

Reconstituting the Land: A Theoretical Framework for Communal versus Individual Tenure in South African Restitution

Background:

A significant gap exists in African studies regarding the political ontology of land restitution in post-apartheid South Africa, specifically the comparative efficacy of communal title versus individual tenure models.

Purpose and objectives:

This article aims to clarify the central theoretical debates, identify practical implications for restitution policy, and outline a focused agenda for subsequent scholarship and intervention within the 2004 policy landscape.

Methodology:

The theoretical framework is constructed through a qualitative analysis of literature and policy documents from the period 2004–2004, employing a comparative conceptual approach.

Key insights:

The analysis indicates that neither communal nor individual tenure models are inherently superior. Their efficacy is contingent upon specific historical, social, and economic contexts. The dominant policy discourse in 2004 often overlooked these ontological complexities.

Conclusion:

The paper concludes that a rigid, binary framework is inadequate for understanding land restitution. It argues for context-specific approaches and a stronger empirical foundation in both research and policy formulation.

Recommendations:

Future policy should prioritise inclusive, locally grounded strategies developed in consultation with claimant communities. Research must improve data transparency and longitudinal analysis to better inform practice.

Key words:

political ontology, land restitution, communal tenure, individual tenure, post-apartheid South Africa, theoretical framework

Contribution statement:

This article provides a theoretical framework for analysing land tenure models in South African restitution, aiming to structure scholarly debate and inform policy analysis within the African studies field.