



**COMMISSION ON RESTITUTION OF LAND RIGHTS**

**Fifth report to the**

**ACTING JUDGE PRESIDENT OF THE LAND CLAIMS COURT**

**As required in terms of the**

**CONSTITUTIONAL COURT ORDER DATED 19TH MARCH 2019 – ALSO COMMONLY  
REFERRED TO AS LAMOSA 2**

**Submitted by:**



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**N. NTLOKO-GOBODO (MS)  
CHIEF LAND CLAIMS COMMISSIONER**

**DATE: 14/12/2021**

## **SECTION A: PURPOSE**

The Chief Land Claims Commissioner submits this report to the Acting Judge President of the Land Claims Court (LCC) on behalf of the Commission on Restitution of Land Rights (“CRLR”) in compliance with the Constitutional Court order dated 19th March 2019 – also commonly referred to as LAMOSASA 2 Judgment.

This is the fifth report and it is divided into the following sections: **Section B** is the definition of the terminology used by the CRLR. **Section C** is the background and itemises the type of information that the CRLR is required to provide to the Acting Judge President of the LCC as per the Constitutional Court order. **Section D** presents the total number of outstanding old order claims as at the completion of the external Audit. The claims are also broken down according to the provinces and other important features such as land ownership and land use.

**Section E** presents the indicators and progress on how the CRLR intends to settle the outstanding claims, provided the required resources are made available. **Section F** provides the nature of constraints, budgetary or otherwise, faced by the Commission in meeting the anticipated completion date. **Section G** outlines the solutions that have been implemented or are under consideration and progress to date in order to address the constraints cited in Section F.

**Section H** gives an updated progress report on the cases referred to the Land Claims Court since 19 March 2019 to date. Lastly, **Section I** provides concluding remarks by the Chief Land Claims Commissioner.

## **SECTION B: GLOSSARY OF TERMINOLOGY USED BY THE COMMISSION**

Since June 2013, the CRLR adopted a standardized approach to reporting on outstanding claims as there were inconsistencies, as a result of various dynamics, in terms of the terminologies used by the CRLR. Such inconsistencies included terminology used in reference to settlement of claims which in turn has had a bearing on accurate reporting on outstanding claims.

The CRLR has, as a result, over the years, been very transparent of this challenge and continuous work being done on the statistics and the reconciliation needed. The work being done to sort out this issue includes what is done in the Project Kuyasa backlog reduction strategy and the external outstanding claims audit that is dealt with in section D of this report. This section, thus, amongst other things, seeks to establish a common understanding on some of the terms used in this report.

The definitions currently used by the CRLR are in line with the Annual Performance Report (APP), Technical Indicator Descriptions (TIDs) and Operational Plan Reporting guidelines used in the Department of Agriculture, Land Reform and Rural Development (DALRRD).

**The Commission attaches the following meanings to the terms on this list.**

**(i) Settled claim**

Refers to a claim that has been approved as valid and settled either through an agreement contemplated in section 42D of the Restitution Act or through an order of court.<sup>1</sup>

**(ii) Finalised claim**

Refers to a claim where the intended award approved through settlement by section 42D or court order has been fully implemented. Land has been transferred or financial compensation has been paid in full. This would have to include the full payment of grants that were allocated for the benefit of the claimants.<sup>2</sup>

**(iii) Pure outstanding land claim**

Refers to a claim that is wholly outstanding. In simple terms, this means that none of the properties subject to the claim have been settled. It is worth noting that claims that have been partially settled, which are commonly referred to as phased settlement, are not counted in this category.

**(iv) Phased outstanding land claim**

Refers to a claim where an agreement contemplated in section 42D of the Restitution Act has been entered into in respect of one or multiple portions/properties under this one claim. This happens mostly in large claims, where the land under claim is owned by multiple owners – involving protracted negotiations – thus resulting in a staggered (phased) approach in the settlement of the entire claim.

**Phased claims arise as a result of one (or combination) of the following scenarios:**

- Complexity of the claim (i.e. overlapping claims, high value properties, large number of claimants).
- Disputes in terms of validity on certain properties
- Settlement in terms of willing sellers;
- Limitation of the budget allocated at a point in time

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<sup>1</sup> Once a claim has been settled, what follows thereafter is the implementation of the approval which happens through effecting transfer of the land or the payment of financial compensation or both. The commitment arising out of every approval is placed in a commitment register for monitoring and tracking to ensure that the award which could be land restoration or financial compensation and development grants is affected to the benefit of intended beneficiaries.

<sup>2</sup> Once the entire award has been implemented, the value of the award that would have been entered into the commitment register is then removed.

**(v) State Land claims**

Refers to a claim that affects a property registered in the name of the State.

**(vi) Court matter**

Refers to a claim that has been referred to court in terms of section 14 of the Restitution Act. The court may already have given instruction on how the claim is to be settled or such court order may still be pending.

**(vii) Project Kuyasa**

Refers to a project that has been initiated by the CRLR and is geared towards a comprehensive overhaul of the processes, systems and models used by CRLR in the processing of land claims to ensure the entity delivers better and faster services to its clients.

Project deliverables (in short and medium) include the following:

- Strategy development towards expeditious reduction and complete settlement of all backlog claims
- Business process review and refinement to shorten turnaround times
- Recommendations on the most viable (fit for purpose) corporate entity and structure
- Recommendations on the viable land claims settlement models and cost-effective financial settlement models

**(viii) Post settlement**

Refers to a range of processes and activities that involves the provision of a variety of technical and financial resources to Land Restitution Beneficiaries, who receive land, to enable them to secure land development plans (initially) as well as production capital (secondary).

**SECTION C: BACKGROUND**

The Constitutional Court Order dated 19th March 2019 – also commonly referred to as LAMOSASA 2 requires the CRLR to furnish the LCC with the information itemised below at six monthly intervals from the date of the Order:

The CRLR, 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 Land Claims Court may direct; until all old order claims have been processed.

In line with the CRLR reporting requirement to the LCC, this report also contains information on claims that the CRLR has committed to refer to the LCC as discussed in the on-going engagements between the CRLR and the Acting Judge President.

However, the CRLR has deemed it necessary that the Acting Judge President be provided with important background information contained in Sections D, E, F and G of this report. The importance of providing the Acting Judge President with this information is to allow the AJP to have a sense of some of the back-office work that the Commission is doing in order to fundamentally change the manner in which it conducts its business, for the greater benefit of the people that it was established to serve.

#### **SECTION D: NATIONAL AND REGIONAL BREAKDOWN OF OUTSTANDING OLD ORDER LAND CLAIMS**

In the previous LAMOSAs reports, the Commission indicated that an overarching organisational, systems and process improvement Project called Kuyasa had been instituted whose numerous projects include the development of a backlog reduction strategy.

As part of rectifying some recurring inaccuracies in the number of outstanding claims as occasioned by earlier inconsistencies in the counting of settled claims, the backlog reduction strategy was developed with the two following complementary elements;

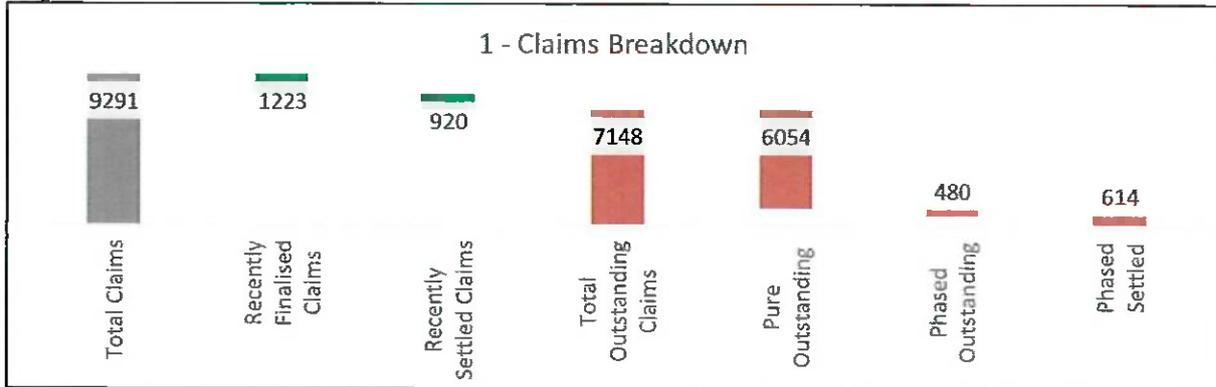
- The first element involved a Project Kuyasa facilitated process of cleaning and updating of the outstanding claims list in order to progressively improve on the accuracy of the backlog baseline. This, mainly desktop data cleaning was done in collaboration with the provincial offices' personnel responsible for information management who needed to continuously update the files.
- The second element of this strategy entailed the introduction of an external auditing process which involved deploying a team of audit specialists to work with respective Commission provincial personnel to analyse and count available physical claim files with a purpose to authenticate the consolidated outstanding claims lists.

The latter audit process has now been completed with the auditors opinion being that *"the consolidated list presents fairly in all most material respects"*. The auditor's report, which is attached here as **Annexure B**, does however raise serious concerns with respect to weaknesses in records management, safe keeping of information leading to instances of absence of documentary evidence to corroborate stated numbers in relation to some claims.

The information and much of the data presented in this section is a product of the work done in the backlog reduction strategy with the numbers backed up by the external audit.

**National breakdown of outstanding claims as of 30<sup>th</sup> November 2021:**

FigureD1



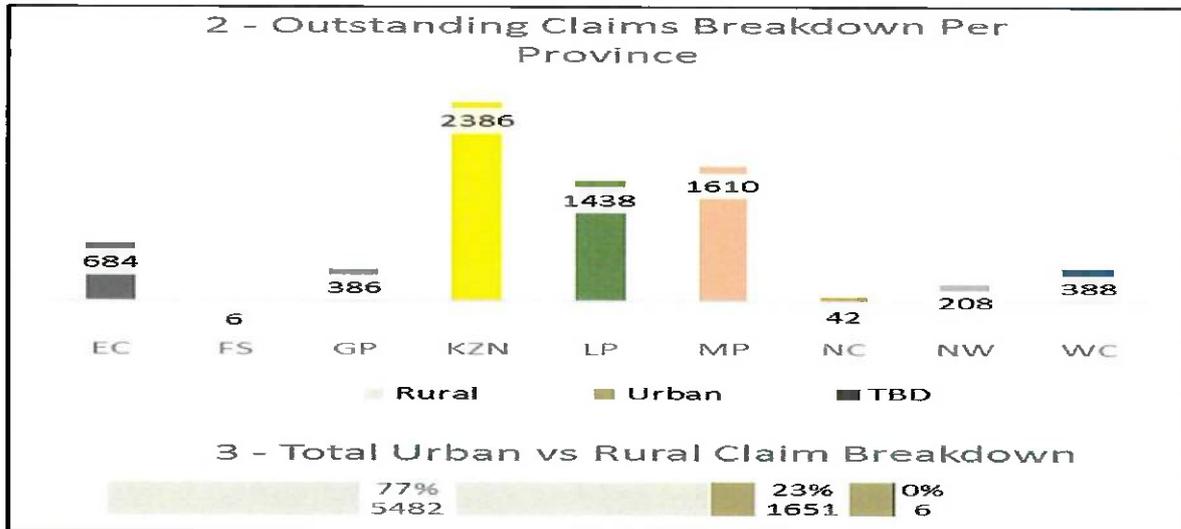
The fourth LAMOSA report indicated a total number of 7268 outstanding claims based on the internal Kuyasa backlog reduction project.

The national total number of outstanding claims based on Project Kuyasa backlog reduction strategy and external audit as of 30<sup>th</sup> November 2021 is 7148. This number indicates a total reduction of 120 claims from the previous 4<sup>th</sup> LAMOSA report.

The number of 7148 consists of 6054 pure outstanding claims, 480 phased outstanding claims and 614 of settled phased claims.

**Provincial breakdown of outstanding claims**

FigureD2



The provincial picture indicates that the bulk of the outstanding claims is concentrated between the largely rural provinces of KZN, Mpumalanga and Limpopo with claims over the 1000 mark, and KZN taking the lead with 2386 claims.

The three leading provinces are followed by the four provinces viz; Eastern Cape, Western Cape, Gauteng, and North West; with outstanding claims of 684, 388, 386, and

208 respectively. The Northern Cape and Free State have the least outstanding claims with 42 and 6 respectively.

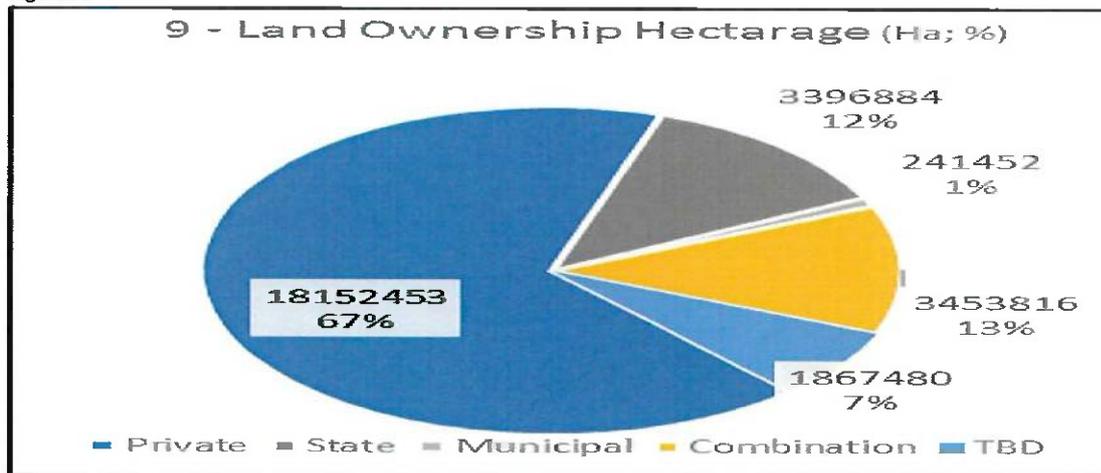
The provincial picture above also shows that the largest share of outstanding old order claims is rural at 77% while the urban lot is sitting at 23%.

The distribution of outstanding claims by province, region, urban/rural divide, which is depicted above is of critical importance with respect to understanding areas with the most performance pressures and related deployment of additional resources.

The information that follows next provides additional characterisation of outstanding claims by looking at features such as types of ownership and land uses affected by the remaining claims. The chart in figure3 below depicts types of land ownership affected by claims.

### Land ownership break down of outstanding claims

FigureD3



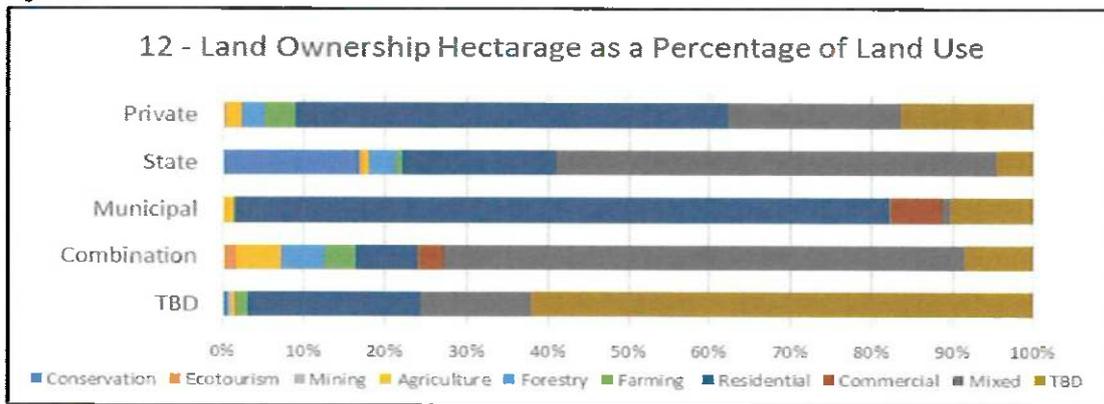
The land ownership categorisation of outstanding claims is significant as it has implications on the costs of settling and finalising claims.

The depiction above clearly indicates that the lion's share of the outstanding claims at 67%, affect privately owned land which would require considerable amount of money should the successful claimants opt for land restoration. In contrast state owned land which is at 12% would in general be acquired at no cost.

Land claims that affect various types of land owners affect the second largest chunk of outstanding claims at 13% while Municipal land is at an insignificant 1%. There is urgency to get clarity on the ownership of the 7% whose land ownership, apparently due to ongoing research, remain to be determined.

## Land use of outstanding claims as percentage of land ownership

FigureD4



The consideration of land ownership with applicable land use distribution as depicted above is not only important to the Commission but is of critical importance to the stakeholders in the various economic sectors for a variety of reasons, including proper planning and possibility of Sector/Commission conclusion of cooperative framework agreements as currently being undertaken in several Economic Sectors.

The diagram above indicates that in the case of both private and state land, there is a significant number of claims affecting residential and mixed land use with a fair distribution of forestry, conservation, agriculture and mining.

The details on the character of outstanding claims presented here serve as a foreground to the discussion on anticipated completion of claims dealt with in the next section, the nature of constraints being dealt with in section F and the type of solutions being implemented, as would be dealt with in section G.

**Annexure A** attached to this report provides further in-depth information on the categorisation and distribution of outstanding claims, especially district-based distribution in the various provinces.

### **SECTION E: THE ANTICIPATED DATE OF COMPLETION, IN EACH REGION, OF THE PROCESSING OF OLD ORDER CLAIMS, INCLUDING SHORT-TERM SETTLEMENT TARGETS**

As indicated in section D, as of the completion of the external audit, the number of outstanding claims is sitting at 7148. The indication on how the Commission intends to settle all outstanding claims is outlined in the Commission 20/21-24/25 Strategic Plan which has since 2020 been subject to some adjustment mainly due to anticipated adverse Covid 19 regulations and treasury budget shifts. The Commission Strategic Plan multi-year targets are reflected in the table below.

## Multiyear settlement targets for outcome 1

FigureE1

			TARGETS	MTEF PERIOD		
Outcome	Output	Output indicators	20/21	21/22	22/23	23/24
1. Restored land rights and alternative forms of equitable redress	1.1 Land claims settled	1.1 number of land claims settled	244	240	558	549
	1.2 Land claims finalised	1.2 number of land claims finalised	295	316	473	477

### Short Term Settlement Targets and Progress

In the previous financial year (2020-2021) the Commission settled a total of 324 claims against an adjusted (COVID-19) target of 244 claims, and finalised 385 claims against an adjusted (COVID -19) target of 295 claims.

The table below shows the Performance of the Commission against targets set for the 2020-2021 financial year:

FigureE2:

Performance indicator	Annual Target	Performance Against Annual Target	% Achieved against Annual Target	Variance on Annual Target
Number of land claims settled	244	324	133%	+80
Number of land claims finalised	295	385	131%	+90

### 1.2 INDICATORS ON HOW THE CRLR INTENDS TO SETTLE THE OUTSTANDING CLAIMS

In this section the Commission indicates how many claims it would settle and finalise in multiyear projections up to 2024, within the constraints of current annual and MTEF budget allocations, assuming conditions regarding Covid 19 do not get worse.

Progress against short term targets is also demonstrated to indicate how the Commission has made strides under the unprecedented tough conditions of 2020/21 financial year.

The Commission's Strategic Plan which was annexed to the last LAMOSA 2 report indicates that significantly more resources would be required to enable the Commission to settle all the remaining claims in a shorter period. This issue is dealt with at length in the next section of this document.

While noting challenges which are detailed in the next section of this report, the Strategic Plan communicates a desire by the Commission to settle all outstanding claims within a five-year period.

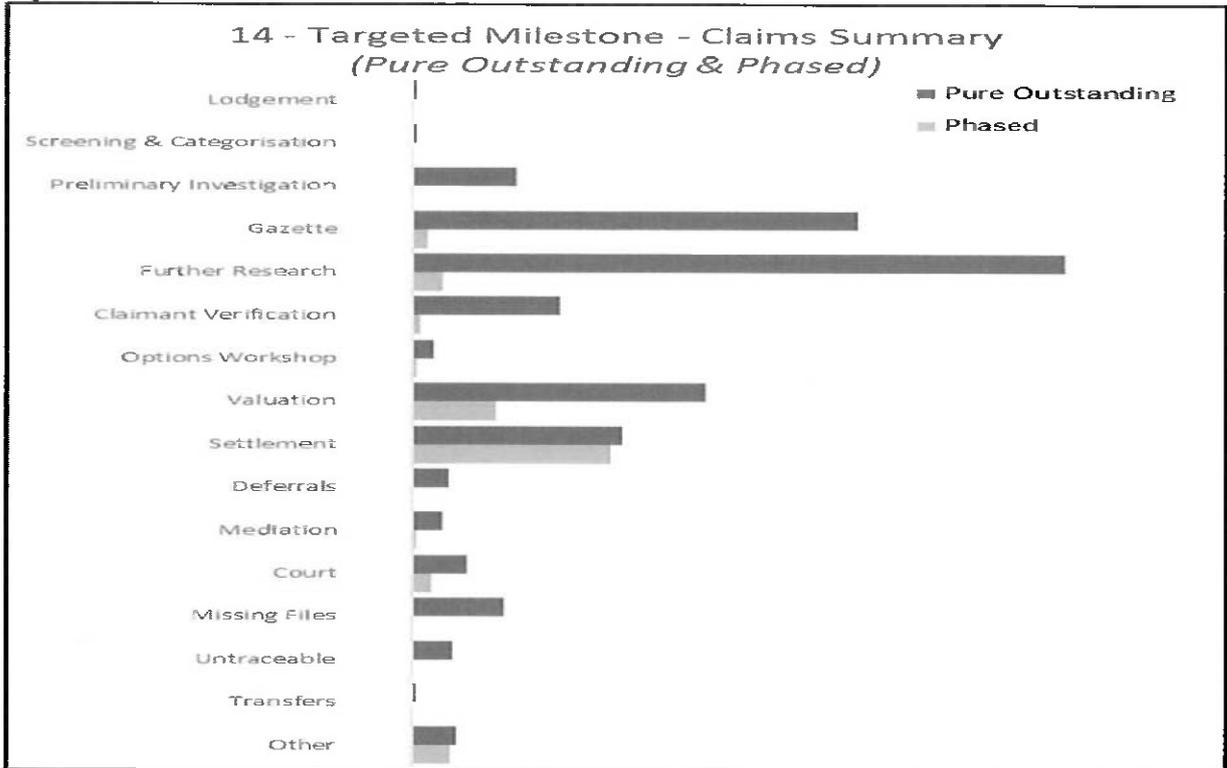
#### **SECTION F: THE NATURE OF ANY CONSTRAINTS, WHETHER BUDGETARY OR OTHERWISE, FACED BY THE COMMISSION IN MEETING ITS ANTICIPATED COMPLETION DATE**

The various Restitution Programme performance reviews and the analysis done in the Project Kuyasa, has helped to identify performance weaknesses and blockages that are both internal and external to the Commission.

These challenges are outlined here, so that the Commission can demonstrate steps being taken to resolve them. However, there is an expectation, especially in matters involving external parties, that the LCC may also assist where, it appears as though, the Commission is knocking on closed doors.

## Key blockage areas in the Restitution business process

FigureF1



As has been mentioned in the previous reports, the age analysis of outstanding claims done under Project Kuyasa as part of the analysis had identified three (3) main blockage areas in the process of settling a land claim. The analysis showed that the bulk of the outstanding claims tend to be mostly concentrated at (i) Research and Gazette, (ii) Land Valuation and (iii) Settlement Negotiations stages of the Business Process.

**Research** is a critical stage as it involves the determination of the acceptance of the claim where the interests of the other parties must be taken onboard and where disputes are often inevitable.

As indicated in section D, the bulk of the remaining claims are privately owned and rural in nature, thus likely to involve informal types of rights claimed, in such instances the quality of the investigation report that accepts or dismisses a claim becomes key in avoiding needless disputes and delays.

**Land valuation**, on the other hand, has with the advent of the Property Valuation Act of 2014 become the purview of the Office of the Valuer General (OVG). However, the lack of capacity (no national footprint) and fairly complex procedures in the determination of land values and / or compensation had an effect of causing both delays in the settlement of claims due to the long-time OVG takes to conduct land valuations, as well as increased occurrence of rejected compensation offers due to the disputed valuation procedures.

### **Lack of a fit for purpose Commission structure and mandate**

There are several issues identified prior and during the Project Kuyasa that make the current configuration of the Commission irregular and thus adversely impacting on performance. These include the existence of the Commission as a Branch in the Department of Agriculture Land Reform and Rural Development (DALRRD), with the Director General of the same Department being the Accounting Officer of the Commission.

This is then contradicted by Section 21 of the Restitution Act which requires the Commission to prepare and submit its own Annual Report to Parliament.

There is an understanding which is vigorously enforced by the Auditor General of South Africa which also accords with Section 4 of the Restitution Act that regards the Commission as a Statutory Body or Entity that is meant to operate independent of the DALRRD.

However, the current organisational configuration together with a centralised structure where the Chief Land Claims Commissioner, Deputy Land Claims Commissioner and the Regional Land Claims Commissioner are all located in the National Office, militates against improved performance and corporate governance.

In addition, there is a realisation that the involvement of the Commission in matters relating to post settlement deprives the Commission of much needed resources which could be better deployed to fast track the settlement and finalisation of the outstanding claims.

In the current situation, the Commission continues to find itself having to respond or attend to matters related to post settlement, thereby putting a strain on the already reduced staff complement and resources.

### **Budgetary constraints with respect to settlement of claims**

The Commission is rightly expected to expedite the settlement of all old order claims. However, the pace of settling claims is heavily reliant on the amount of resources especially financial resources that the State provides the Commission with year on year.

Based on current budgetary allocations, which the Commission invariably easily spends, the Commission receives an annual budget of R3 billion which ranges around R9 billion at the Medium-Term Expenditure Framework level.

On the other hand, independent financial forecasting conducted under Kuyasa Project indicates that an estimated amount of approximately R65 billion will be required to settle all outstanding old order claims. This figure has a 25% margin of error as most of the claims are still in the Research and Gazetting stage, and have not been evaluated by the Valuer-General yet.

The Commission has in the past six months engaged National Treasury on the financial implications of establishing the Commission as an Autonomous Entity following the completion of a business case, also drawing their attention to limitations presented by the current budget allocations on the need to expedite the settlement of outstanding claims.

While these discussions were cordial, it is concerning that it is over six months since these engagements took place and there remains no commitment from the National Treasury. It should be noted therefore that should the budget allocation status quo remain; the Commission will have no room to accelerate the settlement of the old order outstanding claims beyond limitations of current resource availability and allocation.

### **The Human Resource Constraints**

Human resource capacity constraints remain a challenge. Although the Minister of DALRRD has approved the Commission's "Interim Structure" that is meant to alleviate the current pressing human resource constraints, the posts in the structure can only be filled once there is commensurate budget adjustment.

### **SECTION G: THE SOLUTIONS THAT HAVE BEEN IMPLEMENTED OR ARE UNDER CONSIDERATION FOR ADDRESSING THE CONSTRAINTS**

The following; are interventions that are being implemented to deal with the challenges identified in the previous section:

#### **Interventions aimed at expediting Research and Gazetting of Land Claims.**

Based on the categorisation and distribution of the remaining claims presented in section D of this report, the Commission knows that three provinces have the bulk of outstanding claims that are largely rural in nature.

In the same section D, it's clear that a few offices have far less claims and far more capacity. This situation then presents opportunities for redirecting resources to areas with the pressing needs. Such redirecting of material resources has already begun.

The discussions on possible reallocation of staff between Commission offices has begun however this process looks set to be protracted and long-term due to the nature of consultations involved.

Section F indicates where most of the claims are stuck within the business process value chain. To move the claims stuck at research and gazetting;

A strategy to accelerate research on outstanding claims was approved by the Minister of DALRRD in April 2021 which encapsulates the following;

- a detailed implementation plan to finalise all outstanding research in the next three (3) years;

- establishment of dedicated research units within the Provincial offices with the largest number of outstanding claims;
- bi-weekly progress monitoring meetings to ensure that Provinces can meet set delivery targets;

### **Interventions aimed at shortening time to conduct land valuation and reducing cases of rejected offers**

In this regard, the following measures are being taken:

- A Service Level Agreement with specific performance expectations has been entered into between the Commission and the OVG.
- Supply Chain Process for valuations have been decentralised Provincial Shared Service Centre offices to shorten the run around times and for close monitoring
- The need to improve capacity in the OVG has been escalated to the Minister of DALRRD
- A Panel of experts has been appointed by the Minister to engage stakeholders and present Minister with proposals on desired amendments to the Property Valuation Act, regulations and the mandate of the OVG. The Commission has already made presentations to the panel on all identified areas of concern
- These measures are being reinforced through the elaboration of SOPs and close tracking of the movement of cases handed to OVG for valuation as part of project Kuyasa business process improvement
- Moreover, the Commission continues to interact with both the office of the Valuer General and that of the Director General of DALRRD in continuously monitoring performance on the SLA.

### **Interventions aimed at timeous Negotiations and settlement of claims**

The Commission continues to negotiate to reach settlements on land claims as envisioned in Section 42D of the Restitution Act including, instituting mediation as contemplated in Section 13, beyond which point disputed claims are packaged for Land Claims Court referrals as required in Section 14 of the same legislation. Section H of this report provides an update on claims designated for LCC referral.

Mainstreaming of SOPs, especially, age tracking and analysis ensures that dispute ridden claims that cannot be resolved through negotiation or mediation are timeously referred to the LCC.

### **Intervention aimed improving sustainability of restitution projects**

While discussions within DALRRD are taking place towards establishing a properly resourced programme to drive post settlement and thus relieve the Commission of such activities, the Commission has demonstrated its concern for the sustainability of Restitution settlements.

This is done at two related levels, one, being through facilitation of sector based settlement models that inform the manner in which claims on a specific land use/ economic sector are settled to ensure optimum benefits to successful land claimants who get land while ensuring the continued sustainability of the sector or industry.

These models establish best practices based on known success factors on settlement of claims applicable to a specific land use such as Forestry, Mining, High Value Agriculture etc. These success factors are then mainstreamed through binding agreements called settlement model agreements.

To date such engagements to either review existing models or develop new models have taken place on Forestry, Mining, Sugar Cane, Conservation/ Ecotourism, High Value Agriculture and Urban Settlement Development where implementation pilot projects have already been identified across provinces.

On the other level, the Commission has, as part of the business process improvement project of Kuyasa developed a business process that incorporates land development planning within the pre-settlement stage of the processing of a claim. This allows for land development plans to precede claim settlement, thus informing the formulation of the claim specific settlement model.

This allows for critical role division where the Commission concentrates largely on legal aspects of processing a land claim while land development aspects are taken care off by the designated components inside and outside DALRRD.

While the commission can and does facilitates these processes, the success of these endeavours largely depend on the role played by external stakeholders (public and private) and more critically support of political principals in the various sectors where claims are settled- who are required to deploy resources to make restitution projects a success.

### **Proposed Structure of the Commission aligned to its Mandate**

Since the Minister approved the Draft Business case for the establishment of the Commission as a Schedule 3A Public Entity on the 28<sup>th</sup> April 2021, the following progress has been made:

- Detailed level business case for a Public Entity has been completed.
- The Business Case was submitted to DPSA and National Treasury for further consultation.
- Feedback from DPSA has been received and inputs were incorporated into the business plan.
- Still awaiting response from National Treasury.
- Drafting and updating the legislative amendments for the Restitution Act is in progress.

The Technical Task Team (TTT) chaired by the Deputy Minister of Agriculture, Land Reform and Rural Development continues to exist to support the process.

As mentioned earlier, the much awaited response of National Treasury on finances is going to be decisive in relation to both the realisation of the objective of transforming the Commission into an Autonomous Schedule 3A Public Entity as motivated in the submitted Business Case as well as the extent to which the settlement of the outstanding claims can be expedited as both these would require funding above current allocations.

### **Alignment between budget allocation and realistic settlement of claims forecast**

The question of available budget plays a decisive role in the goal to accelerate settlement of land claims. The Commission has costed the required budget to settle all outstanding claims in shorter of about five years as sitting at approximately R65 billion.

Since, for obvious reasons, targeting state land is considered low hanging fruit, it should be mentioned that the Commission is already focusing on state land and is a key contributor to the Inter-Ministerial Committee on land reform (IMC) chaired by the Deputy President which amongst other things drives the coordination on the identification and release of state land for land reform purposes.

The progress being made here is commendable and does contribute, but state land won't hasten the process of settling claims as most (67%) of the land under claims is in private hands.

### **Interventions relating to human resource constraints**

The Department has compiled a macro and micro interim structure based on the approval from Minister. In terms of the Interim structure, the Commission would have four (4) Regional Land Claims Commissioners instead of one (1).

Notably, this would see one Commissioner being in charge of a cluster of provincial offices as opposed to the earlier situation where there had been a RLCC per each of the nine provincial offices – this being informed by the relatively significantly reduced number of remaining claims with two offices at the verge of settling all their claims.

This, if realised, would provide greatly needed relief, considering that RLCC functions are prescribed, on the existing bottleneck created by one RLCC located in the national office. The Commission has, however, been informed that these posts cannot be filled until at some point when the requisite budget is available. The Commission continues to engage the DALRRD on all these matters.

## **SECTION H: PROGRESS MADE ON SECTION 14 REFERRALS TO THE LAND COURT AND PROGRESS**

Eighty-seven (87) cases were issued since the second LAMOSA judgement of 19 March 2019 up to 31 March 2021. The LCC issued directives in relation to these cases to ensure that they were trial ready in May 2021. A report updating the court on compliance with the said directives was submitted in June 2021.

An updated version of the said 87 cases is attached hereto as **Annexure C**.

For the current financial year, the target is listed in the table below:

**PROVINCIAL REFERRAL TARGETS FOR FINANCIAL YEAR 2021/2022**

Province	Annual Target for referrals	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Eastern Cape	3	0	1	0	2
Free State	0	0	0	0	0
Gauteng	6	1*	5*	0	0
KwaZulu-Natal	19	4	5	6	4
Limpopo	22	8	4	5	5
Mpumalanga	24	6	6	6	6
North West	5	1	2	1	1
Northern Cape	0	0	0	0	0
Western Cape	6	0	2	2	2
<b>TOTAL</b>	<b>85 (5*)</b>	<b>20</b>	<b>25(5*)</b>	<b>20</b>	<b>20</b>

A further Forty (40) cases have been issued in the current financial year. Please refer to **Annexure D** attached hereto for details on the cases issued.

The Commission continues to experience challenges with state attorney Bloemfontein as well as certain offices of the Sheriff that must assist with the service of processes on the parties listed in the referral. This continues to have a negative impact in ensuring that all cases issued are trial ready.

**SECTION I: CONCLUDING REMARKS BY THE CHIEF LAND CLAIMS COMMISSIONER WITH SPECIFIC REFERENCE TO THE IMPACT OF COVID-19 AND THE LOCKDOWN ON THE REFERRAL TIMELINES**

With the country having been moved to level 1, there has been some improvement in the achievement of an increased number of referral targets.

Great strides are also being made through Project Kuyasa initiatives to address the challenges highlighted above. The audited baseline figures on the number of old order outstanding claims provides a clearer picture of what lies ahead for the Commission and it is not going to be an easy road.

The changes that are being proposed through Project Kuyasa, will require all internal and external stakeholders to buy into the process for it to be successful. To this end change agents have been identified and change management workshops are being carried out.

The Commission acknowledges and is grateful to the Land Claims Court for the directives issued as well as the calling of telephonic conferences to ensure that disputed claims that are referred and adjudicated upon fairly timeously.

The Commission hereby submits its **Fifth Report** to the Land Claims Court as required by the Constitutional Court under case number: **CCT 40/2015** and will submit an updated follow up report in the next six months.

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