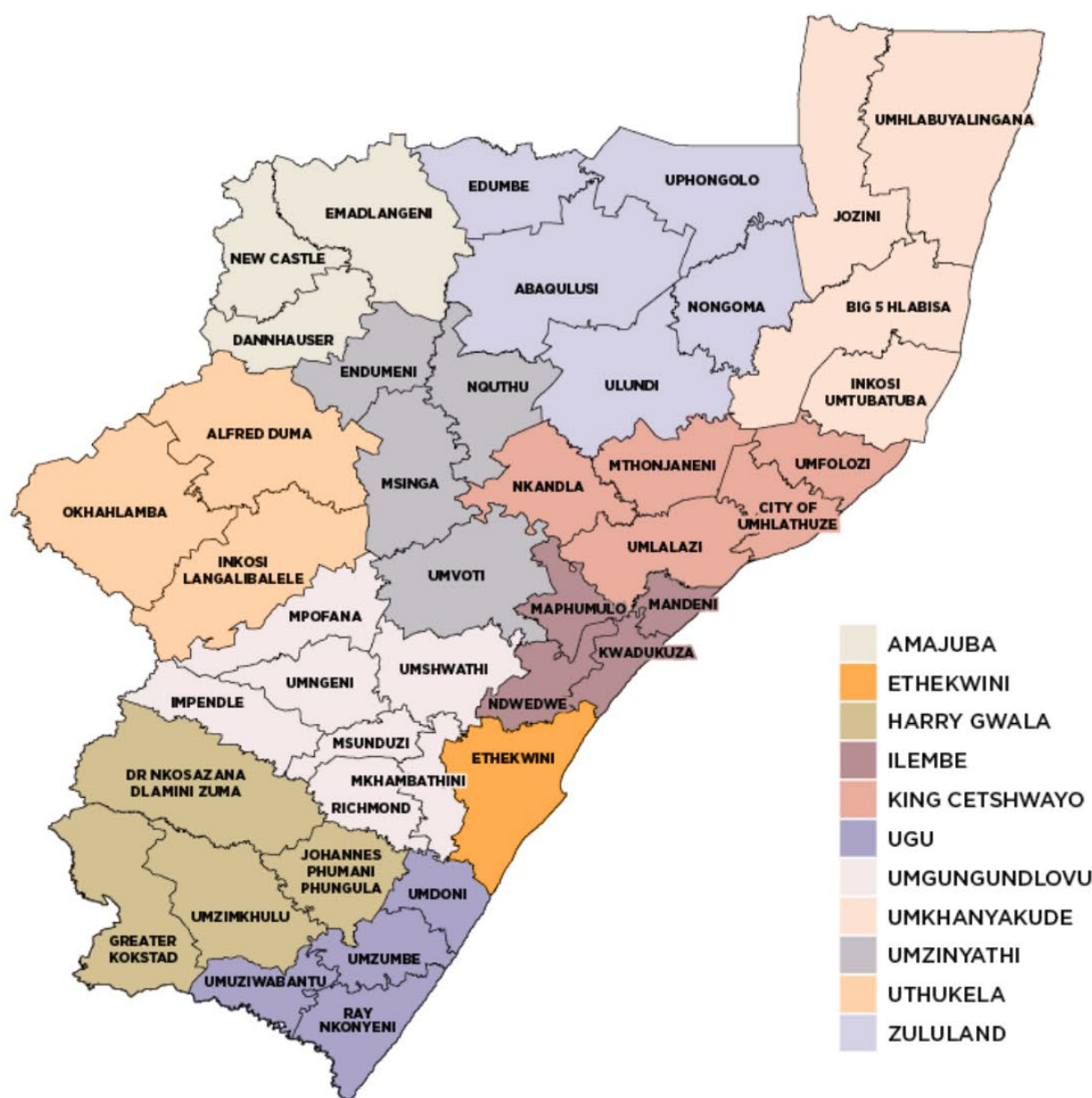


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

UMKHANYAKUDE

DISTRICT MUNICIPALITY



OCTOBER 2026

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Map

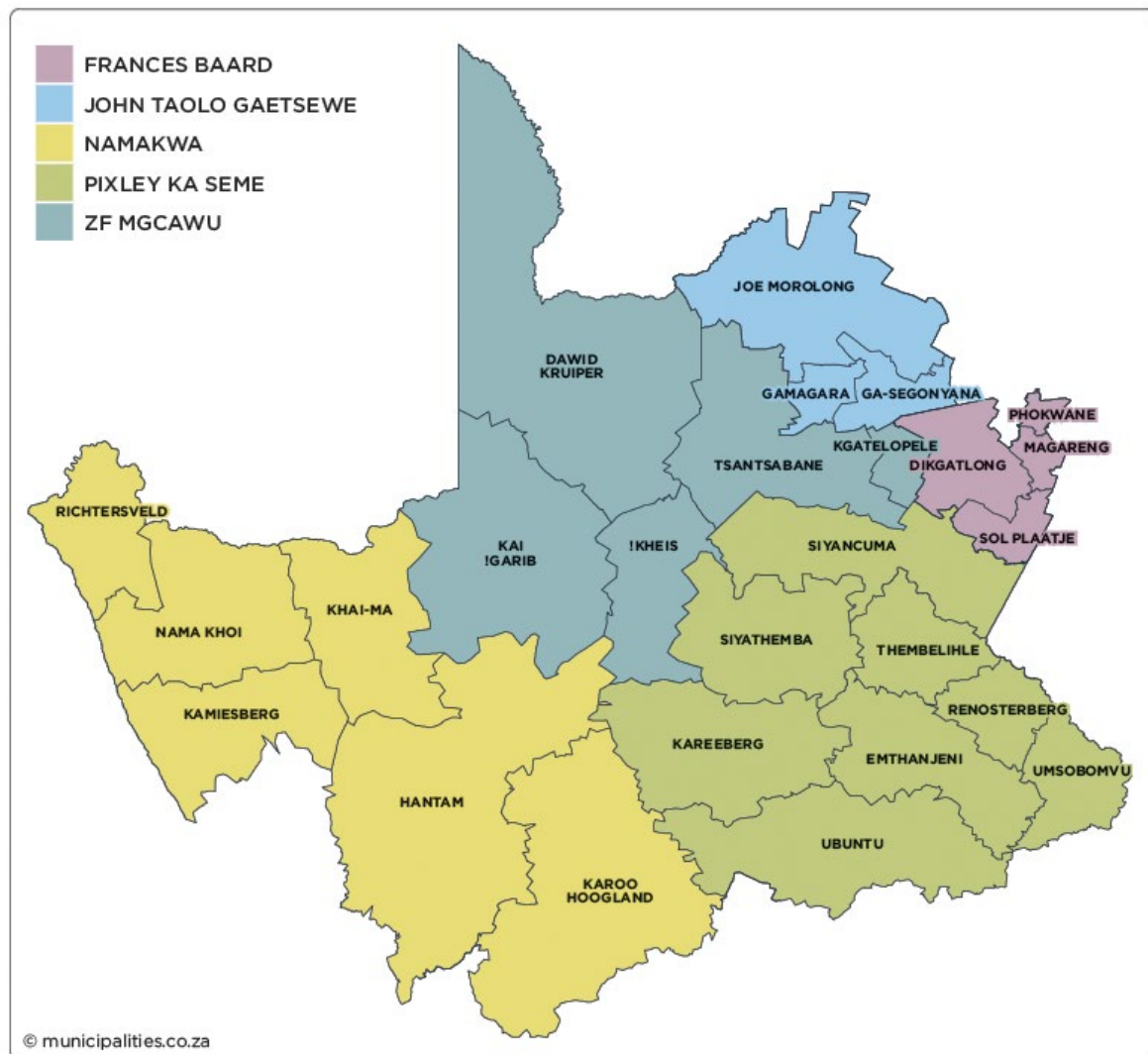


Figure 1: Geographical location of the uMkhanyakude District Municipality (source: Municipalities of South Africa, <https://municipalities.co.za/overview/121/umkhanyakude-district-municipality>).

The uMkhanyakude District Municipality is one of the 10 District Municipalities in KwaZulu-Natal Province.

Assessment: Progressive realisation of the right to water in uMkhanyakude District Municipality

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 738,437 (2022 Census) to 779,000 people (<i>Blue Drop</i>) Population growth rate 1.61% Sex Ratio: Moderate female majority Dependency: 33,5% under 15; dependency ratio 62.2%	
Unemployment	30.5%	
KEY IMPLEMENTATION INDICATORS		
Availability	River 67% of capacity used	
Physical Access	Communal source +200m	19.21%
	Communal source – 200m	30.42%
	Water source in yard	30.31%
	Piped water in house	57.7%
	Service delivery point/household coverage ratio	20.06%
Economic Access	Tariff variation: categories, incl. Tariff structure: Increasing block tariff (R6.52) FBW: Indigent only Indigency: 35.0 % of service delivery points, decreasing trend	
Adequacy	Not mentioned	
Quality	Microbiological compliance	90,04%
	Chemical (acute) compliance	99.8%
	Chemical (chronic) compliance	96.3%
Efficiency	WUE Score: <150 l/p/d (Excellent) Non-revenue water: 36,5%	
REASONABLE MEASURES		
Policy Efforts	By-law, Indigent Policy and Register, WSDP	
Financial Resources	Budget sufficiency: 102% Revenue coverage: 161% Renewal spending: 1% Maintenance spending rate: 10%	
Human Resources	<i>Blue Drop</i> shortfall: 37 Process Controllers, 0 Supervisors, 0 Technicians, 1 Qualified scientist	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Not mentioned	
Water planning issues	-Unreliable statistics -Vandalism of water infrastructure -Illegal connections -Massive water losses -water losses are not monitored	
Funding model	Not mentioned	

Infrastructure issues	-Poor engineering design resulting in adequate and inefficient built infrastructure -Infrastructure planned does not cater for future growth -Poor infrastructure maintenance plans -Vandalism of infrastructure -Lack of maintenance of existing infrastructure leading to erratic water supply
Electricity issues	-Shortage of bulk electrification and reticulation networks -Illegal electricity connections -Install prepaid electricity meters
Ecological drivers	-Invasive alien vegetation
Consumer issues	-Community education awareness campaigns needed -Households have no reliable source of water due to various reasons
Water services intermediaries	Water tanker
Third-party interference	-Infrastructure vandalism -Illegal water connections on the pipe networks -Illegal electricity connections
Intergovernmental coordination	Framework available
Scale	13 855km² 16 WTWs, 17 pump stations, 23 km of bulk water supply lines, 11 km of reticulation pipelines and 105 reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	10 municipal wards, 18 traditional authorities
Low literacy and education levels	No Schooling: 19.8%, tertiary ed.: 5.2%
Infrastructure backlogs	Water, housing and sanitation backlogs
Limited yellow fleet	Aged, poorly managed fleet
High vacancy rate	MM in position 36 months; CFO in position 36 months
Legal non-compliance	Not mentioned

*Indicators highlighted in red flag potential human rights concerns

Narrative

CONTEXT

The uMkhanyakude District Municipality, is a coastal WSA, situated in North KwaZulu-Natal border to Mozambique and one of eleven district municipalities in the province. As a district municipality, uMkhanyakude is authorized to provide water services. The WSA almost completely outsourced this function to another water services provider and only remains responsible for billing and metering. The WSA has access to several biophysical water sources, namely rivers (uPhongolo River, White Umfolozi River, black Umfolozi River, hlulhuwe River, Mansiya River, Manzibomvu River, Nzimane River, Umkuze River, Usuthu River, and Lake Sibhayi), dams (Klipfontein Dam, Hlulhuwe Dam, and Pongolapoort Dam), the sea and groundwater. Thanks to the existing water infrastructure, the city can access water from all these sources, except the ocean.

The WSA must provide water services to about 689 090 people or 151 245 households. According to the tariff policy, all residents benefit from free basic services. The WSA has an unemployment rate of about 29,29%, which appears to be around average when compared to the other WSAs in KZN. Considering that 53,20% of the population is between 5 and 14 years old, this leaves about 17,51% of the population as a potential revenue base for the WSA. This is a very small revenue base.

This WSA is governed by a coalition council and has experienced significant leadership instability with infighting and litigation. It has an integrity framework score of 9 (out of 76), which is a poor score compared to other WSAs. In addition, an analysis conducted by National Treasury shows that the WSA is not considered financially distressed and is currently under a section 139 provincial intervention. It has, however, not made payments due of more than R 1 million for more than 90 days and payments outstanding to creditors amount to more than 2% of the operating expenditure. In addition, the WSA has a negative or outstanding audit.

POLICY EFFORTS

uMkhanyakude's Integrated Development Plan (IDP) clearly sets out how the WSA intends to fulfil its water services function. A water services by-law could not be found for this WSA.

The IDP refers to the City's Water Services Development Plan, but it is unknown when the plan was last reviewed.¹ No policy or by-law could be found that set out a programme for sampling the quality of potable water. The WSA has a valid Indigent Policy.

RESOURCE EFFORTS

Initially, R 241 million was awarded for capital expenditure involving water management for the financial year 2020/21. This amount was increased later in the year to R 255 million.² This amounts to 50,74% of the total expenditure budget for water management. The capital expenditure is divided as follows:

New water management assets: R 254 million.

Renewal of water management assets: NIL.

Upgrading existing water management assets: NIL.

The capital expenditure for water management increased 13,61% from the previous financial year.

The complete operational budget for water services for the financial year 2020/21 was about R 248 million, which is R 48 million more than the previous financial year. This shows a 23,75% increase in

the operational budget. Repairs and maintenance make up 2,52% of the operational budget and is 0,3% of the current water management infrastructure value.³ The WSA generates about R 247 million through their water services, which is not enough to cover the allocated operational budget. The revenue generated in the previous year was R 296 million, which shows a 16,59% decrease in revenue generated.⁴ At this point it is worth noting that the oversight actions detailed below included training staff to remedy significant underspending of government grants. In 2020/21 there was one position for the water services department in the municipality, with no vacancies. This was too small to work out a ratio.

IMPLEMENTATION

A step tariff is used and contains four usage brackets.⁵ All residents benefit from free basic services. The WSA differentiates between multiple types of water use, all of which have different tariffs. It is assumed that education and health facilities pay for their water services according to the government use tariff scale.⁶

A large number (20,06%) of consumers enjoy the use of a water source in the house and 30,31% have a water source in the yard. Communal water sources are also provided which gives 30,42% of consumers access to water within 200m of their home and a further 19,21% access to water further than 200m from their home. The Water Services Development Plan Audit shows that 330 educational facilities do not have adequate access to water (this does not mean that they do not have any form of access to water services). According to media reports, some residents have experienced some water outages and unreliable water services.

In its IDP, the WSA explains that it is experiencing many obstacles in providing water services:

Lack of municipal infrastructure policies.

Vandalism of infrastructure and illegal connections result in massive water losses.

Shortage of bulk electrification and reticulation networks.

High costs of operations, maintenance, and water provision.

Huge basic infrastructure backlogs and capital expenditure.

No information could be found on the amount of water losses for this municipality, because the audit from AGSA is still outstanding.⁷ The WSA has had bad audit outcomes for four consecutive years.

The WSA uses two water treatment works to treat potable water. The 2022 blue drop score for this is 86.1.

OVERSIGHT UNIQUE TO THIS WSA

The WSA has been subject to Legislature Oversight at least on two occasions recently. The Auditor-General also acted against the WSA for ten material irregularities. Below are the key details of the action taken.

Legislature

23 February 2016: Report of the select Committee on Cooperative Governance and Traditional Affairs on the notice of Intervention Issued in Terms of Section 139(1)(b) of the Constitution in Umkhanyakude District municipality dated 23 February 2016.

To consult and interact with the stakeholders of the Municipality in order to solicit their opinion with regard to the constitutional, procedural and substantive matters related to the intervention in the Municipality in terms of sec 139 of the Constitution.

Recommendations:

The NCOP approves the intervention.

The Prov Dept CoGTA of KZN should have an urgent bilateral with the Municipality, to address and manage the improper use and underspending of the conditional grant funding. A report in this regard should be forwarded to the NCOP, within 14 days after the adoption of this report by the NCOP.

The Select Committee will conduct a follow-up visit to the Municipality to interact with all stakeholders in order to determine progress on the intervention and the implementation of the Back 2 Basics Programme.

The Prov CoGTA, together with SALGA and in cooperation with Local Government Sector Education and Training, should facilitate training and capacity building for municipal officials and councilors, to further deepen their competencies and understanding of the oversight role, legal framework, management and policies that govern the activities of the Municipality.

The Administrator should investigate and take corrective steps to fast track the disciplinary measures and suspension of municipal officials, especially the MM and the CFO as a matter of urgency.

The KZN MEC for CoGTA should table quarterly progress reports to the NCOP and the Provincial Legislature on the status of the intervention in the Municipality, including the termination of the intervention.

6 July 2021: ATC 210706 Report of the Select Committee on COGTA, Water, Sanitation and Human Settlements on notice of Intervention issued in terms of Section 139(1)(b) of the Constitution in Umkhanyakude District Municipality dated 6 July 2021.

Objective is to interact with the Department and the stakeholders to solicit opinions on the constitutional, procedural, and substantive matters related to the invoking of intervention in terms of section 139(1)(b) of the Constitution.

Recommendations:

The intervention is approved.

The appointed administrator should, in line with the terms of reference, fast track the implementation of the findings arising from any investigations into fraud, maladministration, and corruption.

The KZN MEC for CoGTA should table the report of the commissioned investigation in terms of section 106 of the Systems Act to the NCOP.

The Ministerial Representative of CoGTA should work together with the offices of the Speaker and the Mayor to prioritize the passing of the municipal IDP and budget in the interest of the provision of services to the community.

The KZN MEC for CoGTA should table quarterly progress reports on the implementation of the intervention including the implementation of the findings and recommendations of the previous commissioned investigations reports to the NCOP.

The Select Committee together with the relevant Portfolio Committee in the KZN Prov Legislature should monitor progress in respect of the implementation of the recommendations of the Committee and the resolution of the NCOP.

Auditor – General

The Auditor – General issued ten material irregularities, nine of which involve financial losses. Six of the irregularities were accompanied by recommendations. The material irregularities concerned assets which were not safeguarded and resulted in loss (four of these concerned water services delivery); payment for goods or services not received; payment not made or not made in time which resulted in financial penalties; unbilled revenue; and debt not recovered.

Some of the follow-up actions that were taken in response to the material irregularities included:

The accounting officer committed to safeguard the assets by implementing the following measures:

(1) Obtain a quotation for the proper storage of the steel pipes to reduce and/or eliminate the deterioration of the steel pipes. (2) Assess the best options to prevent further losses, which will include selling the pipes and identifying future projects where these pipes will be used.

The accounting officer also committed to investigate through the internal audit unit to determine if the goods and services were received, to assist with the recovery of monies paid where assets could be located and to determine if any individual(s) should be held accountable.

The accounting officer committed to appoint a legal firm to assist in the recovery of the goods from the supplier.

The accounting officer committed to assess the remaining water meters for usability and to determine the most feasible option, i.e. whether to sell the water meters or use them in current projects.

The resolution for all these material irregularities was delayed because of the instability of the accounting officer position.

POINTS OF CLARIFICATION

Where can the Water Services Development Plan and the Indigent Policy be accessed?

Confirm the number of staff employed in the water services department.

Is there a contract with the lab to test water samples.

What is the treatment capacity of the WTWs in Ml/per day?

Where can we access the full text of the water services by-law?

Expanded Table

Indicator	Measurement	Sources
Name of the WSA	uMkhanyakude District Municipality	
Geographical information about the WSA.	https://municipalities.co.za/overview/121/umkhanyakude-district-municipality	https://municipalities.co.za/overview/121/umkhanyakude-district-municipality
Spatial extent	13 855km ²	https://municipalities.co.za/overview/121/umkhanyakude-district-municipality
Municipal Wards	80	IDP 2024/25, p.14
Traditional Authorities	18	IDP 2024/25, p. 14
Is the WSA authorized to provide water services?	yes	IDP 2024/25, p 109
Is the WSA currently providing water services?	both water treatment and tap water	IDP 2024/25 p 109
Method of service provision	Self	IDP 2024/25, p 128
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	779 000 (<i>Blue Drop</i>) 738 473 (2022 Census) 689 090 in 2016 (IDP)	2023 <i>Blue Drop Report</i> , p. 405; https://municipalities.co.za/demographic/121/umkhanyakude-district-municipality ; IDP 2024/2025, p. 1
Number of households (Census 2022)	138 710	https://municipalities.co.za/services/121/umkhanyakude-district-municipality

Number of domestic household service delivery points (2021/2022) (Non-Financial Census of Municipalities)	136 170	https://municipalities.co.za/services/121/umkhanyakude-district-municipality
Ratio service delivery points/households	0.38	
Number of non-domestic consumers Affects overall availability of water – big industrial users.	138 710	https://mfma-2025.agsa.co.za/municipality/4-umkhanyakude-district
Males per 100 females	87.1	
Gender Split	46.5% Male 53.5% Female	IDP 2024/25, p. 13
Population growth rate per annum	1.6%	IDP 2024/25, p. 13
Education	No Schooling: 19.8% Higher Education: 5.2%	https://municipalities.co.za/demographic/121/umkhanyakude-district-municipality
Financial capacity		
Economically active population (15-64)	61.6%	https://municipalities.co.za/demographic/121/umkhanyakude-district-municipality
Unemployment rate	30.5%	IDP 2024/2025, p. 55
Dependency ratio	62.4	https://municipalities.co.za/demographic/121/umkhanyakude-district-municipality
Population under 15	35.5%	https://municipalities.co.za/demographic/121/umkhanyakude-district-municipality
Universal FBW Allowance	No	IDP 2024/25, p. 115
Number of service delivery points receiving FBW: 2021/22	17 717	https://municipalities.co.za/demographic/121/umkhanyakude-district-municipality
Percentage of FBW service delivery points	35%	Kai !Garib Local Municipality - Services

Increase/decrease of FBW 2018/2019 – 2021/2022	17000 to 17 717 Increase		
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	Section 138 3 triggers Section 140 3 triggers		NT Municipalities Meeting Criteria, item 207
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 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.	☒	
Is the municipality considered to be in financial distress?	no		AGSA Web Based Report 2024/25
Is the municipality currently subject to a provincial intervention?	No		https://municipalities.co.za/demographic/121/umkhanyakude-district-municipality
Water management			
Is the rainfall within the WSA area (July 2022 to January 2023) above or below the average rainfall (464mm) for South Africa?	300mm to 500mm		WeatherSA, Historical Rain map
Water abstraction authorized?	Yes		2023 Blue Drop Report p. 202.
Volume of authorized/(unauthorized) water abstraction?	63 324 kl/d		2023 Blue Drop Report p. 403.
How many water treatment plants are in the WSA's water services network?	uMhlabuyalingana WTW, Jozini WTW		IDP 2023/24, p 119
How many biophysical water sources does this WSA have access to?	River	☒	IDP 2023/24, p 27
	Dam	☒	
	Saltwater	☐	
	Groundwater	☒	
Names of rivers and dams	uPhongolo River, White Umfolozi River, black umfolozi River, hlulhuwe River, Mansiya River, Manzibomvu River, Nzimane River, Umkuze River, Usuthu River, Lake Sibhayi, Klipfontein Dam, Hlulhuwe Dam, Pongolapoort Dam		IDP 2023/24, p 27
How many infrastructure water sources does this WSA have?	Water reclamation	☐	IDP 2023/24, p 27
	Desalination	☐	

	From natural source	☒	
Political Stability			
Is there a coalition government?	Yes IFP 7, ANC 6, EFF 1 (40% PR Seats)		https://municipalities.co.za/management/121/umkhanyakude-district-municipality
Has there been mayoral instability in the last 5 years?	Some political instability in general, with infighting and litigation: https://www.citizen.co.za/witness/news/umkhanyakude-district-in-kzn-in-a-fix/ https://www.iol.co.za/dailynews/news/kwazulu-natal/anc-says-it-is-still-in-charge-of-umkhanyakude-district-municipality-despite-ifp-coup-claims-6810e122-1a60-4702-9524-7143754133c6 https://www.ecr.co.za/news/news/umkhanyakude-managers-appointment-irregular-kzn-ifp/ https://www.iol.co.za/dailynews/news/kwazulu-natal/high-court-judgment-reinstates-legitimate-leadership-in-mtubatuba-and-umkhanyakude-municipalities-60ddc1d5-640b-494a-b1f7-262116f8a3d2 https://www.iol.co.za/dailynews/news/kwazulu-natal/ifp-gets-ball-rolling-to-oust-anc-in-umkhanyakude-district-municipality-88e39513-b921-46f8-a9dd-e9e37fba7227		
MM/CFO Vacancy Snapshot	AGSA Website Based Report 2024/25 Is the council established? Council instability the previous year? MM vacancy at the end of the year? Number of months the MM has been in position. CFO vacancy at the end of the year? Number of months the CFO has been in position.	yes no no 36 no 36	https://mfma-2025.agsa.co.za/municipality/4-umkhanyakude-district
Policy Efforts			
Water By-law			
Is there a water by-law?	no		
Citation of by-law			By-law
Mark with "yes" if the by-law makes provision for the following:	Matters incidental to providing water services to residents, 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		By-law

	Measures to ensure the quality of potable water		
	Preventing water pollution		
	Anything else?		
Water Services Development Plan			
Is there a water services development plan?	Draft completed, awaiting council resolution.		IDP 2024/2025, p. 192
The validity duration of the plan (which years)	Awaiting adoption by council		IDP 2024/2025, p. 192
General Policy Framework			
Is there an Indigent Policy?	draft only		Draft Indigent Policy 2020-21
IDP			
Issues	- Limited resources and financial constraints - Insufficient logistics - Socio-economic ills - Lack of training, testing equipment, tools of trade, lack of chemicals, broken equipment - Outdated infrastructure - Lack of staff		IDP 2024/25, p 1, 98
Resource Efforts			
Financial Resources			
Budget sufficiency (total budget revenue (excl. capital transfers)/ total budgeted OPEX) x 100			MFMA Section 71, Schedule C datasets
Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100			MFMA Section 71, Schedule C datasets
Revenue collection rate % (actual revenue collected / budgeted revenue) x 100			MFMA Section 71, Schedule C datasets

Capital budget allocated to renewal of existing assets (Amount allocated to renewal / Total capital budget) x 100	Missing data	MFMA Section 71, Schedule C datasets
Maintenance spending rate % (Total maintenance expenditure / total revenue collected) x 100		MFMA Section 71, Schedule C datasets
Infrastructure Resources		
Current infrastructure value	R85,697,134	2023 Blue Drop Report, p. 413-414
Human and Skills Resources		
Total number of staff employed in water treatment	31 (25 PCs, 6 Supervisors)	2023 Blue Drop Report, p. 196
Supervisor Staff/WTW Ratio	1.4	2023 Blue Drop Report, p. 196
Technical Staff/WTW Ratio	1.1	2023 Blue Drop Report, p. 196
Staff Shortfall	37 Process Controllers 0 Supervisors 0 Technicians, 1 Qualified scientist	2023 Blue Drop Report, p. 395-196
Total number of staff employed in the water services department (excluding water treatment)		Budget, Sheet SA24, Items 16 and 26, Current Year 20/21
Implementation		
Physical Access		
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	28950 19.21%
	Communal source – 200m	45849 30.42%
	Water source in yard	45691 30.31%
	Water in household	30245 20.06%
Piped water inside dwelling	20.06%	Budget, Sheet SA24, Items 16 and 26, Current Year 20/21
Infrastructure backlog	Housing backlog	
Do schools and clinics have access to water on their premises.	- Out of 31 education facilities, 2 have inadequate access to water services. - Out of 22 health facilities, all have access to water services.	DWS Website, WSDP Audit, Service Delivery Overview, Service

			Levels Profile, 2.1.1 Education Plan and 2.1.2 Health Plan.
Economic access			
Economic access to water.	Free basic water for all	☐	Tariff Policy 2020/21
	Free basic water for Indigent	☒	
	Cross subsidy	☐	
	Prepaid	☒	
Step tariff for households in rand excl VAT. For 2021/22	0 < 6kl	7.17	Tariff Policy 2020/21
	7kl < 20kl	6.58	
	21kl < 30kl	7.16	
	31kl < 50kl	7.84	
	51kl <	9.25	
Categories of water use:	- Prepaid meter - Conventional meter		Tariff Policy 2020/21
Tariffs for schools.	Same tariff as conventional meters.		Tariff Policy 2020/21
Tariffs for clinics	Same as schools.		Tariff Policy 2020/21
Adequacy			
Number of interruptions in 2024	All consumers served experience interruptions of less than 48 hours, at any given time, and a cumulative interruption time during the year of less than 15 days. < 50% of households served.		
Media reports on outages	Some problems reported by media: https://www.sanews.gov.za/south-africa/government-works-restore-water-umkhanyakude https://www.iol.co.za/news/south-africa/kwazulu-natal/mhlathuze-water-district-municipality-ink-pact-on-laying-water-reticulation-network-at-umkhanyakude-8d621c99-29f5-404c-b3b4-77f676a76bc4		
Quality			
What is the WSA’s blue drop score?	2023: 74.32% 2014: 57.87%		2023 Blue Drop Report, p. 189
Blue Drop Score Improved/Deteriorated (2014-2023)	Improved		
Blue Drop microbiological compliance score	96.04% (13 Excellent WTWs; 9 Unacceptable WTWs)		2023 Blue Drop Report, p. 206
Blue Drop chemical (acute) compliance score	99.80% (21 excellent WTWs; 1 Good)		2023 Blue Drop Report, p. 207
Blue Drop chemical (chronic health) compliance score	96.3% (18 excellent WTWs; 4 Unacceptable WTWs)		2023 Blue Drop Report, p. 207
Does the WSA have a contract with the lab to test water samples?	No information		IDP 2024/25

Green Drop Risk Rating	Low Risk	2023 Green Drop Report, p. 23
Efficiency		
Blue Drop Water Use Efficiency Score	<150 l/p/d (Excellent)	2023 Blue Drop Report, p. 204
No Drop Score 2023	60%	2023 No Drop Report, p. 158
Amount of non-revenue water in liters and in rands value.	R153,50 million in water losses 36,5% of all water flowing through municipal pipelines	https://mfma-2025.agsa.co.za/municipality/4-umkhanyakude-district
Main reasons for water losses.	Leakages from water distribution systems, dripping taps	
Oversight		
Department of Water and Sanitation		
Blue Drop actions	The Regulator notes the dire state of management and drinking water quality in the Alheit, Augrabies, Bloemsmond, Cillie, Currieskamp, Eenduin, Eksteenskuil Kakamas, Keimoes, Lennertsville, Lutzburg, Marchand, Riemvasmaak-Sending, RiemvasmaakVredesvallei, Soverby and Warmsand water supply system. The WSI is placed under regulatory surveillance and the Municipal Manager is required to submit a detailed corrective action plan within 20 days of publishing of this report. The plan must map the activities, responsible persons, timelines, and expected improvement as outlined in the Regulatory Comment.	2023 Blue Drop Report, p. 436
Green Drop actions	The Regulator expresses serious concern regarding the critically poor state of wastewater services at the Kakamas, Keimoes, Kenhardt and Vredesvallei systems, which have deteriorated even further subsequent to the previous Green Drop audit in 2021. The systems continue to perform well below acceptable standards. The Kakamas system remains in a critical state, with stagnant, poor scores. It is perceived that the other systems are in the same condition. The continued underperformance of the system poses a potential threat to receiving water resources and public health. It is thus required that the WSI submit a detailed corrective action plan (CAP) within 60 days of publishing of this report. The CAP must address concerns raised in the Regulatory Comments and needs to include clearly defined, detailed remedial actions, assigned responsible officials for each action item, clear implementation timeframes, and measurable performance indicators. The submitted CAP will undergo formal evaluation by the Regulator and will be tabled for review by the National Water Services Regulation Committee, where the adequacy, feasibility, and urgency of the proposed actions will be assessed in the context of the audit findings and commentary contained in this report.	2025 Green Drop Report, p. 117

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.	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.	
Full citation of judgement.	Thubakgale and Others v Ekurhuleni Metropolitan Municipality and Others [2021] ZACC 45	
	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-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	Paras 2, 50, 60, 63, 64, 65, 70, 72, 80, 157

	shows the variety of remedies that could be available to the community where the right to water is infringed	
Full citation of judgement	Kakamas Water Users Association v Minister of Water and Sanitation (Case no 1208/2023) (27 October 2023)	chrome-extension://efaidnbmnnnibpcajpcglc/lefindmkaj/https://www.saflii.org/za/cases/ZANCHC/2023/69.pdf
Summary of judgement and the impact for future water services delivery	Facts: Association responsible for the management and operation of the Kakamas Government Water Scheme in terms of a cooperation agreement. Parties dispute a directive issued by DWS. Findings: - A directive is administrative action. - A water user association's primary task is to provide water to all persons and instances in its area of operations. - Judgement describes when an association will become redundant and ineffective. A directive may be reviewed by a court on the basis of PAJA.	
Full citation of judgement	Saunderson v Boegoeberg Water Users Association [2022] ZANCHC 86	https://www.saflii.org/za/cases/ZANCHC/2022/86.html
Summary of judgement and the impact for future water services delivery	Facts: Applicant's access to water was disconnected to several of his farming properties by the water association. Letter of demand for payment of certain amounts for water supplied. The amounts payable is disputed. Findings: - Water Tribunal appeal process emphasized. - Requirements set out to successfully rely on mandament spolie to restore water supply.	
SAHRC Reports		
Where any reports received and investigated on the right to water by the SAHRC?	yes	
Reference details of the report	Media advisory: The SAHRC Northern Cape Provincial Office to address critical issues of access to water and sanitation services with the Sol Plaatje Local Municipality in Kimberly	https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/4016-media-advisory-the-sahrc-northern-cape-provincial-office-to-address-critical-issues-of-access-to-water-and-sanitation-services-with-the-

		sol-plaatje-local-municipality-in-kimberly
Summary of the report and the impact on future water services delivery.	21 May 2024 The SAHRC received multiple complaints concerning inadequate access to water and sanitation services in Sol Plaatje Municipality including: - Lack of basic services at the Waterloo informal settlement. - Lack of provision of water services which negatively impacts the entire city and surrounding areas. - Long-standing lack of services at the Soekmekaar Informal Settlement. The SAHRC is to hold a stakeholder engagement on 21 May 2024.	
Reference details of the report.	Media Advisory: SAHRC Commissioner Ntuli to lead stakeholder engagements on water security and assurance of water supply in Namakwa District, Northern Cape Province	https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/3436-media-advisory-sahrc-commissioner-ntuli-to-lead-stakeholder-engagements-on-water-security-and-assurance-of-water-supply-in-namakwa-district-northern-cape-province
Summary of the report and the impact on future water services delivery.	15 February 2023 Most violations of the right to access to water occur in rural areas and informal communities. Through complaints, the SAHRC learned that the Namakwa District is experiencing challenges with water resources where boreholes in the area are drying up. The purported challenge is likely to impact the sustainable supply of water services to households in the district and has the potential to lead to systematic violations of human rights. Engagement scheduled for 15 February 2023. Invited stakeholders: - Department of Water and Sanitation - Bloemwater - Northern Cape COGTA - Namakwa District Municipality - Nama Khoi Local Municipality - Khai-Ma Local Municipality - Hantam Local Municipality - Kamiesberg Local Municipality	

	- Karoo Hoogland Local Municipality - Richtersveld Local Municipality	
Parliament		
Any oversight actions taken in the duration of the current (5 th) administration.	Yes	
Full citation		
Summary of the judgment and the impact for future water services delivery		
Full citation		
Summary of the judgment and the impact for future water services delivery		
Other Oversight Institutions		
Details of any oversight action taken.	None.	

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 2023*
- 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
- South African Human Rights Commission *Report on the Right to Access Sufficient Water and Decent Sanitation 2014* (2014) (SAHRC, 2014 Water Report)
- South African Human Rights Commission *Letter to MEC for Education, Free State: Re Water and Sanitation Infrastructure in Schools for 2021 Academic Year*, <file:///C:/Users/00300002/Downloads/2021-GeneralReports-5.pdf> (SAHRC 2021 Letter to Free State Education MEC)
- South African Human Rights Commission *2013: Free State Water and Sanitation Reports* accessed at <https://www.sahrc.org.za/index.php/publications/investigative-reports/2013-1>.