



# ANNUAL PERFORMANCE PLAN 2018/2019





**COMMISSION ON RESTITUTION OF  
LAND RIGHTS**

**Annual  
Performance  
Plan  
for 2018/19**



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## List of acronyms

APP	Annual Performance Plan
CRLR (the Commission)	Commission on Restitution of Land Rights
DDG	Deputy Director-General
DG	Director-General
DRDLR (the Department)	Department of Rural Development and Land Reform
Ha	Hectares
MP	Member of Parliament
MTEF	Medium-Term Expenditure Framework
MTSF	Medium-Term Strategic Framework
NDP	National Development Plan
NT	National Treasury
OVG	Office of the Valuer-General
PERSAL	Personnel Salaries System
PSSC	Provincial Shared Services Centre
RETM	Rural Economy Transformation Model

## Minister's Foreword



On the 19th of June 1913 the Whites only Union of South Africa Government passed the notorious Native Land Act to consolidate spoils of colonial conquest by delineating 87% of South African land as reserved for groups of European descent thus confining Africans to the miniscule, overcrowded, largely barren native reserves.

It was in one of these ruins that on the 18 of July 1918 a child was born that was not only to endure the deprivations of growing up in these poorly serviced margins of South Africa but would have the fortitude and resolve to lead the struggle to right the monumental wrongs of the legacy of colonialism and apartheid.

At the core of this political struggle was always the realisation that much of the social and economic deprivations afflicting the African people arose from landlessness which has its origin in the colonial land conquest and subsequent racially discriminatory land related laws of apartheid South Africa.

The struggle for liberation, that Mandela committed his life to, set in motion a series of events which culminated in the defeat of apartheid and the emergence of a democratic South Africa whose living spirit is embodied in the South African Constitution.

It is fitting that in celebrating the centenary of the birth of Nelson Mandela, we also fondly recall that both the interim constitution which facilitated the enactment of the Restitution of Land Rights Act and the permanent Constitution which recognises the centrality of land reform and role of land expropriation were achievements of a Government in which he presided.

In paying tribute to the former State President Nelson Mandela, the Commission is positioning itself to accelerate the pace at which land claims are settled and production support is given to beneficiaries. This also means, taking advantage of the LAMOS A judgement which has effectively put a pause on receipt and processing of newly lodged claims.

It has long been realised that the Commission is not designed to be the vehicle to process and settle land claims and drive development of such land parcels,

hence the close cooperation between the Commission and the other branches of the Department of Rural Development and Land Reform that are geared towards development planning, enterprise development and farmer support. This collaboration includes involvement of other sector departments that have a valuable role to play in supporting farmers.

For this reason, this Annual Performance Plan and the Commission strategy on which it is based has been aligned to the strategy and Annual Performance Plan of the Department of Rural Development and Land Reform.

I take this opportunity to wish the Chief Land Claims Commissioner and the team the best in their endeavours to restore the dignity of the persons and communities which were dispossessed of their rights in land.



**The Honourable Nkoana-Mashabane, M (MP)**  
*Minister of Rural Development & Land Reform*

Date: 10-03-2018

## Overview by the Chief Land Claims Commissioner



The Commission on Restitution of Land Rights (Commission) draws its mandate from both the Constitution of the country and the Restitution of Land Rights Act no. 19 of 1994. The Commission notes with a sense of deep gratitude that this Annual Performance Plan is presented for the year that will mark the centenary of the birth of the former State President Mr Nelson Mandela who led a Government that produced both the democratic Constitution of South Africa and the Restitution of Land Rights Act.

Since 2012/13 financial year, the Commission has been able to meet all the APP targets as well as spend 100% of the allocated budget however the amount of outstanding claims compared with current rate of settling claims indicates that the Commission would require significantly more time than is desirable to settle and finalise all outstanding claims. This suggests that there has to be a drastic increase in the number of claims settled per year on average, this is already reflected in the exponentially increase in the targets for 2018/19. The Commission is committed to settle the remaining pre 1998 claims in the next 24 months.

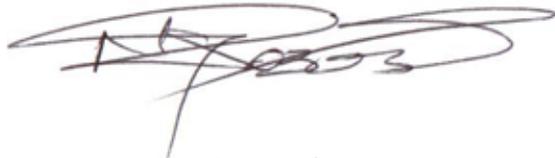
While the Commission is primarily entrusted with the responsibility to receive, investigate and facilitate resolution of land claims there is an ever growing need to roll out support to successful land claimants. It is therefore imperative that as the Commission gears up the rate of settling claims there is a reliable suite of land development expertise and financial resources provided to claimants.

Based on several independent performance reviews conducted, the Commission has identified several institutional, operational and systems related constraints that need to be dislodged to position the organisation for optimum performance.

As a result of these recommendations, the Commission is engaging the Ministry on the decision regarding the most suitable corporate entity considering the intentions of the Restitution Act and the institutional challenges currently experienced. Similarly, work is being done to ensure that the claims information management in the Commission is automated and that there is a suite of standard operating procedures regarding all areas of claims business process.

The work being done to expedite the settlement of outstanding claims also aims to support Ministry and parliament in meeting LAMOSA constitutional court remedies that would enable the reopening of claims lodgement.

My team and I are committed to the mandate given to us by the Constitution. The Commission draws inspiration in the memory of the life that exemplifies resilience as lived by the Iconic Tata Nelson Mandela



**Ms Nomfundo Ntloko – Gobodo**  
*Chief Land Claims Commissioner*

## Official sign-off

It is hereby certified that this 2018/19 Annual Performance Plan:

Was developed by the management of the Commission on Restitution of Land Rights under the guidance of Minister Nkoana-Mashabane, M (MP).

Was prepared in line with the current Strategic Plan of the Commission on Restitution of Land Rights.

Accurately reflects the performance targets which the Commission on Restitution of Land Rights will endeavor to achieve given the resources made available in the budget for the 2018/19 financial year.



**Ms Nomfundo Ntloko – Gobodo**  
*Chief Land Claims Commissioner*

Approved by:



**The Honourable Nkoana-Mashabane, M (MP)**  
*Minister of Rural Development & Land Reform*

Date: 10-03-2018

# Part A: Strategic overview





## 1. Situational analysis

The mandate of the Commission on Restitution of Land Rights (CRLR) is to provide for the Restitution of land in respect of which persons or communities were dispossessed under or for the purpose of advancing the objects of racially based discriminatory laws. As indicated in the Strategic Plan 2015-2020 of the CRLR, various steps need to be taken to ensure that this mandate is executed with speed and efficiency. These include, inter alia, the establishment of a Commission that will be able to construct its work in a manner that is independent of the DRDLR, to ensure that proper delegations are in place, that accountability is placed in the correct position, and delays at all levels are curbed. The business processes should be streamlined with the concomitant project management, human resources and financial resources.

A comprehensive intervention programme was developed to improve the efficacy of the CRLR's operations, the pace of the settlement of the claims, and the quality of those settlements. This process was to "transform the Commission into an efficient, cost effective organisation that improves the experience of the CRLR constituents.

The CRLR has developed and tabled a stand-alone Strategic Plan for 2015-2020 as well as its own Annual Report since 2016/17. As such, this Annual Performance Plan (APP) for 2018/19 is again prepared independently from, but in line with, that of the Department of Rural Development and Land Reform.

A crucial change in the environment was that on 28 July 2016 the Constitutional Court found the Restitution of Land Rights Amendment Act 15 of 2014 (the amendment act) to be invalid. This meant that no new claims could be lodged and an interdict has been placed against the processing of claims lodged from 1 July 2014. In addition, the Constitutional Court essentially gave Parliament 24 months to process a new amendment act. This meant that the CRLR refocused all attention on processing the pre-1998 claims, with a specific focus on ensuring that all outstanding claims were researched.

Another key development in the past year was the Agriculture, Land Reform and Rural Development Phakisa which seeks to stimulate socio-economic growth, foster job creation, and promote transformation along the agriculture and rural development value chain.

The Constitution of South Africa recognises land restitution as one of the cornerstones for addressing dispossession of the previously oppressed citizens. From an economic perspective, land restitution is an important priority identified in the National Development Plan (Vision 2030) as a platform from which job creation, household food security, social cohesion and restoration of the dignity of the people can be improved.

The CRLR developed an implementation plan flowing from the Phakisa mini-lab, five outcomes were developed and identified namely;

- 1) Clearing the backlog
- 2) Improving business processes and systems
- 3) People management
- 4) Determining appropriate corporate form and
- 5) Piloting financial options.

To facilitate this approach, various administrative and business processes would be revised to ensure that the pre-1998 claims are dealt with as fast as possible.

In light of these developments, the 2018/19 APP was developed in order to reflect these commitments and realities.

## 1.1 Performance delivery environment

Since 2012/13, the CRLR has been able to meet all the APP targets as well as spend 100% of the allocated budget.

Performance Indicators	Planned 2012/13	Achieved 2012/13	Planned 2013/14	Achieved 2013/14	Planned 2014/15	Achieved 2014/15	Planned 2015/16	Achieved 2015/16	Planned 2016/17	Achieved 2016/17
Settled	133	602	230	270	379	428	463	617	615	804
Finalised	380	376	208	292	239	372	373	560	454	672
Phased					53	119	62	82	76	75
Research					1445	1516	2660	2541	1530	1558

## 1.2 Organisational environment

One of the enhancement projects of the CRLR is a re-engineering project which amongst its objectives is to implement the recommendations of the skills audit outcomes and to ensure alignment of performance priority areas with requisite human resources capacity. Increased pressure on the fiscus and particularly on the budget allocated for Compensation of Employees has meant that the need to enhance efficiency in the manner of doing our work has had to be prioritised.

The personnel composition of the Commission is indicated in the table below:

	H/Q	GP	NW	LIMP	MP	KZN	FS	EC	WC	NC	TOTAL
<b>Permanent</b>	<b>82</b>	<b>64</b>	<b>71</b>	<b>92</b>	<b>115</b>	<b>115</b>	<b>34</b>	<b>65</b>	<b>71</b>	<b>35</b>	<b>744</b>
<b>Additional</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>6</b>
<b>Filled</b>	<b>79</b>	<b>58</b>	<b>67</b>	<b>92</b>	<b>111</b>	<b>115</b>	<b>33</b>	<b>62</b>	<b>69</b>	<b>34</b>	<b>721</b>
<b>Additional</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>6</b>
<b>Vacant</b>	<b>3</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>24</b>
<b>% Vacancy</b>	<b>4%</b>	<b>9%</b>	<b>6%</b>	<b>0%</b>	<b>3%</b>	<b>0.9%</b>	<b>3%</b>	<b>5%</b>	<b>3%</b>	<b>3%</b>	<b>3.22%</b>

The Commission consists of a Chief Land Claims Commissioner, a Deputy Land Claims Commissioner and a Regional Land Claims Commissioner who are all based at National office. The Commissioners are assisted by staff employed in terms of the Public Service Act, and seconded by the Department of Rural Development and Land Reform to the Commission. There are 15 Provincial Offices located in all 9 Provinces. The Provincial Offices are headed by Chief Directors: Land Restitution Support, who report directly to the Chief Land Claims Commissioner.

The CRLR has a funded establishment of 744 post, 721 posts are filled while six (6) were filled in addition and the vacancy rate is at 3.22 per cent.

In 2017, The Minister approved the re-appointment of the Chief Land Claims Commissioner as well as the Regional Land Claims Commissioner. The post of the Deputy Land Claims Commissioner has become vacant due to the transfer of the incumbent to the Department (DRDLR)

## 2. Legislative and other mandates

### 2.1 Constitutional Mandate

#### Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)

The mandate for restitution of land rights is derived from sections 25(7) of the Constitution of the Republic of South Africa, 1996. which states that a “person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress”.

### 2.2 Legislative mandate

Emerging from section 25(7) of the Constitution, the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended (“the Restitution Act”) was promulgated. The long title of the Restitution Act is “To provide for the restitution of rights in land to persons or communities dispossessed of such rights after 19 June 1913 as a result of past racially discriminatory laws or practices; to establish a Commission on Restitution of Land Rights and a Land Claims Court; and to provide for matters connected therewith”.

#### Restitution of Land Rights Act, 1994 (Act No. 22 of 1994):

The Restitution Act requires the CRLR to:

- i. receive and acknowledge receipt of all claims for the restitution of rights in land;
- ii. take reasonable steps to ensure that claimants are assisted in the preparation and submission of claims;

- iii. advise claimants of the progress of their claims at regular intervals and upon reasonable request;
- iv. investigate the merits of claims;
- v. mediate and settle disputes arising from such claims;
- vi. report to the Land Claims Court on the terms of settlement in respect of successfully mediated claims;
- vii. define any issues which may still be in dispute between the claimants and other interested parties with a view to expediting the hearing of claims by the Land Claims Court;
- viii. draw up reports on unsettled claims for submission as evidence to the Land Claims Court and present any other relevant evidence to the Court;
- ix. at regular intervals, take appropriate steps to make public information regarding the persons entitled to claim restitution of rights in land, the limitations imposed by the Act, and the manner in which claims may be lodged with the CRLR; and
- x. ensure that priority is given to claims lodged not later than 31 December 1998 and which were not finalised at the date of the commencement of the Restitution of Land Rights Amendment Act, 2014.

In June 2014, the validity of the Restitution of Land Rights Amendment Act, 2014 (Act No 15 of 2014) (“the Amendment Act” was challenged in the Constitutional Court. The Constitutional Court found the Amendment Act to be invalid because of the failure of Parliament to facilitate public involvement as required by the Constitution. The Amendment Act ceased to be law on 28 July 2016 and the Commission is no longer allowed to accept lodgment of new claims from that date.

The Constitutional Court ordered that the claims that were lodged between 1 July 2014 and 27 July 2016 are validly lodged, but it interdicted the Commission from processing those claims until the Commission has finalised the claims lodged by 31 December 1998 or until Parliament passes a new law providing for the re-opening of lodgement

The Restitution of Land Rights Amendment Bill, 2017 was introduced in Parliament during 2017 as a private members' bill. The Bills seeks to provide for

- the amendment of the cut-off date for lodging a claim for restitution;
- the prioritization of processing of land claims;
- to further regulate the appointment, tenure of office, remuneration and the terms and conditions of service of judges of the Land Claims Court; and
- to create certain offences.

### 3. Policy initiatives

The following are planned policies for the upcoming MTEF period:

The drafting of the CRLR Strategic Policy Framework document is underway. Planned consultative sessions with relevant stakeholders for further engagement on the Strategic Policy Framework are at an advanced stage.

## 4. Overview of 2018 budgets and MTEF estimates

### 4.1 Expenditure analysis

#### Performance and Expenditure Trends

The CRLR aligns its work with chapter 6 of the National Development Plan (an inclusive rural economy), and Outcome 7 of Government's 2014-2019 Medium Term Strategic Framework (comprehensive rural development and land reform).

#### Reconciling Performance Targets with the Budget and MTEF

##### Programme 4 Restitution

Programme 4: Restitution – Per Sub-programme								
Sub-programme				Voted (Main)	Adjusted	Medium-term expenditure estimate		
	R thousand	2014/15	2015/16	2016/17	Appropriation	Appropriation	2018/19	2019/20
Restitution National Office	126 909	88 037	90 729	210 745	153 219	147 001	182 911	195 519
Restitution Regional Offices	610 128	522 978	562 990	427 865	477 457	461 159	500 967	534 888
Restitution Grants	2 260 900	2 019 224	2 677 395	2 608 774	2 608 774	2 762 864	2 919 712	3 080 296
<b>Total</b>	<b>2 997 937</b>	<b>2 630 239</b>	<b>3 331 114</b>	<b>3 247 384</b>	<b>3 239 450</b>	<b>3 371 024</b>	<b>3 603 590</b>	<b>3 810 703</b>

Programme 4: Restitution – Economic Classification								
Economic classification				Voted (Main) Appropriation	Adjusted Appropriation	Medium-term expenditure estimate		
R thousand	2014/15	2015/16	2016/17	2017/18		2018/19	2019/20	2020/21
<b>Current payments</b>	<b>453 347</b>	<b>491 912</b>	<b>524 274</b>	<b>630 608</b>	<b>615 228</b>	<b>599 481</b>	<b>674 782</b>	<b>720 824</b>
Compensation of employees	255 323	304 738	325 509	339 818	346 884	368 976	398 031	429 379
Goods and services	192 660	185 959	198 138	290 790	268 344	230 505	276 751	291 445
Interest and rent on land	5 364	1 215	627	-	-	-	-	-
<b>Transfers and subsidies</b>	<b>2 278 729</b>	<b>2 039 371</b>	<b>2 687 628</b>	<b>2 614 699</b>	<b>2 619 471</b>	<b>2 769 216</b>	<b>2 926 413</b>	<b>3 087 360</b>
Provinces and municipalities	17 404	19 071	9 560	5 621	10 393	6 029	6 360	6 704
Households	2 261 325	2 020 300	2 678 068	2 609 078	2 609 078	2 763 187	2 920 053	3 080 656
<b>Payments for capital assets</b>	<b>264 843</b>	<b>97 869</b>	<b>112 343</b>	<b>2 077</b>	<b>4 751</b>	<b>2 327</b>	<b>2 395</b>	<b>2 519</b>
Machinery and equipment	38 161	7 314	7 940	2 077	4 751	2 327	2 395	2 519
Land and sub-soil assets	226 682	90 555	104 403	-	-	-	-	-
<b>Payments for financial assets</b>	<b>1 018</b>	<b>1 087</b>	<b>6 869</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total</b>	<b>2 997 937</b>	<b>2 630 239</b>	<b>3 331 114</b>	<b>3 247 384</b>	<b>3 239 450</b>	<b>3 371 024</b>	<b>3 603 590</b>	<b>3 810 703</b>

### Performance and expenditure trends

The total budget allocated for programme 4: Restitution amounts to R3.3 billion for the 2018/19 financial year. In 2016 the Constitutional Court ruled on Restitution of Land Rights Amendment Act (2014) invalid and contrary to the Constitution. The Commission on Restitution of Land Rights (CRLR) was tasked to resubmit the act within two years. In terms of the judgement, should all claims emanating from original lodgement be processed before the period lapses in July 2018, the Commission may approach the Constitutional Court for a review of the judgement. The CRLR resubmitted the Restitution Amendment Bill as a private members bill and is also fast tracking the settlement and finalisation of claims lodged prior to 1998 as per the Constitutional Court directive.

Consultants are extensively used as part the pre-settlement of claims and are a major cost driver in the Restitution programme. Over the MTEF period, R331.6 million will be spent on consultants conducting research to confirm the validity of claims, verification of claimants and the valuation of land. The total number of claims finalised over the medium term is expected to be 2 851. A total of R10.8 billion is allocated for the settling and finalisation of land restitution claims over the MTEF period, which constitutes 32.5 per cent of the department's budget. The programme has a funded establishment of 744 posts, 721 posts are filled while 6 were filled in addition and the vacancy rate is at 3.22 per cent.



**Part B:  
Programme  
and sub-  
programme  
plans**





## Programme 4: Restitution

### Purpose:

Settle and finalise land restitution claims under the Restitution of Land Rights Act (Act 22 of 1994).

### Strategic Objectives, Performance Indicators and Annual Targets for 2018/19

Annual MTEF targets for strategic objectives for Programme 4 are shown in the table below:

Strategic Objective Statement	Strategic Plan Target	Audited/Actual Performance			Estimated performance	Medium-term targets		
		2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
<b>4.</b> Facilitate the restoration of land rights or alternative forms of equitable redress by 2020	3 812 land claims finalised	372	560	672	724	991	865	995

Annual MTEF targets for strategic objectives for Programme 4 are shown in the table below:

Strategic Objective	Performance indicator	Audited/Actual Performance			Estimated performance	Medium-term targets		
		2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
<b>4.1</b> Land rights restored	Number of land claims settled	428	617	804	1001	1151	1179	1039
	Number of land claims finalised	372	560	672	724	991	865	995
	Number of phased projects approved	119	82	75	105	117	118	100

Performance Indicator	Reporting Period	Annual target	Quarterly Targets			
			1st	2nd	3rd	4th
<b>4.1.1</b> Number of land claims settled	Quarterly	1151	207	320	324	300
<b>4.1.2</b> Number of land claims finalised	Quarterly	991	275	312	245	159
<b>4.1.3</b> Number of phased projects approved	Quarterly	117	22	37	37	21

## Provincial Quarterly Targets for 2018/19

Strategic Objective		Performance Indicator	Medium term targets							
			2018-19							
			National Target in terms of Published APP	Provincial Targets		Q1	Q2	Q3	Q4	
4.1	Facilitate the restoration of land rights and alternative forms of equitable redress by 2020	Number of land claims settled	1151	Eastern Cape	158	26	52	41	39	
				Free State	0	0	0	0	0	
				Gauteng	60	12	18	18	12	
				KwaZulu-Natal	300	35	65	90	110	
				Limpopo	204	54	69	42	39	
				Mpumalanga	159	30	50	50	29	
				North West	29	12	8	5	4	
				Northern Cape	10	2	3	3	2	
				Western Cape	231	36	55	75	65	
				<b>Total</b>	<b>1151</b>	<b>207</b>	<b>320</b>	<b>324</b>	<b>300</b>	
	Number of land claims finalised	991	Eastern Cape	60	16	20	18	6		
			Free State	25	6	8	8	3		
			Gauteng	32	8	11	10	3		
			KwaZulu-Natal	149	26	65	29	29		
			Limpopo	198	54	50	39	55		
			Mpumalanga	40	8	10	17	5		
			North West	66	52	10	2	2		
			Northern Cape	119	29	32	32	26		
			Western Cape	302	76	106	90	30		
			<b>Total</b>	<b>991</b>	<b>275</b>	<b>312</b>	<b>245</b>	<b>159</b>		

Strategic Objective		Performance Indicator	Medium term targets							
			2018-19							
			National Target in terms of Published APP	Provincial Targets		Q1	Q2	Q3	Q4	
		Number of phased projects approved	117	Eastern Cape	17	3	6	5	3	
				Free State	3	0	1	2	0	
				Gauteng	3	1	1	1	0	
				KwaZulu-Natal	16	3	5	5	3	
				Limpopo	18	4	5	5	4	
				Mpumalanga	30	5	10	10	5	
				North West	24	5	7	7	5	
				Northern Cape	6	1	2	2	1	
				Western Cape	0	0	0	0	0	
				<b>Total</b>	<b>117</b>	<b>22</b>	<b>37</b>	<b>37</b>	<b>21</b>	



# Part C: Links to other plans





## 5. Alignment with the MTSF

The APP is guided by the Strategic Plan 2015-2020 which in turn is guided by and aligned with the 2014–2019 MTSF, more especially Outcome 7 which aims to achieve “vibrant, equitable and sustainable rural communities”. Sub-outcome 2 aims to ensure that Sustainable Land Reform contributes to agrarian transformation.

## 6. Alignment with the DRDLR strategic plan

The Strategic Plan of the CRLR presents its over-arching strategic goals, objectives and thematic areas of focus over the next five (5) years with a specific focus on the mandate of the CRLR and the manner in which it relates to MTSF Outcome 7, namely sustainable land reform and agrarian transformation.

This Strategic Plan is directly aligned with the DRDLR Strategic Objective 4.1 dealing with “Restoration of Land Rights” with the goal statement being “Restoration of land rights or equitable redress to those dispossessed of rights in land as a result of past racially discriminatory laws or practices.

In the processing of the land claims, the CRLR will be assisted by the Land Rights Management Board and Land Rights Management Committees (to be established) in managing and resolving disputes; by the office of the Valuer-General in determining values for land (historical and current); and by the Land Management Commission (to be established) in determining ownership of land at various points through history.

## 6.1 Links to the long-term infrastructure and other capital plans

N/A

## 6.2 Public entities

N/A

## 6.3 Public-private partnerships

N/A



# Annexure A





## Mandate

The CRLR is an autonomous institution established by the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) to solicit land claims, investigate them and attempt to resolve them through negotiation and mediation.

## Constitutional mandate

### Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)

The mandate for Restitution of Land Rights is derived from section 25 (7) of the Constitution of the Republic of South Africa, 1996 (“the Constitution”) which states that a “person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.”

## 7. Vision

A Commission of excellence that ensures that effective, efficient and speedy redress is provided to victims of racially based land dispossessions.

## 8. Mission

We exist to provide equitable redress to victims of racially motivated land dispossession, in line with the provisions of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994)

## 9. Values Statement

We uphold the following values:

- We value and encourage diversity and will not discriminate against anyone, uphold the rights of individuals as enshrined in the Constitution of the Republic of South Africa.
- As a responsible Commission we shall strive to be transparent, accountable and responsive in all services that we offer to claimants and other stakeholders in order to ensure equitable redress.

- We shall strive towards maintaining high service standards through improved business processes and a focus on ethical and professional operational principles.
- We shall ensure that we have a dedicated, loyal, results-oriented, professional and people-focused workforce that is passionate and committed to serve the people of South Africa
- In collaboration with all stakeholders the CRLR will comply with all laws of this country and will not pass any legislation that is in conflict with the Constitution

## 10. Commission Strategic Outcome Oriented Goals

In line with the Strategic Plan 2015-2020 the CRLR has identified 2 strategic goals which it seeks to achieve in the period of this plan and beyond.

<b>Strategic Goal 1</b>	Land rights restored in order to support land reform and agrarian transformation by 2020
<b>Goal Statement</b>	Restoration of land rights or equitable redress to those dispossessed of rights in land as a result of past racially discriminatory laws or practices
<b>Strategic Goal 2</b>	Organisational change management
<b>Goal Statement</b>	Improved Corporate governance and service excellence through inter alia the operationalization (establishment) of an autonomous Commission, a strengthened legal framework, improved business information and improved communication



# Annexure B: Technical Indicator Descriptions





## Programme 4: Restitution

### Strategic Objective Indicator: 4.1

Indicator title	Number of land claims finalized
Short definition	<p>The indicator refers to the land claims that have already been settled which have now been finalized. Finalized means full financial compensation being disbursed or land purchase price has been disbursed; and /or land has been transferred or a combination thereof. The indicator includes the number of claims that have been dismissed or determined to be non-compliant. The indicator also includes the release and disbursement of grants/ including declarations or reconciliations to clear the commitment register.</p> <p>The indicator now also includes deferred claims and/or untraceable claims</p>
Purpose/importance	This indicator enables the department to track how it fares towards restoring land rights.
Source/collection of data	<p>Commitment register</p> <p>Signed off provincial reports</p> <p>Bas reports</p> <p>Project summaries</p> <p>Dismissal/ Non-compliant letter to claimant signed by the RLCC</p> <p>Approved declaration or reconciliations to clear funds from the commitment register</p> <p>Memo signed by the RLCC to refer deferred claims and/ or untraceable claims to Court</p>

Indicator title	Number of land claims finalized
Method of calculation	Simple count of the number of claims that were finalized within the period under review.
Data limitations	<p>Improper verification of beneficiaries</p> <p>Minimum period of 30 days not yet lapsed at the time of reporting dismissed or non-compliant claims</p>
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Quarterly
Portfolio of evidence	<ul style="list-style-type: none"> <li>● Detailed dated and signed list of land claims finalized and proof of payment/ financials provided on the departmental letter head dated within the period under review.</li> <li>● Dated and signed dismissal or non-compliant letter on approved letter head, signed by the RLCC where the minimum period of 30 days have lapsed after RLCCs signature.</li> <li>● Dated and signed declaration submission to clear funds from the commitment register.</li> <li>● Dated and signed deferred memo to Court on approved letter head, signed by the RLCC</li> </ul>
New indicator	No
Desired performance	991
Indicator responsibility	Chief Land Claims Commissioner

## Programme Performance Indicator: 4.1.1

Indicator title	Number of land claims settled
Short definition	The indicator refers to a total number of claims lodged that have been settled either by the Minister or as per delegations at the time or through court directives
Purpose/importance	This indicator enables the department to track how it fares towards restoring land rights
Source/collection of data	Signed section 42D/ 42E/Court Order making an award of financial compensation, land or alternative redress
Method of calculation	Simple count: Claims are counted as settled when signed by the DRDLR Minister / as per delegation or court directive is received
Data limitations	Claims are likely to be at different stages of processing. There is therefore a risk that even claims that are not yet settled can be reported as such
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle	Quarterly

Indicator title	Number of land claims settled
Portfolio of evidence	Dated and signed section 42D/42E memo on the approved letterhead, signed by the Minister of Rural Development and Land Reform or as per delegation at that time or through court directives making an award of land or alternative redress.  Dated and signed addendum and amendment memorandum as well as memorandum to pay in terms of the court order signed by the Director-General of DRDLR or as per delegations at that time or through court directives making an award of land or alternative redress.
New indicator	No
Desired performance	1 151
Indicator responsibility	Chief Land Claims Commissioner

## Programme Performance Indicator: 4.1.2

Indicator title	Number of phased projects approved
Short definition	The indicator provides a brief explanation on the projects that are settled in phases due to all the claimed properties not being settled at once. The indicator also now includes addendum or amendment memorandums approved in terms of phased projects, which were not counted previously
Purpose/importance	This indicator enables the department to track how it fares towards restoring land rights.
Source/collection of data	Signed phased section 42D/42E/ addendum and amendment memorandum
Method of calculation	The claim would only form part of the claims settled when the final phase is settled /approved as per APP indicator number 4.1.1  In the meantime it would constitute a partial settlement. Since there are numerous phases to the claim settlement and it is referred to as a phased project in this indicator to avoid duplicate counting of settled claims.
Data limitations	Not all land portions and households are settled at once. No clear indication on whether it's a phase project and how many phases are still remaining for the project. There is therefore a risk in terms of final reporting.
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle	Quarterly

Indicator title	Number of phased projects approved
Portfolio of evidence	Dated and signed phased S42D/42E memo on the approved letter head signed by the Minister of Rural Development and Land Reform or as per delegations at the time or through court directives.  Dated and signed addendum and amendment memorandum for phased projects as well as memorandum to pay in terms of the court order signed by the Director General of DRDLR or as per delegations at that time or through a court directive making an award of land or alternative redress, which were not counted previously
New indicator	No
Desired performance	117
Indicator responsibility	Chief Land Claims Commissioner







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