

LAND RESTITUTION

2010/11 - 2012/13

BACKGROUND

The aim of the Land Restitution was to return a significant proportion of land forcibly taken from individuals and communities after the passage of the 1913 Land Act.

The Commission of Restitution of Land Rights was established to undertake this process.

ELIGIBLE CLAIMANTS WERE GIVEN **THREE YEARS** FROM **1 MAY 1995** TO LODGE CLAIMS, WHICH WAS LATER EXTENDED TO **31 DECEMBER 1998**

BY 31 DECEMBER 1998 **60,000** CLAIMS HAD BEEN LODGED

BY 2013 OF CLAIMS HAD NOT BEEN RESOLVED **±15%** WHEN THE PER WAS STARTED

INSTITUTIONAL CONTEXT

There are complexities of managing land restitution while maintaining the rule of law and protecting property rights.

The claim settlement process is lengthy, uncertain, repetitive and onerous for all parties.

In 2014, government re-opened the land claims process. Although initial estimates were that as many as **397000** new claims might be lodged in all, in the first year **14000** new claims were made.

PERFORMANCE

±8700 (15%) OF CLAIMS REMAINED UNRESOLVED IN

MARCH 2013

92% OF SETTLED CLAIMS HAD BEEN SETTLED THROUGH **FINANCIAL COMPENSATION**

EXPENDITURE

52% **R4.6 BILLION** PURCHASING AND CONVEYANCING

2010/11 - 2012/13 THE RESTITUTION PROGRAMME SPENT **R8.9BILLION**

31% **R251 MILLION** POST-SETTLEMENT SUPPORT FOR FARMERS

3% **R2.8 BILLION** FINANCIAL COMPENSATION

LIABILITIES

LAND COMMISSION'S COMMITMENT REGISTER ESTIMATED AT

R1.4BILLION

PROMISES TO PROVIDE POST-SETTLEMENT SUPPORT TO RESETTLED FARMERS ESTIMATED AT

R3.4BILLION

CO\$TING MODEL

±R22 BILLION WOULD BE REQUIRED TO SETTLE THE **8700** OUTSTANDING CLAIMS OVER 5 YEARS

THIS WOULD NECESSITATE AN **INCREASE** IN THE BUDGET OF

±50% **↑** ABOVE CURRENT BASELINES **±R3 BILLION PER YEAR**

FINDINGS

IF NEW CLAIMS REACH THE **397,000** SETTLED IN A SIMILAR MANNER OVER THE NEXT **20 YEARS** ESTIMATE A FURTHER **R260-300 BILLION** WOULD BE REQUIRED

If, on the other hand, substantially more claims are settled through the transfer of land rather than through financial compensation, the costs could be as high as **R500 billion**.

POSTSCRIPT

The judgment invalidated the amendment and interdicted the Commission on Restitution of Land Rights from processing any new claim made after the amendment came into force. Parliament has two years in which to rectify the deficiency.