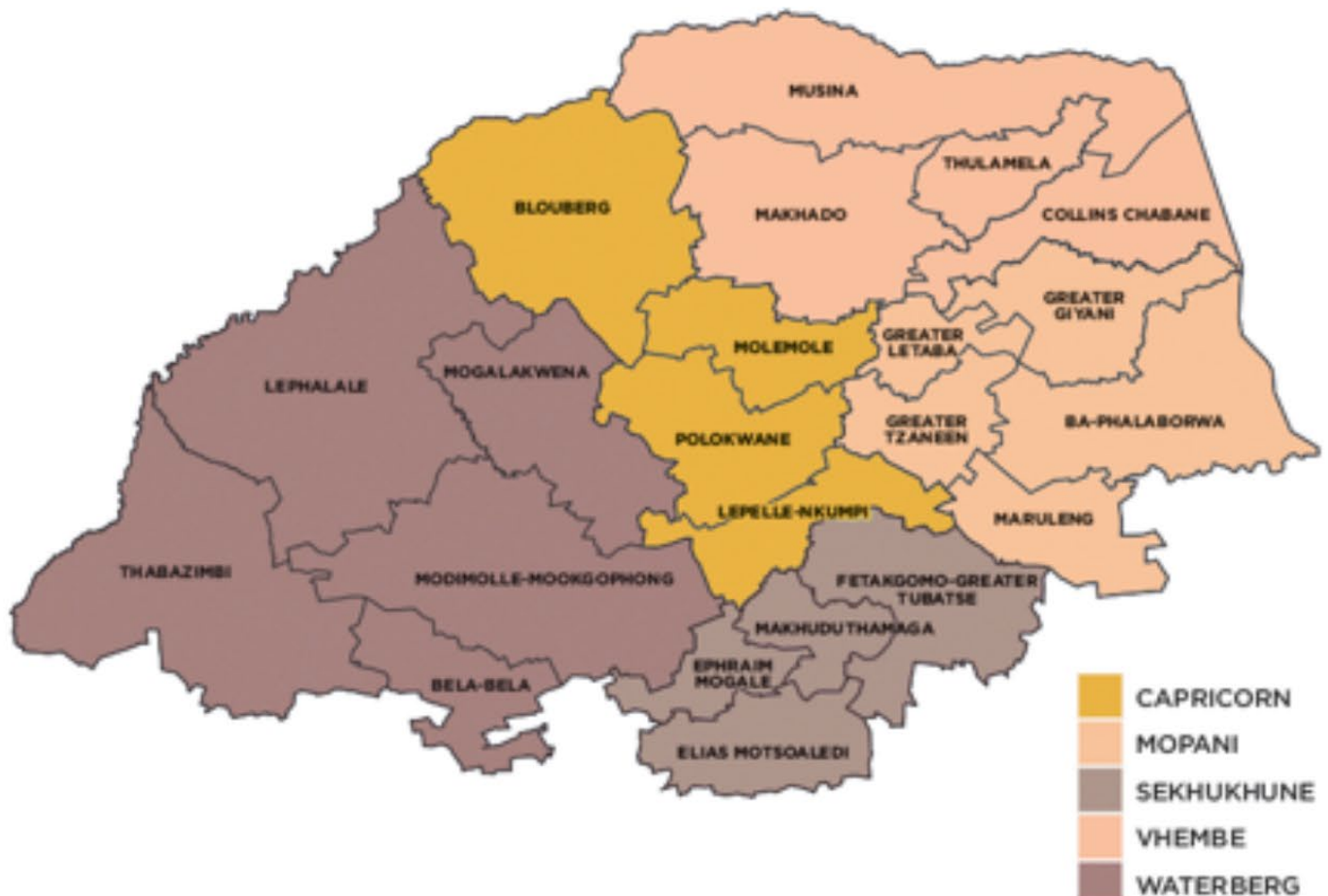


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

SEKHUKHUNE DISTRICT MUNICIPALITY



OCTOBER 2026

Table of Contents

Map	3
Assessment: Progressive realization of the right to water in Sekhukhune District Municipality (SDM)	4
Narrative	6
RIGHTS HOLDERS	6
Expanded Table	9
Name of the WSA.....	9
Context indicators	9
Demographics	9
Financial capacity	10
Water management	11
Political Stability	12
Policy Efforts.....	13
Water By-law	13
Water Services Development Plan	14
General Policy Framework	14
IDP	14
Resource Efforts	15
Financial Resources	15
Infrastructure Resources	16
Human and Skills Resources.....	16
Implementation	16
Physical Access	16
Economic Access	16
Adequacy	17
Quality.....	18
Efficiency	18
Oversight	19
Department of Water and Sanitation	19
Judicial Oversight	19
SAHRC Reports	21
Legislature Oversight.....	23
Other Oversight Institutions.....	23
Sources:.....	23

Map

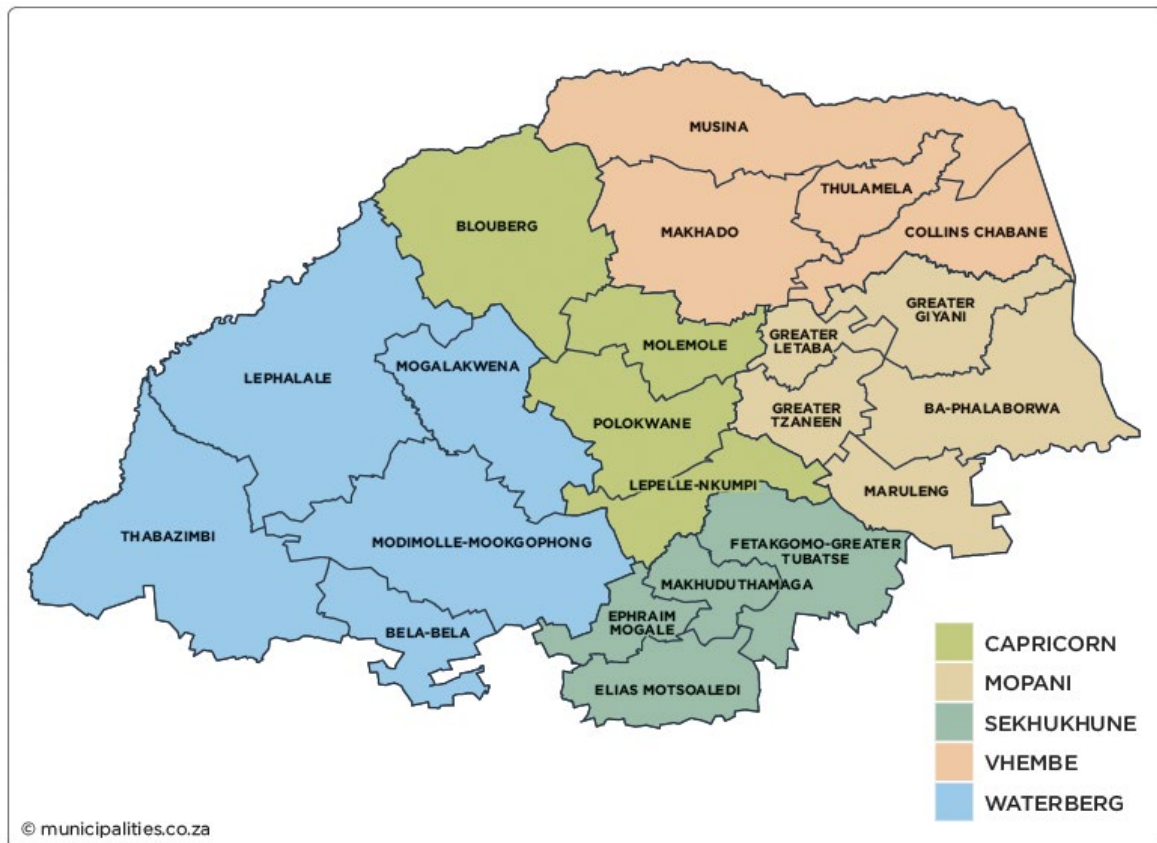


Figure 1: Geographical location of Sekhukhune District Municipality (source Municipalities of South Africa, <https://municipalities.co.za/Provinces/view/5/limpopo>)

The Sekhukhune District Municipality (SDM) is situated in South Limpopo.

Assessment: Progressive realization of the right to water in Sekhukhune District Municipality (SDM)

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 330,850 (Blue Drop) to 1,336,805(2022 Census) Population growth rate: 2.1% Sex Ratio: Moderate female majority Dependency: 32.9% under 15; dependency ratio 66.1	
Unemployment	50.9%	
KEY IMPLEMENTATION INDICATORS		
Availability	Groundwater 0% of capacity is used (primarily dependent on groundwater)	
Physical Access	Communal source +200m	18.7%
	Communal source – 200m	19.9%
	Water source in yard	61.5%
	Piped water in house	25%
	Service delivery point/household coverage ratio	0.24
Economic Access	Tariff variation: Residential, industrial + 12 other categories Tariff structure: Increasing block tariff (4 blocks, R13.67-R19.69) FBW: Indigent only Indigency: 0.24% of service delivery points, decreasing trend	
Adequacy	No official information but media reports of severe protests and court action	
Quality	Microbiological compliance	99.4%
	Chemical (acute) compliance	53.6%
	Chemical (chronic) compliance	84.7%
Efficiency	WUE Score: 276 l/p/d (Extremely poor) Non-revenue water: 23%	
REASONABLE MEASURES		
Policy Efforts	Indigent Policy and Register, WSDP, no by-law	
Financial Resources (2024/25)	Budget sufficiency: 108% Revenue coverage: 153% Revenue collection rate: 88% Renewal spending: 1% Maintenance spending rate: 12%	
Human Resources	Blue Drop shortfall: 23 Process Controllers, 2 Supervisor, 4 Technician, 2 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Political instability	
Water planning issues	-Unreliable statistics -Lack Water Conservation & Water Demand Management (WC&WDM)	

Funding model	-High levels of unemployment -Extensions and new settlements are not metered - Inadequate O&M budgets and operational teams to maintain infrastructure
Infrastructure issues	- Flag Boshielo WTW which is under design capacity. -Ageing of old asbestos bulk pipelines and associated system components - Pipeline isolation valves on most of the pipelines are not effective due to ageing - Extensive water loss due to leakages in the reticulation -Inadequate bulk water supply from the Groblersdal Water Treatment Work -Inadequate bulk infrastructure such as storage facilities and transmission pipeline - Silting of the Vergelegen dam affecting the raw water supply to the WTW
Electricity issues	Not mentioned
Ecological drivers	Not mentioned
Consumer issues	-Rapid growth of villages exhausting the system capacity
Water services intermediaries	Not mentioned
Third-party interference	-Allegations of municipal - Illegal connections affect continuous supply of water - Vandalism of critical system components - Capturing of projects by local business forums - Insufficient electrical capacity
Intergovernmental coordination	Not mentioned
Scale	13,527km² 20 WSSs, NI pump stations, NI km of bulk water supply lines, NI km of reticulation pipelines and NI reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	Not mentioned
Low literacy and education levels	No Schooling: 15.1%, higher Education: 6.5%
Infrastructure backlogs	Not mentioned
Limited yellow fleet	Not mentioned
High vacancy rate	Not mentioned

Narrative

RIGHTS HOLDERS

Population estimates for the Sekhukhune District Municipality range from 330 850 (Blue Drop) to 1 336 805 (2022 Census). The population growth rate of 2.1% is higher than the national average of 1.3%. There is a moderate female majority and 32.9% of the population are under the age of 15. The dependency ratio of 66.1 is higher than the reported national 2024 average of 48.4 and the global average of 58.4.¹ There is a high rate of unemployment (expanded definition) at 50.9%.

KEY IMPLEMENTATION INDICATORS

The Sekhukhune District Municipality is authorised to provide water services and does so by operating 20 water treatment works. Raw water is abstracted from, amongst others the Steelpoort, Olifants River, Motsephiri, Nadimeng, Loskop Dam, de Hoop Dam, Tonteldoos River and groundwater from various collieries.

In terms of physical access, 61.5% of consumers reportedly have a water connection in their yard, and 25% enjoy water piped into their dwellings. Another 19.9% of the population have access to a communal source within 200m of their dwellings, and 18.70% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 0.24 meaning that the current service delivery points cover 24% of the households counted in the 2022 Census.

The Sekhukhune District Municipality does not provide a universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. Despite some unemployment, only about 0.24% of service delivery points (which are extremely low) 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 R13.67, most expensive is R19.69). The municipality has 14 tariff categories.

There were some media reports on severe protests and court action resulting from poor water service delivery. However, there is minor concern with water quality, with the Sekhukhune District Municipality reporting microbiological compliance at 99.4% and chemical acute compliance at 53.6% and chronic at 84.70%.

Water use efficiency is extremely poor. The *Blue Drop* score of >276 l/p/d is extremely poor. According to the 2021/22 Auditor-General report, 23% of all water produced is non-revenue water.

REASONABLE MEASURES

The Sekhukhune District Municipality has an Indigent Policy and a WSDP, but no water services by-law.

The Sekhukhune District Municipality's financial indicators between 2021/22 and 2024/25 show that the municipality's own revenue is just enough (108%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is enough (153%) to cover capital and operational expenditure. The capital budget allocated to renewal of assets ranged from 1% to 6% maintenance stood static at 12%. The revenue collection rate has fluctuated between 88% and 94% according to MFMA Schedule C datasets.

There are 31 staff employed in water treatment, and no information on the number of people working for the water and sanitation department. According to the latest *Blue Drop* report, there is a staff shortfall of 23 process controllers, 2 supervisors, 4 technicians and 2 qualified scientists.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

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

- **Leadership issues:** Political instability.
- **Water planning issues:** Unreliable statistics and a lack of water conservation and water demand management.
- **Funding model:** The municipality has high unemployment. Extensions and new settlements are not metered. In addition, there are inadequate operation and management budgets.
- **Electricity issues:** None mentioned.
- **Infrastructure issues:** The municipality has many infrastructure issues that relate to maintenance work, inadequate bulk supply and aging infrastructure.
- **Ecological drivers:** None mentioned.
- **Consumer issues:** Rapid growth of villages exhaust the water distribution system's capacity.
- **Third-party interference:** There are allegations of illegal connections, vandalism and capture of water projects by local businesses.
- **Scale:** Water services in the Sekhukhune District Municipality are spread out over 13 527 km².

OVERSIGHT

1. Based on its 2021 Inquiry into Access to Water and the Efficacy of Water Services Authorities within Limpopo Province, the SAHRC made specific findings and issued directives against the Bela-Bela Local Municipality (see Table: Oversight).

Department of Water and Sanitation. The Regulator notes the dire state of management and drinking water quality in the Flag Boshielo, Kutullo, Magukubjane, Mahlokoena, Mapodile, Marishane, Masemola, Ngwaabe, Nkosini, Penge, Steelpoort, Tsakane and Vergelegen 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.

Expanded Table

Indicator	Measurement	Sources
Name of the WSA		
Geographical information about the WSA.	South Limpopo, on Mpumalanga border.	
Spatial extent	13,527km ²	https://municipalities.co.za/overview/127/sekhukhune-district-municipality
Municipal wards	117	IDP 2024/25, p. 32
Traditional Authorities	81	IDP 2024/25, p. 32
Is the WSA authorized to provide water services?	yes	IDP 2023/24, p. 110
Is the WSA currently providing water services?	water treatment and distribution	
Method of service provision	Self	IDP 2023/24, p 110
Context indicators		
Details of any water related stresses experienced within the past five years.	Floods and the impacts of cyclone Freddy in Oct 2022 and March 2023 caused damages estimated at R 340,5 million. https://www.citizen.co.za/news/disaster-relief-provided-limpopo-following-floods-may-2023/ Extensive drought in 2016 led to the declaration of a provincial disaster. This was the worst drought recorded for the area since 1983. https://health-e.org.za/2016/09/07/limpopo-water-shortage-worsens-drought-conditions-continue/	WJT Verification
Demographics		
Population	330,850 (<i>Blue Drop</i>) 1,336,805 (2022 Census) 1,169,762 (IDP)	2023 <i>Blue Drop Report</i> , p. 262-263; https://municipalities.co.za/demographic/127/sekhukhune-district-municipality IDP 2023/24, p. 52
Number of households (Census 2022)	340,753	https://municipalities.co.za/demographic/127/sekhukhune-district-municipality
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	254,752	https://municipalities.co.za/services/127/sekhukhune-district-municipality

Ratio service delivery points / households	0.75	
Number of non-domestic consumers	2,001	https://municipalities.co.za/services/127/sekhukhune-district-municipality
Males per 100 females	89	https://municipalities.co.za/demographic/127/sekhukhune-district-municipality
Gender Split	47.1% Male 52.9% Female	
Population growth rate per annum	2.1%	https://municipalities.co.za/demographic/127/sekhukhune-district-municipality
Education	No Schooling: 15.1% Higher Education: 6.5%	https://municipalities.co.za/demographic/127/sekhukhune-district-municipality
Financial capacity		
Economically active population (15-64)	60.2%	https://municipalities.co.za/demographic/127/sekhukhune-district-municipality
Unemployment rate	50.9%	IDP 2023/24, p. 186
Dependency rate	66.1	https://municipalities.co.za/demographic/127/sekhukhune-district-municipality
Population under 15	32.9%	https://municipalities.co.za/demographic/127/sekhukhune-district-municipality
Universal FBW Allowance	no	IDP 2023/24 p. 114
Number of service delivery points receiving FBW: 2021/22	610	https://municipalities.co.za/services/127/sekhukhune-district-municipality
Percentage of FBW service delivery points	0.24%	

Increase/decrease of FBW 2017/2018 – 2021/2022	742 to 610 Decrease		https://municipalities.co.za/services/127/sekhukhune-district-municipality
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	s 138: 2 triggers		NT Municipalities Meeting Criteria, item 164
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 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 municipality considered to be in financial distress?	yes		NT Municipalities Meeting Criteria, item 164
Is the municipality currently subject to a provincial intervention?	No		AGSA Website Based Report 2021/22
Water management			
Is the rainfall within the WSA area (July 2022 to January 2023) above or below the average rainfall (464mm) for South Africa?	500 -2000mm		WeatherSA, Historical Rain map
Water abstraction authorized?	No		2023 Blue Drop Report p. 261

Volume of authorized/(unauthorized) water abstraction?	0 kl/d		2023 Blue Drop Report p. 261								
How many water treatment plants are in the WSA's water services network?	Sekhukhune WSA manages 20 WSSs, NI pump stations, NI km of bulk water supply lines, NI km of reticulation pipelines and NI reservoirs. Total design capacity is 36.2 MI per day. 36.2 MI of capacity is available. Average production: 0 MI per day 0 % of capacity is used 2023 Blue Drop critical risk: 0		2023 Blue Drop Report, p.250, 259-260, p. 275 - 277								
How many biophysical water sources does this WSA have access to?	<table><tr><td>River</td><td>☒</td></tr><tr><td>Dam</td><td>☒</td></tr><tr><td>Saltwater</td><td>☐</td></tr><tr><td>Groundwater</td><td>☒</td></tr></table>	River	☒	Dam	☒	Saltwater	☐	Groundwater	☒		2023 Blue Drop Report, p. 275-277
River	☒										
Dam	☒										
Saltwater	☐										
Groundwater	☒										
Names of rivers and dams	Steelpoort, Olifants River, Motsephiri, Nadimeng, Loskop Dam, de Hoop Dam, Tonteldoos River, Tsakane		2023 Blue Drop Report, p. 275-277								
How many infrastructure water sources does this WSA have?	<table><tr><td>Water reclamation</td><td>☐</td></tr><tr><td>Desalination</td><td>☐</td></tr><tr><td>From natural source</td><td>☒</td></tr><tr><td></td><td></td></tr></table>	Water reclamation	☐	Desalination	☐	From natural source	☒				IDP 2023/24, p. 101-102
Water reclamation	☐										
Desalination	☐										
From natural source	☒										
Political Stability											
Is there a coalition government?	No ANC 13, EFF 4, BPSA 1, DA 1, SADA 1 (40% PR Seats)		https://municipalities.co.za/management/127/sekhukhune-district-municipality								
Has there been mayoral instability in the last 5 years?	The WSA has been under the management of a temporary executive mayor since 2021. Around Dec 2022, the executive mayor resigned, she was allegedly involved in the VBS Scandal (subsequently arrested). In June 2023 several calls were made to remove the executive mayor because the appointment was not made in accordance with ANC policies. On 15 Nov 2023 Limpopo gave the WSA until 18 Nov 2023 to appoint a new mayor, despite the existing mayor being recalled and a new mayor appointed (or 'shuffled') around the beginning of Nov 2023. Additionally, around May 2022 the WSA suffered a loss of R18 million after funds disappeared from the municipality's accounts. - https://www.citizen.co.za/news/south-africa/government/limpopo-anc-gives-deadline-for-new-mayors-for-council-appointments/ - https://www.msn.com/en-za/news/other/give-the-people-water-anc-in-limpopo-appoints-four-mayors-for-municipalities-as-it-gears-up-for-2024-elections/ar-AA1jAP3Z - https://www.sabcnews.com/sabcnews/anc-limpopo-calls-for-the-removal-of-sekhukhune-district-mayor/										

	- https://www.citizen.co.za/news/sekhukhune-mayor-election-not-guarantee-service-delivery/ - https://www.citizen.co.za/news/south-africa/government/over-r18m-disappears-from-sekhukhune-district-municipality-accounts/		
MM/CFO Vacancy Snapshot	AGSA Website Based Report 2022/23		
	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.	29	
	CFO vacancy at the end of the year?	Yes	
	Number of months the CFO has been in position.	n/a	
Policy Efforts			
Water By-law			
Is there a water by-law?	No information		By-law
Citation of by-law	No information		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?	Referred to in IDP	IDP 2023/24, p 418
The validity duration of the plan (which years)	Unknown	
General Policy Framework		
Is there an Indigent Policy?	yes	Indigent Policy
IDP		
Water services issues identified in the IDP	The above village rely mainly on surface water sources from Flag Boshielo WTW which is under design capacity. The illegal connections are affecting the continuous supply of water The extensions and new settlements are not metered Lack Water Conservation & Water Demand Management (WC&WDM) Ageing of old asbestos bulk pipelines and associated system components Rapid growth of villages exhausting the system capacity Pipeline isolation valves on most of the pipelines are not effective due to ageing Vandalism of critical system components Inadequate O&M budgets and operational teams to maintain infrastructure Extensive water loss due to leakages in the reticulation Unauthorized illegal connections on rising mains Inadequate bulk water supply from the Groblersdal Water Treatment Work Inadequate bulk infrastructure such as storage facilities and transmission pipeline Capturing of projects by local business forums Insufficient electrical capacity Expired contracts of PSPs Silting of the Vergelegen dam affecting the raw water supply to the WTW Non-implementation of water conservation and water demand management Delays in commissioning of Malekane to Jane-Furse bulk water supply pipeline Water Use License approval by DWS Delays by Eskom to connect electricity and energise Projects	IDP 2023/24, p 118-122

Resource Efforts		
Financial Resources		
Budget sufficiency (Total Budget revenue/total budgeted expenditure)		MFMA Section 71 Schedule C 2021 to 2025, with 2023/23 and 2023/24 data missing
Revenue Coverage % (Total Budgeted Revenue/Total budgeted CAPEX+OPEXx100)		MFMA Section 71 Schedule C 2021 to 2025, with 2023/23 and 2023/24 data missing
Revenue Collection Rate % (Actual revenue collected/budgeted revenue x 100)		MFMA Section 71 Schedule C 2021 to 2025, with 2023/23 and 2023/24 data missing
Capital budget allocated to renewal of existing assets (amount allocated to renewable/total capital budget)		MFMA Section 71 Schedule C 2021 to 2025, with 2023/23 and 2023/24 data missing

Maintenance spending rate % (Total maintenance expenditure/total revenue collected) x100				MFMA Section 71 Schedule C 2021 to 2025, with 2023/23 and 2023/24 data missing
Infrastructure Resources				
Current infrastructure value	2,561,370,000			Budget, Sheet A9, Item 138, Adjusted Budget 20/21
Human and Skills Resources				
Total number of staff employed in the water services provision department.	Unknown			
Total number of staff employed in water treatment	31 (31 supervisory, 0 technical)			2023 <i>Blue Drop Report</i> ; p. 257
Supervisor Staff/WTW Ratio	1.2			2023 <i>Blue Drop Report</i> , p. 255
Technical Staff/WTW Ratio	0.0			2023 <i>Blue Drop Report</i> , p. 257
Staff Shortfall	23 Process Controllers 2 Supervisor 4 Technicians 2 Qualified scientists			2023 <i>Blue Drop Report</i> , p. 255, 257
Vacancies as a percentage of the total staff (municipality-wide)	Unknown			
Implementation				
Physical Access				
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	45,597	18.7%	Sekhukhune District Municipality - Services
	Communal source – 200m	48,447	19.9%	
	Water source in yard	149,708	61.5%	
		243,752		
Piped water inside dwelling	25%			Sekhukhune District Municipality - Demographic
Economic Access				
Economic access to water.	Free basic water for all	☐		Final Water and Sanitation Tariff Policy 2021, p7
	Free basic water for Indigent	☒		
	Cross subsidy	☐		
	Prepaid	☒		

Step tariff for households in rand excl VAT. For 2021/22	0 < 6kl	R 13.67	Final Water and Sanitation Tariff Policy 2021, p11
	7kl < 10kl	R 15.94	
	11kl < 30kl	R 17.54	
	31kl <	R 19.29	
Categories of water use:	- Residential use - Indigent residential use - Commercial buildings - Industrial buildings - Public institutions (including schools, clinics, hospitals and other government departments) - Churches - Sports fields and clubs - Mines - Farms - Residential RDP - Communal stand pipes - Tankers (R 18.87 p/kl)		Final Water and Sanitation Tariff Policy 2021, p11
Tariffs for schools.	0 < 6kl	R 19.66	Final Water and Sanitation Tariff Policy 2021, p11
	7kl < 30kl	R 19.66	
	31kl <	R 19.66	
Notes.	More expensive than the most expensive bracket for residential use.		Final Water and Sanitation Tariff Policy 2021, p11
Tariffs for clinics	0 < 6kl	R 19.66	Final Water and Sanitation Tariff Policy 2021, p11
	7kl < 30kl	R 19.66	
	31kl <	R 19.66	
Notes.	More expensive than the most expensive bracket for residential use.		Final Water and Sanitation Tariff Policy 2021, p11
Do schools and clinics have access to water on their premises.	- 40 Educational facilities have inadequate access to water services. - 34 Health facilities have inadequate 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.
Adequacy			
Number of planned interruptions in 2023.	No official information, but media reports of severe protests and a court decision		
Number of unplanned interruptions in 2022/2023	Sudden breakdowns		
	Average duration		
	Emergencies, not due to poor maintenance		
Media reports on outages:	This WSA has been struggling to provide water services to consumers despite having one of the largest water expenditure budgets. In 2019, the water services delivery has been in crisis. In 2020 the WSA was taken to court for poor water services delivery – a five-year battle for water in court. In 2022 severe protest action took over distribution		WJT Verification

	valves which left a hospital without water. Some communities complain that they have not had reliable water for more than three years. In July 2023, the national government allegedly allocated R 25 billion to address the ongoing water crises in the WSA. Since many reports show that the President is actively involved in oversight. - https://www.sabcnews.com/sabcnews/sekhukhune-district-residents-fed-up-with-water-supply-woes/ - https://www.sabcnews.com/sabcnews/government-allocates-r25-billion-to-tackle-water-crisis-in-limpopo-sekhukhune-district/ - https://www.capricornfm.co.za/ramaphosa-assures-sekhukhune-residents-services-will-be-delivered/ - https://mg.co.za/news/2020-08-08-sekhukhunes-five-year-battle-for-water-back-in-court/ - https://www.jacarandafm.com/news/news/protectors-shut-down-sekhukhune-hospitals-water-supply/ - https://www.sowetanlive.co.za/news/south-africa/2019-05-31-sekhukhune-districts-drought-has-reached-crisis-levels/#google_vignette	
Quality		
What is the WSA's blue drop score?	2023: 39.6% 2011: 59.1%	2023 <i>Blue Drop Report</i> , p. 275
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated	
Blue Drop microbiological compliance score	99.4% (19 Excellent WTWs; 1 Unacceptable WTW)	2023 <i>Blue Drop Report</i> , p. 264
Blue Drop chemical (acute) compliance score	53.6% (7 Excellent WTWs; 13 unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 265
Blue Drop chemical (chronic health) compliance score	84.7% (14 Excellent WTWs; 6 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 265
Does the WSA have a contract with the lab to test water samples?	No information.	
<i>Green Drop Risk Rating</i>	High Risk	2023 <i>Green Drop Report</i> , p. 284
Efficiency		
Blue Drop Water Use Efficiency Score	276 l/p/d (Poor)	2023 <i>Blue Drop Report</i> , p. 262-263
No Drop Score 2021/22	0%	2023 <i>No Drop Report</i> , p. 183
Amount of non-revenue water in liters and in rands value.	R38.12 million Equivalent to 23% of all water flowing through municipal pipelines	https://mfma-2024.agsareports.co.za/municipality/5

		-sekhukhune-district
Main reasons for water losses.	None recorded	2023 No Drop Report, p. 183
Oversight		
Department of Water and Sanitation		
Blue Drop actions	The Regulator notes the dire state of management and drinking water quality in the Flag Boshielo, Kutullo, Magukubjane, Mahlokoena, Mapodile, Marishane, Masemola, Ngwaabe, Nkosini, Penge, Steelpoort, Tsakane and Vergelegen 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. 277
Green Drop actions	None	2023 Green Drop Report, p. 290
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	Paras 47, 48, 50, 71, 78-102, 142

	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.	
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 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.	Paras 25 and 21
Concerned Residents of Flag Boshielo West v Sekhukhune District Municipality 2020 JDR 1837 (GP)	- August 2020: the WSA was taken to the High court in 2017 for an interdict to provide five villages with a reliable water supply. - This court order was not adhered to. - Community was back in court in 2020. - Part of the procedural issues were dealt with in the <i>Concerned Residents of Flag Boshielo West v Sekhukhume District Municipality</i> 2020 JDR 0449 (GP) [joiner of current acting MM to contempt of court proceedings] - Main court judgement: At the time of the application the acting MM was only in office for a few months. In addition, the critical parts of the water services infrastructure suffered breakdowns (for which Lepelle Northern Water is responsible for). The WSA's infrastructure was unable to absorb these shocks and as a result	https://mg.co.za/news/2020-08-08-sekhukhunes-five-year-battle-for-water-back-in-court/

	the community experienced many interruptions. There were measures put in place: Jo-Jo tanks that are filled periodically, but the trucks also broke down and could not fill these up as regularly as needed. - The original court order was a supervisory order or structural interdict and the WSA is supposed to communicate periodic progress reports to the court and the community. Part of the original order: <i>The first respondent is directed to fill the existing Jo-Jo tanks to capacity at least once a day every Monday, Tuesday, Wednesday, Thursday and Friday.</i> <i>The first respondent is directed to implement the rotational plan by supplying the residents of the five villages with portable water through its reticulation system twice a week, every Wednesday and Saturday.</i> <i>The first respondent is directed to provide the applicants and the Court with reports by the 30th of every month ... on its compliance with water supply ...</i> <i>The first respondent is to file a report by the 30th of each month, on oath, to the Court on the progress of the water plant until its completion.</i> - Judgement: Court dismissed the contempt of court proceedings because the applicant could not show that the WSA in mala fides refused to comply with the order, but that it was not in a position to comply with the order. In addition, the applicants did not contest any of the explanations given for non-compliance.	
SAHRC Reports		
Where any reports received and investigated on the right to water by the SAHRC?	yes	
Reference details of the report.	Inquiry into Access to Water and the Efficacy of Water Services Authorities within Limpopo Province (SAHRC Oct 2021)	
Summary of the report and the impact for future water services delivery.	Department of Cooperative Governance, Human Settlements and Traditional Affairs Finding: • The Commission finds that the Limpopo Department of Cooperative Governance, Human Settlements and Traditional Affairs (CoGHSTA) is not effectively playing its role as an oversight body in terms of ensuring that access to water is a reality within the Limpopo Province. Recommendation:	

	• The Commission recommends that the CoGHSTA identifies municipalities that (i) apply for grants and fail to spend such grants, (ii) do not apply for grants at all; and (iii) receive the grants and use them inappropriately. The CoGHSTA should come up with an action plan on how this will be mitigated. This action plan is to be submitted to the Commission within three (3) months after the receipt of this report. Department of Water and Sanitation Findings: • The Commission finds that the Limpopo Department of Water and Sanitation (DWS) is failing to play its oversight role. • The DWS does not assist or intervene when the Municipalities fail to provide sufficient water to their communities in terms of sections 62 and 63 of the Water Services Act, respectively. • The DWS has failed to take action when a municipality has failed or is unable to apply/ access municipality grants while communities are not provided with water. Recommendations: • The Commission recommends that the DWS must submit to the Commission, a detailed plan, with timeframes on how it will provide support to the municipalities in order to resolve the water crisis in Limpopo. • The DWS must submit to the Commission a list of municipalities that applied for water grant/s, the list must also provide the outcome of the grant/s or progress made in processing the grant/s. • If the application had been declined, the DWS must provide the reason/s as to why the application was declined. • The DWS must also provide details of the assistance provided to the municipality after declining the application. • The above requested information must be submitted to the Commission within three (3) months after the receipt of this report. Office of the Premier of Limpopo Province Findings: • The Commission has found that it is not clear as to how the Office of the Premier for	
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	the Limpopo Province plays its oversight role over municipalities that are failing to provide water. • The Office of the Premier for the Limpopo Province is therefore failing to monitor the provision of water by the municipalities in Limpopo. Recommendation: • The Commission recommends that the Office of the Premier for the Limpopo Province must conduct an assessment and evaluation of the provision of water in the Limpopo Province, develop and submit measures to effectively support the municipalities to ensure adherence to the Water Services Act and Compulsory Standards. This information must be submitted to the Commission within three (3) months of the receipt of this report.	
Specific findings for the WSA	Findings: • Sekhukhune District Municipality acknowledged that it is unable to supply adequate water to some areas such as Elandskraal, Morarela, Mbuzini, Dichoeng and Tsantsabela which fall within its jurisdiction. • <i>The Commission finds that the Municipality does not comply with the Water Services Act and Compulsory Standards.</i> Recommendation: • The Commission recommends that within three (3) months after the receipt of this report, the Municipality must submit a detailed plan to show how the Municipality will provide sufficient water to communities within its jurisdiction.	Inquiry into Access to Water and the Efficacy of Water Services Authorities within Limpopo Province (SAHRC Oct 2021)
Legislature Oversight		
Any oversight actions taken in the duration of the current (5 th) administration.	No information.	
Other Oversight Institutions		
Details of any oversight action taken.	None.	

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>

Municipal Documentation

- Municipality *Annual Budget 2020/21*
- Municipality *Integrated Development Plan 2020/21*
- Municipality *Indigent Policy*
- Final Water and Sanitation Tariff Policy 2021