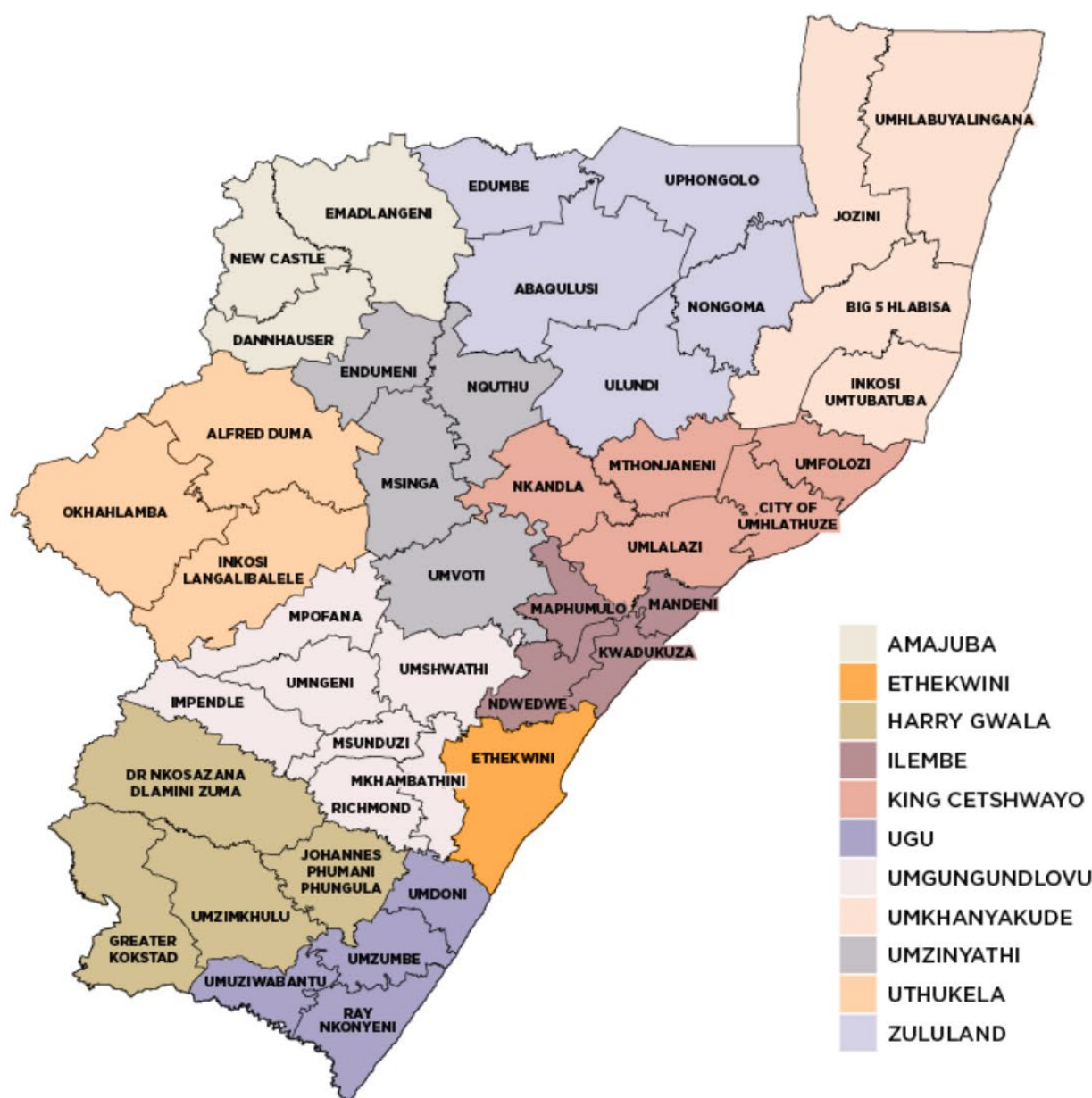


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

ETHEKWINI METRO- POLITAN MUNICIPALITY



OCTOBER 2026

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Map

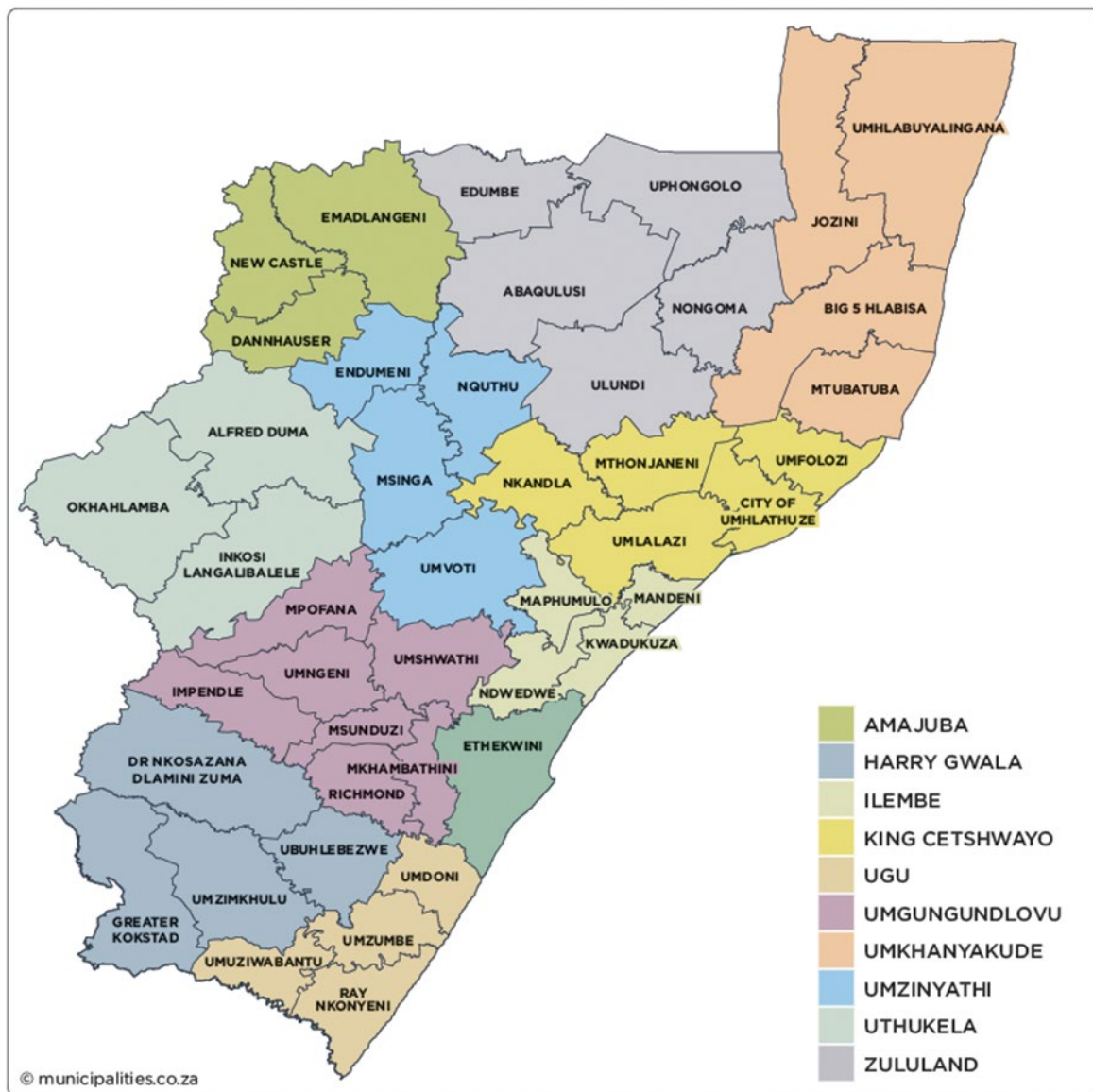


Figure 1: Geographical location of eThekweni Metropolitan Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/4/kwazulu-natal>).

The eThekweni Metropolitan Municipality is a coastal city and the only metropolitan municipality in KwaZulu-Natal.

Assessment: Progressive realisation of the right to water in eThekweni Metropolitan Municipality

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 3,285,026 (<i>Blue Drop</i>) to 4,239,901 (Census 2022) t Population growth rate: 1.9% Sex Ratio: Moderate female majority Dependency: 21% under 15, dependency ratio: 38.4	
Unemployment	No information	
KEY IMPLEMENTATION INDICATORS		
Availability	Rivers 62% capacity used	
Physical Access	Communal source +200m	23.8%
	Communal source – 200m	20.7%
	Water source in yard	55.6%
	Piped water in house	69.8%
	Service delivery point/household coverage ratio	1.1
Economic Access	Tariff variation: categories, including residential, business, and water tankers Tariff structure; Increasing block tariff (5 blocks R0-R67.91) FBW: Indigent only Indigency: 49.3% of service delivery points, increasing trend	
Adequacy	No reliable data	
Quality	Microbiological compliance	98.9%
	Chemical (acute) compliance	100%
	Chemical (chronic) compliance	100%
Efficiency	WUE score: 392 l/p/d (extremely high) Non-revenue water 48,9%	
REASONABLE MEASURES		
Policy Efforts	By-law, WSDP, Indigency Policy and Register	
Financial Resources (2024/25)	Budget sufficiency: 99% Revenue coverage: 105% Renewal spending: 4% Maintenance spending rate: 8% Revenue collection rate: 99%	
Human Resources	Blue Drop shortfalls: 4 Process Controllers, 0 Supervisors, 0 Technicians, 0 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	-Political stability: Coalition council -Management stability: Management is moderately stable. -Overall vacancy rate is 16%, senior management vacancies are 21%. The Municipal Manager has been in the position for 21	

	months and Chief Financial Officer has been in the position for 35 months -Political interference: Not specifically mentioned in the report but can be inferred from the AGSA report that states that some awards to family/partners/associates and other state officials were made by supply chain management. -Corruption: is mentioned in the IDP, encompassing nepotism.
Water planning issues	-Unreliable statistics - High numbers of migrants from within KZN, other countries and other provinces come to eThekweni - Constructing a water recycling plant to treat municipal wastewater to near potable standard for direct use in industrial processes -Direct water reuse -Addressing non-payment of water services -Shortages of freshwater and irregular water supply -More water tankers required
Funding model	-Financial distress: 62% of municipal debt is unlikely to be recovered, and the municipality's revenue has been decreasing, impacting municipal sustainability and going concern. The municipality is in financial distress -Grant dependence: The Metro is not heavily dependent on grants. The AGSA report highlights that 9% of the revenue is from grants.
Infrastructure issues	-Ageing infrastructure without funding for renewal and maintenance -Spills and illegal discharges into watercourses -Serious infrastructure backlog
Electricity issues	-Theft of electricity cables is rife in the Metro -Vandalism is rampant across all regions, especially targeting PRASA infrastructure -Electrical infrastructure repairs are not prioritised and an assets maintenance plan is required
Ecological drivers	-Multiple ecological drivers - Invasive alien species in eThekweni Municipality are a massive and growing threat, not only to terrestrial biodiversity and human livelihoods and health. - Transformation of natural areas (unregulated developments, sand mining etc)
Consumer issues	-Threat to water supply due to illegal connections
Water services intermediaries	-Not specifically mentioned in the IDP

Third-party interference	-Not specifically mentioned in the IDP, but can be inferred from the AGSA report, which states that some contracts were awarded to family, partners, associates and other state officials
Intergovernmental coordination	-Specifically mentioned in the IDP as working well, as all spheres of government are well coordinated.
Scale	2,556km ² 1 WTW, 63 pump stations, 1,305km of bulk water pipelines, 13,182 km of reticulation pipelines, 525 water reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	111 municipal wards, 21 traditional authorities
Low literacy and education levels	No schooling: 4.4 %, tertiary ed.: 12.9%
Infrastructure backlogs	-The Metro has huge infrastructure backlogs. -The backlogs are on the provision of basic service delivery, i.e. sewage, water, electricity, roads, housing. - The electricity backlog was 376367 as at 31 December 2020.
Limited yellow fleet	-The Metro has an ageing rolling stock fleet. -The fleet has lived beyond its original life design, and it requires high levels of maintenance to keep them operational.
High vacancy rate	-The overall vacancy rate 16,0% and senior management vacancies are at 21,0% The Municipal manager was in this position for 21 months, and the Chief Financial Officer in the position for 35 months
Legal non-compliance	- Legal non-compliance includes uncompetitive and unfair procurement, awards to employees' councilors, awards to family, partners, associates, awards to other state officials, and inadequate contract management

*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the eThekweni Metropolitan Municipality range from 3 285 026 (Blue Drop) to 4 239 901 (2022 Census). The population growth rate of 1.9% is higher than the national average of 1.3%. There is a moderate female majority and 21% of the population are under the age of 15. The dependency ratio of 38.4 is lower than the reported national 2024 average of 48.4 and the global average of 58.4.¹ There is no information on the unemployment rate in this municipality.

KEY IMPLEMENTATION INDICATORS

The eThekweni Metropolitan Municipality is authorised to provide water services and receive water from Nungwane River, Nagle River, and Mbokodweni River.

In terms of physical access, 55.6% of consumers reportedly have a water connection in their yard, and 69.8% enjoy water piped into their dwellings. About 20.7% of the population has access to a communal source within 200m of their dwellings, and 23.8% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 1.1 meaning that the current service delivery points cover 110% of the households counted in the 2022 Census.

The eThekweni Metropolitan Municipality provides a universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. About 49.3% (high) of service delivery points are covered by the indigency policy. Since 2017, the number of households benefiting from the indigency policy has increased. The tariff structure (2021/22) shows an increasing block tariff structure (least expensive block is R0.00, most expensive is R67.91). 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 eThekweni Metropolitan Municipality reporting microbiological compliance at 98.9% and chemical acute compliance at 100% and chronic at 100%.

Water use efficiency is extremely high. The *Blue Drop* score of >392 l/p/d is extremely high. According to the 2021/22 Auditor-General report, 48.9% of all water produced is non-revenue water, which is of considerable concern.

REASONABLE MEASURES

The eThekweni Metropolitan 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 (105%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is just not enough

(99%) to cover capital and operational expenditure. The portion of capital budget allocated to the renewal of assets ranged between 4% and 8% and maintenance expenditure ranged between 7% and 8%. The revenue collection rate has fluctuated between 82% and 99% 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 4 process controllers.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

The key systemic drivers of rights non-compliance in the eThekweni Metropolitan Municipality are:

- **Leadership issues:** There is an overall vacancy rate of 16% and 20% of all senior management positions are vacant. There are some allegations of political interference and corruption.
- **Water planning issues:** The Municipality struggles with unreliable statistics. High immigration to the city. There are shortages of or irregular raw water supply.
- **Funding model:** The Municipality is in financial distress.
- **Electricity issues:** The Municipality experience regular instances of cable theft and vandalism of electrical infrastructure which impacts the Municipality's ability to provide water services.
- **Infrastructure issues:** The water services structure is old and there is not enough funding for renewal or maintenance. There are also a large number of infrastructure backlogs.
- **Ecological drivers:** There are some invasive alien species. Unregulated development in sensitive ecosystems.
- **Consumer issues:** None mentioned.
- **Third-party interference:** Vandalism of infrastructure and illegal connections are a problem.
- **Scale:** Water services in the eThekweni Metropolitan Municipality are spread out over 2 556 km².

OVERSIGHT

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

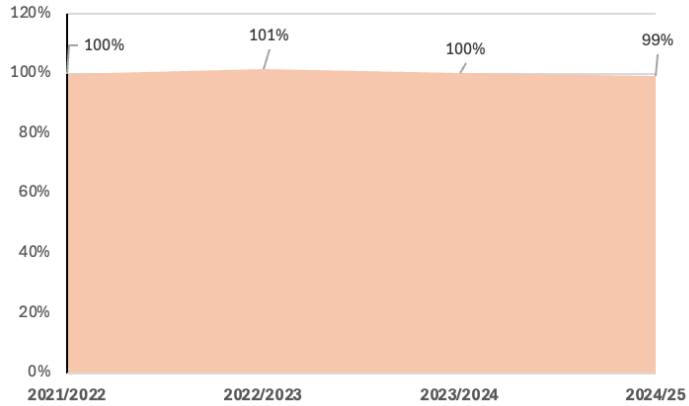
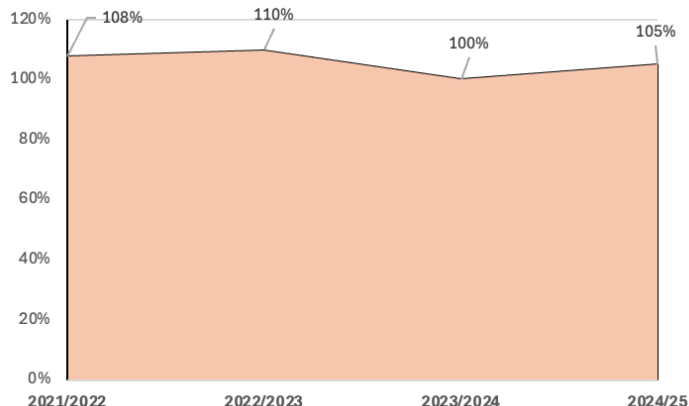
Expanded Table

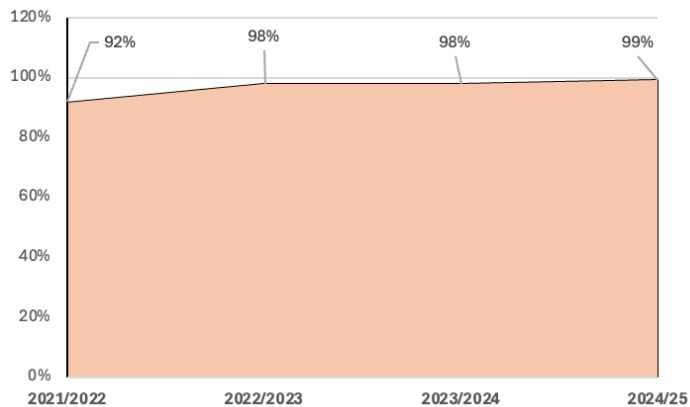
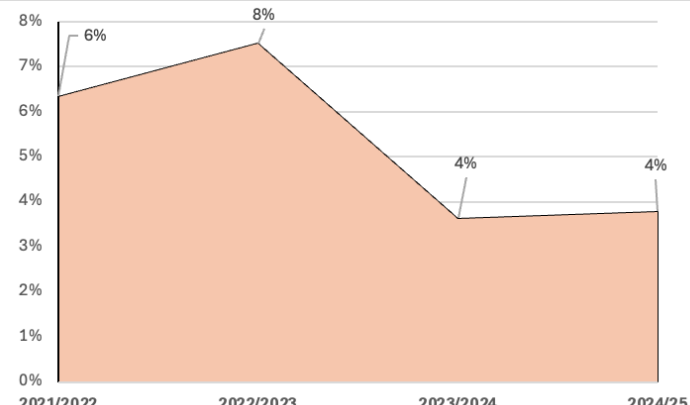
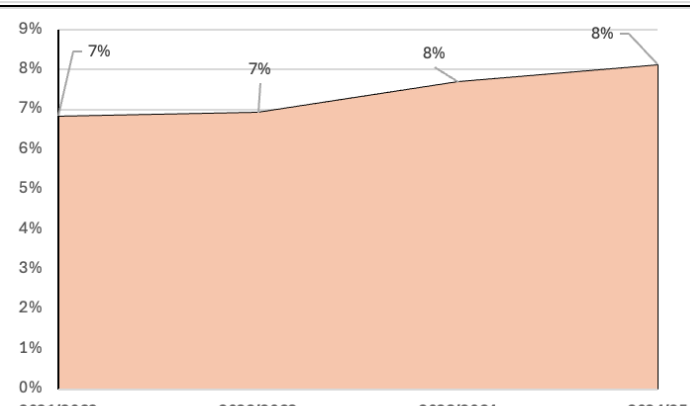
Indicator	Measurement	Sources
Name of the WSA	eThekwini Metropolitan Municipality	
Geographical information about the WSA.	The only metropolitan municipality in KwaZulu-Natal, found on the coast.	eThekwini Metropolitan Municipality - Overview
Spatial extent	2,556km ²	eThekwini Metropolitan Municipality - Overview
Municipal wards	111	IDP 2023/24, p 493
Traditional Authorities	21	IDP 2023/24, p 85
Is the WSA authorized to provide water services?	yes	IDP 2023/24, p 201
Is the WSA currently providing water services?	both water treatment and tap water	IDP 2023/24, p201
Method of service provision	Water Board	DP 2023/24, p203
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	3 285 026 (<i>Blue Drop</i>) 4,239,901 (Census 2022) 4,027,660 (IDP)	2023 <i>Blue Drop Report</i> , p. 204; eThekwini Metropolitan Municipality - Demographic IDP 2023/24, p 447
Number of households (Census 2022)	1,122,738	eThekwini Metropolitan Municipality - Demographic
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	1,207,536	eThekwini Metropolitan Municipality - Services
Ratio service delivery points/households	1.1	

Number of non-domestic consumers Affects overall availability of water – big industrial users.	23,575	eThekweni Metropolitan Municipality - Services
Males per 100 females	95.6	eThekweni Metropolitan Municipality - Demographic
Gender Split	48.9% Male 51.1% Female	
Population growth rate per annum	1.9%	eThekweni Metropolitan Municipality - Demographic
Education	No Schooling: 4.4% Higher Education: 12.9%	eThekweni Metropolitan Municipality - Demographic
Financial capacity		
Economically active population (15-64)	72.2%	eThekweni Metropolitan Municipality - Demographic
Unemployment rate	n/a	eThekweni Metropolitan Municipality - Demographic
Dependency ratio	38.4	eThekweni Metropolitan Municipality - Demographic
Population under 15	21.0%	eThekweni Metropolitan Municipality - Demographic
Universal FBW Allowance	no	IDP 2023/24 p 338
Number of service delivery points receiving FBW: 2021/22	594,986	eThekweni Metropolitan Municipality - Services
Percentage of FBW service delivery points	49.3%	
Increase/decrease of FBW 2018/2019 – 2021/2022	579,127 to 594,986 Increase	eThekweni Metropolitan Municipality - Services
Is the WSA currently experiencing financial problems? (as at 2022/23 Third Quarter)	s 138: 1 trigger	NT Municipalities Meeting Criteria, Item 83

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.	☐		
	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?	Municipality is also considered to be in financial distress.		NT Municipalities Meeting Criteria, Item 83	
Is the municipality currently subject to a provincial intervention?	No		eThekweni Metropolitan 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?	Above the average rainfall at 860mm		IDP Report 2023	
Water abstraction authorized?	Partially		2023 <i>Blue Drop Report</i> p. 202	
Volume of authorized/(unauthorized) water abstraction?	4,629 kl/d		2023 <i>Blue Drop Report</i> p. 202	
How many water treatment plants are in the WSA's water services network?	eThekweni WSA manages 1 WTW, 63 pump stations, 1 305 km of bulk water supply lines, 13 182 km of reticulation pipelines and 525 reservoirs. Total design capacity is 29.4 MI per day. 26.4 MI of capacity is available. Average production: 16.5 MI per day 62% of capacity is used 2023 <i>Blue Drop</i> critical risk: 0		2023 <i>Blue Drop Report</i> , pp 191; 201, 220	
How many biophysical water sources does this WSA have access to?	River	☒		2023 <i>Blue Drop Report</i> , p. 220
	Dam	☐		
	Saltwater	☐		
	Groundwater	☐		

Names of rivers and dams	Nungwane River, Nagle River, Mbokodweni River		2023 <i>Blue Drop Report</i> , p. 220
How many infrastructure water sources does this WSA have?	Water reclamation	☒	IDP 2023/23, p199
	Desalination	☐	
	From natural source	☒	
Political Stability			
Is there a coalition government?	ANC/EFF coalition ANC 96, DA 56, EFF 24, IFP 17, ACTIONSA 4, ABC 2, ACC 2, ACDP 2, AIC 2, ADEC 1, ALJAMA 1, APF 1, ATM 1, DLC 1, JEP 1, KZNI 1, MF 1, MK 1, MOSA 1, NFP 1, PFP 1, PRM 1, TA 1, UIM 1, VF PLUS 1, INDEPENDENT 1		eThekweni Metropolitan Municipality - Council & Management
Has there been mayoral instability in the last 5 years?	No, same mayor since 2019.		https://en.wikipedia.org/wiki/Mayor_of_Durban
MM/CFO Vacancy Snapshot	AGSA Website Based Report 2022/23		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.	21	
	CFO vacancy at the end of the year?	No	
	Number of months the CFO has been in position.	35	
Policy Efforts			
Water By-law			
Is there a water by-law?	yes		By-law
Citation of by-law	MN 344 PG 2579 of 13 November 2018		By-law
Mark with "yes" if the by-law makes provision for the following:	Matters incidental to providing water services to residents,		By-law
	including communal sources		
	Protecting water supply systems.		
	Prohibiting wasting water		
	Prohibiting illegal connections		
	Sets out standards for water installations and maintaining water infrastructure		
	The installation and upkeep of fire extinguishing systems		
	How service charges are calculated and levied		
	Measures to ensure the quality of potable water		
	Preventing water pollution		
	Anything else?		

Water Services Development Plan												
Is there a water services development plan?	yes	IDP 2023/23, p 807										
The validity duration of the plan (which years)	2012. A 25-year plan	IDP 2023/23, p 581										
General Policy Framework												
Is there an Indigent Policy?	yes											
IDP												
Issues	High basic services backlogs. High number of informal settlements. No maintenance of infrastructure resulting in water. Spills and illegal discharges into watercourses. Supply interruptions and poor water quality. No technical capacity. Glaring service delivery issues. Perennial poor infrastructure grant expenditure. Infrastructure degradation. Climate change.	IDP 2023/24, p18, 123, 1060, 1112										
Resource Efforts												
Financial Resources												
Budget sufficiency (total budget revenue (excl. capital transfers)/ total budgeted OPEX) x 100	 <table><thead><tr><th>Year</th><th>Budget sufficiency (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>100%</td></tr><tr><td>2022/2023</td><td>101%</td></tr><tr><td>2023/2024</td><td>100%</td></tr><tr><td>2024/25</td><td>99%</td></tr></tbody></table>	Year	Budget sufficiency (%)	2021/2022	100%	2022/2023	101%	2023/2024	100%	2024/25	99%	MFMA Section 71 Schedule C 2021 to 2025 Reports
Year	Budget sufficiency (%)											
2021/2022	100%											
2022/2023	101%											
2023/2024	100%											
2024/25	99%											
Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100	 <table><thead><tr><th>Year</th><th>Revenue coverage %</th></tr></thead><tbody><tr><td>2021/2022</td><td>108%</td></tr><tr><td>2022/2023</td><td>110%</td></tr><tr><td>2023/2024</td><td>100%</td></tr><tr><td>2024/25</td><td>105%</td></tr></tbody></table>	Year	Revenue coverage %	2021/2022	108%	2022/2023	110%	2023/2024	100%	2024/25	105%	MFMA Section 71 Schedule C 2021 to 2025 Reports
Year	Revenue coverage %											
2021/2022	108%											
2022/2023	110%											
2023/2024	100%											
2024/25	105%											

Revenue collection rate % (actual revenue collected / budgeted revenue) x 100	 <table><tr><th>Period</th><th>Revenue collection rate %</th></tr><tr><td>2021/2022</td><td>92%</td></tr><tr><td>2022/2023</td><td>98%</td></tr><tr><td>2023/2024</td><td>98%</td></tr><tr><td>2024/25</td><td>99%</td></tr></table>	Period	Revenue collection rate %	2021/2022	92%	2022/2023	98%	2023/2024	98%	2024/25	99%	MFMA Section 71 Schedule C 2021 to 2025 Reports
Period	Revenue collection rate %											
2021/2022	92%											
2022/2023	98%											
2023/2024	98%											
2024/25	99%											
Capital budget allocated to renewal of existing assets (Amount allocated to renewal / Total capital budget) x 100	 <table><tr><th>Period</th><th>Capital budget allocated to renewal of existing assets %</th></tr><tr><td>2021/2022</td><td>6%</td></tr><tr><td>2022/2023</td><td>8%</td></tr><tr><td>2023/2024</td><td>4%</td></tr><tr><td>2024/25</td><td>4%</td></tr></table>	Period	Capital budget allocated to renewal of existing assets %	2021/2022	6%	2022/2023	8%	2023/2024	4%	2024/25	4%	MFMA Section 71 Schedule C 2021 to 2025 Reports
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2021/2022	6%											
2022/2023	8%											
2023/2024	4%											
2024/25	4%											
Maintenance spending rate % (Total maintenance expenditure / total revenue collected) x 100	 <table><tr><th>Period</th><th>Maintenance spending rate %</th></tr><tr><td>2021/2022</td><td>7%</td></tr><tr><td>2022/2023</td><td>7%</td></tr><tr><td>2023/2024</td><td>8%</td></tr><tr><td>2024/25</td><td>8%</td></tr></table>	Period	Maintenance spending rate %	2021/2022	7%	2022/2023	7%	2023/2024	8%	2024/25	8%	MFMA Section 71 Schedule C 2021 to 2025 Reports
Period	Maintenance spending rate %											
2021/2022	7%											
2022/2023	7%											
2023/2024	8%											
2024/25	8%											
Infrastructure Resources												
Current infrastructure value	R10,427,461,000	Budget, Sheet A9, Item 138, Adjusted Budget 20/21										
Human and Skills Resources												
Total number of staff employed in water treatment	37 (20 supervisory, 17 technical)	2023 Blue Drop Report; pp. 196, 198										
Supervisor Staff/WTW Ratio	4.0	2023 Blue Drop Report, p. 196										
Technical Staff/WTW Ratio	17.0	2023 Blue Drop Report, p. 198										
Staff Shortfall	4 Process Controllers 0 Supervisor	2023 Blue Drop Report, pp. 196,198										

	0 Technicians 0 Qualified scientists			
Implementation				
Physical Access				
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	286,927	23.8%	eThekweni Metropolitan Municipality - Services
	Communal source – 200m	249,532	20.7%	
	Water source in yard	671,077	55.6%	
	Total	1,207,536		
Piped water inside dwelling	69.8%			
Infrastructure backlog	-The Metro has huge infrastructure backlogs. -The backlogs are on the provision of basic service delivery, i.e. sewage, water, electricity, roads, housing. - The electricity backlog was 376367 as at 31 December 2020.			
Do schools and clinics have access to water on their premises.	No readily available data. Media articles suggest that there may be a problem. - https://www.iol.co.za/education/schools/1-in-3-schools-in-sa-does-not-have-access-to-clean-drinking-water-and-sanitation-f5eaa573-5798-4b17-9481-e79ee7a600db - https://www.news24.com/news24/southafrica/news/for-5-years-a-kzn-hospital-has-struggled-for-water-now-a-union-says-it-has-had-enough-20230801 - https://health-e.org.za/2023/08/21/patients-staff-complain-about-water-crisis-in-kzn-hospitals/ - https://www.iol.co.za/news/south-africa/kwazulu-natal/department-of-health-intervenes-in-prince-mshiyeni-hospital-water-crisis-a2ed5015-03b4-4469-a935-9eaf75879eee			
Economic Access				
Economic access to water.	Free basic water for all	☒		The Water Policy, p 19
	Free basic water for Indigent	☒		
	Cross subsidy	☐		
	Prepaid	☐		
Step tariff for households in rand excl VAT. For 2021/22	0 < 6kl	NIL		Water Tariffs for 2021/22
	7kl < 25kl	20.52		
	26kl < 30kl	28.00		
	31kl < 45kl	61.74		
	45kl <	67.91		
Adequacy				
Number of interruptions in 2024				
Media reports on outages:	Data for the above four indicators not accessible/available. However, media reports do suggest that there is a problem: - https://www.iol.co.za/dailynews/news/ethekweni-municipality-aware-of-interruption-of-water-supply-			

	to-several-areas-3042189c-6af5-4af7-acb7-477708528dc4 - https://www.timeslive.co.za/news/south-africa/2023-03-10-five-day-water-outage-leaves-residents-south-of-durban-fuming/ - https://highwaymail.co.za/481010/take-note-of-water-outages-in-parts-of-westville-and-berea-west/ - https://www.sowetanlive.co.za/news/south-africa/2022-11-21-durban-residents-fume-over-water-outage-linked-to-municipality-labour-dispute/ - https://bereamail.co.za/296947/ethekwini-warns-durban-residents-of-upcoming-water-supply-disruption/ - https://www.citizen.co.za/witness/news/water-interruptions-for-parts-of-ethekwini/ - https://www.news24.com/news24/southafrica/news/durban-among-several-kzn-areas-facing-water-crisis-as-load-shedding-downs-supply-mechanisms-20221211 - https://www.iol.co.za/dailynews/news/escalating-water-outages-for-ethekwini-residents-14628431-5f92-4354-a548-18095174e689 It would appear that since Nov 2022, at least once a month, some parts of eThekwini experienced a major water services interruption. Most lasted for several days.	
Quality		
What is the WSA's blue drop score?	2023: 94.9% 2011: 95.7%	2023 <i>Blue Drop Report</i> , p. 220
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated	
Blue Drop microbiological compliance score	98.9% (0 Excellent WTWs; 0 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 206
Blue Drop chemical (acute) compliance score	100% (1 Excellent WTWs; 0 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , pp. 206-7
Blue Drop chemical (chronic health) compliance score	100% (1 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	
Green Drop Risk Rating	Medium Risk	2023 <i>Green Drop Report</i> , p. 203
Efficiency		
Blue Drop Water Use Efficiency Score	392 l/p/d (Extremely High)	2023 <i>Blue Drop Report</i> , p. 204
No Drop Score 2021/22	77%	2023 <i>No Drop Report</i> , p. 142

Amount of non-revenue water in liters and in rands value.	According to the Budget there is none. According to the AGSA Report for 30 June 2020, para 8 material water losses of 185,19 million kl or R 1,72 billion	Budget, Sheet SA3, Item 42, Pre-audit outcome 20/21
Main reasons for water losses.	This is due to unbilled and unmetered consumption as a result of the utilisation 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		
Blue Drop actions	None	2023 Blue Drop Report, p. 220
Green Drop actions	None	2023 Green Drop Report, p. 203
Judicial Oversight		
Were 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.	Nokotyana and Others v Ekurhuleni Metropolitan Municipality and Others [2009] ZACC 33	
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.	
Middelburg High Court: Parties <i>Department Water and Sanitation</i> <i>Msukaligwa Local Municipality</i>		
Full citation of judgement.	<i>Thubakgale and Others v Ekurhuleni Metropolitan Municipality and Others</i> [2021] ZACC 45	
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	Paras 2, 50, 60, 63, 64, 65, 70, 72, 80, 157

	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-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		
Were any reports received and investigated on the right to water by the SAHRC?	yes	
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.	

	iv. 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. v. 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. vi. Leverage municipal access to grants to encourage municipalities to improve and update their water service delivery and infrastructure maintenance plans. (b) COGTA i. 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. ii. 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	
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	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.	
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	<i>(d) For the following District Municipalities, in their capacity as Water Service Authorities (WSA): eThekweni 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. <i>(e) 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	
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	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.	
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	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.	
Parliament		
Other Oversight Institutions		

Sources:

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- 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
- Various reports from the media.