

Contested water rights in post-apartheid South Africa: The struggle for water at catchment level

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Abstract

The National Water Act (1998) of South Africa provides strong tools to redress inequities inherited from the past. However, a decade after the introduction of the Act, access to water is still skewed along racial lines. This paper analyses the various ways in which the Water Act is contested, based on empirical data detailing the interactions between smallholder farmers and commercial farmers in a case-study catchment in KwaZulu-Natal Province.

The paper argues that the legacy of the apartheid era still dominates the current political and economical reality and shows how the redistribution of water resources is contested by the elite. The paper identifies several issues that prevent the smallholder farmers from claiming their rights, including the institutional arrangements in former homelands, the 'community approach' of Government and NGOs, the disconnect between land and water reform processes, and historically-entrenched forms of behaviour of the various actors. The paper concludes that the difficulties encountered in the water reform process are illustrative for what is happening in the society at large and raises the question as to what price is being paid to maintain the current status quo in the division of wealth?

Keywords: natural resources, water reform, water rights, smallholder farmers, legal pluralism, South Africa