

WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

GOVAN MBEKI LOCAL MUNICIPALITY



OCTOBER 2026

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Map

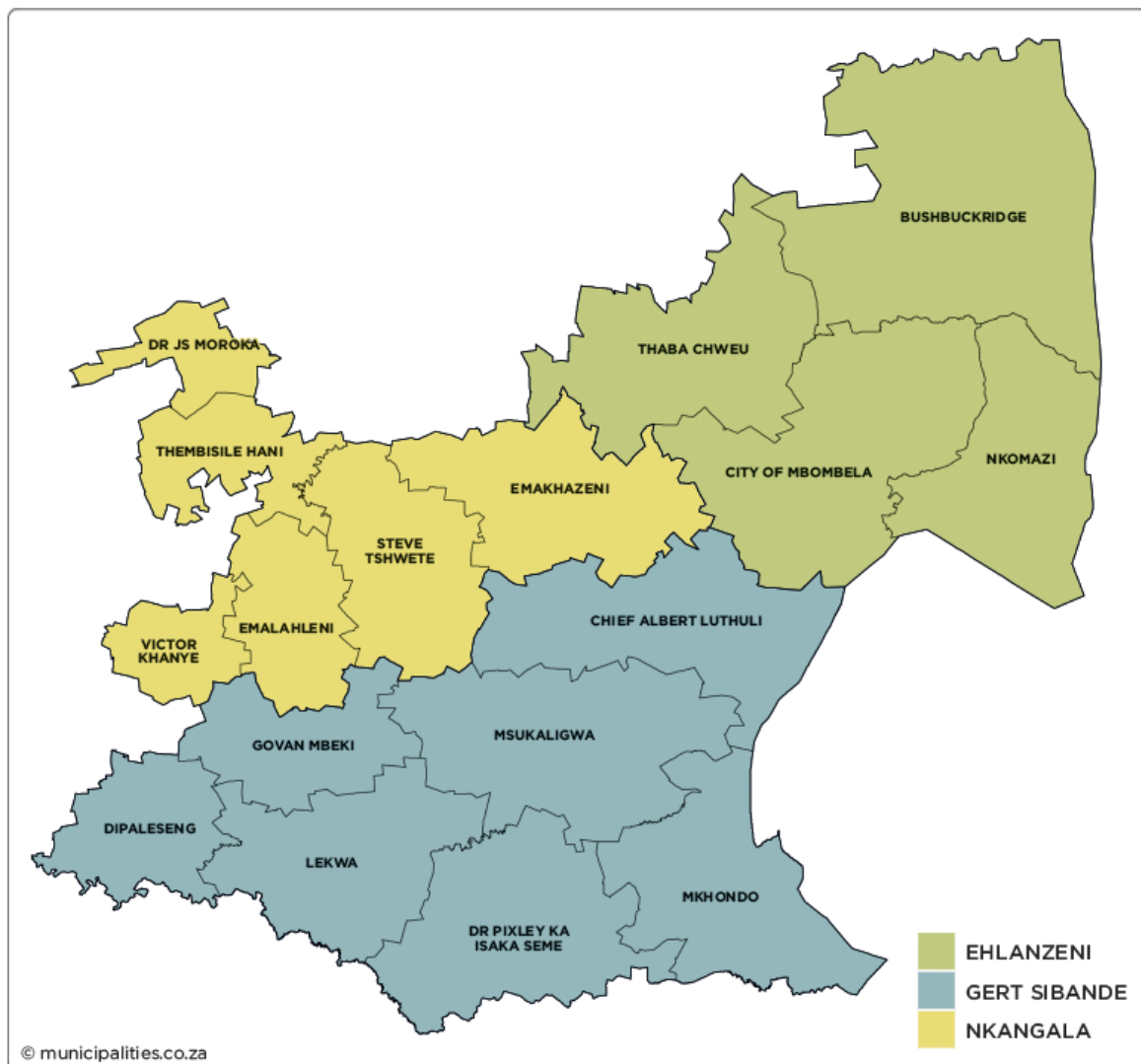


Figure 1: Geographical location of the Govan Mbeki Local Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/6/mpumalanga>).

The Govan Mbeki Local Municipality is one of seven local municipalities, situated in the Gert Sibande District Municipality, South Mpumalanga.

Assessment: Progressive realization of the right to water in Govan Mbeki Local Municipality (GMLM)

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 310,117 (2022 Census, IDP) to 343,157 (<i>Blue Drop</i>) Population growth rate: 0.5% Sex Ratio: No sex majority Dependency: 25.4% under 15; dependency ratio 43.2	
Unemployment	34.9%	
KEY IMPLEMENTATION INDICATORS		
Availability	Water Board, groundwater	
Physical Access	Communal source +200m	1.1%
	Communal source – 200m	4.6%
	Water source in yard	94.3%
	Piped water in house	66.4%
	Service delivery point/household coverage ratio	1.04
Economic Access	Tariff variation: 7 categories incl. Domestic, Indigent, Institutional, Commercial Tariff structure: Increasing Block Tariff (4 blocks, R21.78-R24.44) FBW: Indigent only Indigency: 10.6% of service delivery points, decreasing trend	
Adequacy	During January 2019, Bethal experienced an extended water outage after Rand Water limited its water supply due to non-payment. In June 2023, the WSA still owed Rand Water significant amounts.	
Quality	Microbiological compliance	99.8%
	Chemical (acute) compliance	99.8%
	Chemical (chronic) compliance	90.3%
Efficiency	WUE Score: 264 l/p/d (Extremely poor) Non-revenue water: 35%%	
REASONABLE MEASURES		
Policy Efforts	By-law, Indigency Policy and Register, WSDP	
Financial Resources (2024/25)	Budget sufficiency: 84% Revenue coverage: 87% Renewal spending: 0% Maintenance spending rate: 7%: Revenue collection rate: 84%	
Human Resources	<i>Blue Drop</i> shortfall: 5 Process Controllers, 1 Supervisor, 2 Technicians	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Allegations of maladministration	
Water planning issues	Unreliable statistics	
Funding model	-Financial distress (6 triggers)	

	-Malfunctioning and inaccessible water meters
Infrastructure issues	-Aging infrastructure, causing leaks -No reticulation network to informal settlements and rural areas
Electricity issues	Service interruptions due to load shedding
Ecological drivers	Not mentioned
Consumer issues	Not mentioned
Water services intermediaries	Not mentioned
Third-party interference	-Allegations of corruption for Mpumalanga - Province (Parliamentary oversight report) -Vandalism and theft of meters, reservoir level controllers and hydrant caps (increased from 33% to 48%)
Scale	2,955km ² 1 WTWs, 12 pump stations, 61 km of bulk water supply lines, 1,224 km of reticulation pipelines and 26 reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	Not mentioned
Low literacy and education levels	No Schooling: 7.1%, tertiary ed 8.1%
Infrastructure backlogs	Housing backlog
Limited yellow fleet	Not mentioned
High vacancy rate	High vacancy rate

*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the Govan Mbeki Local Municipality range from 301 117 (*Census 2022, IDP*) to 343 157 (*Blue Drop*). The population growth rate of 0.5% is lower than the national average of 1.3%. There is no female majority and 25.4% of the population are under the age of 15. The dependency ratio of 43.2 is lower than the reported national 2024 average of 48.4 and the global average of 58.4.¹ There is a higher rate of unemployment (expanded definition) at 34.9%.

KEY IMPLEMENTATION INDICATORS

The Govan Mbeki Local Municipality is authorised to provide water services and does so by operating 1 water treatment work. Raw water is abstracted from, amongst others the Vaaldam and groundwater from various collieries.

In terms of physical access, 94.3% of consumers reportedly have a water connection in their yard, although only 66.4% enjoy water piped into their dwellings. A further 4.6% of the population have access to a communal source within 200m of their dwellings, but 1.1% rely on communal sources further than 200m away, which is a mild concern. The service delivery point/household coverage ratio is 1.04 meaning that the current service delivery points cover 104% of the households counted in the 2022 Census.

The Govan Mbeki 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 10.6% of service delivery points are covered by the indigency policy. Since 2017, the number of households benefitting from the indigency policy has decreased. The tariff structure (2021/22) shows an increasing block tariff structure (least expensive block is R21.78, most expensive is R24.44). The municipality has a very diverse range of tariff categories.

During January 2019, Bethal experienced an extended water outage after Rand Water limited its water supply due to non-payment. In June 2023, the WSA still owed Rand Water significant amounts. However, there is a minor concern with water quality, with the Govan Mbeki Local Municipality reporting microbiological compliance at 99.8% and chemical acute compliance at 99.8% and chronic at 90.3%.

Water use efficiency is a major concern. The *Blue Drop* score of >264 l/p/d is extremely poor. According to the 2021/22 Auditor-General report, 35% of all water produced is non-revenue water.

REASONABLE MEASURES

The Govan Mbeki Local Municipality has a water services by-law, a valid Indigent Policy and a WSDP.

The Govan Mbeki Local Municipality's financial indicators between 2021/22 and 2024/25 show that the municipality's own revenue is not enough (84%) 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 0% to 6%,² and maintenance spend ranged from 87% to 111%.³ The revenue collection rate has fluctuated between 70% and 87% according to MFMA Schedule C datasets.

There are reportedly 5 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 1 qualified scientist and 1 technician.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

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

- **Leadership issues:** There are allegations of maladministration within the municipality.
- **Water planning issues:** Unreliable statistics.
- **Funding model:** The Municipality is experiencing financial distress and has challenges with malfunctioning and inaccessible water meters.
- **Electricity issues:** None mentioned.
- **Infrastructure issues:** The Municipality has aging water services infrastructure. There is no reticulation network to informal settlements and rural areas.
- **Ecological drivers:** None mentioned.
- **Consumer issues:** None mentioned.
- **Third-party interference:** There are some allegations of corruption in the Mpumalanga province as in the Parliamentary oversight report. The municipality also struggles with vandalism and theft of meters, reservoir level controllers and hydrant caps.
- **Scale:** Water services in the Govan Mbeki Local Municipality are spread out over 2 955km².

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 Govan Mbeki 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).

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Expanded Table

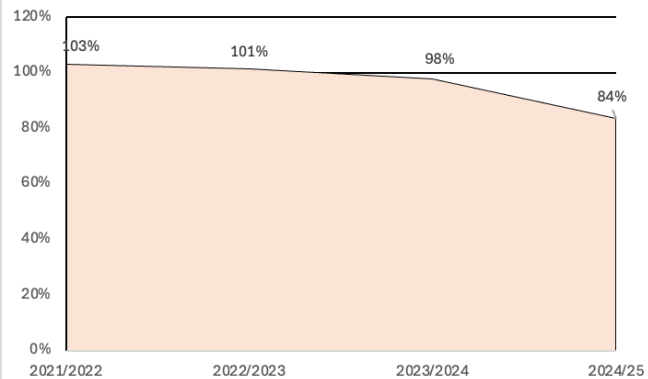
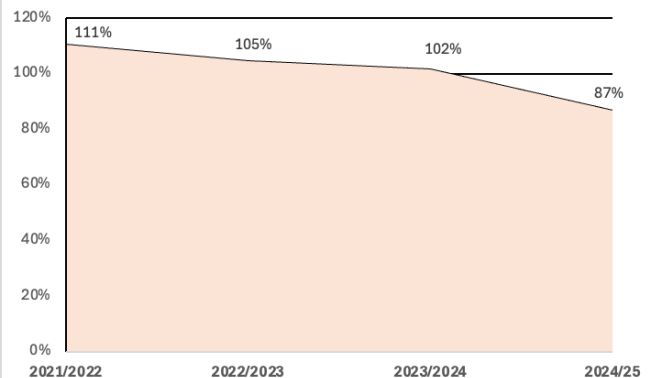
Indicator	Measurement	Sources
Name of the WSA		
Geographical information about the WSA.	One of seven local municipalities that form part of the Gert Sibande District Municipality. Situated in South Mpumalanga.	
Spatial extent	2,955km ²	https://municipalities.co.za/overview/1149/govan-mbeki-local-municipality
Municipal wards	32	IDP 2025/26, p. 11
Traditional Authorities	No easily accessible information	
Is the WSA authorized to provide water services?	yes	IDP 2025/26, p. 211
Is the WSA currently providing water services?	water distribution only	IDP 2025/26, p. 211
Method of service provision	Rand Water	IDP 2025/26, p. 211
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	343,157 (<i>Blue Drop</i>) 310,117 (2022 Census) 310,117 (IDP 2025/26)	2023 <i>Blue Drop Report</i> , p. 308; https://municipalities.co.za/demographic/1149/govan-mbeki-local-municipality ; IDP 2025/26, p. 81
Number of households	103,864(Census 2022)	https://municipalities.co.za/demographic/1149/govan-mbeki-local-municipality
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	108,661	https://municipalities.co.za/services/1149/govan-mbeki-local-municipality

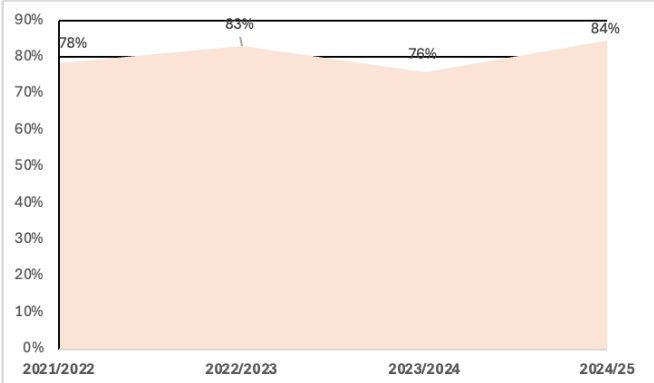
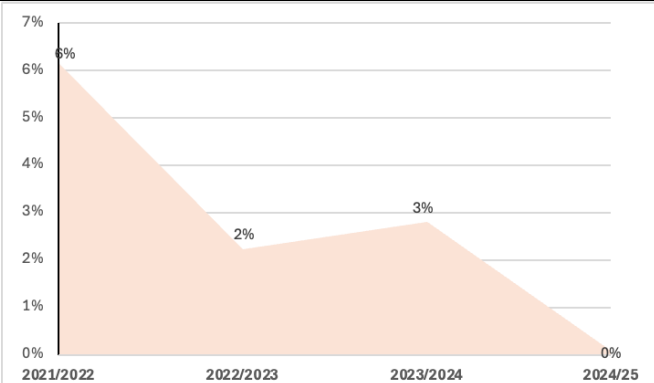
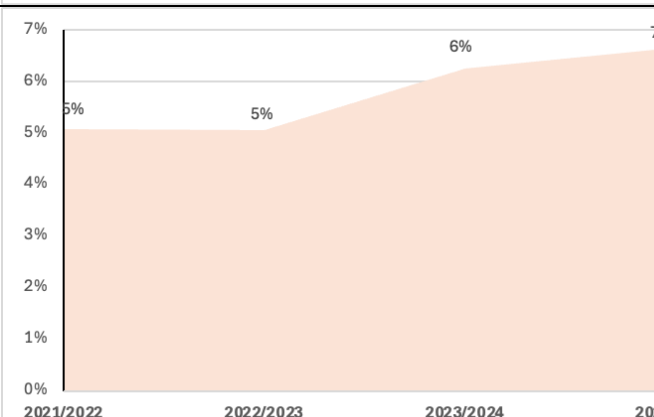
Ratio service delivery points / households	1.04	
Number of non-domestic consumers	7,900	https://municipalities.co.za/services/1149/govan-mbeki-local-municipality
Males per 100 females	100.3	https://municipalities.co.za/demographic/1149/govan-mbeki-local-municipality
Gender Split	50.8% Male 49.2% Female	https://municipalities.co.za/demographic/1149/govan-mbeki-local-municipality
Population growth rate per annum	0.50%	https://municipalities.co.za/demographic/1149/govan-mbeki-local-municipality
Education	No Schooling: 7.1% Higher Education: 8.1%	https://municipalities.co.za/demographic/1149/govan-mbeki-local-municipality
Financial capacity		
Economically active population (15-64)	69.8%	https://municipalities.co.za/demographic/1149/govan-mbeki-local-municipality
Unemployment rate	34.9%	IDP 2025/26, p.82
Dependency rate	43.2	https://municipalities.co.za/demographic/1149/govan-mbeki-local-municipality
Population under 15	25.4%	https://municipalities.co.za/demographic/1149/govan-mbeki-local-municipality

		local-municipality	
Universal FBW Allowance	no	IDP 2025/26, p. 383	
Number of service delivery points receiving FBW: 2021/22	11,515	https://municipalities.co.za/services/1149/govan-mbeki-local-municipality	
Percentage of FBW service delivery points	10.6%		
Increase/decrease of FBW 2017/2018 – 2021/2022	12,819 to 11,515 Decrease	https://municipalities.co.za/services/1149/govan-mbeki-local-municipality	
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	S 140: 3 triggers and s 138: 3 triggers	NT Municipalities Meeting Criteria, item 172	
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 municipality considered to be in financial distress?	Yes	NT Municipalities Meeting Criteria, item 172	

Is the municipality currently subject to a provincial intervention?	Yes	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?	300 – 500mm	WeatherSA, Historical Rain map	
Water abstraction authorized?	No	2023 Blue Drop Report p. 306	
Volume of authorized/(unauthorized) water abstraction?	0 kl/d	2023 Blue Drop Report p. 306	
How many water treatment plants are in the WSA’s water services network?	Govan Mbeki WSA manages 1 WTWs,12 pump stations, 61 km of bulk water supply lines, 1,224 km of reticulation pipelines and 26 reservoirs. Total design capacity is 0 ML per day. 0 ML of capacity is available. Average production: 0 ML per day 0% of capacity is used 2023 Blue Drop critical risk: 0	2023 Blue Drop Report, p.294, 304, p. 325	
How many biophysical water sources does this WSA have access to?	River	☐	2023 Blue Drop Report, p 325
	Dam	☒	
	Saltwater	☐	
	Groundwater	☒	
Names of rivers and dams	Vaal Dam		2023 Blue Drop Report, p. 325
How many infrastructure water sources does this WSA have?	Water reclamation	☒	
	Desalination	☐	
	From natural source	☒	
Political Stability			
Is there a coalition government?	Yes ANC 26, DA 17, EFF 13, VF PLUS 3, ARP. 2, ATM 1, IFP 1	https://municipalities.co.za/management/1149/govan-mbeki-local-municipality	
Has there been mayoral instability in the last 5 years?	In October 2020, it was reported that the mayor (Thandi Ngxonono) resigned shortly before a forensic report was released that implicated her in maladministration. During May 2022, the DA approached the court in an attempt to remove the ANC speaker from council who was voted out with a motion of no confidence in March 2022. It would appear that since the recent local government elections in 2021, Cllr NB Zuma has occupied the mayoral office. - https://www.news24.com/citypress/politics/da-takes-legal-action-to-oust-anc-speaker-in-mpumalanga-municipality-20220516		

	- https://www.thesouthafrican.com/news/govan-mbeki-mayor-ngxonono-resignation-corruption-mpumalanga/ - https://www.citizen.co.za/ridge-times/news-headlines/2021/11/30/zuma-is-re-elected-as-gmm-mayor/		
MM/CFO Vacancy Snapshot	AGSA Website Based Report 2021/22		AGSA Web Based Report 2021/22
	Is the council established?	Yes	
	Council instability the previous year?	No	
	MM vacancy at the end of the year?	No	
	Number of months the MM has been in position.	1	
	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?	yes		By-law
Citation of by-law	Govan Mbeki Municipality Water Supply By-Law, Local Authority Notice 234 <i>Provincial Gazette</i> 2385		By-law
Mark with "yes" if the by-law makes provision for the following:	Matters incidental to providing water services to residents,	X	By-law
	including communal sources	No	
	Protecting water supply systems.	No	
	Prohibiting wasting water	No	
	Prohibiting illegal connections	X	
	Sets out standards for water installations and maintaining water infrastructure	x	
	The installation and upkeep of fire extinguishing systems	x	
	How service charges are calculated and levied	No	
	Measures to ensure the quality of potable water	No	
	Preventing water pollution	No	
	Anything else?	x	

Water Services Development Plan												
Is there a water services development plan?	Yes Water and Sanitation Final Draft Master Plan 2021											
General Policy Framework												
Is there an Indigent Policy?	yes	Indigent Policy, 2016										
IDP												
Issues	-Aging infrastructure, causing leaks -Malfunctioning and inaccessible water meters -Vandalism and theft of meters, reservoir level controllers and hydrant caps (increased from 33% to 48%) -No reticulation network to informal settlements and rural areas -Service interruptions due to load shedding -High vacancy rate	IDP 2025/26, p.211, 301, 346										
Resource Efforts												
Financial Resources												
Budget sufficiency (total budget revenue (excl. capital transfers)/ total budgeted OPEX) x 100	 <table><tr><th>Period</th><th>Budget Sufficiency (%)</th></tr><tr><td>2021/2022</td><td>103%</td></tr><tr><td>2022/2023</td><td>101%</td></tr><tr><td>2023/2024</td><td>98%</td></tr><tr><td>2024/25</td><td>84%</td></tr></table>	Period	Budget Sufficiency (%)	2021/2022	103%	2022/2023	101%	2023/2024	98%	2024/25	84%	MFMA Section 71, Schedule C datasets
Period	Budget Sufficiency (%)											
2021/2022	103%											
2022/2023	101%											
2023/2024	98%											
2024/25	84%											
Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100	 <table><tr><th>Period</th><th>Revenue Coverage (%)</th></tr><tr><td>2021/2022</td><td>111%</td></tr><tr><td>2022/2023</td><td>105%</td></tr><tr><td>2023/2024</td><td>102%</td></tr><tr><td>2024/25</td><td>87%</td></tr></table>	Period	Revenue Coverage (%)	2021/2022	111%	2022/2023	105%	2023/2024	102%	2024/25	87%	MFMA Section 71, Schedule C datasets
Period	Revenue Coverage (%)											
2021/2022	111%											
2022/2023	105%											
2023/2024	102%											
2024/25	87%											

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>78%</td></tr><tr><td>2022/2023</td><td>83%</td></tr><tr><td>2023/2024</td><td>76%</td></tr><tr><td>2024/25</td><td>84%</td></tr></table>	Period	Revenue collection rate %	2021/2022	78%	2022/2023	83%	2023/2024	76%	2024/25	84%	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>6%</td></tr><tr><td>2022/2023</td><td>2%</td></tr><tr><td>2023/2024</td><td>3%</td></tr><tr><td>2024/25</td><td>0%</td></tr></table>	Period	Capital budget allocated to renewal of existing assets %	2021/2022	6%	2022/2023	2%	2023/2024	3%	2024/25	0%	MFMA Section 71, Schedule C datasets
Period	Capital budget allocated to renewal of existing assets %											
2021/2022	6%											
2022/2023	2%											
2023/2024	3%											
2024/25	0%											
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>5%</td></tr><tr><td>2023/2024</td><td>6%</td></tr><tr><td>2024/25</td><td>7%</td></tr></table>	Period	Maintenance spending rate %	2021/2022	5%	2022/2023	5%	2023/2024	6%	2024/25	7%	MFMA Section 71, Schedule C datasets
Period	Maintenance spending rate %											
2021/2022	5%											
2022/2023	5%											
2023/2024	6%											
2024/25	7%											
Infrastructure Resources												
Current infrastructure value	R990,804,363	2023 <i>Blue Drop Report</i> , 315										
Human and Skills Resources												
Total number of staff employed in water treatment	5 (0 supervisory, 5 technical)	2023 <i>Blue Drop Report</i> ; p. 299, 301-2										
Supervisor Staff/WTW Ratio	0	2023 <i>Blue Drop Report</i> , p. 299, 301-2										
Technical Staff/WTW Ratio	5.0	2023 <i>Blue Drop Report</i> , p. 301-2										
Staff Shortfall	0 Process Controllers 0 Supervisor 1 Technicians	2023 <i>Blue Drop Report</i> , p. 299, 301-2										

	1 Qualified scientist			
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]	Communal source +200m	1,188	1.1%	https://municipalities.co.za/services/1149/govan-mbeki-local-municipality
	Communal source – 200m	5,000	4.6%	
	Water source in yard	102,473	94.3%	
	Total Households	108,661		
Piped water inside dwelling	66.4%			https://municipalities.co.za/demographic/1149/govan-mbeki-local-municipality
Do schools and clinics have access to water on their premises.	no information			
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 < 15kl	21.78	Tariff Policy 2020/21	
	16kl < 35kl	22.83		
	36kl < 60kl	22.83		
	61kl <	24.44		
Categories of water use:	- Domestic Use - Indigent Use - Institutional: Places of worship, public benefit organisations, NGOs and welfare organisations. - Commercial: industrial, government, mining, private schools, private hospitals and clinics and temporal connections for building purposes. - Bulk supply. - Special tariff agreement with council. - Agricultural Use			Tariff Policy 2020/21
Tariffs for schools.	0 < 200kl	25.30	Tariff Policy 2020/21	
	201kl < 1 000kl	23.79		
	1 001kl < 2 500kl	23.47		
	2 501kl <	23.10		
Tariffs for clinics	0 < 6kl	25.30	Final Tariffs 2021/22, p 6	
	6kl < 20kl	23.79		
	21kl < 60kl	23.47		

	61kl <	23.10	
Adequacy			
Number of interruptions in 2022.	No information		
Media reports on outages:	Media reports that during January 2019, Bethal experienced an extended water outage, because Rand Water limited its water supply to the WSA due to non-payment. In June 2023, the WSA still owed Rand Water significant amounts. Rand Water approached the court for legal relief to safeguard the waterboard's ability to remain financially viable. - https://www.timeslive.co.za/news/south-africa/2019-01-20-taps-run-dry-in-bethal-after-municipality-fails-to-pay-r877m-water-bill/ - https://www.citizen.co.za/news/rand-water-takes-legal-action-against-municipalities-owing-r4-billion/		
Quality			
What is the WSA's blue drop score?	2023: 90.8% 2011: 77.5%		2023 <i>Blue Drop Report</i> , p. 325
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated		
Blue Drop microbiological compliance score	99.8% (1 Excellent WTWs; 0 Unacceptable WTWs)		2023 <i>Blue Drop Report</i> , p. 310
Blue Drop chemical (acute) compliance score	99.8% (1 Excellent WTWs; 0 Unacceptable WTWs)		2023 <i>Blue Drop Report</i> , p. 311
Blue Drop chemical (chronic health) compliance score	90.3% (0 Excellent WTWs; 1 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 Risk Rating</i>	Average		2023 <i>Green Drop Report</i> , p. 343
Efficiency			
Blue Drop Water Use Efficiency Score	264 l/p/d (Poor)		2023 <i>Blue Drop Report</i> , p. 308
No Drop Score 2021/22	35%		2023 <i>No Drop Report</i> , p. 207
Amount of non-revenue water in liters and in rands value.	No rand value for water losses was disclosed to the AG, but the WSA lost 34% of potable water produced or brought		AGSA Web Based Report 2021/22
Main reasons for water losses.	Strategy, planning and implementation Asset management		2023 <i>No Drop Report</i> , p. 207

Oversight		
Department of Water and Sanitation		
<i>Blue Drop</i> actions	Regulatory surveillance MM required to submit detailed corrective action plans (activities, responsible persons, timelines, expected improvement) - None	2023 <i>Blue Drop Report</i> , p. 325
<i>Green Drop</i> actions	None	2023 <i>Green Drop Report</i> , p. 343
Judicial Oversight		
Were any judgements delivered that involved water services delivery?	yes	
Full citation of judgement.	Mazibuko and Others v City of Johannesburg and Others [2009] ZACC 28	
Summary of judgement and the impact for future water services delivery.	The state has a duty not to interfere with the enjoyment of socio-economic rights. The state does not have a duty to immediately realise the right to water for everyone; instead, the state must take reasonable legislative and other measures to progressively realise the right within available state resources. It is not the place of the court to determine or quantify what is sufficient water. To assess the reasonableness of the legislative and policy measures used: State must be able to show what information it considered and the process it followed to determine its policy. If the process followed is flawed or the information gathered is inadequate or incomplete, appropriate relief may be sought. The Court's evaluation of the City's Free Basic Water Policy: (1) it has different levels of water provision; (2) the city uses pre-paid and credit meters; (3) provision to register as an indigent; (4) it is reasonable to afford basic water to all, rich and poor; (5) it is acceptable to afford basic water on a per household basis and not per person; (6) water policy was revised regularly; (7) communities too have duties, one such duty is to apply to be registered as an indigent if they wish to claim these benefits. Moving from a deemed consumption system to a pre-paid metered system with a free allocation of basic water is not a retrogressive step. Discontinuation of water for not reloading the meter with credits is not a discontinuation of service as per the Water Services Act and the municipality do not need to follow the giving notice and other related procedures.	Paras 47, 48, 50, 71, 78-102, 142
Full citation of judgement.	Government of the Republic of South Africa v Grootboom [2000] ZACC 19	

Summary of judgement and the impact for future water services delivery.	Access to a right, in this case the water right, would include removing barriers to access the right, empowerment measures, and special measures for vulnerable groups. Measures must ensure access over time to a greater number of people that must be guided by targets. This requires legislation, policies, programmes and plans that ensure the implementation of legislation. All vulnerable groups must at least have access to basic service delivery.	Paras 25 and 21
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.	
Middelburg High Court: Parties <i>Department Water and Sanitation</i> <i>Msukaligwa Local Municipality</i>	The Middleburg 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. 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	Official press release: https://www.gov.za/speeches/msukwaligwa-local-municipality-taken-task-pollution-water-resources-21-sep-2023-0000 Media Report: https://www.citizen.co.za/news/south-africa/courts/msukwaligwa-municipality-guilty-water-

	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. “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.	polluting-dws-court-latest/
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	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-

		<u>hospitals-for-alleged-lack-of-medical-services-water-shortages</u>
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.	<u>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</u>
Investigative Inquiry into the State of Service Delivery within municipalities in Mpumalanga, 2021 (published 2024)	Findings against GMLM: The Commission finds GMLM to be in contravention of sections 24(b) and 152(d) of the Constitution and section 28 of NEMA for failing to adequately address the chronic sewage spillages in its jurisdiction due to dysfunctional WWTWs. GSDM told the inquiry that out of the six (6) WWTW in GMLM, three (3) are dysfunctional. Sewage spillages were observed in various areas of the municipality on the day of the inspection. The municipality has dismally failed to contain the sewage spillages following the investigative report issued against it in 2019. There is a lack of prioritisation of waste management in this municipality. Litter and informal dumping sites were witnessed on the day of the inspection. The Acting Municipal Manager, Ms Tshabalala conceded during the inquiry that the landfills of the municipality are not up to the required standard as they are simply quarry sites. The Commission finds that GMLM is in contravention of section 24 of the Constitution. The Commission finds that GMLM subjects its residents to prolonged hours of power outages, outside loadshedding hours. The power outages have a detrimental effect on the provision of services and businesses. The Commission acknowledges that this is a result of an exorbitant Eskom debt, which is a subject of a dispute in court.	SAHRC, <i>Investigative Inquiry into the State of Service Delivery within Municipalities in Mpumalanga, 2021</i> (2024, p. 232-233).

	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 GMLM: Within ninety (90) days of this report, provide progress on its sanitation projects particularly those aimed at addressing the sewage spillages in the jurisdiction of the municipality and the anticipated dates of finalisation of the said projects. Within ninety (90) days of this report submit a comprehensive council-approved plan on how the municipality plans to deal with the waste management backlog within the municipality. Furthermore, submit a schedule reflecting the areas and days of waste collection in the municipality and an indication of adherence to the schedule. To the extent the schedule is not adhered to, reasons for the deviation and plans to address non-compliance with the schedule. The Commission will not make a directive on the electricity crisis in GMLM as the matter is <i>sub judice</i>. 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:	Interventions	

Provincial Overview Report on Water and Sanitation Services 15 March 2022	- 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 of 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 Thembekele 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	
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	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 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
- 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 2023/24
- Municipality Indigent Policy 2016
- Municipality Tariff By-Law 2020/21
- Municipality Tariff Policy 2021