

# Commission prioritises settlement of old land claims

The Commission on Restitution of Land Rights will re-direct resources that were meant for the lodgement of claims towards research and finalising land claims that were lodged by 31 December 1998.



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Advocate Thami Mdontswa, the Deputy Land Claims Commissioner, said this when the commission briefed Parliament's Oversight Committee on Rural Development and Land Affairs on the implications of a recent Constitutional Court judgment on the Restitution of Land Rights Amendment Act on Wednesday, 7 September 2016.

On 28 July 2016, the Constitutional Court declared that Parliament failed to satisfy its obligation to facilitate public involvement in accordance with section 72(1) (a) of the Constitution.

The Restitution of Land Rights Amendment Act 15 of 2014, which re-opened a new window for claims, was declared invalid, effective from the date of that judgment. The court ordered Parliament to remedy the fault within two years.

This means that new claims cannot be accepted from 27 July 2016 nor can be processed.

Advocate Mdontwa said the commission would prepare to settle all claims that were lodged by 31 December 1998 over the

next 24 months.

“The first point that we make is because now we are not receiving land claims, we are going to shift resources that were meant for the lodgement of claims to the research and the settlement of claims and in this regard, we are amending our target for research and we now intend to finalise the research of claims lodged by 31 December 1998 by the end of the current financial year, which ends on 31 March 2017.

“We are also in the next two years going to be preparing for settlement of all of the claims that were lodged before 31 December 1998,” he said.

The Advocate said that as part of the Constitutional Court order, the commission has been interdicted from processing claims that were lodged between 1 July 2014 and 27 of July 2016.

Claims received during this period are protected under the court order in that the commission is entitled to acknowledge receipt of such claims, but that they can only be processed after the old claims have been settled.

The commission would only be able to process those claims if Parliament enacts a new piece of legislation that will re-open the lodgement of claims by 27 July 2018 and then provide for prioritisation on how the commission would deal with the claims that were lodged by 1998.

## **Staff to be retrained**

Mdntwa said about 99 lodgement staff members would be redeployed to deal with research and settlement of pre-1998 claims and where necessary they would be re-skilled.

He said the 14 lodgement offices in the country will be kept open to inform potential claimants who had not lodged claims by 27 July that they may no longer do so.

Mobile lodgement offices have been grounded and discussions are taking place to sub-let them.

The commission’s communication strategy has been reviewed so that it can effectively communicate the implications of the Constitutional Court judgment to the public and inform new order claimants about the implication of the judgment on their claims.

The strategy will also be used to re-assure those that submitted their claims prior to 31 December 1998 that their claims are being prioritised.

He said all adverts, banners, pull-up or other visual communication, pamphlets and manuals have been withdrawn, and that the commission’s staff have been instructed not to wear any apparel that calls for people to lodge their claims.

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