



RESTITUTION: FREQUENTLY ASKED QUESTIONS

Updated: 14/11/2024

	POSSIBLE QUESTIONS	RESPONSES
1.	In brief, please tell us about the 30 years of the Restitution of Land Rights Act	<p>The Restitution of Land Rights Act, enacted in 1994, marks a significant milestone in South Africa's journey towards addressing the injustices of land dispossession caused by apartheid and colonialism. For 30 years, the Act has enabled many communities and individuals to reclaim their ancestral land, restoring dignity and creating opportunities for economic and social development. The Commission on Restitution of Land Rights (CRLR), under the Department of Land Reform and Rural Development, has been at the forefront of these efforts, facilitating land claims and ensuring fair and just compensation for dispossessed communities.</p> <p>This milestone coincides with 30 years of freedom, marking strides towards reconciliation and social justice. The Commission's impact has been profound, empowering communities to reclaim their dignity, heritage, and livelihoods. As we commemorate this milestone, we recognise the Commission's work in enabling countless individuals and communities to reclaim their dignity and heritage. This commemoration acknowledges past injustices and reaffirms our commitment to building an equitable and inclusive society for all South Africans.</p> <p>The commemoration of this landmark legislation offers a powerful moment to reflect on the strides made in restoring land rights, acknowledging the successes achieved while</p>

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		addressing the ongoing challenges. This 30-year anniversary serves not only to honour the resilience and determination of beneficiaries but also to shine a light on transformative projects that have reshaped communities. It's an opportunity to educate the public on the critical role land restitution plays in advancing justice, healing historical injustices, and building a more equitable future for South Africa. Together, we can reflect on the journey, recognise the progress, and continue seeking innovative solutions for the path ahead.
2.	What is the role of the Commission on Restitution of Land Rights?	The role of the Commission on Restitution of Land Rights is to investigate and settle land claims in terms of the Restitution of Land Rights Act.
3.	Who are the interested parties in a restitution claim?	<ul style="list-style-type: none"> • The restitution claimant(s). • The landowner i.e. private landowners or national and provincial government departments. • The Department of Rural Development and Land Reform, representing the State. • Local authority, municipality, relevant development agencies.
4.	How many restitution claims have been lodged with the commission on restitution of land rights so far?	Approximately, more than 80 000 claims were lodged with the Commission on Restitution of Land Rights by the cut-off date of 31 December 1998.
5.	What is the total number of claims settled to-date?	<p>Since its inception in 1995 up until 30 June 2024, the Commission has settled 83 234 claims across the country, helping more than 465 488 households reclaim their dignity.</p> <p>This has been achieved through the restoration of rightful land where land was claimed, or through financial compensation for those who opted for monetary settlements. Additionally, the Commission has provided grants to support claimants. Together, these efforts have amounted to an investment exceeding R58 billion, dedicated to addressing the profound legacy of dispossession, fostering healing, and renewal.</p>
6.	What are some of the major challenges encountered in the implementation of the restitution programme?	<ul style="list-style-type: none"> • The high cost of acquiring land for land reform purposes has rendered the restitution process very expensive for the state.

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		<ul style="list-style-type: none"> As a developmental state, South Africa is faced with numerous competing needs that must be met with limited resources. Hence the introduction of VG so that the principle of just and equitable compensation is implemented. Cases that are still in the Courts due to disputes on issues such as the validity of the claim take a long time to finalize due to the lengthy court processes. The KwaZulu-Natal; Limpopo and Mpumalanga Provinces are mostly affected by such cases. Community disputes including conflicts involving the relationship with traditional authorities and their roles in Restitution, conflicts among members of the CPA/Trust, complex claims with overlapping rights, competing claims, untraceable claims etc. greatly delay the finalization of claims.
7.	What will happen to the land claims lodged before the cut-off date on the 31 December 1998?	The Commission before dealing with new claims has to prioritise the claims lodged before the 1998 cut-off date but were not finalized.
8.	What will happen to the land claims lodged between 01 July 2016 to 27 July 2016?	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 of land claims.
9.	What are the primary factors leading to conflicts within Communal Property Associations (CPAs), which sometimes result in unproductivity? How does the Commission plan to address these conflicts?	Conflicts within CPAs can often stem from differences in vision among members, governance challenges, and varying interpretations of roles and responsibilities. The Commission recognizes these challenges and is actively implementing strategies to improve CPA governance and management. We provide training programs focused on leadership, conflict resolution, and resource management to CPA members, ensuring they have the skills needed to work collaboratively. Furthermore, we are engaging more frequently with CPAs to mediate disputes early on, fostering a productive environment that enables CPAs to thrive for the benefit of their communities.
10.	Some lands transferred to successful land claimants are underutilized or	Post-settlement support is indeed critical to the sustainable productivity of reclaimed land. The Commission is actively

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	less productive than their previous capacities. Could this be due to a lack of post-settlement support?	collaborating with various governmental and non-governmental partners to establish ongoing support systems that empower new landowners to develop viable, sustainable businesses.
11.	Some Restitution projects are successful and thriving. What business model are they pursuing? Can it be replicated to other less successful projects?	Yes, successful restitution projects often implement business models that include strong community engagement, partnerships with experienced industry players, and sustainable resource management practices. We are closely studying these success stories to create templates and share best practices with other projects. By facilitating mentorship programs and providing access to business model templates, we hope to replicate these achievements across other projects, contributing to the overall success of land restitution initiatives.
12.	Whilst some farm labourers / tenants are being empowered and poised to do well going forward, others are still at the bad receiving end by farm owners. They're ill-treated and evicted from the only homes they know since most if not all were born in the farms. Is there a plan by the department to end this?	Labour tenants is managed by the Branch: Tenure Reform which is the other pillar of Land Reform.
13.	Under Apartheid, farmers weren't allowed to fail. They'd be supported with resources, try again until they got it right. Failure wasn't an option. Regarding the unsuccessful projects, is there a solid multi-year post settlement plan of 5 to 10 years to ensure full productive utilization of Restitution land?	We acknowledge the historical support structures previously in place and are committed to creating similar opportunities for land restitution beneficiaries, through collaborations with various key stakeholders, this can be possible.
14.	What would you say has been the greatest achievement of the Commission over the past 30 years?	The greatest achievement has undoubtedly been the restoration of ancestral lands to thousands of communities and individuals who were unjustly dispossessed. This work has helped communities regain not only their land but also their heritage and livelihoods.

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15.	There are claims that the Commission still has a backlog. Why is this, and what is being done to address it?	The complexity of each land claim, along with legal and historical challenges, has contributed to delays in the resolution of some cases. We recognize the need to address the backlog, and Project Kuyasa is designed to streamline claims processing and improve efficiencies. The Commission is also working closely with stakeholders to resolve outstanding claims fairly and expediently.
16.	What challenges does the Commission face when restoring land rights?	The Commission faces challenges in restoring land rights, including lengthy legal processes, verifying historical land claims, limited funding, and balancing competing interests among communities. Additionally, logistical issues, such as land availability and ensuring fair distribution, add to the complexity of the restoration process.
17.	Why does the restitution process seem to take longer for some communities than for others?	The restitution process can take longer for some communities due to factors like complex historical research requirements, disputed land ownership, and legal battles over land claims. Additionally, challenges such as limited resources, bureaucratic processes, and the need for careful negotiations to address competing interests among claimants can delay resolution. Each claim is unique, so varying circumstances and complexities contribute to the differing timelines across communities.
18.	What would you say to critics who claim the Commission has not made enough progress since its inception in 1995?	<p>The Commission acknowledges the concerns raised, and we are committed to ongoing improvement. We have made substantial progress, since the inception of the Commission in 1995 up until 30 June 2024, the Commission has settled 83 234 claims, helping more than 465 488 households reclaim their dignity.</p> <p>This has been achieved through the restoration of rightful land where land was claimed, or through financial compensation for those who opted for monetary settlements. Additionally, the Commission has provided grants to support claimants. Together, these efforts have amounted to an investment exceeding R58 billion, dedicated to addressing the profound legacy of dispossession, fostering healing, and renewal. Also</p> <p>Moving forward, we are focused on optimizing our systems and ensuring that every remaining claim receives the attention and resources it needs.</p>

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19.	What impact does the Commission see in communities that have received their land back?	The impact has been profound. Communities are not only reclaiming physical land but also revitalizing their cultural heritage, self-sufficiency, and dignity. Restitution has enabled many to improve their socio-economic status, create employment opportunities, and invest in sustainable projects. These outcomes reinforce the importance of our work and motivate us to continue empowering more communities across South Africa.

