

A CASE STUDY OF LAND RESTITUTION POLICY IMPLEMENTATION IN THE COMMUNITY OF BANOGENG

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ABSTRACT

For its role in discharging its responsibilities of ensuring an equitable distribution of land to the previously discriminated-against population groups in South Africa, the African National Congress (ANC) pressed for a land reform programme. To that end, the restitution programme was conceived once the ANC was in government, with the aim of ensuring equitable access to land by all South Africans. Restitution is a rights-based programme. Individuals and communities who qualify for restitution – in accordance with set criteria as stated in section 2(1) of the Restitution of Land Rights Act 22 of 1994 – have a right to have their land restored to them or be compensated for the past transgressions they suffered as a result of racially motivated legislation (Hall, 2003). It is a right that is given impetus and is established by section 25(7) of the Constitution of the Republic of South Africa, 1996.

This research report focuses attention on the implementation of the restitution policy programme as it pertains to the Banogeng community of the farm originally known as “Rietfontein No. 7”, which is situated near the town of Lichtenburg in the North West province of South Africa. The argument maintains that a holistic approach that encompasses infrastructure development and an appropriate legal framework is needed in order to effect a meaningful policy intervention and improvement in the quality of life of those earmarked to benefit from the programme.

A case study approach is used to investigate the implementation of restitution policy. Using a combination of interviews, documentary research and direct observation the study assesses the extent to which implementation of policy has benefited the community or not, highlighting the complexities of land reform in an emergent democracy.

The findings of the study reveal that although progressive legislative measures exist to ensure that land is returned to those who were previously dispossessed as a result of racially discriminatory laws, empirical evidence suggests that measures currently being implemented to facilitate development imperatives are inadequate to address the post-settlement complexities which are essential for socio-economic development needs of

the beneficiaries of land restitution and thereby creating conditions to foster reconciliation and social cohesion.

DECLARATION

I declare that this report is my own, unaided work. It is submitted in partial fulfilment of the requirements of the degree of Master of Management (in the field of Public and Development Management) in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other university.

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02 June 2009

DEDICATION

This research report is dedicated to the memory of my father, Henry Ncedo Mthembu, and my sister, Anna Ntobizodwa Mthembu.

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LIST OF ABBREVIATIONS

ANC	African National Congress
CASP	Comprehensive Agricultural Support Programme
CPA	Communal Property Association
CPLAR	Community Perspectives on Land and Agrarian Reform in South Africa
CRLR	Commission on Restitution of Land Rights
DACLT	Department of Agricultural Credit and Land Tenure
DLA	Department of Land Affairs
DRDLR	Department of Rural Development and Land Reform
ESTA	Extension of Security of Tenure Act (No. 62 of 1997)
IDP	Integrated Development Plan
LCC	Land Claims Court
LRAD	Land Reform for Agricultural Development
MAFISA	Micro-Agricultural Finance Initiative of South Africa
NWDACE	North West Department of Agriculture, Conservation and Environment
NWK	Noordwes Korporasie
PLAAS	Institute for Poverty, Land and Agrarian Studies
PSS	Post-Settlement Support
RDGs	Restitution Discretionary Grants
RDP	Reconstruction and Development Plan
RLCC	Regional Land Claims Commission(er)
RSGs	Restitution Settlement Grants
SIS	Settlement and Implementation Support Strategy
SLAG	Settlement Land Acquisition Grant
SPGs	Settlement Planning Grants
TRAC	Transvaal Rural Action Committee

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