



2nd December 2024

Deputy Minister Mathabatha
Chairperson of the National House of Traditional and
Khoisan leaders
Premier Lesufi and Members of the Executive Committee
Esteemed Judges of the Land Court
Director-General of the department
Acting Director-General
Chief Land Claims Commissioner
Officials of National and Provincial Government
Beneficiaries of Land Restitution
Invited Guests
Ladies and gentlemen
Programme Director

Thank you for inviting me to address you on this occasion, which marks 30 years since the passing of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994). This Act sought to reverse and undo settler colonial and Apartheid oppression.

At the heart of our oppression was land dispossession, and at the heart of our complete liberation is land restoration. Our right to land has not been fully restored.

In the entire period of history of land dispossession, we lost countless lives. The lives were all irreplaceable, to this day

never recovered. We must take this message to heart in our duties to serve the people through land reform and rural development.

Our people were violently and brutally dispossessed of their land over a period that lasted 342 years, from 6 April 1652 to 27 April 1994. They were either dispossessed under the 1913 Land Act, the 1950 Group Areas Act or the 1951 Bantu Authorities Act.

Our oppressors were **Settler** Colonialists. They chose to settle here. They decided to stay and not return to Europe. They even consider themselves African.

Our people's nature and character are filled with love, understanding and compassion for fellow human beings. Our people were demonised and dehumanised by the racists and settler colonialists – we responded by teaching them our African values such as Ubuntu and affirming the humanity of all.

We established an inclusive democratic government, and despite our people being forcibly, violently and brutally removed from their land, we chose a path of a peaceful negotiated settlement.

At the dawn of democracy in 1994, the country was characterised by gross imbalances in land ownership. White South Africans owned most of the land with strong land tenure while the majority being Black people owned the least land with insecure tenure.

We chose the path of constitutionalism. And we decided on the path of restorative justice. We promulgated Acts of parliament such as the Restitution of Land Rights Act 22 of 1994. We can be immensely proud of this Act.

This Act sets the period for Restitution from June 1913 until April 1994. The 1913 Natives' Land Act stands as a festering wound in the soul of a conquered people. It was an Act of humiliation that forced the rightful owners of the land into 7% of the land. The 1936 Natives and Trust Land Act revised this amount to 13%. I always believed that this increase to 13% was not an act of generosity. We all know that the 13% was the land the settlers did not want.

Forced removals did not end with the Native Land Act; they intensified with apartheid's Group Areas Act, uprooting millions from vibrant communities like Sophiatown and District Six.

People were dumped in overcrowded, systematically underdeveloped townships, while their former homes were bulldozed for the benefit of white settlers. Those in the rural areas to which the oppressed Black majority were confined were marginalised and underdeveloped.

By the 1990s, the spatial legacy of colonialism and apartheid had left the majority landless, marginalised and excluded from the wealth and development of their country.

Let me pay homage to that first generation of parliamentarians of a democratic South Africa that was responsible for this Act. Most of these parliamentarians in the first administration

came from the liberation movements. Many of them experienced first-hand the brutality of the Apartheid system, some of whom were former political prisoners.

Their suffering taught them the value of life and what it meant to be fully human. We have this Act in the form that it exists because of their politically mature and visionary leadership. They were a generation of nation builders.

This Act mandates the establishment of the National Land Claims Commission and the Department of Land Reform and Rural Development. These government entities have been leading land reform through Land Redistribution, Land Tenure Reform and Land Restitution.

The work of these government organs over the past 30 years has not been easy. The greatest challenge has been the pace of Land Restitution.

Our people were not only dispossessed of the land as an asset by itself – our people lost the economic potential that accompanied owning land in the form of property and the dignity that comes with owning a home.

Those who dispossessed our people of the land used it to build their generational wealth. They did not generate their wealth with hard work alone or with their special abilities, and skills as they claim. They thrived using our free and cheap labour and the Apartheid State heavily subsidised their economic enterprises such as their farms and industries.

Our people experience generational trauma from the land dispossession and forced removals. Our people experience generational poverty, they received the worst form of education, housing, health care and their income from employment was never enough to build generational wealth.

Through land restitution and land redistribution, we want to build generational wealth. Giving people land – has a deeper meaning. This government is telling the people that an injustice was done to you, and we will correct that. This government is telling you that you matter, that through land, your dignity will be restored. And through land your self-worth, your self-respect and your autonomy are restored.

Dr Kesswell and his SALDRU colleagues conducted a study on land restitution that confirms that land restitution can interrupt poverty traps. Land restitution can also improve the psychological well-being and social cohesion of the people that have their land restored to them.

There are those who suggest we have had 30 years to change the conditions of our people. If we go by that argument, we can say that the settlers had 342 years to build wealth. We can say that what they expect us to fix in 30 years they destroyed in 81 years from 1913 to 1994. And even now they still want to prioritise and maintain those privileges they got under Apartheid.

Yes, there is corruption. This must be exposed and dealt with by the full force of the law. But do not forget that there was corruption in White South Africa too, and in the Homelands that they created. Corruption in government is not a new

phenomenon and there is no excuse for this criminal endeavour.

Let me assure you, that I did not have to wait for 100 days in government to deal with corruption. I dealt with it immediately. If you steal land from the people, when you are tasked with restitution and redistribution, then you are worse than the original thief. I want to repeat the advice I got from President Ramaphosa when I told him about corruption. He said, “deal firmly with corruption, even if it means you are the last man standing”.

My advice to communities, to fellow citizens and to officials is this: If you know of any corrupt practices in the Department of Land Reform and Rural Development, reach out to me directly, with your information and where possible, with your proof.

But I am similarly asking you to help me with another problem. And in this case, I am appealing to your patriotism. I am appealing to your sense of justice.

One of the mechanisms through which land restitution and land redistribution work is through Communal Property Associations (CPAs). If you know of any wrong-doing or corrupt practices in a CPA, report it.

Here I am particularly interested in your desire to see the CPA function well. Your interest in having an accountable and transparent CPA, free from outside influences – especially the undue influences of former landowners.

If you are part of a CPA, or newly elected, and you need help in your governance role, or any role in the CPA, reach out for assistance from our officials. If CPAs function well, the restitution and redistribution pace will certainly increase.

Restoring the land to the people, also means addressing the poverty of our people. Addressing poverty is not the task of Land Reform alone.

I have noticed that many political commentators advance the idea that the restoration of the land is the answer to all problems of this society. They preach about land reform so much that one thinks they are more Catholic than the Pope.

We welcome all suggestions and especially fresh new ideas on Land Reform. But we cannot solve complex problems with simplistic solutions and slogans. And neither can we impose solutions on our people.

For example, financial compensation is allowed and if people want to take it, we can only advise on the benefit of taking the land and the added benefit of post-settlement support. Improving intergovernmental coordination and collaboration has now become a necessary and critical component in support of land restitution beneficiaries. Post-settlement support is not the task of one Department alone and we encourage and invite other government departments and SOEs to join us in making Land Restitution a success.

My closing comments on this day of marking the Restitution of Land Rights Act 22 of 1994. The international community declared Apartheid a crime against humanity. The

international community includes the former colonial powers. By recognising and trading with the Apartheid State, these colonial powers facilitated our land dispossession. Many South African companies trading on the JSE benefited from the Apartheid State. Many international corporations also benefited from trading with the Apartheid State that impoverished and dispossessed our people.

When we look at the impact of the cost and pace of land restitution and the legitimate concerns raised about it – I believe that it is high time that we place REPARATIONS on the agenda. We should come up with concrete ideas and plans on what we mean by REPARATIONS.

Yes, we want financial compensation but there is more to REPARATIONS than just financial compensation. It starts with accepting that these colonial powers and local and international businesses admit that they were complicit in our dispossession – and that they are willing to do more to address the poverty, inequality, and unemployment our people are experiencing because of the land dispossession.

As of 30 September 2024, 83 296 claims have been settled. The settlement of these claims has resulted in the award of 3 896 537 hectares of land to beneficiaries at a cost of R26 billion. These settlements also approved financial compensation of R26 billion to claimants. The restitution programme has benefited 2 380 805 individual beneficiaries who are members of 465 904 households. Of those, 180 011 are female-led households and 1 275 are persons with disabilities. More Crucially, that the total number of outstanding claims has been reduced to 5 719 of old-order claims.

Today, we confront this grave injustice with a constitutional mandate to achieve equitable land access for all South Africans. Restorative justice demands urgent, transformative action to reverse the effects of centuries of dispossession. It is not merely a historical grievance but a living reality for millions.

In the next five years, we need to work together to dismantle the structural inequities that perpetuate this legacy of inequality in land access, rural underdevelopment and reclaim the promise of dignity, freedom and equality for all our people.

Our mandate includes ensuring the success of constitutional imperatives, legislative measures and policy instruments of restitution, redistribution, and security of tenure, and to advance rural development. We must be prepared to identify and overcome everything that has impeded greater progress in ensuring the realisation of the goals we seek to achieve under this framework.

I can assure you that the Restitution of Land Rights Act, 1994 (Act No.22 of 1994) will continue to remain central to our work, until all land claimants have their land restored.

Thank you, Enkosi