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Restitution and reparation awards lead to sustained improvements for victims of land dispossession – UCT study

A University of Cape Town (UCT) study of the rights of redress available to families and communities displaced under apartheid spatial planning has announced some of its key findings.

The study, which was led by UCT's Associate Professor of Economics, Malcolm Keswell, finds that these rights, which are codified in South Africa's constitution and legislated through the Restitution of Land Rights Act of 1994, translate into tangible progress for displaced families. A key finding is that large restitution awards cause long run improvements to beneficiary well-being.

The Land Restitution Evaluation Study (LRES) is a multi-year collaborative effort funded by the South African government and the International Initiative for Impact Evaluation (3ie) – an international donor organisation that works with governments of low- and middle-income countries to fund and support impact evaluations.

3ie appointed UCT's Southern Africa Labour and Development Research Unit (SALDRU) to conduct the research following an international call. The estimated impact of the standard restitution settlement award – approximately R200 000 – is that per-capita monthly consumption increases by more than a third in the long run (about 36%) as compared to a control group.

The study also detected statistically significant impacts on psychological well-being. Beneficiaries experience a large and statistically significant reduction in their risks of depression. Keswell said: "This finding is consistent with three likely (and non-mutually exclusive) interpretations: firstly, that there is a psychological benefit to restitution because more money or assets relaxes the psychological tax of financial anxieties; secondly, receiving a restitution award removes the psychological and emotional distress arising from conflicts between beneficiaries; and thirdly, prevailing in conflicts with non-state actors who oppose claims, especially ones involving high value residential land, brings about psychological closure for the beneficiaries."

Additional findings for the impact of restitution on cognitive capacities are mixed, and work on establishing these connections is ongoing.

The international evidence on housing voucher programmes, cash transfer programmes, and asset transfer programmes, shows long-term positive impacts for the beneficiaries of those interventions. "Yet, there is virtually no global evidence base concerning the impacts of rights-based programmes, which are generally less targeted than the beneficiary populations studied in the international literature," added Keswell.

The average restitution award value in the LRES study sample is about R39 000 or USD 5 484 in purchasing power parity (PPP) terms, while the largest awards reflected in the study sample are in the region of R900 000 (USD 126 554 PPP). Keswell added that "there is only one other study, conducted in Kenya, and published in 2022, that has analysed the impacts of transfers of this size. The findings of LRES therefore contributes to this relatively new debate about both the scale and scope of cash and asset transfer programmes."

He emphasised that the findings of LRES also makes a vital contribution to the debates about economic and social justice in post-conflict societies grappling with the deep complexities (and contradictions) of social transformation. "The findings of LRES," he added, "shed light on our understandings of what constitutes redress, how it could be measured, and whether there is any evidence that it can be achieved for the case of South Africa."

The study also contributes to current global debates on reparations. Keswell notes that "even though questions of reparations are universally approached from a social justice and human dignity standpoint, there is a case to be made for programmes of reparations that do not require strong constitutional modalities." Social engagement on the issue is gaining traction in the USA, Australia and other countries so the emerging evidence for South Africa emanating from the LRES findings is timely.

The study design is quasi-experimental and compares outcomes for a randomly drawn group of individuals with restitution claims finalised during the 10 year period from 2013 to 2022, the treatment group, to a control group with claims not yet finalised but legally settled for the period 2018-2020. In total, 505 claims were selected, covering just over 3 300 individuals, approximately evenly split into treatment and control participants.

This extensive quantitative data is complemented with further data from a set of community case studies where the social networks of claimants and beneficiaries was closely studied. These case studies reveal that community fragmentation – which in turn is associated with lower levels of social cohesion and trust – is a key impediment to progress in the settlement of claims, and can mute the benefits of the restitution programme.

Restitution or reparations initiatives are not unique to South Africa. In the post-World War II period, there have been other similar programmes that have sought to address the suffering caused through displacement. Keswell cites, for instance, "[the American government's efforts to provide financial redress to Japanese Americans](#) whose parents or grandparents were displaced and interned during World War II. As with that programme, the provision of restitution payments, public apologies on the part of the state, and memorials to what took place, are just the start of a process that will take generations to have long lasting impacts, with each generation moving closer to closure and healing."

What makes the South African case unique among all restitution efforts globally, is that the commitment to *Equitable Redress* was codified in its constitution from the very beginning of universal suffrage. So the need to grapple with how this core principle is effected through policy, and the benefits and limitations of its praxis, is an ongoing effort that will last generations. "The findings of LRES are therefore properly understood as perhaps the second

chapter in the writing of this history,” said Keswell. The important work of meticulously documenting the initial crimes of apartheid spatial planning during the tumultuous period of the late 1960s through to the early 1980s was the first chapter, which culminated in the monumental work ‘The Surplus People’ by Dr Laurine Platsky and Professor Sheryl Walker.”

Keswell said that a conference looking back at both these chapters; the first focusing on displacement and the second focusing on redress, will take place from 16-17 April 2024 at UCT, with contributions from the academic, civil society and policy making communities.

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