IHRP Fellowship Final Report
Legal Resources Centre - Johannesburg, South Africa

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August 22, 2025

Brief Statement:

My IHRP fellowship at the Legal Resources Centre in South Africa provided me with meaningful and multifaceted exposure to the field of international human rights law. Throughout my fellowship, I was able to learn from an incredible team of attorneys, conduct field work, and engage in community workshops. I also contributed to designing and building future cases that aim to improve clean water accessibility in multiple communities across South Africa. My time living and working in South Africa reaffirmed my interest in pursuing a career in international law.

Introduction:

I completed my international human rights fellowship at the Legal Resources Centre (LRC) in Johannesburg, South Africa. The LRC was founded in 1979 with the goal of using the law to combat South Africa's apartheid system. Since South Africa's democratic transition in 1994, the LRC has worked to uphold and promote the rights enshrined in the new South African *Constitution*. The LRC specializes in strategic human rights litigation with a particular focus on issues such as gender equality, land access and redistribution, and access to education. However, the scope of the LRC's work is much broader. Over the last three months, I have had the opportunity to work on cases concerning housing rights, mining accountability, and securing access to clean drinking water for communities across South Africa.

Projects and Activities:

Mining Accountability Case Research Project:

My first assignment was to complete legal research for the heads of argument for one of the LRC's mining accountability cases. In South Africa, the regulations governing the *Mineral and Petroleum Resources Development Act* (MPRDA) stipulate that mining companies must publish their Social and Labour Plans in mining-affected communities. A Social and Labour Plan is a document that outlines how mining companies are going to make a positive impact on surrounding mining-affected communities. Additionally, the content of a mining company's Social and Labour Plan plays a critical role in whether or not that company will be awarded a mining right. Therefore, mining companies are expected to bring their Social and Labour Plans to fruition.

The LRC is representing a community organization in a mining-affected community. In this case, a mining company created a Social and Labour Plan stating that it would institute a vegetable growing and marketing program for residents, build a brick-making business, and start a laundry service business. Unfortunately, this mining company failed to institute these proposed projects. Instead, this company's activities have damaged the structures of local homes and businesses, and polluted the local water source–making residents and their livestock ill.

Over several years, this mining company has failed to publish its Social and Labour Plans, so the community does not have an exact picture of all the programs this mining company should have instituted. The LRC is seeking declaratory relief to clarify the law on publishing

Social and Labour Plans and accompanying compliance reports. Clarifying the law around publishing Social and Labour Plans and compliance reports will bolster the rights of this particular community. Additionally, this case will enhance the rights of other mining-affected communities by improving their ability to hold mining companies accountable in the future. I completed research on various legal issues in this case such as access to information, standing, non-joinder, statutory interpretation, and community consultation requirements.

State Capture and Beyond Project – High School Workshop:

The LRC and We The People South Africa collaborated to hold an advocacy workshop on state accountability and anti-corruption. Initially, the workshop was intended to host senior community members. However, we held this event at a high school in Alexandra, which is a large township, and the school principal suggested we involve senior students. We quickly shifted the workshop's focus to accommodate nearly 100 grade 12 learners.

During the workshop, we explored the history of South Africa's journey from the apartheid era to democracy. We discussed the power of the *Constitution* and went through the *Bill of Rights* as a basis for talking about state accountability. We also screened a documentary titled "What is Corruption," and engaged with students to discuss their thoughts about the relationship between corruption and critical resource accessibility issues in their community. We ended with a brainstorming session on potential actions these students could take to hold the government accountable for prevalent issues in their community such as a lack of electricity and clean water and sanitation. This workshop was a great opportunity to work with a highly engaged group of students that were passionate about the challenges faced by their community.

Water Accessibility Research and Case-Building Projects:

Pansing, Phumlamqashi, Waterworks, Protea South:

My second assignment was to explore critical water accessibility issues in a number of townships in Johannesburg. The LRC administered community surveys to assess the status of water accessibility and quality in four communities–Pansing, Phumlamqashi, Waterworks, and Protea South. I reviewed the surveys, compiled the data, and identified key issues and patterns. I then linked the key issues identified to violations of the *Constitution*, the *Water Services Act*, and the *National Housing Code*. One of the primary issues identified was that these communities have been relying on Jojo tanks as their primary water source for a prolonged period of time. For communities relying on Jojo tanks, the municipality must bring in water trucks multiple times per week to fill the tanks. However, there are often too many people relying on these tanks, and they frequently run out. This reality leaves people without access to water for drinking, cooking, cleaning, or bathing for extended periods. Additionally, the tanks are not serviced, which results in the water becoming contaminated and water-borne illnesses spreading throughout the communities. The legal research I completed for this project will contribute to identifying whether the LRC can bring a case against various parties for the prolonged use of tankers in townships in place of adequate and functioning water delivery infrastructure.

Carolina, Mpumalanga:

I also had the opportunity to work on a water accessibility project in the rural community of Carolina, Mpumalanga. In this matter, a community leader in Carolina contacted the LRC after completing a series of water tests on key water sources that demonstrated that the water is heavily contaminated. The tests highlighted that the water has unacceptable turbidity, coliform, and E. coli levels, among other contaminants. I was tasked with designing a community survey to obtain additional data on water quality and potential adverse health effects across Carolina. After designing the survey, I travelled to Carolina with a group of my coworkers to complete a community consultation. During the consultation, we visited key water sources, completed water testing, spoke with community members, and assisted residents with completing the surveys. Later, I compiled the survey data and assessed whether the community's rights were violated. According to the *Constitution* and the *Water Services Act*, everyone in South Africa has the right to potable water. The water tests and survey data we gathered suggested that this right has been violated in Carolina. This work will contribute to the LRC's potential future litigation on water rights violations in Carolina. Working on this project gave me valuable insight into how a potential litigation strategy for upholding water rights is built and designed from the ground up.

Pictures from Carolina, Mpumalanga.

Land Expropriation Without Compensation:

For my final project, I worked on the LRC's upcoming *amicus* submission in a case brought by AfriForum pertaining to land expropriation without compensation. In January 2025, South African President Cyril Ramaphosa signed the Expropriation Act ("the Act") into law. This Act has garnered international attention and has become a highly controversial decision in the eyes of some South Africans and a portion of the international community. AfriForum is a South African civil rights organization that promotes the rights and interests of the Afrikaner minority group in South Africa. AfriForum is attempting to argue that the entirety of the new Expropriation Act is unconstitutional. The LRC is intervening as an *amici* in an effort to uphold the Act in the interest of achieving South Africa's longstanding goals of land redistribution and rectifying wrongs committed during the apartheid era.

I contributed to the LRC's *amicus* submission by evaluating the legality of the new Expropriation Act under international law. This project involved completing an extensive comparative law analysis and an assessment of binding and non-binding international legal instruments for their stance on expropriation without compensation. While expropriation without compensation is not typically practiced in common-law nations, South Africa has faced highly unique historical challenges that call for a solution that is innovative and tailored to the South African context. This project allowed me to strengthen my comparative law skills and learn more about the legal and political complexity associated with land redistribution in South Africa and around the globe.

Reflection:

My internship at the LRC allowed me to work on a diverse range of cases, engage in client consultations and field work, and navigate the challenges associated with doing legal work in a different country and jurisdiction. My work on mining accountability and securing access to

clean water was very fulfilling and reaffirmed my commitment to pursuing a career in international human rights law. My time with the LRC also piqued my interest in exploring environmental law, as the interconnectedness of environmental sanctity and human rights violations stood as a common theme throughout our cases.

I am incredibly grateful to have had such a positive, encouraging, and valuable experience at this stage in my legal studies and career. I would like to thank my supervisor at the LRC, Ektaa Deochand, and the IHRP team for making this experience possible.

The Johannesburg team had the opportunity to meet and speak with Justice Jody Kollapen, a distinguished Justice of South Africa's Constitutional Court.

Some of the LRC Johannesburg team.