

Unpacking the challenges of land restitution in South Africa

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Abstract

The purpose of this research is to examine the ongoing challenges in implementing land restitution in South Africa, particularly within a rural district context, to inform policy reform and suggest a model for enhancing the effectiveness of restitution efforts. Employing a qualitative research approach that relies on secondary data, the study utilises peer-reviewed literature, policy documents, and legislative frameworks, while being informed by Land Restitution Theory to explore institutional and governance dynamics. The results indicate that despite South Africa's robust constitutional and legislative framework for land restitution, the implementation is hindered by inadequate institutional capacity, poor coordination among state agencies, ineffective Communal Property Associations (CPAs), market-oriented acquisition methods, and insufficient community involvement. These obstacles have considerably impeded the progress of land reform and weakened its intended socio-economic benefits. Additionally, the study highlights that insufficient post-settlement support and limited empowerment of beneficiaries continue to threaten the sustainability of restituted land. This research contributes to the field of land reform by providing policy-focused recommendations that aim to strengthen institutions, enhance CPA capabilities, foster participatory governance, and explore alternative acquisition methods. Furthermore, it proposes a people-centered model for implementing land restitution that aims to enhance governance, accountability, and livelihood outcomes.

Keywords: *community participation, institutional capacity, land restitution, land reform, rural development*

Article History:

Received: September 6, 2025
Accepted: December 24, 2025

Revised: December 4, 2025
Published online: January 30, 2026

Suggested Citation:

Tshivhase, H.M., Mahole, E. & Matloga, S.T. (2026). Unpacking the challenges of land restitution in South Africa. *International Review of Social Sciences Research*, 6(1), 40-61. <https://doi.org/10.53378/irssr.353306>

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1. Introduction

Land restitution stands as a key component of South Africa's land reform strategy, situated within the broader context of post-apartheid efforts aimed at rectifying the historical injustices of racially motivated dispossession. As one of the three fundamental elements of land reform, together with land redistribution and tenure reform, restitution is specifically designed to confront past wrongs by either returning land or providing compensation to individuals who were dispossessed due to racially discriminatory legislation enacted after 1913 (Salaymeh & Michaels, 2022). This initiative is rooted in South Africa's constitutional and ethical duty to promote redress, equity, and social unity. Nevertheless, the execution of this process has been hindered by bureaucratic delays, political disputes, inadequate institutional collaboration, and community disenchantment, particularly in rural areas (Ngarava, 2023).

One of the selected districts in Limpopo Province exemplifies the larger national issues at play. This area has been beset by land-related conflicts stemming from colonial land invasions and forced removals instituted during apartheid, which resulted in the Venda people losing their ancestral lands as early as 1910 [Group Areas Act (GAA), 1950 (Act No. 41 of 1950)]. Following this, legislation such as the Natives Land Act of 1913 and the Group Areas Act of 1950 further entrenched racial segregation, severely restricting Black land ownership. These legal frameworks allowed the State to allocate specific areas for exclusive use by designated racial groups, frequently leading to forced evictions, the demolition of homes, and the disintegration of communities (Pitcher-Murray, 2024). As noted by Claassens and O'Regan (2021), the apartheid legal framework institutionalised spatial exclusion through legal mechanisms like the GAA, 1950 (Act No. 41 of 1950), which fragmented communities and concentrated wealth and land ownership within the white minority. By the early 1990s, 87% of South Africa's arable land was owned by Whites, leaving only 13% available for the Black population (Strauss, 2019).

Despite the enactment of the Restitution of Land Rights Act in 1994 and the safeguarding of land rights as stipulated in Section 25 of the Constitution, 1996, the restitution process has been hindered by sluggish implementation, inadequate verification systems, and an overreliance on the market-oriented willing buyer–willing seller principle. The drawbacks of this market-centric approach, pointed out by Adam (2023), have exacerbated land claimants and impeded the speed of land restitution. Additionally, the insufficient support for Communal Property Associations (CPAs), which are responsible for overseeing restituted land, has led to

governance failures, misallocation of resources, and conflicts within communities (Ngarava, 2023).

The difficulties surrounding restitution are further exacerbated by political and legal disputes regarding land ownership. While certain political groups advocate for expropriation without compensation to expedite reform (Salaymeh & Michaels, 2022), others stress the importance of adhering to constitutional mandates and express concerns about the potential destabilisation of property rights (Percival & Homer-Dixon, 2018). The politicisation of land has not only compromised the coherent implementation of policies but has also diminished public confidence in the government's ability to provide justice (Sprinchorn, 2021). Moreover, land restitution transcends the mere return of land; it encompasses the restoration of dignity, economic stability, and social identity. The repercussions of land dispossession have been both material and psychological, leading to the degradation of traditional institutions and community solidarity (Pheko, 2024; Xu, 2019).

In the South African context, land symbolises liberation and self-determination. As Higginson (2024) posits in a different yet related historical framework, state violence and forced removals inflict enduring scars on communities, affecting them culturally and economically. Despite the comprehensive legislative framework for land restitution in South Africa, the actual translation of policy into significant and sustainable outcomes remains limited. In one of the districts selected in Limpopo Province, the governance crises within CPAs illustrate this disconnect: beneficiaries of restitution continue to encounter inadequate leadership structures, a lack of institutional support, minimal opportunities for income generation, and unsustainable operational costs (Ngarava, 2023).

These circumstances reflect what Hobbs (2020) describes as entrenched "narratives of dependency," where communities that were historically dispossessed remain structurally constrained, even after land has been restored. Such ongoing weaknesses highlight a broader national issue noted in existing literature, which suggests that restitution has struggled to transition from a legal commitment into an effective mechanism for socio-economic transformation. This challenge is further exacerbated by the persistent gap between constitutional intent and practical execution. Although Section 123 of the Interim Constitution of 1993 laid the legal groundwork for acknowledging claims related to dispossession occurring after 1913, the restitution process has advanced slowly and unevenly, leaving numerous communities waiting for decades for resolution.

This extended delay not only undermines the principles of justice and equality envisioned in the Freedom Charter (ANC, 1955) but also reinforces the systemic inequities that continue to influence land ownership patterns in South Africa. As Pons-Vignon (2020) notes, the ongoing failure to bridge these implementation gaps indicates deeper structural limitations within South Africa's developmental trajectory, thereby highlighting the urgent necessity for renewed policy direction, innovative governance strategies, and a coherent model that can improve the effectiveness of the restitution process.

This study intends to explore the systemic deficiencies by concentrating on the effectiveness of the restitution process in one of the selected districts in Limpopo Province. It aims to suggest a systematic model that tackles governance issues, enhances community involvement, and offers policy guidance for realising fair land reform. The objectives of this study are to analyse the existing land restitution process in terms of its effectiveness in achieving land reform and to identify the obstacles encountered by the Department of Land Reform and Rural Development in executing the restitution policy within the district. Consequently, for land restitution to serve as a genuinely transformative tool, it must be supported by coherent policies, adequate institutional capacity, and participatory governance mechanisms that ensure the equitable and sustainable use of land.

2. Literature Review

2.1. The Concept of Land Reform in South Africa

Land reform in South Africa signifies a purposeful, government-led alteration of land ownership, tenure systems, and land-use policies aimed at achieving social justice, economic empowerment, and environmental sustainability. It consists of three interrelated components: land restitution, land redistribution, and tenure reform (Ngarava, 2023). These components seek to rectify the significant disparities in land ownership established by colonial and apartheid-era legislation, such as the Natives Land Act of 1913 and the Group Areas Act of 1950, which systematically barred Black South Africans from land ownership and access (Claassens & O'Regan, 2021; South Africa History Organisation, 2021).

The necessity for transformative land reform is highlighted by the fact that, by the early 1990s, 87% of South Africa's agricultural land was still in the hands of Whites, leaving most of the population either landless or reliant on overcrowded communal lands (Binswanger-Mkhize, 2014). In rural municipalities, these inequalities remain deeply rooted, resulting in

widespread poverty, underdevelopment, and ongoing land-related conflicts (Salaymeh & Michaels, 2022). The post-apartheid government implemented various reform models, including the Settlement Land Acquisition Grant (SLAG), Land Redistribution for Agricultural Development (LRAD), and the Proactive Land Acquisition Strategy (PLAS), each intended to promote land transfers within a market-based framework of a willing buyer–willing seller framework (Land Audit Report, 2017). Nevertheless, the sluggish pace of redistribution and the escalating costs of land acquisition under this model have faced criticism for not producing significant advancements (Adam, 2023).

The shortcomings of these models are particularly evident in a selected District, where efforts for land restitution and redistribution are often delayed or ineffective due to poor governance and insufficient institutional support (Ngarava, 2023). The ongoing discussion regarding the modification of Section 25 of the South African Constitution, 1996, which would permit the expropriation of land without compensation, remains one of the most politically sensitive elements of the current land reform dialogue. Proponents, especially within the ruling African National Congress (ANC), contend that this modification is essential for expediting land redistribution and rectifying injustices faced by historically dispossessed communities (Akinola, 2020). Conversely, detractors warn that such reforms, if not executed transparently and in accordance with the rule of law, may undermine investor confidence, jeopardize food security, and result in unforeseen economic repercussions (Percival & Homer-Dixon, 2018; Pons-Vignon, 2020).

In addition, land reform should not be perceived merely through the prism of legal changes or asset reallocations. It must also tackle challenges related to institutional capacity, support for beneficiaries, and community involvement, particularly in the management of restituted land. Research indicates that CPAs, which frequently act as the stewards of redistributed land, are beset by leadership conflicts, inadequate training, and financial mismanagement (Ngarava, 2023). As Lekalake (2023) underscores, reform must be paired with thorough post-settlement support systems that empower beneficiaries to utilise the land productively and sustainably. Moreover, the effectiveness of land reform in South Africa transcends mere economic necessity; it embodies a profound symbolic significance, intertwined with concepts of dignity, citizenship, and belonging. Land signifies more than mere property; it embodies identity, historical continuity, and the redistribution of power in a society

that continues to confront the remnants of apartheid and dispossession (Pheko, 2024; Claassens & O'Regan, 2021).

From a policy standpoint, the convergence of restitution and comprehensive land reform highlights the necessity for cohesive, multifaceted strategies that transcend disjointed programmatic efforts. Although the Restitution of Land Rights Act of 1994 serves as the primary legislative instrument for confronting historical dispossession, its restricted capacity to address structural inequalities calls for the enhancement of restitution through redistribution and tenure reform (Cousins, 2022). This holistic approach ensures that claimants not only regain land access but also reap the benefits of infrastructural development, market integration, and capacity-building, all of which are essential factors for the enduring socio-economic transformation aimed for in this study.

Moreover, global perspectives on equitable land compensation and value capture frameworks highlight the opportunity for South Africa to fortify its reform agenda by drawing on international experiences (Morifi & Mahlatsi, 2021). The integration of mechanisms that promote fair valuation, transparent governance, and participatory decision-making could help alleviate some of the governance deficiencies and market inefficiencies currently hindering progress (Wu *et al.*, 2020; De Maria *et al.*, 2023). By anchoring reform in both local contexts and global best practices, policymakers could more effectively tackle the institutional and structural obstacles identified in this research, thereby aligning land reform more closely with its constitutional commitment to redress, equity, and inclusive development.

2.2. Structural and Governance Constraints Undermining Land Restitution Outcomes

Section 10(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) was established to create a framework for addressing historical land injustices. It emphasizes the restoration of land rights or compensation for those dispossessed due to racially discriminatory legislation. Nevertheless, in practice, the restitution process has been sluggish, fragmented, and fraught with administrative obstacles. In one of the selected districts in Limpopo Province, despite the existence of numerous registered CPAs, persistent issues such as poor governance, financial unsustainability, lack of community empowerment, and inadequate post-settlement support continue to prevail (Ngarava, 2023).

The land reform agenda following apartheid has frequently been assessed based on its capacity to rectify historical dispossession while also fostering economic development and social cohesion. Nevertheless, as Claassens and O'Regan (2021) point out, the inherent structural and administrative deficiencies within South Africa's governance framework have curtailed the transformative possibilities of restitution. This limitation is particularly pronounced in rural areas, where inadequate institutional oversight, overlapping responsibilities among government entities, and underfunded local offices hinder the prompt resolution of land claims. Market-driven strategies, such as the willing buyer-willing seller model (Adam, 2023), have hindered the land transfer process, frequently leading to inflated purchase costs that deplete state resources before substantial reform can occur. The lack of strong post-settlement support exacerbates these challenges, leaving communities without the necessary technical, financial, and managerial skills to effectively utilise restituted land (Ngarava, 2023).

In addition to these institutional deficiencies, the restitution process has been compromised by insufficient community engagement and a lack of transparent governance frameworks. Mabapa and Ngoepe (2025) highlight that a top-down decision-making approach, often characterized by technocratic methods, alienates beneficiaries and diminishes local ownership of the results. Political disputes regarding land reform policies, particularly discussions surrounding expropriation without compensation (Salaymeh & Michaels, 2022), have further divided stakeholders, diverting attention from practical solutions to ideological conflicts. Furthermore, as Pons-Vignon (2020) contends, unless restitution policies tackle both the political and socio-economic aspects of land reform, they risk perpetuating dependency and inequality instead of dismantling them.

While the existing body of literature has thoroughly examined the administrative delays, inconsistencies in policy, and failures following settlements within South Africa's restitution programme (FleMandipaza, 2025), there is a relative scarcity of studies that delve into the more profound socio-political and justice-related aspects influencing restitution outcomes. Incorporating theories of transitional justice enhances this viewpoint by conceptualising restitution not merely as a technical process of land return but as a means to confront historical trauma, facilitate reparation, and promote societal reconciliation. Transitional justice theory elucidates how societies respond to widespread human rights abuses and underscores the importance of symbolic redress, such as restoring dignity and healing

collective memory, as essential elements of restorative justice. This theoretical framework reveals deficiencies in current implementation, where bureaucratic efficiency has eclipsed the emotional, cultural, and identity-related responsibilities associated with restitution.

By contextualising land return within broader discussions on justice and social repair, the literature review illustrates how policy inadequacies compromise both material and symbolic restoration, thereby enriching the conceptual underpinnings of the current study. Another limitation in the existing scholarship is the insufficient application of human development frameworks to evaluate whether restitution truly improves the lives of beneficiaries.

The capabilities approach addresses this shortcoming by redirecting the evaluative emphasis from mere land access to the degree to which beneficiaries develop the capabilities—skills, resources, agency, and freedoms to utilise that land effectively and lead fulfilling lives. This perspective closely aligns with the concerns articulated by FleMandipaza (2025), who observes that stagnation post-settlement frequently stems from inadequate training, weak governance of CPAs, and a lack of institutional support.

2.3. Theoretical Framework

Land Restitution Theory. The Land Restitution Theory serves as a fundamental basis for numerous arguments regarding the rectification of historical land injustices in post-apartheid South Africa. This theory is founded on the belief that land acquired through unjust methods, such as colonial conquest, apartheid-era legislation, and racially biased dispossession, should be returned to its rightful owners or their descendants (Ngoepe-Ntsoane, 2022).

The Restitution of Land Rights Act (1994) institutionalises this concept by providing mechanisms for both the return of land and compensation, thereby ensuring that the process aligns with the principles of social justice and historical accountability (Setiabudhi et al., 2019). Mutanga and Haihambo (2024) contend that in various international contexts, restitution policies have favoured the return of land over mere financial compensation, as the former is perceived to yield more significant symbolic and socio-economic advantages. Restitution also promotes social equity and reconciliation by recognising the rights of communities whose identities are deeply connected to ancestral land.

As noted by Cousins (2022), effective land restitution not only reinstates ownership but also encourages broader economic empowerment by creating opportunities for agricultural advancement, secure land tenure, and wealth generation. Salaymeh and Michaels (2022) and Kiguwa (2021) emphasise that the practical execution of restitution frequently encounters challenges when legal, cultural, and market dynamics converge. These complexities require a well-organised restitution model that considers various local contexts, particularly in areas like South Africa's Vhembe District, where overlapping claims, inadequate institutional capacity, and disputes within communities obstruct progress. Lekalake (2023) emphasises that land restitution must extend beyond mere legal remedies to include post-settlement assistance, which encompasses infrastructure development, financial access, and skills training. In the absence of these supplementary measures, the reclaimed land could remain unused, and the initiative may not fulfil its developmental potential. Cousins (2019) corroborates this perspective, arguing that the incorporation of sustainable development strategies is crucial for ensuring the long-term economic sustainability of land claim beneficiaries.

In the context of South Africa, the Land Restitution Theory holds significant relevance due to the historical pattern of dispossession that traces back to the 1913 Natives Land Act and the subsequent legislation from the apartheid era. These laws established racial exclusion from land ownership, thereby solidifying socio-economic disparities that continue to exist long after the formal conclusion of apartheid (Claassens & O'Regan, 2021; Fintel & Fourie, 2019).

By anchoring this study in the Land Restitution Theory, it becomes feasible to conceptualise restitution not merely as a legal procedure but as a transformative tool designed to dismantle entrenched inequalities, restore dignity, and facilitate sustainable livelihoods for communities that have historically been marginalised. Moreover, the application of this theory to the chosen case highlights the need for restitution policies to adapt to local governance issues, including inadequate institutional capacity, ineffective CPA management, and insufficient post-settlement support (Ngarava, 2023). This theoretical perspective enables a detailed analysis of how these obstacles hinder the achievement of land reform's intended goals. It further bolsters the case for a more cohesive strategy that integrates restitution with wider rural development initiatives, thus enhancing both social justice outcomes and economic productivity (Pons-Vignon, 2020; Boyesen, 2021).

Land Compensation and Value Capture. Although this research primarily centres on restitution, contemporary global discussions regarding land compensation mechanisms and

value capture theory offer additional insights into the practical significance of the theory. Wu *et al.* (2020) suggest that landowners, particularly those situated in protected or regulated regions, ought to receive compensation not solely for market value but also for the economic potential that has been lost, grounded in a value-capture framework. This perspective regards compensation as a more extensive process aimed at reestablishing equity within public policy and rectifying institutional imbalances.

In China, spatial-temporal compensation models for cultivated land have been established to represent the economic value and productivity potential of the land, particularly in rural areas (Chen & Pei, 2025). Ding and Yao (2022) further elaborate on this by proposing that ecological and cross-regional compensation should consider future value losses as part of a sustainability-focused policy design. These ideas, while emerging in various political contexts, resonate with the situation in South Africa, especially where CPAs in Vhembe encounter productivity issues and inadequate post-settlement support (Ngarava, 2023).

The issue of ensuring equitable compensation in land acquisition has been emphasised on a global scale. For example, De Maria *et al.* (2023) contend that procedural fairness and the perception of equity are equally as crucial as monetary value. When local communities perceive injustice in the land return or compensation process, it is likely to lead to resistance, litigation, and policy failures. This has been evident in South Africa's own experiences with CPAs, where ambiguous valuations and extended delays have diminished public trust (Ngarava, 2023). Moreover, the comprehensive analysis conducted by Tagliarino (2017) on legal frameworks across 50 nations revealed that most countries do not adequately align their compensation laws with international standards, particularly in terms of community consultation, fair valuation, and grievance mechanisms. In South Africa, although the legal framework for restitution is in place, significant gaps remain in its implementation, especially regarding equitable valuation and community involvement, which continue to pose challenges (Pons-Vignon, 2020).

Additional theoretical perspectives highlight the socio-political ramifications of compensation policies. Akinola (2020) warns that in South Africa, the discourse surrounding expropriation without compensation has fostered a securitisation narrative, portraying land redistribution as a potential threat to social stability, which in turn hampers policy innovation. Concurrently, He *et al.* (2024) argue that compensation frameworks must also maintain a consistent value balance between reclamation and occupation, particularly within agricultural

settings. From a governance standpoint, Borodina *et al.* (2023) examined the technical mechanisms involved in calculating compensation payments, illustrating how legal complexities can impede the efficiency of land restitution. Likewise, Liu *et al.* (2018) assert that land tenure reforms, including those bolstered by compensation schemes, achieve success only when they are associated with transparent, rights-based approaches that safeguard community interests. In Vietnam, Nguyen (2024) notes that the lack of consistent regulatory mechanisms for agricultural land compensation has eroded legitimacy, indicating that, without institutional coherence, even the most theoretically robust policies may struggle during implementation.

Incorporating the principles of land compensation and value capture within the broader context of restitution provides a more comprehensive understanding of how policy mechanisms can address both historical injustices and future developmental opportunities. In South Africa, where the restitution process often involves complex negotiations regarding valuation and post-settlement productivity, integrating value-capture principles can ensure that beneficiaries receive not only fair compensation but also resources to facilitate sustainable land utilization (Wu *et al.*, 2020; Chen & Pei, 2025). This strategy could assist in closing the enduring divide between legal restoration and genuine economic empowerment, a primary focus of this study's aim to assess the efficacy of existing restitution processes in realising authentic land reform.

Furthermore, by acknowledging that perceptions of fairness hold equal significance to the monetary value of compensation (De Maria *et al.*, 2023), policy formulation can prioritise participatory governance, transparent valuation, and post-transfer assistance. These components directly address the second research objective of identifying challenges faced by the Department of Land Reform and Rural Development, as inadequate institutional capacity, disputed valuations, and limited beneficiary engagement have consistently eroded trust in restitution outcomes (Mabapa & Ngoepe, 2025). Connecting value capture theory with restitution policy not only bolsters the argument for reform but also aligns with global best practices, ensuring that land reform in South Africa progresses beyond mere symbolic actions towards meaningful socio-economic transformation.

Transitional Justice Theory. A more profound exploration of transitional justice theories enhances the existing literature on land restitution by placing land return within the larger framework of national healing and social change. Transitional justice theory elucidates

how societies confront the consequences of systemic human rights violations, highlighting the importance of truth-telling, acknowledgment of harm, and both symbolic and material reparations.

In the context of South Africa, land dispossession during colonialism and apartheid represented a significant infringement of human rights, and restitution is not merely a policy measure but also a means of historical rectification. Although numerous scholars recognise the symbolic and identity-forming significance of land (Pheko, 2024; Xu, 2019), there is a scarcity of studies that directly connect restitution to transitional justice frameworks, which emphasize the restoration of dignity as essential to recovery following conflict and oppression.

Capabilities Approach. The capabilities approach serves as an additional conceptual framework for comprehending the long-term developmental consequences of land restitution. Instead of assessing restitution solely through the lens of land transfers or economic metrics, this approach inquires whether beneficiaries truly acquire opportunities to enhance their well-being, participate in local governance, and achieve sustainable livelihoods. This viewpoint aligns with previous critiques, suggesting that post-settlement support, particularly in the form of training, technical assistance, and institutional enhancement, remains inadequate (FleMandipaza, 2025).

By employing a capabilities perspective, the literature highlights how governance shortcomings within CPAs, a lack of institutional support, and financial limitations hinder beneficiaries from transforming restituted land into significant improvements in health, income, education, or agency. This theoretical perspective broadens the research gap by demonstrating that effective land reform necessitates more than mere property restoration; it demands the enhancement of freedoms and capabilities that empower individuals and communities to leverage land in ways that further their social and economic goals. This reinforces the need for a holistic model that incorporates justice, governance, capacity building, and sustainability in assessing restitution results.

2.4. The Selection of Land Restitution Theory as the Central Framework

The selection of Land Restitution Theory as the central framework for this study is driven by its alignment with the study's core objective: to propose a model for improving the efficacy of land restitution in the Vhembe District Municipality. The theory's emphasis on restoring ownership to historically dispossessed groups directly addresses the legacy of

racialised land inequality in South Africa. This is especially pertinent in Vhembe, where historical dispossession [e.g., through the Natives Land Act, 1913 (Act No. 27 of 1913) and the Group Areas Act, 1950 (Act No. 41 of 1950)] has fractured communities and limited access to productive land (Claassens & O'Regan, 2021; Pheko, 2024).

Applying this theory also enables a critical assessment of how effectively the South African legislative framework, especially the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), operates in practice. Drawing on the implementation experiences of CPAs and land reform beneficiaries, the study examines whether restitution processes are delivering not only land but also long-term economic empowerment, community cohesion, and dignity restoration.

3. Methodology

The research utilised a qualitative research design based on document analysis. The primary analytical framework employed is Land Restitution Theory, which is instrumental in examining systemic constraints in policy implementation, as it directly addresses matters of historical dispossession, social justice, and rights-based restoration (Cousins, 2022). Its significance lies in analyzing land reform not merely as a legal or administrative procedure, but also as a symbolic and socio-economic act that acknowledges historical injustices. This theory facilitates the evaluation of how legislative frameworks, institutional structures, and post-settlement conditions align or fail to align with the principles of restorative justice.

The qualitative design enabled an interpretive analysis of narratives, policy frameworks, and institutional practices, particularly in rural municipalities. This methodology is well-recognised for exploring governance-related issues in practical contexts, where the challenges of implementation are shaped by social, economic, and political factors (Cousins, 2019; Lekalake, 2020). Document analysis allowed for a critical examination of how legislation, policy instruments, restitution claims processes, and community governance structures influence reform outcomes.

The research relied solely on secondary data sources, which included peer-reviewed journal articles, government reports, policy briefs, the Restitution of Land Rights Act of 1994, constitutional provisions, academic texts, programmatic reviews, and institutional assessments. These sources provided a thorough basis for evaluating both the intentions behind policies and their actual outcomes. For example, the study referenced evaluations of CPA

governance issues (Ngarava, 2023), critiques of market-oriented redistribution strategies such as the willing buyer–willing seller model (Adam, 2023), analyses of constitutional discussions regarding expropriation (Akinola, 2020), and broader evaluations of historical land inequality (Binswanger, 2020).

4. Results and Discussion

Table 1

Themes emerging from results and discussion

Theme	Issues	Implications
Weak Institutional Capacity	Limited coordination, funding shortages, lack of technical expertise within the DRDLR	Delays in claim processing, inconsistent support to CPAs, weak policy implementation, and declining community trust
Challenges of Communal Property Associations (CPAs)	Poor governance, internal conflicts, weak financial management, and a lack of post-settlement support	Ineffective management of restituted land, stalled development projects, and failure to translate restitution into socio-economic benefits
Willing Buyer–Willing Seller Dilemma	Market-driven land acquisition with inflated prices and limited land availability	Slow pace of land acquisition, reduced number of settled claims, and restricted reach of land reform, especially in rural areas
Limited Community Participation	Inadequate consultation, poor communication, and exclusion of communities from decision-making	Low community ownership, mistrust in restitution processes, weak sustainability of land reform outcomes, and marginalisation of vulnerable groups

Theme 1: Weak Institutional Capacity

The primary aim of this study, evaluating the role of restitution in land reform, is compromised by institutional shortcomings. While South Africa possesses a robust legal framework for restitution, the institutions tasked with its execution are inadequately coordinated, insufficiently funded, and frequently underperforming. The Department of Rural Development and Land Reform (DRDLR), which plays a pivotal role in claim verification, land transfers, and post-settlement assistance, faces challenges in fulfilling its responsibilities effectively due to disjointed interdepartmental collaboration and a lack of technical expertise (Land Commission Report, 2022). This institutional frailty directly hinders the department's capacity to enact policy, addressing the second aim of the research. As Lekalake (2023)

cautions, a gap between legislative objectives and institutional efficacy results in a restitution framework that, although legally valid, is practically ineffective. In a selected District, this has resulted in delays in claim processing and erratic support for CPAs, leaving beneficiaries without adequate guidance or resources.

These institutional deficiencies represent not merely administrative barriers but also fundamental flaws that diminish community trust in the restitution process. When claimants face ongoing delays, erratic communication, and insufficient support after settlement, the intended transformative impact of restitution, crucial for realising fair land reform, is compromised (Ngarava, 2023). To rectify these deficiencies, it is essential to implement targeted reforms in staffing, resource allocation, and accountability frameworks within the DRDLR, ensuring that operational capabilities align with the legislative mandate and the strategic objectives outlined in this study.

Theme 2: Challenges of Communal Property Associations (CPAs)

The dysfunction of CPAs directly relates to both research objectives. These organisations are legally required to manage restituted land for claimant communities; however, their operational shortcomings significantly undermine the effectiveness of land restitution as a tool for sustainable reform (*Objective 1*). In a selected District, CPAs face issues such as governance conflicts, limited administrative capabilities, and inadequate financial oversight (Ngarava, 2023).

From the standpoint of policy implementation (*Objective 2*), the DRDLR has not provided sufficient post-transfer institutional support. CPAs frequently lack training, mentorship, or legal advisory services, rendering them "land-rich but capacity-poor." As Cousins (2019) points out, this situation transforms the potential of land reform into a source of conflict and stagnation, rather than fostering development and empowerment. The ongoing governance and capacity shortcomings within CPAs reveal a fundamental flaw in the restitution framework, which obstructs its capacity to produce significant reform results.

In the absence of focused interventions, such as organised training programs, consistent performance evaluations, and ongoing technical assistance, the opportunity for restituted land to facilitate socio-economic change will remain unfulfilled (Lekalake, 2023; Cousins, 2019). This situation emphasises the necessity of aligning CPA governance frameworks with both the

developmental goals of land reform and the operational priorities specified in the objectives of this study.

Theme 3: The 'Willing Buyer–Willing Seller' Dilemma

The market-oriented strategy for land reform, a crucial aspect of South Africa's land restitution framework, adds complexity to achieving *Objective 1*. Within the “willing buyer–willing seller” paradigm, the government is restricted to acquiring land that owners voluntarily offer, often at inflated valuations, which hinders redistribution and reduces the number of claims processed (Adam, 2023). This inefficiency constrains the overall effectiveness and reach of restitution initiatives, especially in rural areas, where there is a significant demand for agricultural and ancestral land.

This inefficiency also impacts *Objective 2*: the department's capacity to act is constrained by market dynamics, indicating that even with political commitment and financial resources, the DRDLR cannot dictate the availability or pricing of land. Consequently, the restitution framework becomes reactive rather than proactive, deviating from the transformative vision articulated in national policy. The enduring nature of this market-dependent strategy highlights a disconnect between legislative goals and their practical execution, which ultimately hinders the speed of redress for communities that have been dispossessed.

As Tagliarino (2017) points out, in the absence of valuation mechanisms that ensure fairness and accessibility, land reform is susceptible to delays, conflicts, and unjust outcomes. Therefore, it is essential to reconfigure acquisition strategies, potentially by integrating capped pricing models or selective expropriation with compensation, to bridge the divide between the policy aspirations articulated in *Objective 1* and the operational challenges recognised in *Objective 2*.

Theme 4: Limited Community Participation

The challenge of insufficient community engagement is a direct manifestation of shortcomings in both objectives. Regarding *Objective 1*, active participation is essential for effective and enduring land reform. In the absence of substantial involvement from claimants, land restitution devolves into a mere procedural formality lacking in developmental significance (Mabapa & Ngoepe, 2025). Communities often lack awareness of their rights,

remain uninformed about the status of their claims, and are frequently excluded from decision-making processes related to land use and governance.

Concerning *Objective 2*, the Department of Land Reform has not established comprehensive outreach or participatory frameworks, thereby failing to bridge the divide between technical procedures and the realities faced by communities. This technocratic methodology, as noted by Claassens and O'Regan (2021), diminishes legitimacy, erodes accountability, and cultivates local dissatisfaction. The absence of authentic community engagement further fuels distrust between the populations affected and the governmental bodies tasked with land reform.

When communities perceive themselves as marginalised or ignored, their scepticism regarding the motives and effectiveness of restitution initiatives intensifies, often leading to resistance or indifference towards implementation efforts (Lekalake, 2023). This disconnection erodes social unity and the possibility of collaborative governance, both of which are essential for effective land redistribution and sustainable development outcomes. Additionally, marginalised segments within communities, such as women, youth, and informal settlers, face disproportionate exclusion, exacerbating existing disparities and hindering the inclusivity of land reform efforts.

Furthermore, the lack of participatory frameworks restricts communities' ability to express their unique needs and priorities, resulting in top-down strategies that may not resonate with local realities. Globally, participatory methods have been demonstrated to enhance the relevance, flexibility, and success of land reform initiatives by fostering local ownership and empowerment (Lekalake, 2023). In the absence of these mechanisms, land restitution risks devolving into a bureaucratic process disconnected from the actual experiences of beneficiaries, thereby diminishing the transformative potential of redistributive policies aimed at rectifying historical injustices and fostering equitable development.

5. Contribution

This paper provides a grounded perspective on the ongoing discourse surrounding land reform in South Africa, specifically by examining the real-life experiences of communities within the selected District Municipality, where the land restitution process is legally active yet practically stalled. A significant contribution of this study is its focus on the aftermath of land restitution. Frequently, land reform is evaluated solely based on whether land has changed

ownership; however, this paper highlights that subsequent factors, such as land governance, support, and utilisation, are equally crucial. By addressing institutional challenges, particularly those encountered by the Department of Rural Development and Land Reform and CPAs, the paper elucidates why numerous rural restitution initiatives fail to provide substantial benefits to claimants.

Through the district's experiences, the paper also illuminates the daily challenges faced by communities who, despite obtaining formal land ownership, often lack the necessary tools, support, or capacity to optimize their land use. This encompasses issues such as insufficient training for CPA leaders, ambiguous roles and responsibilities, and minimal follow-up from governmental bodies post-land transfer. Thus, the paper resonates with the frustrations expressed by many rural South Africans: while land reform may exist on paper, it often fails to materialize in practice.

Additionally, the paper contributes to the theoretical framework of land restitution, connecting South Africa's situation to wider global discussions regarding fairness, value, and participation in land governance. By linking concepts such as value capture, compensation fairness, and institutional justice, it encourages policymakers and scholars to reconsider how success in land reform is defined, not merely in terms of hectares redistributed, but also in terms of community wellbeing and sustainability.

Ultimately, and arguably most significantly, this research aims to be beneficial. It does not merely offer criticism; it highlights potential areas for change. From enhancing CPA support systems to reconsidering market-driven land acquisition methods, the paper presents actionable initial steps for advancing restitution. It promotes a more community-focused, transparent, and locally informed strategy for land reform, one that engages with communities and establishes the types of institutions that can genuinely assist them.

6. Recommendations

The subsequent recommendations are suggested to enhance the outcomes of land restitution: optimise interdepartmental functions to minimise institutional redundancy and inefficiency; provide capacity-building assistance for Community Property Associations (CPAs) to strengthen governance and land management; reform market-oriented mechanisms by investigating expropriation with limited compensation; initiate awareness campaigns to boost community involvement and understanding of land rights; and create post-settlement

development units to assist beneficiaries in utilising land effectively. These approaches address both objectives of the study by enhancing policy implementation and eliminating structural barriers.

7. Limitation

The research is not devoid of limitations. It is based exclusively on secondary data and focuses on a single specific district. Direct input from CPA members or local officials would enhance the analysis. Subsequent studies should incorporate comparative case analyses across various districts to assess the replicability of the suggested models and recommendations.

8. Conclusion

This research aimed to thoroughly investigate the efficacy of South Africa's land restitution programme, as well as the institutional, structural, and governance-related obstacles that persistently impede its realisation. By utilizing secondary literature and referencing Land Restitution Theory, Transitional Justice Theory, and the Capabilities Approach, the analysis indicates that land restitution remains limited by entrenched administrative inefficiencies, disjointed governance structures, and insufficient post-settlement support systems. These constraints collectively hinder restitution from fulfilling its intended goals of restoring historical justice, revitalising livelihoods, and promoting socio-economic transformation.

The results underscore that while South Africa has developed a comprehensive legal framework for restitution, including constitutional safeguards and a wide array of legislative tools, the implementation of these frameworks is notably weak. Ongoing challenges, such as governance failures within Communal Property Associations, a lack of institutional capacity, and politically charged discussions regarding expropriation, have eroded both public confidence and the effectiveness of policies. Furthermore, the study reveals that the current approach to restitution often succeeds in returning land but falls short in restoring dignity, capabilities, and long-term economic prospects, thereby reinforcing previous scholarship on the symbolic and material aspects of redress (Claassens & O'Regan, 2021; Cousins, 2019; Hall, 2020).

This paper offers new perspectives by emphasizing the necessity for a comprehensive restitution model that incorporates legal, political, economic, and social aspects of reform. In

contrast to many earlier studies that concentrate exclusively on legislative obstacles or delays in claim processing, this research highlights the interrelatedness of institutional design, community governance, and post-settlement livelihoods.

Disclosure statement

No potential conflict of interest.

Funding

This work was not supported by any funding.

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