

Table of Contents

Map	3
Assessment: Progressive realization of the right to water in Amajuba District Municipality	4
Narrative	7
Expanded Table	9
Name of the WSA.....	9
Context indicators	9
Demographics	9
Financial capacity	10
Water management	11
Political Stability	12
Policy Efforts.....	13
Water By-law	13
Water Services Development Plan.....	13
General Policy Framework	13
IDP	14
Resource Efforts	14
Financial Resources.....	14
Infrastructure Resources.....	15
Human and Skills Resources.....	15
Implementation	16
Physical Access	16
Economic Access	16
Adequacy	17
Quality.....	17
Efficiency	17
Oversight	18
Department of Water and Sanitation	18
Judicial Oversight	18
SAHRC Reports	20
Sources:.....	23

Map

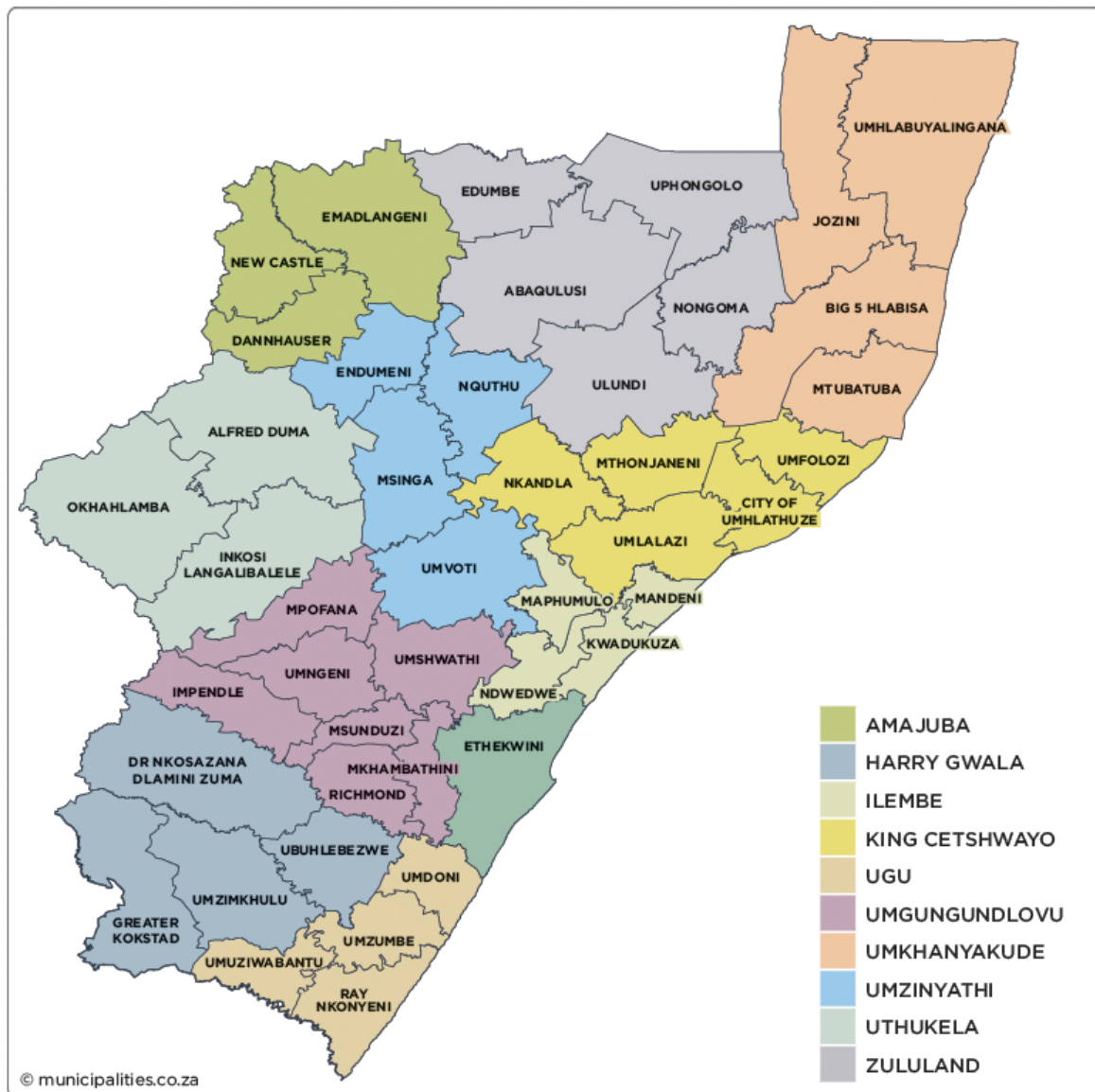


Figure 1: Geographical location of the Amajuba District Municipality (source Municipalities of South Africa <https://municipalities.co.za/provinces/view/4/kwazulu-natal>).

The Amajuba District Municipality is an inland city, situated in North KwaZulu-Natal and one of eleven district municipalities in the province.

Assessment: Progressive realization of the right to water in Amajuba District Municipality

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 60,437 (<i>Blue Drop</i> Report) to 687 408 (2022 Census) Population growth rate: 3,1% Sex Ratio: Moderate female majority Dependency: 28,9% under 15; dependency ratio 53.2	
Unemployment	27%	
KEY IMPLEMENTATION INDICATORS		
Availability	Dam: Durnacol WTW-33.12% and Utrecht WTW-64%. Water abstracted from Ntshingwayo Dam, Chelmsford Dam and Balele Dam.	
Physical Access	Communal source +200m	19,4%
	Communal source – 200m	51,1%
	Water source in yard	29,5%
	Piped water in house	51.9%
	Service delivery point/household coverage ratio	0.19
Economic Access	Tariff variation: 3 categories, incl. Residential/charitable/ religious; business and industry; and other Tariff structure: increasing block tariff (5 blocks) (R7.59-15.75) FBW: Indigency only Indigency: 0.8% of service delivery points, decreasing trend	
Adequacy	No reliable data	
Quality	Microbiological compliance	98.9%
	Chemical (acute) compliance	99.8%
	Chemical (chronic) compliance	100%
Efficiency	WUE Score: 113l/p/d (excellent) Non-revenue water: 45%	
REASONABLE MEASURES		
Policy Efforts	By-law, WSDP, Indigency Policy, Tariffs Policy	
Financial Resources (2024/25)	Budget sufficiency:120% (sufficient budget) Revenue coverage:163% (sufficient revenue) Renewal spending: missing data Maintenance spending rate:2% (low allocation for maintenance)	
Human Resources	<i>Blue Drop</i> shortfall: 10 Process Controllers, 1 Supervisor, 0 Technicians, 2 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Political stability: Coalition/hung council Management stability: Unstable, open vacancies for MM + CFO	

	Political interference: AG report cites people planning to collapse the municipality. Corruption: mentioned (IDP 2023)
Water planning issues	- Unreliable statistics, incl. Outdated data/information on demographics which hinders future planning -Significant water losses -High staff turnover, especially of key personnel -Limited human resources Service backlogs in rural areas of the district -Poor service delivery leading to infrastructure vandalism -Lack of revenue, indigent policies and enforcement -Limited or no water service quality monitoring
Funding model	-Dependence on grant funding -Low billing causing cashflow constraints -No income from serviced rural areas -Past funding model included loans, which are still unpaid to date -Revenue collection rate: 74% (FYI 2024/25)
Infrastructure issues	-Replacement of ageing infrastructure -Inadequate bulk water infrastructure -Poor or no maintenance of existing infrastructure, 2% of budget allocated for infrastructure (FYI 2024/25) -Weak ICT infrastructure -Lack of infrastructure policies -Private sector investors not attracted to invest in infrastructure projects
Electricity issues	-There are issues with Eskom electricity cuts (load shedding)
Ecological drivers	-Invasive alien species-challenges of removing alien and invasive species -Raw water abstraction and supply challenges
Consumer issues	-Water security for consumers -Infrastructure vandalism -Illegal water connections -Inaccurate billing and late issuing of statements to all consumers -Consumer debt, and suspension of service
Water services intermediaries	Not mentioned
Third-party interference	-Illegal connections to bulk infrastructure -Illegal dumping in townships
Intergovernmental coordination	Specific mention in IDP
Scale	Spatial extent 7,102km ²
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	Not mentioned
Low literacy and education levels	No schooling: 5,3% Tertiary Education: 11,3%
Infrastructure backlogs	Significant piped water backlogs

Limited yellow fleet	Not mentioned
High vacancy rate	No mentioned
Legal non-compliance	Dannhauser, Durnacol, and Utrecht had partial penalties imposed for not issuing advisory notices

Narrative

RIGHTS HOLDERS

Population estimates for the Amajuba District Municipality range from 60 437 (Blue Drop) to 687 408 (2022 Census). The population growth rate of 3.1% is higher than the national average of 1.3%. There is a moderate female majority and 28.9% of the population are under the age of 15. The dependency ratio of 53.2 is higher than the reported national 2024 average of 48.4 and the global average of 58.4.¹ There is a moderate rate of unemployment (expanded definition) at 27%.

KEY IMPLEMENTATION INDICATORS

The Amajuba District Municipality is authorised to provide water services and receive water from Ntshingwayo Dam, Chelmsford Dam, and Balele Dam.

In terms of physical access, 29.5% of consumers reportedly have a water connection in their yard, and 51.9% enjoy water piped into their dwellings. About 51.1% of the population has access to a communal source within 200m of their dwellings, and 19.4% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 0.19 meaning that the current service delivery points cover 19% of the households counted in the 2022 Census.

The Amajuba District Municipality does not provide a universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. Despite some unemployment, only about 0.8% (extremely low) of service delivery points are covered by the indigency policy. Since 2017, the number of households benefiting from the indigency policy has decreased. The tariff structure (2021/22) shows an increasing block tariff structure (least expensive block is R7.59, most expensive is R15.75). The municipality has 3 tariff categories.

No reliable data could be found about the number of water services interruptions experienced by the community. There is a minor concern with water quality, with the Amajuba District Municipality reporting microbiological compliance at 98.9% and chemical acute compliance at 99.8% and chronic at 100%.

Water use efficiency is good. The *Blue Drop* score of >113 l/p/d is good. According to the 2021/22 Auditor-General report, 45% of all water produced is non-revenue water, which is of considerable concern.

REASONABLE MEASURES

The Amajuba District Municipality has a water services development plan, water services by-law, and indigency policy.

The Municipality's financial indicators between 2021/22 and 2024/25 show that the municipality's own revenue is enough (163%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is enough (120%) to

cover capital and operational expenditure. There is no information on the portion of capital budget allocated to the renewal of assets and maintenance expenditure ranged between 1% and 3%. The revenue collection rate has fluctuated between 74% and 83% according to MFMA Schedule C datasets.

There is no information on the number of municipal officials employed in the water and sanitation department. According to the latest *Blue Drop* report, there is a staff shortfall of 10 process controllers, 1 supervisor and 2 qualified technicians.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

The key systemic drivers of rights non-compliance in the Amajuba District Municipality are:

- **Leadership issues:** There is some political instability and some key administrative leadership offices such as those of the municipal manager and chief executive officer were vacant for a number of months.
- **Water planning issues:** The Municipality struggles with unreliable statistics. There are significant water losses and service backlogs in rural areas. The municipality also experiences high staff turnover.
- **Funding model:** The Municipality cites being grant dependent. It struggles with low billing and no poor revenue collection in rural areas. However, data sent to National Treasury shows that its revenue sufficiency rate is 160%. The Municipality still has debt from past loans.
- **Electricity issues:** Some challenges when there are loadshedding.
- **Infrastructure issues:** The bulk water infrastructure is inadequate, and other infrastructure must be replaced. Maintenance is poor.
- **Ecological drivers:** There are some invasive alien species. The municipality also experiences challenges with raw water abstraction.
- **Consumer issues:** Communities experience inaccurate billing and late issuing of statements to all consumers. The municipality has large consumer debt.
- **Third-party interference:** Vandalism of infrastructure and illegal connections are a problem.
- **Scale:** Water services in the Amajuba District Municipality are spread out over 7 102 km².

OVERSIGHT

The SAHRC conducted an inquiry into the state of water services and made specific recommendations which Amajuba District Municipality had to implement (See Table: Oversight below).

Expanded Table

Indicator	Measurement	Sources
Name of the WSA		
Geographical information about the WSA.		
Spatial extent	7,102km ²	https://municipalities.co.za/overview/116/amajuba-district-municipality
Municipal wards	53	IDP 2023/24-2026/27, p. 209
Traditional Authorities	No easily accessible information	
Is the WSA authorized to provide water services?	yes	IDP 2023/24-2026/27, p. 224
Is the WSA currently providing water services?	both water treatment and tap water	IDP 2023/24-2026/27, p. 224-226
Method of service provision	Water Board	IDP 2023/24-2026/27, p. 224
Context indicators		
Details of any water-related stresses experienced within the past five years.	Riots in 2021: 354 fatalities nationwide; widespread destruction of property which included water services infrastructure. Floods in 2022: 395 fatalities; 40,723 people affected; 16,262 houses and 264 schools destroyed; exposed to food insecurity, water borne diseases; other infrastructure affected include businesses, roads, bridges, electricity and water infrastructure.	
Demographics		
Population	60,437 (<i>Blue Drop</i>) 687,408 (Census 2022) 587,437 (IDP)	2023 <i>Blue Drop Report</i> , p. 204; https://municipalities.co.za/map/116/amajuba-district-municipality , IDP 2023/24, p. 60
Number of households (Census 2022)	150,239	https://municipalities.co.za/map/116/amajuba-district-municipality

Number of domestic household service delivery points (2021/2022) (Non-Financial Census of Municipalities)	29,795	https://municipalities.co.za/map/116/amajuba-district-municipality
Ratio service delivery points/households	0.19	
Number of non-domestic consumers	290	https://municipalities.co.za/map/116/amajuba-district-municipality
Males per 100 females	92.6	https://municipalities.co.za/map/116/amajuba-district-municipality
Population growth rate per annum	3.1%	https://municipalities.co.za/map/116/amajuba-district-municipality
Education	No Schooling: 5.3% Higher Education: 11.3%	https://municipalities.co.za/demographic/116/amajuba-district-municipality
Financial capacity		
Economically active population (15-64)	65.3%	https://municipalities.co.za/map/116/amajuba-district-municipality
Unemployment rate	27% x	IDP 2023/24-2026/27, p. 76
Dependency rate	53.2	https://municipalities.co.za/demographic/116/amajuba-district-municipality
Population under 15	28.9%	https://municipalities.co.za/map/116/amajuba-district-municipality
Universal FBW Allowance	no	IDP 2023/24 - 2026/27 p. 22

Number of service delivery points receiving FBW: 2021/22	245		https://municipalities.co.za/map/116/amajuba-district-municipality
Percentage of FBW service delivery points	0.8%		
Increase/decrease of FBW 2017/2018 – 2021/2022	24,516 to 245 Decrease		https://municipalities.co.za/map/116/amajuba-district-municipality
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	None Section 138 Choose an item. Section 140 Choose an item.		NT Municipalities Meeting Criteria, item 249
Details of the triggers present.	Failure to make payments as and when due for longer than 90 days that amount to more than R 1 million.	☐	NT Municipalities Meeting Criteria
	Operating at a deficit of more than 5% of the total direct revenue.	☐	
	Negative OR outstanding audit.	☐	
	Negative cash position for two or more consecutive years.	☐	
	Failure to make any payment to Eskom when due that amounts to more than 2% of the operating expenditure.	☐	
	Failure to make any payment to the Water Board when due that amounts to more than 2% of the operating expenditure.	☐	
	Failure to make any payment to any other creditor when due that amounts to more than 2% of the operating expenditure.	☐	
	Failure to make any payment to Eskom when due that amounts to more than 40% of the operating expenditure.	☐	
	Failure to make any payment to the Water Board when due amounts to more than 40% of the operating expenditure.	☐	
	Failure to make any payment to any other creditor when due that amounts to more than 40% of the operating expenditure.	☐	
Is municipality considered to be in financial distress?	no		NT Municipalities Meeting Criteria, item 249
Is the municipality currently subject to a provincial intervention?	no		AGSA Website Based Report 2021/22
Water management			
Is the rainfall within the WSA area (July 2022 to January 2023) above or below the average rainfall (464mm) for South Africa?	500-2000mm		WeatherSA, Historical Rain map

Water abstraction authorized?	Partially			2023 <i>Blue Drop Report</i> p. 202
Volume of authorized/ (unauthorized) water abstraction?	3 730 kl/d (1 126 kl/d)			2023 <i>Blue Drop Report</i> p. 202
How many water treatment plants are in the WSA’s water services network?	Amajuba WSA manages 3 WTWs, 57 pump stations, 0 km of bulk water supply lines, 0 km of reticulation pipelines and 9 reservoirs. Total design capacity is 12 MI per day. 10 MI of capacity is available. Average production: 4.8 MI per day 49% of capacity is used 2023 <i>Blue Drop</i> critical risk: 0			2023 <i>Blue Drop Report</i> , pp 191; 201, 219
How many biophysical water sources does this WSA have access to?	River	☒		2023 <i>Blue Drop Report</i> , p. 219
	Dam	☒		
	Saltwater	☐		
	Groundwater	☒		
Names of rivers and dams	Ntshingwayo Dam, Chelmsford Dam, Balele Dam			2023 <i>Blue Drop Report</i> , p. 219
How many infrastructure water sources does this WSA have?	Water reclamation	☒		IDP 2023/24, p 235
	Desalination	☐		
	From natural source	☒		
Political Stability				
Is there a coalition government?	Yes. ANC 4, IFP 4, EFF 2, DA 1, TSSA 1 (40% PR Seats)			https://municipalities.co.za/management/116/amajuba-district-municipality
Has there been mayoral instability in the last 5 years?	Political uncertainty and instability, as evidenced from the following media reports. It also had some other managerial issues. - https://newcastillian.com/2022/11/21/critical-services-concerns-around-amajuba-municipality/ - https://www.iol.co.za/news/politics/eff-files-motion-of-no-confidence-against-amajuba-district-municipality-speaker-and-two-others-0a1bffb8-8c4c-4a53-8554-057cf3934579 - https://northernnatalnews.co.za/382488/amajuba-district-municipality-elects-new-deputy-mayor/ - https://www.citizen.co.za/news/south-africa/politics/uncertainty-kzn-eff-dumps-ifp-january-2023/ - https://www.iol.co.za/news/politics/eff-motion-against-ifp-speaker-at-amajuba-fails-anc-rings-changes-in-ulundi-98d6fe18-2d81-47b5-bd60-b99388422ce1 - https://www.citizen.co.za/witness/news/cogta-concerned-about-breach-of-municipal-systems-act-in-amajuba-district-municipality/ - https://mg.co.za/news/2023-05-24-amajuba-district-municipalities-new-broom-mayor-has-his-own-chequered-past/			Media reports.

MM/CFO Vacancy Snapshot	AGSA Website Based Report 2021/22		AGSA Web Based Report 2021/22
	Is the council established?	Yes	
	Council instability during the year?	No	
	MM vacancy at the end of the year?	Yes	
	Number of months the MM has been in position.	N/A	
	CFO vacancy at the end of the year?	No	
	Number of months the CFO has been in position.	24	
Policy Efforts			
Water By-law			
Is there a water by-law?	yes		By-law
Citation of by-law	MN 39 PG 6414 of 30 June 2005		By-law
Mark with “yes” if the by-law makes provision for the following:	Matters incidental to providing water services to residents,	Yes	By-law
	including communal sources	Yes	
	Protecting water supply systems.	Yes	
	Prohibiting wasting water	Yes	
	Prohibiting illegal connections	Yes	
	Sets out standards for water installations and maintaining water infrastructure	Yes	
	The installation and upkeep of fire extinguishing systems	Yes	
	How service charges are calculated and levied	Yes	
	Measures to ensure the quality of potable water	Yes	
	Preventing water pollution	Yes	
	Anything else?	Water audits and water restrictions	
Water Services Development Plan			
Is there a water services development plan?	in IDP		IDP 2023/24, Section 7
The validity duration of the plan (which years)	2023/24 – 2027/28		IDP 2023/24
General Policy Framework			
Is there an Indigent Policy?	none, but provision in budget		IDP 2023/24

IDP		
Water services issues identified in the IDP	- Replacement of ageing infrastructure - Maintenance of infrastructure - Water conservation and water loss management - Institutional procedures and systems - Addressing service backlogs (NDH and ELM) - Disbanding of uThukela Water - Limited human resources - Low billing - No income generated from serviced rural areas - Dependence on grant funding - High indigent ratio - Inherited loans - Outdated and non-existence plans	IDP 2023/24-2026/27, p. 182-183.
Resource Efforts		
Financial Resources		
Budget sufficiency (Total Budget revenue/total budgeted expenditure)		MFMA Section 71 Schedule C 2021 to 2025 Reports- with missing data for 2023/2024
Revenue Coverage % (Total Budgeted Revenue/Total budgeted CAPEX+OPEXx100)		MFMA Section 71 Schedule C 2021 to 2025 Reports- with missing data for 2023/2024

Revenue Collection Rate % (Actual revenue collected/budgeted revenue x 100)		MFMA Section 71 Schedule C 2021 to 2025 Reports- with missing data for 2023/2024
Capital budget allocated to renewal of existing assets (amount allocated to renewable/total capital budget)		MFMA Section 71 Schedule C 2021 to 2025 Reports
Maintenance spending rate % (Total maintenance expenditure/total revenue collected) x100		MFMA Section 71 Schedule C 2021 to 2025 Reports
Infrastructure Resources		
Current infrastructure value	R270,015,000	Budget, Sheet A9, Item 138, Adjusted Budget 20/21
Human and Skills Resources		
Total number of staff employed in water treatment	0 (0 supervisory, 0 technical)	2023 <i>Blue Drop Report</i> ; pp. 196, 198

Supervisor Staff/WTW Ratio	0.0	2023 Blue Drop Report, p. 196
Technical Staff/WTW Ratio	0.0	2023 Blue Drop Report, p. 198
Staff Shortfall	10 Process Controllers 1 Supervisor 4 Technicians 2 Qualified scientists	2023 Blue Drop Report, pp. 196,198
Total number of staff employed in the water services department (excluding water treatment)	3	2023 Blue Drop Report KZN, pp24; 2023 Blue Drop Report pp. 196
Implementation		
Physical Access		
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	5,786 19.4%
	Communal source – 200m	15,226 51.1%
	Water source in yard	8,783 29.5%
	Total households	29, 795
Piped water inside dwelling	51.9%	https://municipalities.co.za/services/116/amajuba-district-municipality
Infrastructure backlog	12249 households had no access to piped water in the district in 2016.	IDP 2023/24 p. 237.
Do schools and clinics have access to water on their premises?	No information provided	
Economic Access		
Economic access to water.	Free basic water for all	☐
	Free basic water for Indigent	☒
	Cross subsidy	☐
	Prepaid	☐
Step tariff for households in rand excl VAT. For 2021/22	0 < 6kl	7.59
	7kl < 20kl	8.80
	21kl < 40kl	10.56
	41kl < 60kl	13.03
	61kl <	15.75
These tariffs are for residential, charitable, and religious use.		
		MTREF 2022/23 to 2025, p 17.

Categories of water use:	- Residential/Charitable/Religious - Business and industry (and government, schools and health facilities are included in this category) - Other uses	
Adequacy		
Number of planned interruptions in 2024.	Less than 175 days of water interruptions within a year	IDP 2023/24 p. 202
Media reports on outages:	More than 50% of all consumers served experience interruptions of less than 48 hours and a cumulative interruption time of the year of less than 15 days. Media reports show that Dannhauser recently experienced some problems: https://northernnatalnews.co.za/388980/dannhausers-drought-continues-as-many-taps-remain-dry/	MuSSA 2021, item 17.3
Quality		
What is the WSA's blue drop score?	2023: 44.4% 2011: 84.3%	2023 <i>Blue Drop Report</i> , p. 219
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated	
Blue Drop microbiological compliance score	98.9% (3 Excellent WTWs; 0 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 206
Blue Drop chemical (acute) compliance score	99.8% (3 Excellent WTWs; 0 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , pp. 206-7
Blue Drop chemical (chronic health) compliance score	100% (3 Excellent WTWs; 0 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 206-7
Does the WSA have a contract with the lab to test water samples?	No information	
<i>Green Drop Risk Rating</i>	Average	2023 <i>Green Drop Report</i> , p. 201
Efficiency		
Blue Drop Water Use Efficiency Score	113 l/p/d (Excellent)	2023 <i>Blue Drop Report</i> , p. 204
No Drop Score 2021/22	50%	2023 <i>No Drop Report</i> , p. 138
Amount of non-revenue water in liters and in rands value.	2 766 051kl, R 28 million, 45% of the bulk water purchased.	IDP 2023/24, p 248. AGSA 2022, p2.
Main reasons for water losses.	This is due to unbilled and unmetered consumption as a result of the utilization of auto standpipes and the use of water tanker delivery services to rural areas that do not have infrastructure.	AGSA 2022, p2.

Oversight		
Department of Water and Sanitation		
<i>Blue Drop</i> actions	The municipality experienced a significant decrease of the municipal Blue Drop score from 58,18% in 2014 to 44.40% in 2023. The municipality is required to put measures and actions in place to rectify the current situation. The TSA score of 49% for the Durnacol WTW collaborates with the 44.75% BD score for the Durnacol WSS. Most importantly, there is a lack of supporting documentation or proof efforts to support that drinking water quality and service delivery is on par with expectation of the Regulator.	<i>Blue Drop Report 2023</i> , p. 48
<i>Green Drop</i> actions	Issued non-compliance letter under section 9(4) or 10(4) issued NWA Directive in relation to Durnacol WWTW. Technical inspection for Durnacol WWTW is scheduled for quarter 3 of 2023/24. Quarterly forum meetings will be established with COGTA, MISA and SALGA to improve the state of the WSA wastewater management.	<i>2023 Green Drop Report</i> , p.61.
Judicial Oversight		
Where any judgements delivered that involved water services delivery?	yes	
Full citation of judgement.	Mazibuko and Others v City of Johannesburg and Others [2009] ZACC 28	
Summary of judgement and the impact for future water services delivery.	The state has a duty not to interfere with the enjoyment of socio-economic rights. The state does not have a duty to immediately realise the right to water for everyone; instead, the state must take reasonable legislative and other measures to progressively realise the right within available state resources. It is not the place of the court to determine or quantify what is sufficient water. To assess the reasonableness of the legislative and policy measures used: State must be able to show what information it considered and the process it followed to determine its policy. If the process followed is flawed or the information gathered is inadequate or incomplete, appropriate relief may be sought. The Court's evaluation of the City's Free Basic Water Policy: (1) it has different levels of water provision; (2) the city uses pre-paid and credit meters; (3) provision to register as an indigent; (4) it is reasonable to afford basic water to all, rich and poor; (5) it is acceptable to afford basic water on a per household basis and not per person; (6) water policy was revised regularly; (7) communities too have duties, one such duty is to apply to be registered as an indigent if they wish to claim these benefits. Moving from a deemed consumption system to a pre-paid metered system with a free allocation of basic water is not a retrogressive step. Discontinuation of water for not reloading the meter with credits is not a discontinuation of service as per the Water Services Act and the municipality do not need to follow the giving notice and other related procedures.	Paras 47, 48, 50, 71, 78-102, 142
Full citation of judgement.	<i>Government of the Republic of South Africa v Grootboom</i> [2000] ZACC 19	

Summary of judgement and the impact for future water services delivery.	Access to a right, in this case the water right, would include removing barriers to access the right, empowerment measures, and special measures for vulnerable groups. Measures must ensure access over time to a greater number of people that must be guided by targets. This requires legislation, policies, programmes and plans that ensure the implementation of legislation. All vulnerable groups must at least have access to basic service delivery.	
Full citation of the judgement.	<i>Nokotyana and Others v Ekurhuleni Metropolitan Municipality and Others [2009] ZACC 33</i>	
Summary of judgement and the impact for future water services delivery.	Every municipality, as part of its IDP process, must take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to ensure that the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis; that conditions not conducive to the health and safety of the inhabitants of its area of jurisdiction are prevented or removed; and that services in respect of water, sanitation, electricity, roads, storm water drainage and transport are provided in a manner which is economically efficient. Section 3 of the Water Services Act provides that everyone has a right of access to basic water supply and basic sanitation. Every WSA is prompted to take reasonable measures to realise these rights. The section furthermore requires every WSA to provide for measures to realise these rights in its water services development plan.	
Full citation of judgement.	<i>Thubakgale and Others v Ekurhuleni Metropolitan Municipality and Others [2021] ZACC 45</i>	
Summary of judgement and the impact for future water services delivery.	Minority, dissenting: This case explores a very wide variety of remedies where socio-economic rights are violated. What effective remedy can be granted by courts where the litigants showed that the state failed to realise the right to access to housing and has conducted itself in a manner that points to a refusal to realise this right. Appropriateness of the relief envisages something that is suitable and capable of addressing the exigencies of a situation. A structural interdict, declaratory relief and contempt of court orders have all been unsuccessful. The court shows that contractual, statutory and delictual remedies are also unavailable. The court then considered constitutional damages to rectify “diffuse and systematic pattern of rights violations” or “systematic, pervasive and enduring infringements of constitutional rights”. This may only be used if it is the most effective relief. Budgetary and fiscal pressures of the municipality must be considered when awarding constitutional damages. Paras 100-116 quantum of damages. A once-off token of R 10 000 per applicant was awarded. Applicants have the right to approach the court again within one year from the granting of the order to reassess the award, should the municipality continue to procrastinate in its constitutional obligations. The municipality is also subject to a supervisory order where it has to report back to the court. Majority: The approach adopted in the first judgement fails to differentiate between socio-economic rights and other rights. A breach of socio-	Paras 2, 50, 60, 63, 64, 65, 70, 72, 80, 157

	economic rights arising from non-fulfilment or non-enjoyment of those rights does not entitle parties to an injury or damage that warrants compensation to be ordered. Appeal was dismissed. For water services delivery: Courts are increasingly impatient and becoming intolerant of service delivery failures. This shows the variety of remedies that could be available to the community where the right to water is infringed.	
Full citation of judgement.	<i>South African Human Rights Commission v Msunduzi Local Municipality and Others</i> [2021] ZAKZPHC 35	
Summary of judgement and the impact for future water services delivery.	Budgetary and procurement restraints cannot be a legitimate reason, where a failure to meet service delivery obligations persisted for 15 years. Court ordered that the municipality must file a plan to remedy the service delivery plan.	
SAHRC Reports		
Where any reports received and investigated on the right to water by the SAHRC?	yes	
Reference details of the report.		
Summary of the report and the impact for future water services delivery.	Recommendations: (a) <i>Department of Water and Sanitation (DWS)</i> - Annually monitor municipalities' implementation of Blue Drop and Green Drop report findings, including technical measures proposed and report to the Commission on an annual basis. - Engage with COGTA and local councils on annual municipal infrastructure self-assessments findings, monitor take-up of recommendations, and report to the Commission annually. - Drive a process to ensure the transformation of catch management forums and water user associations to include diverse communities and increase community buy-in and representation, and implement enhanced community awareness, education, and advocacy programmes. - Guided by section 62 of the Water Services Act, read with section 154 of the Constitution, pay more focused attention to monitoring the effective performance of water services institutions in the Province. - Invoke where appropriate powers in terms of section 63 of the WSA to take over water services function, in parallel with COGTA powers in terms of section 139 of the Constitution, to put municipalities under administration for failing to deliver water. - Leverage municipal access to grants to encourage municipalities to improve and update their water service delivery and infrastructure maintenance plans. (b) COGTA - Review the funding model for municipalities and consider the provisioning of a special grant to effect upgrades and rehabilitation of critical water infrastructure and report to the Commission within 12 months from the date of this report. - In appropriate instances, enact measures to declare a local state of emergency to escalate immediate restoration of water services, and effect necessary repairs to damaged or neglected infrastructure.	

	iii. Where appropriate, invoke powers in terms of section 139 of the Constitution, to put municipalities under administration for failing to deliver water. iv. Annually monitor municipalities' implementation of Blue Drop and Green Drop report findings, including technical measures proposed and report to the Commission on an annual basis. v. Monitor the implementation of the District Development Model, and Campaign <i>Khawuleza</i>, to fast-track water service delivery. vi. Escalate the support by the water expert task team to monitor and develop plans for municipalities. vii. Monitor the development and implementation of municipal WSDPs, considering introducing incentives for best performers. viii. Ensure that the KZN Water Master Plan considers the regression in municipality performance, and identify radical measures to address this, including fraud and corruption, and intra-political party fighting within the public service. The Water Master Plan should further consider future demands for water and include these, noting for instance the impact of the floods on the Plan and budget. ix. Develop an efficient tracking mechanism to ensure the monitoring and evaluation of the Water Master Plan, to identify progress and achievements, with time-bound targets set and submit such to the Commission with 12 months from the date of this report. x. Adopt measures to strengthen inter-governmental relations across the spheres, particularly pertaining to the role of the Office of the Premier, the Legislature and COGTA in monitoring the work of local government and submit within 12 months from the date of this report to the Commission a detailed report on the measured adopted. xi. Monitor findings and implementation of recommendations by municipal infrastructure self-assessments and report to the Commission annually. xii. Leverage municipal access to grants to encourage municipalities to improve and update their water service delivery and infrastructure maintenance plans. xiii. To review the model for grants for infrastructure, and the funds that are needed for maintenance. No municipality seems to be meeting the 8% guideline from revenues recommended by the Treasury. <i>(c) KZN Provincial Legislature Portfolio Committee on Cooperative Governance and Traditional Affairs</i> i. Monitor municipalities' implementation of Blue Drop and Green Drop report findings, including technical measures proposed. ii. Monitor the implementation of the KZN Water Master Plan, calling for regular reporting by COGTA, particularly pertaining to the delivery of water and sanitation. iii. Monitor findings and implementation of recommendations by municipal infrastructure self-assessments.	
--	---	--

	(d) <i>For the following District Municipalities, in their capacity as Water Service Authorities (WSA): Amajuba District Municipality; eThekweni Municipality; Harry Gwala District Municipality; Ilembe District Municipality; Ugu District Municipality; uMgungundlovu District Municipality; uMzinyathi District Municipality; uThukela District Municipality; uThungulu District Municipality; Zululand District Municipality</i> i. Revive and ensure the regular convening of Water Services Committees in areas of jurisdiction, to oversee local service delivery and report to the Commission within 12 months from the date of this report. ii. Implement Campaign <i>Khawuleza</i> through the DDM, to fast-track water service delivery. iii. Replicate decentralised solid waste solutions in informal settlements and new housing developments. iv. Develop, keep and maintain a regularly updated Water Service Development Plan in terms of the Water Services Act. (e) <i>All the above District Municipalities, as WSAs, and the Local Municipalities appearing before the Commission, in their capacity of providers of water service delivery to households, are recommended to enact the following measures, reporting on their uptake of these recommendations within 12 months of the date of this report</i> i. Implement appropriate customer care divisions with a dedicated customer services team. Institute call-centre mechanisms to receive and refer complaints, with appropriate standard operating procedures to ensure the maintenance of a register of complaints, maximum (six hour) turn-around time to restore water service delivery, and monitoring of resolution of complaints. ii. Implement local accountability mechanisms with communities, such as sign-off on water delivery by tankers, and filling of Jojo tanks, managed by local ward councillors. iii. Implement appropriate community education and outreach mechanisms to educate and inform communities of their rights and of the municipal services available. Implement campaigns to communicate planning and response measures in instances of water service provision challenges, consulting communities on impact, design and prioritizing of appropriate remedies, and partner with community stakeholders in monitoring implementation and outcomes. iv. Be mindful of and give effect to stakeholders' constitutional rights to just administrative action (Constitution, section 33(1)), and their right to written reasons in instances where their rights have been adversely affected by administrative action (Constitution section 33(2)). v. Strengthen local accountability measures by entering into service level agreements with local industry, to guarantee reliability of water provision.	
--	--	--

	vi. Use the DWS Blue and Green Drop programme as a guideline for running municipal services, and implement the technical and practical measures proposed in these reports. vii. Urgently address the emerging corruption relating to the water tankering system and overtime system, investigating allegations of damage to infrastructure and manipulation of the tender mechanism. viii. Implement consequence management measures for failure by officials to perform. ix. Revise the indigent register model in rural communities, to ascertain those households entitled to receive free basic water, , while ensuring revenue collection from households that can afford to pay for water services. Roll out the installation of smart meters in such areas, and implement community awareness programmes around the need to pay for services. x. Undertake a cost-effectiveness study to consider buying tankers as opposed to outsourcing this service. Move towards implementing permanent solutions to water service provision, utilising tankers only in instances of emergency. xi. Table Municipal Self-Assessment reports with Council, using findings and recommendations to inform planning. xii. Revise the management of demand, recycling and re-using of water for industrial purposes. xiii. Prioritise addressing high water losses and non-revenue water, noting the impact of water leaks in this regard. xiv. Ensure compliance with recommended 8% budgeting provision for operations and maintenance of water infrastructure. xv. Prioritise and address longstanding backlogs in infrastructure maintenance. xvi. Fast track the implementation of the National Water and Sanitation Master Plan.	
--	--	--

Sources:

- Municipal Demarcation Board *Municipal Powers and Functions Capacity Assessment 2018: Sectoral Report for Water and Sanitation*
- National Treasury *Municipalities Meeting Criteria for Determining Serious Financial problems in Terms of Sections 138 and 140 of the MFMA* for the fourth quarter of 2022/23
- WeatherSA *Historical Rainmap for July 2022- January 2023* accessed at <https://www.weathersa.co.za/home/historicalrain>
- Independent Electoral Commission *Local Government Elections Dashboard* accessed at <https://results.elections.org.za/dashboards/lge/>
- Department Water and Sanitation *Blue Drop Progress Report 2022*
- World Health Organisation *Statistics* accessed at <https://www.who.int/data/gho/data/indicators/indicator-details/GHO/number-of-diarrhoea-deaths-from-inadequate-water-sanitation-and-hygiene>

- Portfolio Committee on Water and Sanitation *Legacy Report: Report of the Portfolio Committee on Water and Sanitation on its activities undertaken during the 5th Parliament* accessed at https://static.pmg.org.za/Water_and_Sanitation.pdf
- Municipalities of South Africa accessed at <https://municipalities.co.za/management/116/amajuba-district-municipality>
- Amajuba District Municipality *Integrated Development Plan 2023/24*
- Department Water and Sanitation *Municipal Strategic Self-Assessment for Amajuba 2021*
- Various media reports
- Amajuba District Municipality *Annual Adopted Budget 2021/22*
- Amajuba District Municipality *Medium Term Revenue and Expenditure Framework 2022/23 – 2025*
- AGSA *Report of the Auditor-General of South Africa for the Year ended 30 June 2022: Amajuba District Municipality* accessed at https://www.amajuba.gov.za/media/0b0batzz/annexure-d_final-audit-report.pdf