

## ITP Research Form

ITP: **South Africa 2019**

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Paper Title: **Apartheid in South Africa and its Impact on Water and Land Reform**

Abstract:

**In this paper we will explore in greater depth the impact of apartheid on land with a narrowed focus on water conservation, land expropriation, and the implementation of land expropriation. This paper will begin by going into greater detail about the immediate and historical causes of the Cape Town water crisis, including its roots in apartheid as we previously shed light on, as well as water rights, access to water for certain usages, and conservation. We will also explore the impact that water shortages have on various communities and industries in South Africa. Finally, we will discuss the strategies the country has already employed and future plans under consideration to deal with water accessibility.**

**Next, we will discuss a couple concepts found in South Africa's land policy such as restitution and land expropriation without compensation as they are related to Section 25 of the Constitution. First, we will address the purposes of the Restitution of Land Rights Act (2014) and how the 2019 Constitutional Court in *Speaker of the National Assembly and Another v. Land Access Movement of South Africa and Others* 2019 (10) ZACC 10 (CC) (S. Afr.) interpreted the Act and managed land claims before and after its enactment. Second, this paper will address South Africa's land policy as it relates to expropriation without compensation and the critiques about the 2018 Expropriation Bill.**

**Next, we will discuss the possible implementation of land expropriation without compensation. Many stakeholders, such as white farmers, investors, and corporations, do not believe that this is a fair and equitable way to attain equality in South Africa. Many believe this will instigate more tensions within the country and others believe that the sudden shift of land to black farmers will cause corporations to withdraw their funds from the economy. This section of the paper will focus on the components of the bill, the impact this bill is having on various stakeholders, and the potential effect of implementation in the future.**

**Finally, with a nod to the constitutionality argument of land expropriation without compensation, we address the the major criticisms of the current land proposal and explore the economic and social impact of implementing land reform. We explore the politicization of the land reform question and how the legal standard, politics and social issue and economy are all interwoven in this**

**one issue as we approach the new elections. Concerns that have been raised regarding the proposed bill are how the implementation will actually work, does the government have the resources or capacity to do this, what will happen to the economy and food stability. Finally, we touch upon the humanity in the land reform issue.**