

WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

EMAKHAZENI LOCAL MUNICIPALITY



OCTOBER 2026

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Map

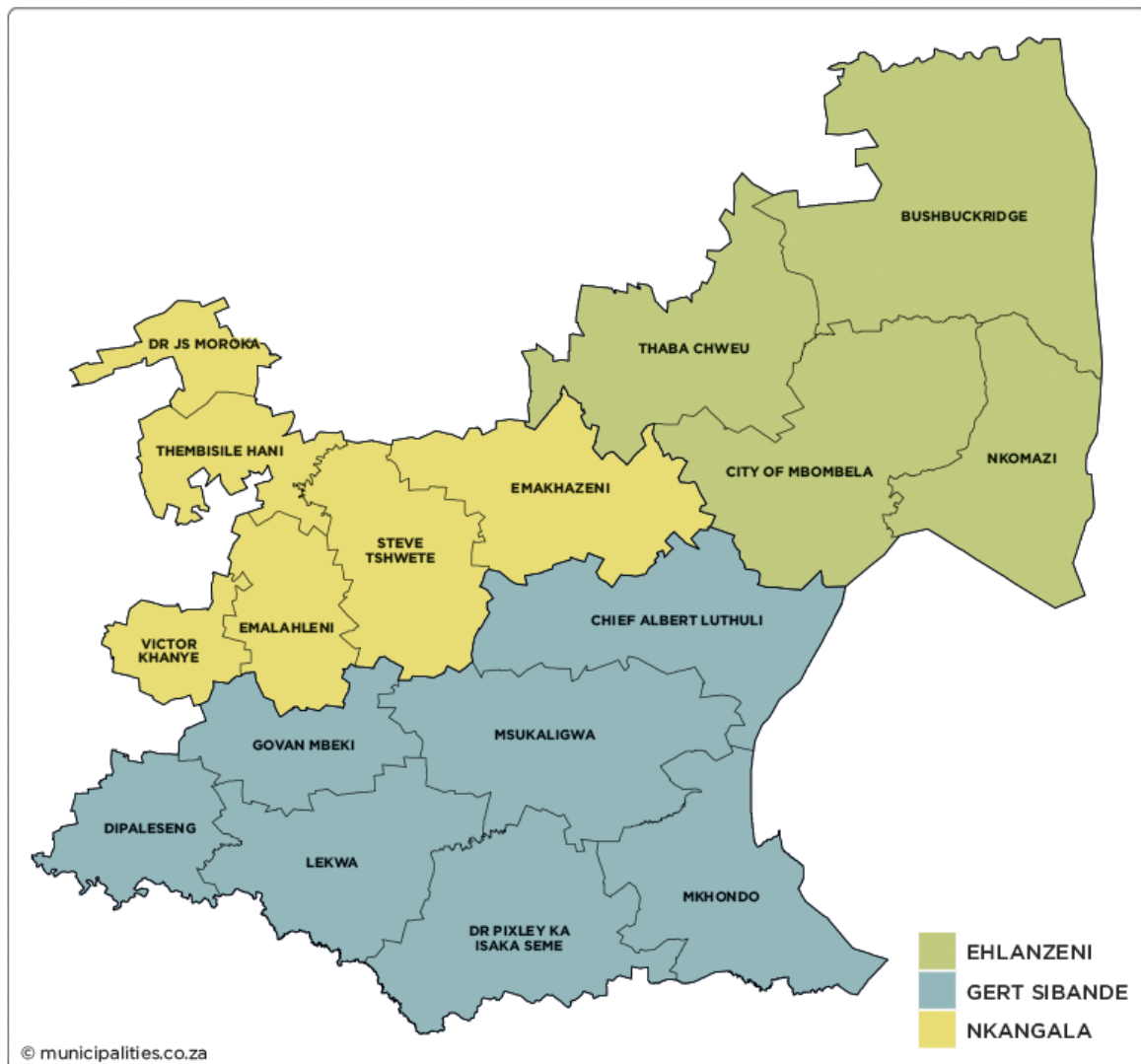


Figure 1: Geographical location of the Emakhazeni Local Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/6/mpumalanga>).

Formerly the Highlands Local Municipality, Emakhazeni is one of 6 local municipalities situated in the Nkangala District Municipality in Central Mpumalanga.

Progressive realization of the right to water in Emakhazeni Local Municipality (EMLM)

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 43 083 (<i>Blue Drop</i>) to 50 165 (2022 Census) Population growth rate: 0.59% Sex Ratio: No sex majority Dependency: 23.3% under 15; dependency ratio 42.8	
Unemployment	29.1%	
KEY IMPLEMENTATION INDICATORS		
Availability	Raw water, dam, groundwater 95% of capacity used	
Physical Access	No communal source	0
	Communal source +200m	0
	Communal source – 200m	9.4%
	Water source in yard	90.6%
	Piped water in house	80.1%
	Service delivery point/household coverage ratio	0.72
Economic Access	Tariff variation: No information Tariff structure: No information FBW: Indigent only Indigency: 24.7% of service delivery points, increasing trend	
Adequacy	No information	
Quality	Microbiological compliance	93.1%
	Chemical (acute) compliance	0%
	Chemical (chronic) compliance	0%
Efficiency	WUE Score: 250 l/p/d (Extremely poor) Non-revenue water: 35.6%%	
REASONABLE MEASURES		
Policy Efforts	By-law, Indigency Policy and Register, WSDP (but outdated)	
Financial Resources (2024/25)	Budget sufficiency: 62% Revenue coverage: 75% Renewal spending: 34% Maintenance spending rate:4 %:	
Human Resources	<i>Blue Drop</i> shortfall: 5 Process Controllers, 1 Supervisor, 2 Technicians	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Not mentioned	
Water planning issues	Unreliable statistics	
Funding model	Revenue collection rate: 70%	
Infrastructure issues	Aging infrastructure and the associated high cost of maintenance.	
Electricity issues	Not mentioned	

Ecological drivers	Capacity of raw water resources particularly in seasons with low rainfall.
Consumer issues	Increasing demand and exceedance of the design capacity of the plant, and increasing demand as the municipality addresses the water backlogs.
Water services intermediaries	Majority of the water services backlogs are for households on farms in the rural areas
Third-party interference	-Allegations of corruption for Mpumalanga - Province (Parliamentary oversight report)
Intergovernmental coordination	Not mentioned
Scale	
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	Not mentioned
Low literacy and education levels	No Schooling: 5.1%, tertiary ed 9.7%
Infrastructure backlogs	11.5% for water services
Limited yellow fleet	Not mentioned
Human resource capacity	Compliance with regulations relating to compulsory national standards for process controllers and water service works

*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the Emakhazeni Local Municipality range from 43 083 (*Blue Drop Report*) to 50 165 (2022 Census). The population growth rate of 0.59% is lower than the national average of 1.3%. There is no female majority and 23.3% of the population are under the age of 15. The dependency ratio of 42.8 is lower than the reported national 2024 average of 48.4 and the global average of 58.4.¹ There is an average rate of unemployment (expanded definition) at 29.1%.

KEY IMPLEMENTATION INDICATORS

The Emakhazeni Local Municipality is authorised to provide water services and does so by operating 4 water treatment works. Raw water is abstracted from, amongst others Belfast Dam, Dullstroom, Dorpsdam, Elands River and groundwater from various collieries.

In terms of physical access, 90.6% of consumers reportedly have a water connection in their yard, although only 80.1% enjoy water piped into their dwellings. A further 9.4% of the population have access to a communal source within 200m of their dwellings, but 0% rely on communal sources further than 200m away, which is a mild concern. The service delivery point/household coverage ratio is 0.72 meaning that the current service delivery points cover 72% of the households counted in the 2022 Census.

The Emakhazeni Local Municipality does not provide a universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. Despite the high levels of unemployment, only 24.7% of service delivery points are covered by the indigency policy. Since 2017, the number of households benefiting from the indigency policy has increased. No information could be found on the Municipality's tariff structure.

In terms of adequacy, for the financial year 2021/22 there was no information on the number of water interruptions the community experienced. However, there is a major concern with water quality, with the Emakhazeni Local Municipality reporting microbiological compliance at 93.1% and chemical acute compliance at 0% and chronic at 0%.

Water use efficiency is a major concern. The *Blue Drop* score of >250 l/p/d is extremely poor. According to the 2021/22 Auditor-General report, 35.6% of all water produced is non-revenue water.

REASONABLE MEASURES

The Emakhazeni Local Municipality has a water services by-law, a valid Indigent Policy and a WSDP (outdated).

The Emakhazeni Local Municipality's financial indicators between 2021/22 and 2024/25 show that the municipality's own revenue is not enough (62%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is not

enough to cover capital and operational expenditure. The capital budget allocated to the renewal of all the municipality's infrastructure assets ranged between 15% to 34%,² and maintenance spend ranged from 4% to 6%.³ The revenue collection rate has fluctuated between 70% and 87% according to MFMA Schedule C datasets.

There are reportedly 16 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 shortfall of 5 process controllers, 1 supervisor, and 2 technicians.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

The key systemic drivers of rights non-compliance in the Dr JS Moroka Local Municipality are:

- **Leadership issues:** None mentioned.
- **Water planning issues:** Unreliable statistics.
- **Funding model:** The Municipality has a low revenue collection rate of 70%.
- **Electricity issues:** None mentioned.
- **Infrastructure issues:** The Municipality has aging water services infrastructure and experience high maintenance costs.
- **Ecological drivers:** The Municipality experiences capacity issues and the availability of raw water particularly in seasons with low rainfall.
- **Consumer issues:** Increasing demand exceeds the design capacity of the WTW. The Municipality also struggles to address its water backlogs.
- **Third-party interference:** There are some allegations of corruption in the Mpumalanga province as in the Parliamentary oversight report.
- **Scale:** Water services in the Emakhazeni Local Municipality are spread out over 4 736km².

OVERSIGHT

1. Based on its 2021 Inquiry on the State of Service Delivery in Municipalities within Mpumalanga, the SAHRC made specific findings and issued directives against the Dr Pixley Ka Seme Local Municipality (see Table: Oversight).
2. Parliament: The Select Committee on Co-Operative Governance and Traditional Affairs, Water, Sanitation and Human Settlements conducted Forensic Investigations in Mpumalanga Local Municipalities in Terms of Section 106 of the Local Government: Municipal Systems Act of 2000 (November 2022): The allegations include complaints of fraud and corruption in water services-related procurement. The Committee recommended that the MEC for CoGTA, NPA, SIU, and Hawks should fast-track investigations and prosecution where needed.
3. Mpumalanga Provincial COGTA submitted an overview report on water and sanitation services in the province (March 2022).

Expanded Table

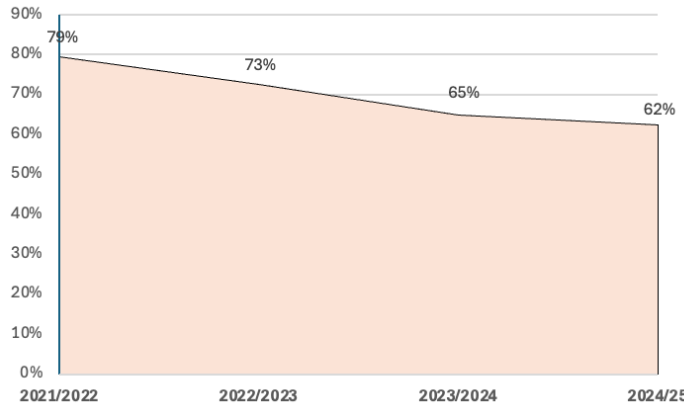
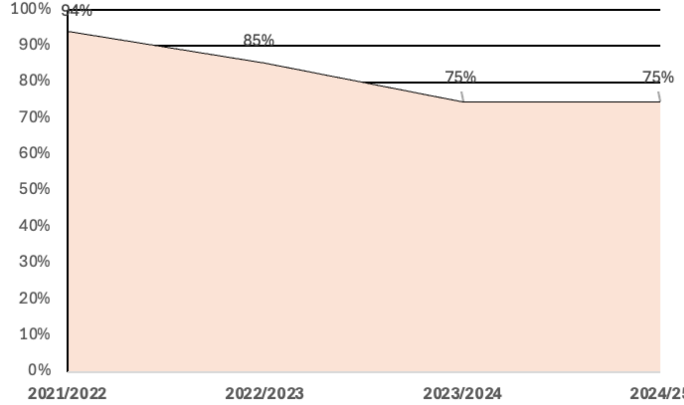
Indicator	Measurement	Sources
Name of the WSA	Emakhazeni Local Municipality	
Geographical information about the WSA. Positioning in the province etc. About two sentences.	Formerly the Highlands Local Municipality, situated in the Nkangala District Municipality in Central Mpumalanga	Usually, Wikipedia
Spatial extent	4,736km ²	https://municipalities.co.za/overview/1156/emakhazeni-local-municipality
Municipal Wards	8	IDP 2022-2027, 2023/2024 review
Traditional Authorities	No easily accessible information, but IDP stresses need for involving traditional authorities as equal development partners.	IDP 2022-2027, 2023/2024 review, p. 547
Is the WSA authorized to provide water services?	yes	
Is the WSA currently providing water services?	bulk water treatment and distribution	IDP 2022-2027, 2023/2024 review, p. 546
Method of service provision	self	IDP 2022-2027, 2023/2024 review, p. 546
Context indicators		
Details of any water related stresses experienced within the past five years.	During February 2023, this province experienced flooding which impacted infrastructure and increased the risk of water borne diseases. https://www.sanews.gov.za/south-africa/cogta-deputy-minister-visits-flood-hit-areas-mpumalanga .	
Demographics		
Population	43 083 (<i>Blue Drop</i>) 50 165 (2022 Census) 48,729 (IDP 2022-27)	2023 <i>Blue Drop Report</i> , p. 308; https://municipalities.co.za/demographic/1156/emakhazeni-local-municipality ; IDP 2022-2027, 2023/2024 review, p. 17
Number of households (Census 2022)	19,613	https://municipalities.co.za/demographic/1156/emakhazeni-local-municipality

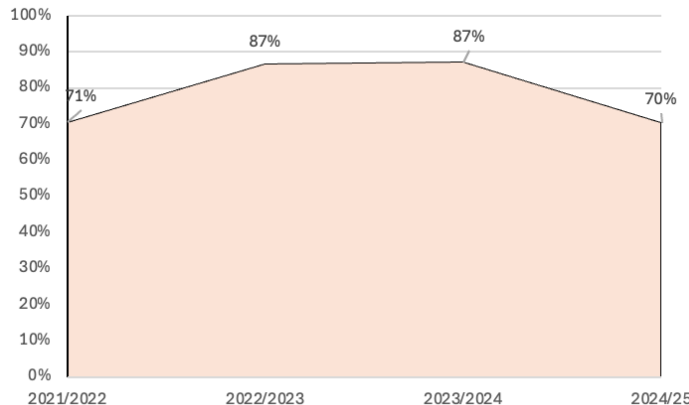
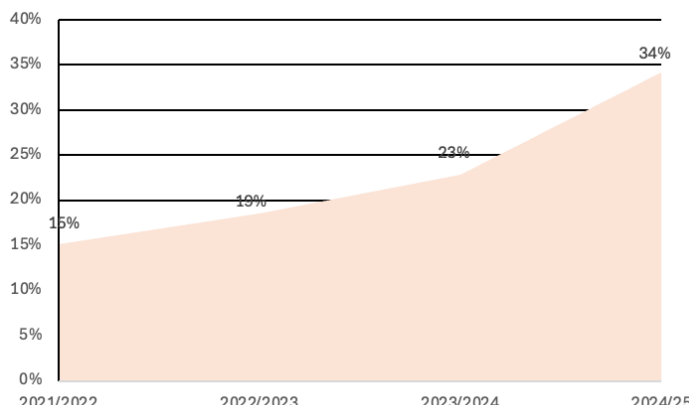
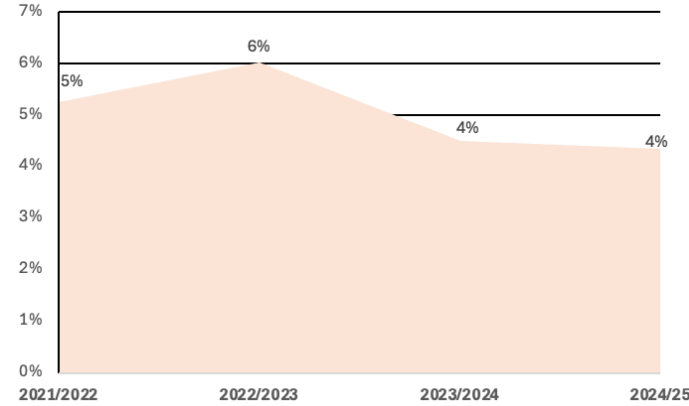
Number of domestic household service delivery points (2021/2022) (Non-Financial Census of Municipalities)	14,239	https://municipalities.co.za/services/1156/emakhazeni-local-municipality
Ratio service delivery points / households	0.72	
Number of non-domestic consumers	2,084	https://municipalities.co.za/services/1156/emakhazeni-local-municipality
Males per 100 females	93.7	https://municipalities.co.za/demographic/1156/emakhazeni-local-municipality
Gender Split	48.3% Male 51.7% Female	
Population growth rate per annum	0.59%	https://municipalities.co.za/demographic/1156/emakhazeni-local-municipality
Education	No Schooling: 13.2% Higher Education: 6.2%	https://municipalities.co.za/demographic/1156/emakhazeni-local-municipality
Financial capacity		
Economically active population (15-64)	70.0%	https://municipalities.co.za/demographic/1156/emakhazeni-local-municipality
Unemployment rate	29.1%	Emakhazeni Municipality, <i>Annual Report 2023/2024</i> , p. 57
Dependency ratio	42.8	https://municipalities.co.za/demographic/1156/emakhazeni-local-municipality
Population under 15	23.3%	https://municipalities.co.za/demographic/1156/emakhazeni-local-municipality
Universal FBW Allowance	no	Emakhazeni Municipality,

			Annual Report 2023/2024, p. 50
Number of service delivery points receiving FBW: 2021/22	3,513		https://municipalities.co.za/services/1156/emakhazeni-local-municipality
Percentage of FBW service delivery points	24.7%		
Increase/decrease of FBW 2017/2018 – 2021/2022	3,014 to 3,513 Increase		https://municipalities.co.za/services/1156/emakhazeni-local-municipality
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	S 140: 2 triggers and s 138: 2 triggers		NT Municipalities Meeting Criteria, item 177
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 [the headings of the column in which you see TRUE]
	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?	no		NT Municipalities Meeting Criteria, item 177
Is the municipality currently subject to a provincial intervention?	no		AGSA Website Based Report 2023/24 And www.municipalities.co.za

Water management			
Is the rainfall within the WSA area (July 2022 to January 2023) above or below the average rainfall (464mm) for South Africa?	300 – 500mm		WeatherSA, Historical Rain map
Water abstraction authorized?	no		2023 <i>Blue Drop Report</i> p. 306
Volume of authorized/(unauthorized) water abstraction?	(11,108 kl/d)		2023 <i>Blue Drop Report</i> p. 306
How many water treatment plants are in the WSA's water services network?	Emakhazeni WSA manages 4 WTWs, 11 pump stations, 0 km of bulk water supply lines, 0 km of reticulation pipelines and 12 reservoirs. Total design capacity is 11.7 MI per day. All of the capacity is available. Average production: 11.1 MI per day 95% of capacity is used 2023 <i>Blue Drop</i> critical risk: 2 (Belfast and Dullstroom)		2023 <i>Blue Drop Report</i> , p.294, 304, p. 323
How many biophysical water sources does this WSA have access to?	River	☒	2023 <i>Blue Drop Report</i> , p. 323
	Dam	☒	
	Saltwater	☐	
	Groundwater	☒	
Names of rivers and dams	Belfast Dam, Dullstroom, Dorpsdam, Elands River		2023 <i>Blue Drop Report</i> , p. 323
How many infrastructure water sources does this WSA have?	Water reclamation	☐	IDP 2020/21, p 140
	Desalination	☐	
	From natural source	☒	
Political Stability			
Is there a coalition government?	No ANC 10, EFF 3, DA 2		https://municipalities.co.za/management/1156/emakhazeni-local-municipality
Has there been mayoral instability in the last 5 years?	Nothing reported in popular media.		
MM/CFO Snapshot	AGSA Website Based Report 2021/22		AGSA Web Based Report 2021/22
	Is the council established?	Yes	
	Council instability the previous year?	Yes	
	MM vacancy at the end of the year?	No	
	Number of months the MM has been in position.	23	

	CFO vacancy at the end of the year?	No	
	Number of months the CFO has been in position.	1	
Policy Efforts			
Water By-law			
Is there a water by-law?	yes		
Citation of by-law	Water Supply and Sanitation Services By-Laws, Local Authority Notice 61 of 2018, <i>Provincial Gazette</i> 2708		
Mark with "yes" if the by-law makes provision for the following:	Matters incidental to providing water services to residents,	yes	
	including communal sources	yes	
	Protecting water supply systems.	yes	
	Prohibiting wasting water	yes	
	Prohibiting illegal connections		
	Sets out standards for water installations and maintaining water infrastructure	yes	
	The installation and upkeep of fire extinguishing systems	yes	
	How service charges are calculated and levied	no	
	Measures to ensure the quality of potable water	no	
	Preventing water pollution	yes	
	Anything else?	water restrictions, boreholes	
Water Services Development Plan			
Is there a water services development plan?	Yes		IDP 2022-2027, 2023/2024 review
The validity duration of the plan (which years)	Approved by Council in 2014, needed to be reviewed in the 2019/20 financial year		IDP 2022-2027, 2023/2024 review
General Policy Framework			
Is there an Indigent Policy?	yes		Indigent Policy

IDP												
Water services issues identified in the IDP	Aging infrastructure and the associated high cost of maintenance. Capacity of raw water resources particularly in seasons with low rainfall. Compliance of process controllers to the regulations relating to compulsory national standards for process controllers and water service works in line with the Water Services Act, 1997. Increasing demand and exceedance of the design capacity of the plant due to growth and increasing demand as the municipality addresses the water backlogs. This highlight the necessity for a detailed water master plan for all towns and townships projecting 10 – 15 year horizon to allow capital expenditure to be estimated and applied for to allow water systems to be upgraded to ensure the network capability is always in front of the demand. Most of the backlog is for households on farms in the rural areas.	IDP 2022-2027, 2023/2024 review, p. 101										
Resource Efforts												
Financial Resources												
Budget sufficiency (total budget revenue (excl. capital transfers)/ total budgeted OPEX) x 100	 <table><thead><tr><th>Period</th><th>Budget sufficiency (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>79%</td></tr><tr><td>2022/2023</td><td>73%</td></tr><tr><td>2023/2024</td><td>65%</td></tr><tr><td>2024/25</td><td>62%</td></tr></tbody></table>	Period	Budget sufficiency (%)	2021/2022	79%	2022/2023	73%	2023/2024	65%	2024/25	62%	MFMA Section 71, Schedule C datasets
Period	Budget sufficiency (%)											
2021/2022	79%											
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2024/25	62%											
Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100	 <table><thead><tr><th>Period</th><th>Revenue coverage (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>94%</td></tr><tr><td>2022/2023</td><td>85%</td></tr><tr><td>2023/2024</td><td>75%</td></tr><tr><td>2024/25</td><td>75%</td></tr></tbody></table>	Period	Revenue coverage (%)	2021/2022	94%	2022/2023	85%	2023/2024	75%	2024/25	75%	MFMA Section 71, Schedule C datasets
Period	Revenue coverage (%)											
2021/2022	94%											
2022/2023	85%											
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2024/25	75%											

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>71%</td></tr><tr><td>2022/2023</td><td>87%</td></tr><tr><td>2023/2024</td><td>87%</td></tr><tr><td>2024/25</td><td>70%</td></tr></table>	Period	Revenue collection rate %	2021/2022	71%	2022/2023	87%	2023/2024	87%	2024/25	70%	MFMA Section 71, Schedule C datasets
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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>15%</td></tr><tr><td>2022/2023</td><td>19%</td></tr><tr><td>2023/2024</td><td>23%</td></tr><tr><td>2024/25</td><td>34%</td></tr></table>	Period	Capital budget allocated to renewal of existing assets %	2021/2022	15%	2022/2023	19%	2023/2024	23%	2024/25	34%	MFMA Section 71, Schedule C datasets
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2021/2022	15%											
2022/2023	19%											
2023/2024	23%											
2024/25	34%											
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>5%</td></tr><tr><td>2022/2023</td><td>6%</td></tr><tr><td>2023/2024</td><td>4%</td></tr><tr><td>2024/25</td><td>4%</td></tr></table>	Period	Maintenance spending rate %	2021/2022	5%	2022/2023	6%	2023/2024	4%	2024/25	4%	MFMA Section 71, Schedule C datasets
Period	Maintenance spending rate %											
2021/2022	5%											
2022/2023	6%											
2023/2024	4%											
2024/25	4%											
Infrastructure Resources												
Current infrastructure value	R1,723,356,056	2023 Blue Drop Report, p. 315										
Human and Skills Resources												
Total number of staff employed in water treatment	16 (12 supervisory, 4 technical)	2023 Blue Drop Report; p. 299, 301-2										
Supervisor Staff/WTW Ratio	3.0	2023 Blue Drop Report, p. 299, 301-2										
Technical Staff/WTW Ratio	1.0	2023 Blue Drop Report, p. 301-2										

Staff Shortfall	5 Process Controllers 1 Supervisor 2 Technicians 0 Qualified scientists			2023 <i>Blue Drop Report</i> , p. 299, 301-2
Total number of staff employed in the water services department (excluding water treatment)	No information			
Implementation				
Physical Access				
Physical access to water, number of consumers, and percentage of total consumers. [households]	No communal source	0	0	https://municipalities.co.za/services/1156/emakhazeni-local-municipality
	Communal source +200m	0	0	
	Communal source – 200m	1,343	9.4%	
	Water source in yard	12,896	90.6%	
	Total	14,239		
Piped water inside dwelling	80.1%			https://municipalities.co.za/demographic/1156/emakhazeni-local-municipality
Water Services Backlog	11.5%			IDP 2022-2027, 2023/2024 review, p. 101
Do schools and clinics have access to water on their premises?	All facilities such as schools, clinics and police stations have access to purified water			IDP 2022-2027, 2023/2024 review, p. 101
Economic Access				
Economic access to water.	Free basic water for all	☐		
	Free basic water for Indigent	☒		
	Cross subsidy	☐		
	Prepaid	☐		
Step tariff for households in rand excl VAT. For 2021/22	0 < 30kl			No information
	31kl < 50kl			
	51kl < 80kl			
	81kl <			
Categories of water use:				No information
Adequacy				
Number of interruptions in 2022.	No information			
Media reports on outages:	None			
Quality				
What is the WSA’s blue drop score?	2023: 31.19% 2011: 83.72%			2023 <i>Blue Drop Report</i> , p. 323
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated			
Blue Drop microbiological compliance score	93.1% (2 Excellent WTWs; 2 Unacceptable WTWs)			2023 <i>Blue Drop Report</i> , p. 310

Blue Drop chemical (acute) compliance score	0.0% (0 Excellent WTWs; 4 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 311
Blue Drop chemical (chronic health) compliance score	0.0% (0 Excellent WTWs; 4 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 311
Does the WSA have a contract with the lab to test water samples?	No information	
<i>Green Drop</i> Risk Rating	High Risk	2023 <i>Green Drop Report</i> , p. 335
Efficiency		
Blue Drop Water Use Efficiency Score	258 l/p/d (Poor)	2023 <i>Blue Drop Report</i> , p. 308
No Drop Score 2021/22	5%	2023 <i>No Drop Report</i> , p. 203
Amount of non-revenue water in liters and in rands value.	R 9,2 million which amounts to 35,6% of water purchased or produced.	AGSA Web Based Report 2021/22
Main reasons for water losses.	Strategy, planning and implementation Asset management Technical skills Compliance and performance	2023 <i>No Drop Report</i> , p. 203
Oversight		
Department of Water and Sanitation		
<i>Blue Drop</i> actions	Regulatory surveillance MM required to submit detailed corrective action plan (activities, responsible persons, timelines, expected improvement) - Belfast and Dullstroom WTWs	2023 <i>Blue Drop Report</i> , p. 323
<i>Green Drop</i> actions	None	2023 <i>Green Drop Report</i> , p. 335
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	Paras 47, 48, 50, 71, 78-102, 142

	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.	
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
Middelburg High Court: Parties <i>Department Water and Sanitation</i> <i>Msukaligwa Local Municipality</i>	The Middelburg High Court in Mpumalanga has reaffirmed the regulatory role played by the Department of Water and Sanitation when it found against Msukwaligwa Local Municipality on eight counts brought before the court on Wednesday, 20 September 2023.	Official press release: https://www.gov.za/speeches/msukwaligwa-local-municipality-taken-task-pollution-

	The case relates to non-compliance by the municipality to several directives issued by the department in terms of sections 19 (3) and 53 (1) of the National Water Act, 1998 (Act no. 38 of 1998) for failure to take reasonable measures to prevent pollution of water resources and engaging in in water uses without authorization in Ermelo Waste Water Treatment Works. This comes after the department's Compliance, Monitoring and Enforcement Unit undertook numerous investigations as far back as 2016 and subsequently issued notices and directives to the municipality. The outcomes of the investigations revealed that the Ermelo Waste Water Treatment Works was not authorized for engaging in water uses, not functioning adequately and the sewage was bypassing the process units and discharged straight into water resources, and there were poor operations and maintenance of the plant. Delivering the court order, Judge Bruce Langa ordered the Msukwaligwa Local Municipality to: Immediately cease unlawful water use at the Ermelo Waste Water Treatment Plant; Apply for registration of water use as set out in section 21 (f and g) of the National Water Act; Immediately take corrective measures to stop discharge of poor-quality effluent to prevent further pollution of water resources; Appoint a suitably qualified environmental consultant to compile a rehabilitation plan which must include the nature and impact of pollution has had or may have on the water resources; the measures that will be implemented to remediate the impact and clear time frames; The rehabilitation plan must be compiled within 30 days from the date of the order of the court and submitted to the department for approval; The municipality must implement all remedial actions contained in the rehabilitation plan within 30 days from the approval of the plan by the department; The municipality to compile a close out report after the completion of the rehabilitation to be submitted to the department within 14 days of completion of the rehabilitation activities; The costs of the application by the department are to be paid by the municipality. Judge Langa said the Department of Water and Sanitation acted in good faith and made many reasonable efforts to make the municipality to account of its actions or non-actions, including the issuing of notices and directives.	<u>water-resources-21-sep-2023-0000</u> Media Report: https://www.citizen.co.za/news/south-africa/courts/msukwaligwa-municipality-guilty-water-polluting-dws-court-latest/
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	“The Applicant in my judgement was entitled to approach the court for relief once it became clear that the Respondent was not responding to the various notices in terms of which it was directed to take certain measures to correct the issues identified repeatedly in various reports dating back as far back as 2016. In this case the Respondent clearly remained supine despite the critical problem that was raised many times by the Applicant,” said Judge Langa. To this end, the Department of Water and Sanitation will, on Friday, 22 September 2023, issue a letter of intent to open a criminal case against Msukaligwa Local Municipality, should they fail to submit an action plan with clear time frames and budget. The Department is pleased by this court order and hopes that it will send a strong message to other institutions and serve as a deterrence to transgress provisions of the National Water Act.	
SAHRC Reports		
Were any reports received and investigated on the right to water by the SAHRC?	yes	
Instruction issued to the MEC for Education Mpumalanga on water and sanitation in education facilities. Letter sent on 27 September 2021.	10. In accordance with its aforementioned Constitutional and statutory powers, the Commission kindly requests the following – 10.1. An action plan with clear and urgent timelines for: 10.1.1. the provision of sufficient water and sanitation facilities to the relevant schools mentioned in paragraph 4 above that meet the minimum requirements set out in the Norms and Standards. 10.1.2. the upgrading of water and sanitation facilities where necessary in all other schools in the Province in order to meet the minimum standards outlined in the Norms and Standards, including the replacement of pit latrines with other acceptable forms of sanitation in accordance with the Norms and Standards (where applicable). 10.1.3. the closing and securing of existent unsafe sanitation structures, including the closing and securing of pit latrines and other sanitation facilities no longer in use (where applicable). 10.1.4. to the extent necessary, the provision of temporary measures to ensure access to sufficient, acceptable water and sanitation pending the finalisation of the State's plan to provide longer term water and sanitation infrastructure in all schools compliant with the Norms and Standards and its Constitutional obligations. - It also sets out details for the plan in 10.1. - And that progress reports be submitted to the SAHRC every month on the implementation of the said plan.	

Complaint received against hospitals in Mpumalanga alleging lack of water. DA lodged complaint.	- Mapulaneng Hospital in Bushbuckridge was being probed for alleged water shortages. Unable to find information on the outcome of the investigation.	https://www.sahrc.org.za/index.php/sahrc-media/news/item/2817-sahrc-probes-3-mpumalanga-hospitals-for-alleged-lack-of-medical-services-water-shortages
Complaints received from communities about service delivery failures, including inadequate water services. Press Release Dated 11 February 2022	From 27 September 2021 to 1 October 2021, the Commission in Mpumalanga conducted an investigative inquiry into service delivery challenges within local municipalities in Mpumalanga. The inquiry followed service delivery complaints against various local municipalities in the province over the years. The issues raised in the various complaints included the failure by municipalities to provide water and housing, sewage spillages, sewage treatment challenges, electricity outages, non-collection of refuse and potholes on the roads. 1. Unable to find information on the outcome of the investigation.	https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/2952-media-advisory-sahrc-s-investigative-inquiry-into-the-state-of-service-delivery-within-local-municipalities-in-mpumalanga
Investigative Inquiry into the State of Service Delivery within municipalities in Mpumalanga, 2021 (published 2024)	Findings against EMLM: ELM admitted there WTW in its jurisdiction falls short of meeting the required demand. The infrastructure of the municipality has aged, resulting in effective service delivery. There is a high vacancy rate of critical positions resulting in ineffective service delivery. There is high revenue loss due lack of revenue collection and tempering of meters. There are frequent power outages resulting from the overload of the electricity network and the tempering of meters. The planning of the municipality is premised on old statistics dating back from 2016 which renders the planning ineffective as the population has grown significantly in the last five years. Directives against EMLM: Within ninety (90) days of this report, submit a detailed council-approved plan on the municipality's plan to eradicate the aged infrastructure.	SAHRC, <i>Investigative Inquiry into the State of Service Delivery within Municipalities in Mpumalanga, 2021</i> (2024, p. 244-5).

	Within ninety (90) days of this report, the municipality is directed to provide the Commission with a report on the progress of filling of the critical posts, the report should also indicate how many of the critical posts are still vacant, the reasons thereof and anticipated dates of filling the vacancies. Within ninety (90) days of this report submit a comprehensive council-approved plan on its plans to enhance revenue collection. Within ninety (90) days of this report submit a comprehensive council-approved plan on its plans to deal with the electricity illegal connections within its jurisdiction. The municipality is directed, subject to the availability of funds, to work closely with StatsSA for the acquisition of recent and updated statistics in ensuring that its planning is premised on updated information.	
Parliament		
Report of the Select Committee on Co-Operative Governance and Traditional Affairs, Water, Sanitation and Human Settlements on Forensic Investigations Conducted in Mpumalanga Local Municipalities in Terms of Section 106 of the Local Government: Municipal Systems Act of 2000: Dated 23 November 2022	- conducted proactive oversight - cannot or does not fulfil a statutory obligation binding on that municipality or that maladministration, fraud, corruption or any other serious malpractice has occurred or is occurring in a municipality - As part of ensuring executive accountability and performing parliamentary oversight on matters related to corruption, fraud and maladministration. - Amongst the allegations are complaints of fraud and corruption in water services-related procurement. Recommendations made that the MEC for CoGTA, NPA, SIU, and Hawks should fast-track investigations and prosecution where needed.	
Other Oversight Institutions	2.	
Provincial COGTA: Provincial Overview Report on Water and Sanitation Services 15 March 2022	Interventions - Work has been completed in the Standerton Water Treatment Works to address filters and pipes which are making the plant ineffective. Further the Department is finalizing an intervention to repair and maintain motors and pumps if various treatment works in Chief Albert Luthuli municipality. - Municipal project managers supported improving performance on the implementation of infrastructure projects funded through various grants (MIG, IUDG, RBIG and WSIG). - COGTA is intervening in terms of project preparation, master planning, asset care, revenue enhancement and spatial restructuring. - Public-Private Growth Initiative is on board through the DDM approach in mobilizing private sector funding.	

	- DDM One Plan aligned to 6th Municipal Administration to revamp the priority of infrastructure development to address service delivery anomalies. - Expediting the implementation of the Mountain View Regional/Mbombela Dam. - Re-allocation of grants by DWS to the Emalahleni municipality for the implementation of water and sanitation infrastructure. - Assess the possibilities for further grant injections to municipalities with bulk infrastructure challenges. - Prioritize DR JS Moroka municipality in dealing with its acute bulk water supply challenges including immediate engagements with the City of Tshwane. - Accelerate the Implementation of the Loskop Bulk Water scheme to stabilise bulk water supply for Thembelesile Hani municipality. - Accelerate the operation of the Hoxane Bulk water scheme for the equitable distribution between Bushbuckridge and City of Mbombela municipalities by finalising the Service Level Agreement between the parties. - Mobilization of the private sector through the District Development Model across the three districts to support municipalities in addressing infrastructure challenges. - Accelerate the review of the Provincial Water Master Plan to address issues of ageing infrastructure and backlog. - Maintenance and upgrade of the ageing infrastructure projects of all treatment plants in the province to improve water quality. 3. Improve Infrastructure planning, upgrading and maintenance through implementation of programmes supported by DBSA such as Infrastructure Project Preparation, Master Planning and Asset care.	
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Sources:

- Auditor-General of South Africa MFMA Report for 2021/22 <https://mfma-2022.aqsareports.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 Report 2023
- 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
- 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

- Local Municipality *Annual Budget 2020/21*
- Local Municipality *Integrated Development Plan 2020/21*
- Local Municipality *Indigent Policy*