is still waiting for guidance and confirmation on autonomy as reported in the previous reports.

The uncertainty of the placement of post settlement support remains an issue, with the Commission playing a dual role where needed and guidance has been sought from the Director General of the Department.

Despite these challenges, the Commission anticipates that it will settle and finalise 319 and 339 claims respectively by the end of March 2024.

This Eleventh Lamosa report is hereby submitted to the Land Court as per the Constitutional Court Order of 2019.

SUBMITTED BY:



MR FRANCOIS BEUKMAN
ACTING CHIEF LAND CLAIMS COMMISSIONER

DATE: