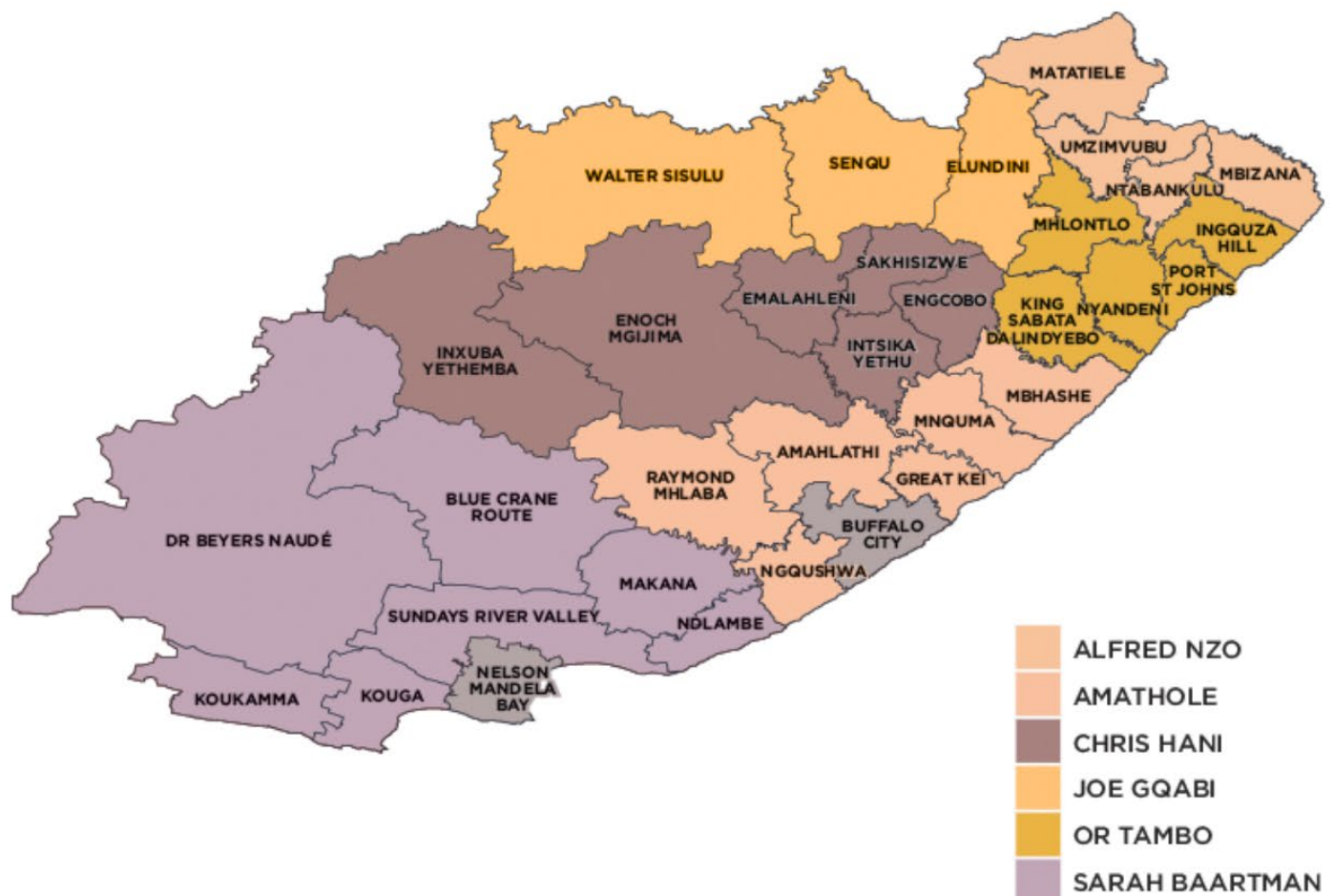


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

AMATHOLE DISTRICT MUNICIPALITY



OCTOBER 2026

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Map

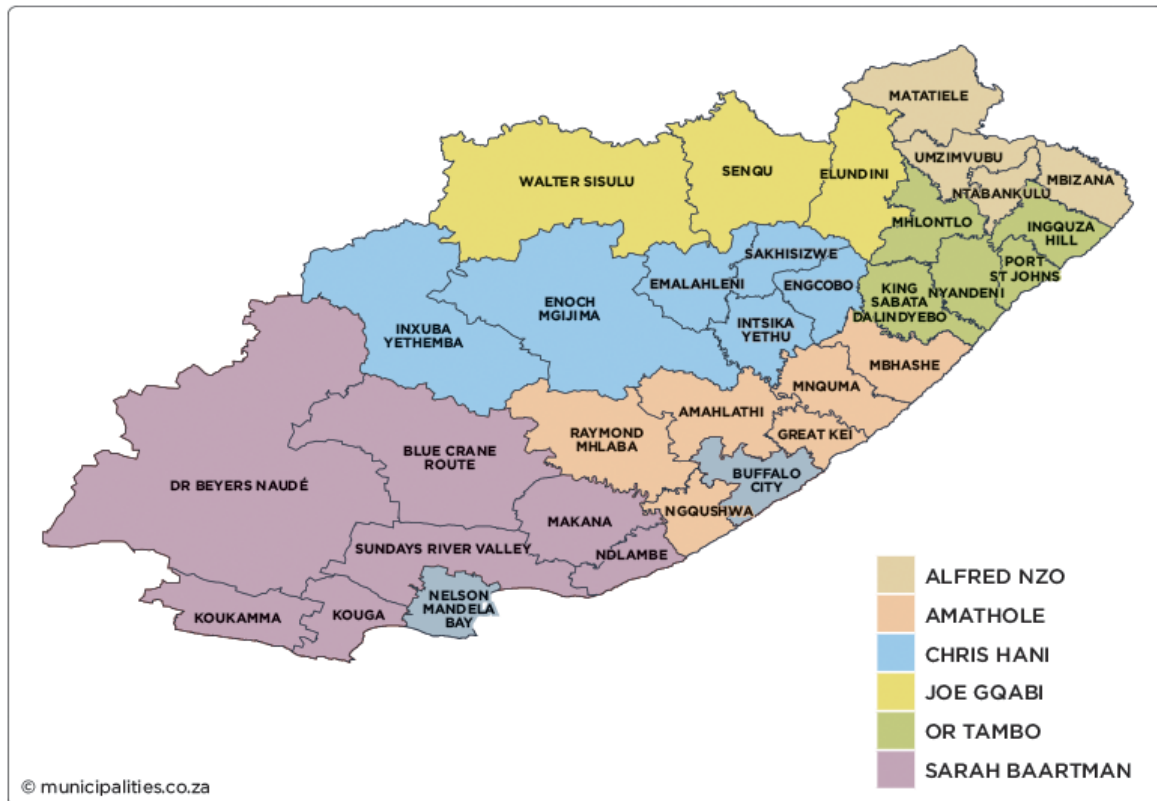


Figure 1: Geographical location of the Amathole District Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/1/eastern-cape>)

The Amathole District Municipality is situated in the central part of the Eastern Cape. The municipality is comprised of six local municipalities.

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

RIGHTS HOLDERS			
Demographics	Current Population: Ranges from 896,207 (<i>Blue Drop</i>) to 871,601 (2022 Census) Population growth rate: 0.19% Sex Ratio: Moderate female majority Dependency: 29.3% under 15; dependency ratio 65.7		
Unemployment	46.2%		
KEY IMPLEMENTATION INDICATORS			
Availability	River, groundwater, dam 60% of capacity used		
Physical access	Communal source +200m	14.4%	
	Communal source – 200m	65.6%	
	Water source in yard	20%	
	Piped water in house	34.6%	
	Service delivery point/household coverage ratio	1.17	
Economic Access	Tariff variation: Domestic, industrial + 17 categories Tariff structure: Increasing block tariff (6 blocks, R21.42-R49-98) FBW: Indigent only Indigency: 0.6% of service delivery points, decreasing trend		
Adequacy	No reliable data		
Quality	Microbiological compliance	82.8%	
	Chemical (acute) compliance	79.6%	
	Chemical (chronic) compliance	93.9%	
Efficiency	WUE Score: 75 l/p/d (Excellent) Non-revenue water: 12%		
REASONABLE MEASURES			
Policy Efforts	By law, WSDP and indigent policy in place		
Financial Resources (2024/25)	Budget sufficiency: 90% Revenue coverage: 121% Renewal spending: 10% Maintenance spending rate: 3%		
Human Resources	<i>Blue Drop</i> shortfall: 8 Process Controllers, 0 Supervisors, 1 Technician, 1 Qualified scientist		
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE			
Leadership issues	Mayoral instability		
Water planning issues	-Unreliable statistics -Municipality affected by severe drought -Old water infrastructure -Illegal connections -Funding constraints -High water loss		

	-Low levels of revenue collection -Insufficient water sources -Limited development of bulk water resources -Delivery of water in rural areas through water tankers -Water meters vandalism
Funding model	-In financial distress, low revenue base and grant dependent -Own revenue unable to sustain its core operating costs
Infrastructure issues	-Dependent on grant funding for construction of infrastructure to reduce water and sanitation backlogs -Land claim issues during implementation of infrastructure projects -Insufficient operating, maintenance and asset renewal budget
Electricity issues	-Increased incidents of theft and vandalism
Ecological drivers	-Not mentioned
Consumer issues	-Cost recovery for water services remains a challenge -Consumers paying bills late -Registration of indigent consumers on register
Water services intermediaries	-Not mentioned
Third-party interference	-Illegal water and electricity connections
Intergovernmental coordination	-Not mentioned
Scale	21,114km² 30 WTWs, 2 pump stations, NI km of bulk water supply lines, NI km of reticulation pipelines and 6 reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	0 wards, NI traditional authorities
Low literacy and education levels	No Schooling: 9.2%, tertiary ed : 7.2%
Infrastructure backlogs	-Water backlogs, particularly in rural areas -Water backlogs eradication relies on the size of grant allocated
Limited yellow fleet	-Aged fleet, with 62% of the fleet exceeding its lifespan. -High cost of maintaining old fleet
High vacancy rate	-Overall vacancy rate at 31% (AGSA), and 38% (IDP).
Legal non-compliance	-Non-compliance with the South African National Standards (SANS) 241: 2015 limits for drinking water quality due to health failures, as indicated by E. coli levels above the recommended limit of 0 cfu/100ml. Low or no chlorine levels were observed in the areas with health failures, an indication of ineffective disinfection

*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the Amathole District Municipality range from 896207 (Blue Drop) to 871 601 (Census 2022). The population growth rate of 0.19% is lower than the national average of 1.3%. There is a moderate female majority and 29.3% of the population are under the age of 15. The dependency ratio of 65.7 is higher than the reported national 2024 average of 48.4 and higher than the global average of 58.4.¹ There is a high level of unemployment (broad definition used) in this municipality at 46.2%.

KEY IMPLEMENTATION INDICATORS

The Amathole District Municipality is authorised to provide water services and can abstract water from the Anderson, Bedford Dam, Binfield Dam, Boyd Dam, Centenary Dam, Chintsa East Dam, Craighead Weir, Debe Dam, Debe River, Fish River, Great Fish River, Great Kei River, Haga River, Hogsback Springs, Kat River Dam, Keiskamma, Koonap Dam, Kubusie River, Mastrand Borehole, Mbhanyana River, Mgwali River, Mndwaka Dam, Mnyameni Dam, Morgan Bay Dam, Ngculu Dam, Nqabarha River, Nqadu River, Platjieskraal Dam, Qolora River, Qwaninga River, Sam Meyer Dam, Sandile Dam, Scotchmans, Toluene Dam, Tyume River, Wriggleswade Dam, Xhora River, Xilinx Dam and groundwater.

In terms of physical access, 20% of consumers reportedly have a water connection in their yard, and 34.6% enjoy water piped into their dwellings. About 65.6% of the population has access to a communal source within 200m of their dwellings, and 14.4% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 1.17 meaning that the current service delivery points cover 117% of the households counted in the 2022 Census.

The Amathole District Municipality does not provide a universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. About 0.6% (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 R21.42, most expensive is R49.98). The municipality's tariff structure is made up of 19 categories.

No reliable data could be found about the number of water services interruptions experienced by the community. There is a critical concern with water quality, with the Amathole District Municipality reporting microbiological compliance at 82.8% and chemical acute compliance at 79.6% and chronic at 93.9%.

Water use efficiency is excellent. The *Blue Drop* score of >75 l/p/d is excellent. According to the 2021/22 Auditor-General report, 12% of all water produced is non-revenue water, which is good.

REASONABLE MEASURES

The Amathole District Municipality has a valid indigent policy, water services development plan and water services by law in place.

The Municipality's financial indicators between 2021/22 and 2024/25 show that the municipality's own revenue is enough (121%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is not enough (90%) to cover capital and operational expenditure. The portion of capital budget allocated to the renewal of assets ranged between 1% and 6% and maintenance expenditure ranged between 1% and 5%. The revenue collection rate has fluctuated between 69% and 101% according to MFMA Schedule C datasets.

There are 141 municipal officials employed in water treatment. According to the latest *Blue Drop* report, there is a staff shortfall of 8 process controllers in the department responsible for water treatment.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

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

- **Leadership issues:** None.
- **Water planning issues:** Unreliable statistics. Infrastructure and funding challenges. Limited development of bulk infrastructure.
- **Funding model:** Low revenue collection. Municipality is in financial distress. Low revenue base. Grant dependent and unable to sustain core operations with own revenue.
- **Electricity issues:** None that have an impact on service delivery.
- **Infrastructure issues:** Ageing infrastructure. Infrastructure backlogs and funding constraints. Land claim issues.
- **Ecological drivers:** Drought prone area.
- **Consumer issues:** Late payment of bills. Challenges to maintain indigent register.
- **Intermediaries:** None.
- **Third-party interference:** Illegal connections.
- **Scale:** Water services in the Amathole District Municipality are spread out over 21 114 km².

OVERSIGHT

1. SAHRC conducted monitoring activities. (See, Table: Oversight SAHRC Reports, for more details).
2. National Parliament took oversight action. (See Table: Oversight Parliament, for more details).

3. Public protector undertook a systemic investigation into allegations of inadequate and lack of provision of essential services (See, Table: Other Oversight Institutions, for more details).

Expanded Table

Indicator	Measurement	Sources
Name of the WSA	Amathole District Municipality	
Geographical information about the WSA.	A district municipality situated in the central part of the Eastern Cape.	Amathole District Municipality - Overview
Spatial extent	21,114km ²	Amathole District Municipality - Overview
Municipal wards	0 in district. Only at local level.	IDP 2023/24, p 34
Traditional Authorities	No easily accessible information	IDP 2023/24
Is the WSA authorized to provide water services?	yes	IDP 2023/24, p 90
Is the WSA currently providing water services?	water treatment and distribution	Amathole District Municipality IDP 2024, p. 6
Method of service provision	self	IDP 2023/24, p 93
Context indicators		
Details of any water-related stresses experienced within the past five years.	Amathole District Municipality has been consistently affected by severe drought since 2016	Amathole District Municipality IDP 2024, p. 91
Demographics		
Population	896,207 (<i>Blue Drop</i>) 871,601 (2022 Census) 880,790 (IDP)	2023 <i>Blue Drop Report</i> , p. 58; Amathole District Municipality - Demographic IDP 2023/24, p 112
Number of households (Census 2022)	241,612	Amathole District Municipality - Demographic
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	281,486	Amathole District Municipality - Services
Ratio service delivery points / households	1.17	
Number of non-domestic consumers	836	Amathole District Municipality - Services
Males per 100 females	90.9	Amathole District Municipality - Demographic
Gender Split	47.6% Male 52.4% Female	

Population growth rate per annum	0.19%	Amathole District Municipality - Demographic																				
Education	No Schooling: 9.2% Higher Education: 7.2%	Amathole District Municipality - Demographic																				
Financial capacity																						
Economically active population (15-64)	60.4%	Amathole District Municipality - Demographic																				
Unemployment rate	46.2%	IDP 2023/24, p 51																				
Dependency rate	65.7	Amathole District Municipality - Demographic																				
Population under 15	29.3%	Amathole District Municipality - Demographic																				
Universal FBW Allowance	no	IDP 2023/24 p. 86																				
Number of service delivery points receiving FBW: 2021/22	1,613	Amathole District Municipality - Services																				
Percentage of FBW service delivery points	0.6%																					
Increase/decrease of FBW 2018/2019 – 2021/2022	34,617 to 1,613 Decrease	Amathole District Municipality - Services																				
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	S 140: 2 triggers and s 138: 2 triggers	NT Municipalities Meeting Criteria, item 23																				
Details of the triggers present.	<table><tr><td>Failure to make payments as and when due for longer than 90 days that amount to more than R 1 million.</td><td>☒</td></tr><tr><td>Operating at a deficit of more than 5% of the total direct revenue.</td><td>☒</td></tr><tr><td>Negative OR outstanding audit.</td><td>☒</td></tr><tr><td>Negative cash position for two or more consecutive years.</td><td>☐</td></tr><tr><td>Failure to make any payment to Eskom when due that amounts to more than 2% of the operating expenditure.</td><td>☒</td></tr><tr><td>Failure to make any payment to the Water Board when due that amounts to more than 2% of the operating expenditure.</td><td>☐</td></tr><tr><td>Failure to make any payment to any other creditor when due that amounts to more than 2% of the operating expenditure.</td><td>☐</td></tr><tr><td>Failure to make any payment to Eskom when due that amounts to more than 40% of the operating expenditure.</td><td>☐</td></tr><tr><td>Failure to make any payment to the Water Board when due that amounts to more than 40% of the operating expenditure.</td><td>☐</td></tr><tr><td>Failure to make any payment to any other creditor when due that amounts to more than 40% of the operating expenditure.</td><td>☒</td></tr></table>	Failure to make payments as and when due for longer than 90 days that amount to more than R 1 million.	☒	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 that 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.	☒	
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Is municipality considered to be in financial distress?	yes		NT Municipalities Meeting Criteria, item 23
Is the municipality currently subject to a provincial intervention?	The municipality is under S139 administration, effective from January 2021.		Amathole District Municipality - Council & Management
Water management			
Is the rainfall within the WSA area (July 2022 to January 2023) above or below the average rainfall (464mm) for South Africa?	Below		https://letsrespondtoolkit.org/municipalities/eastern-cape/amathole/
Water abstraction authorized?	Yes		2023 Blue Drop Report p. 56
Volume of authorized/(unauthorized) water abstraction?	75,807kl/d		2023 Blue Drop Report p. 56
How many water treatment plants are in the WSA’s water services network?	Amathole WSA manages 30 WSSs, 2 pump stations, NI km of bulk water supply lines, NI km of reticulation pipelines and 6 reservoirs. Total design capacity is 90.5 MI per day. Design capacity available is 71.3MI per day. Average production: 42.8 MI per day 60% of capacity is used 2023 Blue Drop critical risk: 5 (Mbhashe LM - Mncwasa, Mbhashe LM – Nqadu, Mbhashe LM – Xhora, Nxuba LM – Adedlaide, Nxuba LM - Bedford)		2023 Blue Drop Report, p.44, p.54, p. 70-74
How many biophysical water sources does this WSA have access to?	River	☒	2023 Blue Drop Report, p.70-74
	Dam	☒	
	Saltwater	☐	
	Groundwater	☒	
Names of rivers and dams	Anderson, Bedford Dam, Binfield Dam, Boyd Dam, Centenary Dam, Chintsa East Dam, Craighead Weir, Debe Dam, Debe River, Fish River, Great Fish River, Great Kei River, Haga River, Hogsback Springs, Kat River Dam, Keiskamma, Koonap Dam, Kubusie River, Mastrand Borehole, Mbhanyana River, Mgwali River, Mndwaka Dam, Mnyameni Dam, Morgan Bay Dam, Ngculu Dam, Nqabarha River, Nqadu River, Plaatjieskraal Dam, Qolora River, Qwaninga River, Sam Meyer Dam, Sandile Dam, Scotchmans, Toluene Dam, Tyume River, Wriggleswade Dam, Xhora River, Xilinx Dam		2023 Blue Drop Report, p. 70-74
How many infrastructure water sources does this WSA have?	Water reclamation	☐	IDP 2023/24, p 100
	Desalination	☐	
	From natural source	☒	
Political Stability			
Is there a coalition government?	ANC ANC 14, EFF 2, ATM 1, DA 1, UDM 1 (40% PR Seats)		Amathole District Municipality -

			<u>Council & Management</u>
Has there been mayoral instability in the last 5 years?	Yes, in the past two years, the entire top leadership, including the administration, has been in turmoil. In August 2022, the election of the new troika followed the recall of former mayor Ndikinda, former council speaker Nondumiso Mgidlana and former chief whip Nonceba Mfecane by the ANC for defying party orders. Around May 2023 Ntsangani was re-elected as mayor. The WSA operated without a registered Speaker for a period around September 2023, which meant that some decisions taken by the council were invalid. A new MM was appointed for the WSA in March 2023. A new CFO was also recently appointed in November 2023, but there is some controversy to this appointment, so much so that the mayor distanced himself from the debacle. - https://www.news24.com/news24/community-newspaper/mthathaexpress/new-amathole-district-municipality-troika-elected-20220811 - https://www.dispatchlive.co.za/news/2023-05-24-ntsangani-re-elected-as-adm-mayor/ - https://www.dispatchlive.co.za/politics/2023-09-25-amathole-may-have-to-rectify-decisions-made-under-unregistered-speaker/ - https://www.dispatchlive.co.za/news/2023-03-17-adm-finally-appoints-new-municipal-manager/ - https://www.dispatchlive.co.za/news/2023-11-20-we-are-working-hard-to-stabilise-adm-says-mayor/		
MM/CFO Vacancy Snapshot	AGSA Website Based Report 2022/23	Interesting that media reports seem to contradict some of these indicators in the AG report.	AGSA Web Based Report 2021/22
	Is the council established?	Yes	
	Council instability the previous year?	No	
	MM vacancy at the end of the year?	No	
	Number of months the MM has been in position.	15	
	CFO vacancy at the end of the year?	No	
	Number of months the CFO has been in position.	7	

Policy Efforts			
Water By-law			
Is there a water by-law?	yes	By-law	
Citation of by-law	MN 168 in PG 1368 of 16 May 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.		
	Prohibiting wasting water	no	
	Prohibiting illegal connections	no	
	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?	Temporary supply of water from hydrant Water Audit Water restrictions	
Water Services Development Plan			
Is there a water services development plan?	Yes	IDP 2023/24, p 242	
The validity duration of the plan (which years)	A 5-year WSDP developed during the 2017-2022 cycle to be reviewed every year. A new 5-Year Plan will be developed during the 2022-2023 cycle.	IDP 2023/24, p 90	
General Policy Framework			
Is there an Indigent Policy?	yes	Indigent Policy	
IDP			
Issues	Drought Inadequate Bulk Water Resources Inadequate Operational budget to operate and maintain new infrastructure Unauthorised water connections High Water Losses and Non-Revenue Water Poor wastewater management Poor Asset Management Demand of water services in Informal Settlements The condition of existing infrastructure is deteriorating due to continued under-funding for essential	IDP 2023/24, p 242	

	maintenance/ replacement of ageing assets over an extended period - maintenance of infrastructure is currently reactive No programme to ensure maintenance (Emptying) of the VIP pits is done by owners	
Resource Efforts		
Financial Resources		
Budget sufficiency (total budget revenue (excl. capital transfers)/ total budgeted OPEX) x 100		MFMA Section 71 Schedule C 2021 to 2025 Reports
Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100		MFMA Section 71 Schedule C 2021 to 2025 Reports
Revenue collection rate % (actual revenue collected / budgeted revenue) x 100		MFMA Section 71 Schedule C 2021 to 2025 Reports
Capital budget allocated to renewal of existing assets (Amount allocated to renewal / Total capital budget) x 100		MFMA Section 71 Schedule C 2021 to 2025 Reports

Maintenance spending rate % (Total maintenance expenditure / total revenue collected) x 100				MFMA Section 71 Schedule C 2021 to 2025 Reports
Infrastructure Resources				
Current infrastructure value	5 011 934 000			Budget, Sheet A9, Item 138, Adjusted Budget 20/21
Human and Skills Resources				
Total number of staff employed in water treatment	141 (138 supervisory, 3 technical)			2023 <i>Blue Drop Report</i> ; p. 49, p. 51- 52
Supervisor Staff/WTW Ratio	4.6			2023 <i>Blue Drop Report</i> , p. 49
Technical Staff/WTW Ratio	0.1			2023 <i>Blue Drop Report</i> , p. 51-52
Staff Shortfall	8 Process Controllers 0 Supervisors 0 Technicians 0 Qualified scientist			2023 <i>Blue Drop Report</i> , p. 49, 51-52
Total number of staff employed in the water services department (excluding water treatment)	55			
Implementation				
Physical Access				
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	40,551	14.4%	Amathole District Municipality - Services
	Communal source – 200m	184,646	65.6%	
	Water source in yard	56,289	20.0%	
	Total	281,486		
Piped water inside dwelling	34.6%			Amathole District Municipality - Demographic
Infrastructure backlog	-Dependent on grant funding for construction of infrastructure to reduce water and sanitation backlogs -Land claim issues during implementation of infrastructure projects -Insufficient operating, maintenance and asset renewal budget			
Do schools and clinics have access to water on their premises.	Out of 233 health facilities: 104 have inadequate access.			WJT Verification
Economic Access				
Economic access to water.	Free basic water for all	☐		Tariff Policy 2023/24, p10
	Free basic water for Indigent	☒		

	Cross subsidy	☐	
	Prepaid	☐	
Step tariff for households in rand excl VAT. For 2021/22	0 < 6kl	21.42	Final Tariffs 2021/22
	7kl < 15kl	28.56	
	16kl < 25kl	35.70	
	26kl < 40kl	42.85	
	41kl < 500	46.42	
	501kl <	49.98	
Categories of water use:	- Domestic - Business and commercial - Industrial - Schools, clinics, museums and other similar - Non-profit organisations - Agriculture - Rural - Municipal services - Government services - Public infrastructure - Special agreements - Geographical areas - Undeveloped land - Mixed use - Informal settlements - Developers - Block of flats - Bulk metered share blocks - Pensioners above 65 years of age		Tariff Policy 2023/24, p9
Notes	Pensioners and Indigents get the first 6kl free. The step tariff remains the same otherwise. These tariffs are quite high when compared to KZN and Limpopo.		
Tariffs for schools.	Although the Tariff Policy distinguishes between domestic use and water use for schools and clinics, the tariffs remain the same for both categories of use.		Final Tariffs 2021/22
Notes.	n/a		Final Tariffs 2021/22
Tariffs for clinics	Although the Tariff Policy distinguishes between domestic use and water use for schools and clinics, the tariffs remain the same for both categories of use.		Final Tariffs 2021/22
Adequacy			
Number of interruptions in 2024	Not mentioned		
Media reports on outages:	According to media reports this WSA has had many issues in providing water over the years. Some communal taps have allegedly been dry for more than seven years, while the WSA has to employ armed guards to protect its water infrastructure from vandalism. Even schools have been affected by water shortages which led to protests and learners refusing to attend school. There are also reports on the poor quality of potable water, a matter which was subsequently investigated by the Public Protector. By November 2023 the WSA risks losing its water services		

	function completely if it cannot improve its services delivery. - https://www.groundup.org.za/article/standpipe-ran-dry-7-years-ago-in-eastern-cape-village/ - https://www.dispatchlive.co.za/news/2023-06-03-amathole-municipality-to-hire-armed-guards-to-protect-water-pumps/ - https://www.groundup.org.za/article/no-water-no-schooling/ - https://www.news24.com/news24/southafrica/news/anc-vows-change-after-public-protector-report-says-people-and-animals-share-dirty-drinking-water-20231021 - https://www.dispatchlive.co.za/news/2023-11-10-adm-risks-losing-water-provision-status/ - https://www.groundup.org.za/article/families-drink-water-drains-truck-service-breaks-down/	
Quality		
What is the WSA's blue drop score?	2023: 59.5% 2011: 65.2%	2023 <i>Blue Drop Report</i> , p. 70-74
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated	
Blue Drop microbiological compliance score	82.8% (3 Excellent WTWs; 32 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 60
Blue Drop chemical (acute) compliance score	79.6% (14 Excellent WTWs; 23 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 60-61
Blue Drop chemical (chronic health) compliance score	93.9% (34 Excellent WTWs; 3 Unacceptable WTW)	2023 <i>Blue Drop Report</i> , p. 60-61
Does the WSA have a contract with the lab to test water samples?	Yes- Amatola Water Scientific Services, an accredited laboratory, is used to analyse the samples and upload the results directly to IRIS for reporting to the Department of Water and Sanitation.	IDP 2024, p.134.
<i>Green Drop Risk Rating</i>	Medium Risk	2023 <i>Green Drop Report</i> , p. 35
Efficiency		
Blue Drop Water Use Efficiency Score	75 l/p/d (Excellent)	2023 <i>Blue Drop Report</i> , p 58
No Drop Score 2021/22	4%	2023 <i>No Drop Report</i> , p 45
Amount of non-revenue water in liters and in rands value.	R253,43 million in water losses. Equivalent to 12% of all water flowing through municipal pipelines.	AGSA Web Based Report 2023-24
Main reasons for water losses.	Leaks and illegal connections	
Oversight		
Department of Water and Sanitation		
<i>Blue Drop actions</i>	None	2023 <i>Blue Drop Report</i> , p 70-74

Green Drop actions	None	2023 Green Drop Report, p. 38
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.	Government of the Republic of South Africa v Grootboom [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.	Capricorn District Municipality v SANCO [2014] ZASCA 39	
Summary of judgement and the impact for future water services delivery.	Appeal from the High Court, Limpopo Division. Legal Question: Is the interdict given by the HC a competent order? The interdict mandated Capricorn District to repair and replace all leaking pipes and all	Paras 25 and 21

	defective meters within 12 months. In addition, the HC ordered that the WSA may only recover a flat rate of about R 70 for water services delivered from affected households. Judgement: The appeal succeeded. The SCA found that the HC cannot order the WSA to replace and repair the leaky pipes because water leakages do not adversely affect consumers. This is because water leakages are not captured by any water meter reflecting what is payable to any consumer. (Bear in mind that the community alleged they were liable to pay for the wasted water.) A court may also not determine the rates as which water services are charged as this is in contravention of the separation of powers.	
SAHRC Reports		
Were any reports received and investigated on the right to water by the SAHRC?	yes	
	The SAHRC Eastern Cape Provincial Office conducted monitoring activities in the Amathole District Municipality during September 2023. This is pursuant to section 184(1)(c) of the Constitution that mandates the Commission to monitor and assess the observance of human rights in SA.	
Parliament		
Any oversight actions taken in the duration of the current (5 th) administration.	A meeting was held on 3 March 2021 to discuss the state of Amathole District Municipality. The following stakeholders made presentations: - AGSA - Eastern Cape Provincial Treasury - Provincial CoGTA - The National Department CoGTA - SALGA Meeting pertaining to the recent developments in the district is that the media has reported widely on the inability of the municipality to pay salaries for the next few months, as it is running out of cash. The municipality reports state that the district has been in a state of disaster since 2016 due to the severe drought affecting many parts of the province. Groundwater is critical under these circumstances. However, the number of boreholes equipped to exploit the groundwaters to assist in the various localities is far below the demands. The Committee is of the view that the alleged lack of support from the relevant structures does not absolve the district from taking responsibility for its current financial crisis. If the relevant structures are not playing their roles in terms of section 154 of the Constitution, it does not make things any easier for the municipality. The Chairperson said that she agrees with the report from the AG that if they are to realise maximum and sustainable improvement in the district, all role players should diligently execute their roles as outlined in the various legislations.	https://pmg.org.za/committee-meeting/32437/

Other Oversight Institutions		
Details of any oversight action taken.	The Public Protector	
Report name	Report of the Public Protector: Systemic investigation into allegations of inadequate and/or lack of provision of essential services and basic infrastructure by various organs of state in certain villages within the province of Eastern Cape. Report 25 of 2023/24	
Details of complaint	The complaints were lodged by Ms Eunice Tsese (Ms Tsese) and sixty-five (65) other members of the public, in terms of the Public Protector Act (the Complainants). Whether the municipal services by the Amathole District Municipality in certain villages in the district are rendered in a progressive and effective manner as contemplated in the Constitution and the law, if not, whether such constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution as well as improper prejudice in terms of section 6(4)(a)(v) of the Public Protector Act	
Findings	The allegation that municipal services by the Amathole District Municipality within certain villages in the EC province are not rendered in a progressive and effective manner as contemplated in the Constitution and the law, is substantiated. Evidence at the disposal of the Public Protector has revealed that ADM is striving to the extent permitted by its financial means to address water services in its area of jurisdiction. This was evidenced by the recent construction of borehole facilities and the construction of pipeline projects in various areas such Mbashe and Ngqushwa within the district However, the investigation has revealed that there is still inadequate provision of water services and related infrastructure, specifically in areas reported to the Public Protector, namely, the Cebe Administrative area, Qeqe village, Msobomvu Township, Upper Gwadu location, and Rabula Administrative Area. It was noted during the site inspection that, Cebe Administrative Area in particular is without taps and the community drink unhealthy and dirty water, which they share it with animals. The residents rely on the nearby rivers and streams as a source of water for domestic consumption. It was further conceded in a response to the Notice received from the Municipal Manager of ADM, Dr Mthembu on 21 July 2023, that the district is still experiencing water problems due to ongoing challenges such as vandalism, illegal connections, load shedding, climate change, financial constraints, historical backlogs and old	

	infrastructure, which all hamper the ability of ADM to provide some of the communities with a consistent supply of water. However, there are short term interventions noted by the Public Protector, which ADM is embarking on to minimise the impact of these water challenges such as carting water in trucks whilst looking for other alternatives and long term solutions. The inadequate delivery of water supply and related infrastructure on the part of ADM poses a health risk to the communities within its district. This service deficit also remains incompatible with sections 27(1)(b), 152(1), 153 and 237 of the Constitution, section 4(2) of the Local Government Municipal Systems Act, section 83(3) of the Local Government Municipal Structures Act, sections 2(2) and 3(1) of the National Water Act, as well as section 11(1) of the Water Services Act. The conduct of the ADM accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution as well as prejudice in terms of section 6(4)(a)(v) of the Public Protector Act.	
Recommendations or remedial action taken	The Municipal Manager for ADM Within ninety (90) calendar days of the date of this report, in line with the obligations and mandate contemplated in section 152(1)(b) of the Constitution, conduct an assessment to determine the requirements for provision of clean and potable water services for domestic use in all affected areas within ADM; Within ninety (90) calendar days to, in line with the obligations and mandate contemplated in section 152(1)(b) of the Constitution, develop an Implementation Plan for tabling before Council, setting out the measures to be undertaken in addressing the service delivery challenges identified in this report, within the ADM. The implementation plan is to be submitted to the Municipal Council and the Member of the Executive Council (MEC) for COGTA for monitoring of implementation; The Executive Mayor for ADM Within sixty (60) calendar days of the date of this report, table a copy thereof before the Municipal Council for discussion in line with the powers and functions of the Executive Mayor in terms of section 56 of the Municipal Structures Act. The Municipal Council is to thereafter consider the Implementation Plan developed by the Municipal Manager, setting out steps/measures to be taken by ADM to address shortcomings on municipal services related to provision of water within the district, in line with the obligations of the municipality contemplated in section 152(1)(b) of the Constitution; Within thirty (30) calendar days of the submission of the Implementation Plan by the Municipal Manager, submit same to the Member of the Executive Council (MEC) for COGTA, indicating steps/measures to be taken or already	

	taken to address the water service delivery concerns of the communities within ADM, as identified in this report.	
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Sources:

- Auditor-General of South Africa MFMA Report for 2022/23 <https://mfma-2022.agsareports.co.za/province/limpopo>
- Department Water and Sanitation Water Services Development Planning Website Tool <https://ws.dws.gov.za/wsdp/Index.aspx#>
- Department Water and Sanitation Municipal Strategic Self-Assessment for year ended in 2022
- Department Water and Sanitation Blue Drop Progress Report 2022
- Municipal Demarcation Board Municipal Powers and Functions Capacity Assessment 2018: Sectoral Report for Water and Sanitation
- Independent Electoral Commission Local Government Elections Dashboard accessed at <https://results.elections.org.za/dashboards/lge/>
- Municipalities of South Africa <https://municipalities.co.za/provinces/view/5/limpopo>
- 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
- South African Human Rights Commission Inquiry into Access to Water and the Efficacy of Water Services Authorities within Limpopo Province (SAHRC Oct 2021)
- WeatherSA Historical Rainmap for July 2022- January 2023 accessed at <https://www.weathersa.co.za/home/historicalrain>
- 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>