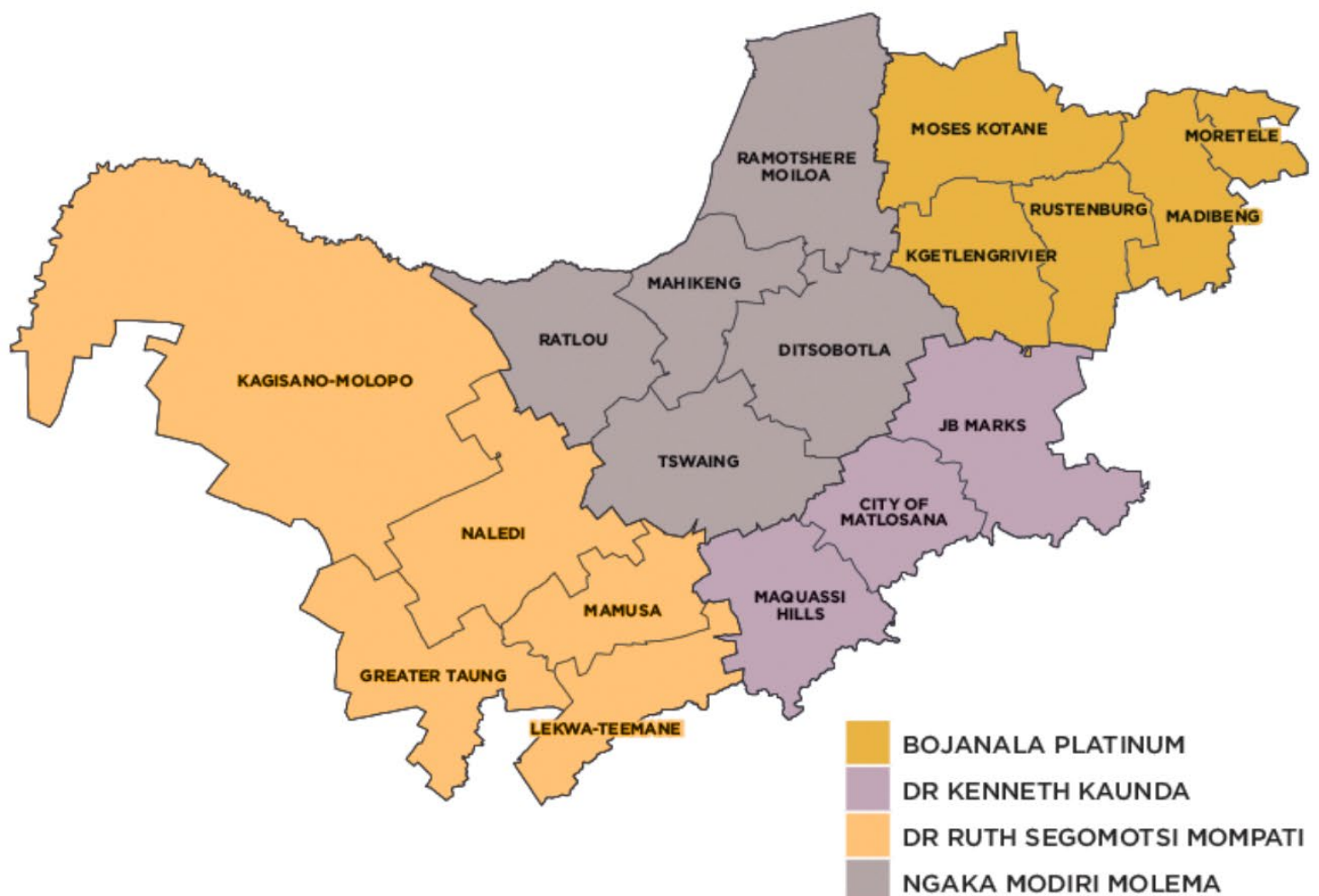


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

MADIBENG LOCAL MUNICIPALITY



OCTOBER 2026



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Map

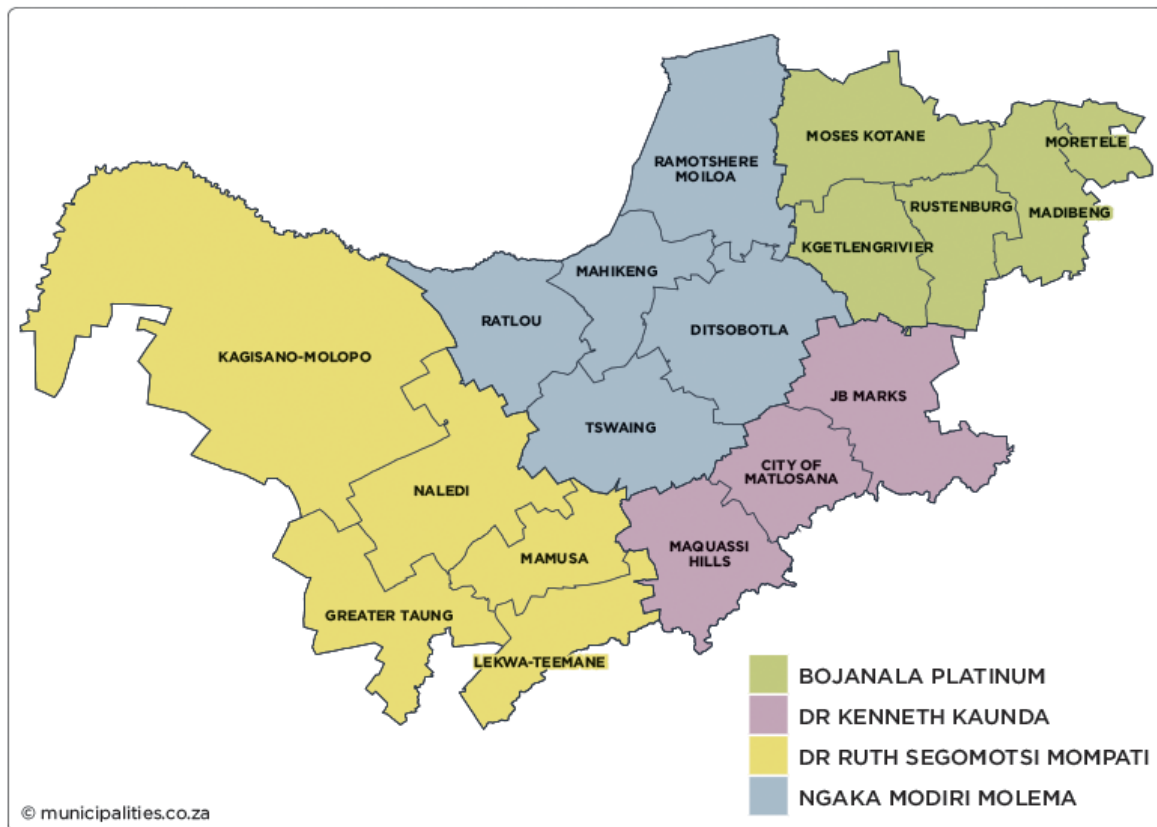


Figure 1: Geographical location of Madibeng Local Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/8/north-west>)

The Madibeng Local Municipality is located in the North West Province within the Bojanala Platinum District. It is one of five municipalities in the district.

Assessment: Progressive realisation of the right to water in Madibeng Local Municipality

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 143,529 (<i>Blue Drop</i>) to 536,111 (IDP) Population growth rate: 0.91% Sex Ratio: Moderate male majority Dependency: 26.3% under 15, dependency ratio: 47.2	
Unemployment	41.7%	
KEY IMPLEMENTATION INDICATORS		
Availability	Rivers and dams 59% capacity used	
Physical Access	Communal source +200m	15.0%
	Communal source – 200m	6.1%
	Water source in yard	78.8%
	Piped water in house	39.4%
	Service delivery point/household coverage ratio	0.94
Economic Access	Tariff variation: Res and business + 8 categories Tariff structure: increasing block tariff (8 blocks R11.85-R32.20) FBW: Indigent only Indigency: 1.7% of service delivery points, increasing trend	
Adequacy	No available information	
Quality	Microbiological compliance	98.2%
	Chemical (acute) compliance	100.0%
	Chemical (chronic) compliance	99.7%
Efficiency	WUE score: 438 l/p/d (extremely high) Non-revenue water: 84%	
REASONABLE MEASURES		
Policy Efforts	By-law, WSDP, no Indigent Policy	
Financial Resources (2024/25)	Budget sufficiency: 100% Revenue coverage: 100% Renewal spending: 20% Maintenance spending rate: 7%:	
Human Resources	Blue Drop shortfalls: 0 Process Controllers, 1 Supervisor, 1 Technician, 2 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	-Management stability: The municipality has not had a substantive municipal manager for 66 months -Political interference: Assailants who carry weapons while engaging in illegal wood harvesting	

	-Corruption: Allegations of high levels of corruption in the municipality causing mistrust between residents and municipality
Water planning issues	-More water tankers required -Poor revenue collection -Illegal water connections -Improved metering, billing and revenue collection is required to increase payment for water -Overloaded and aged infrastructure -Skills shortages in critical positions
Funding model	-Financial distress: financially distressed and under national/provincial intervention -Grant dependence: 11% of revenue comes from grants -Collection rate: Not mentioned
Infrastructure issues	-Population growth outstripping existing infrastructure -Informal settlements upgrades -High number of households without formal water infrastructure
Electricity issues	-Illegal electricity connections -Need to strengthen the existing power structure
Ecological drivers	-Eradication of alien and invasive species
Consumer issues	-Lack of payment for water and electricity by consumers
Water services intermediaries	-Not mentioned
Third-party interference	-Not mentioned
Intergovernmental coordination	-A key threat identified by the municipality is dysfunctional Intergovernmental Relation Structures District Mayors Forum, Municipal Managers Forum
Scale	3,720km ² 2 WTWs, 4 pump stations, 36km of bulk water pipelines, 11 km of reticulation pipelines, 21 water reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	41 municipal wards, 5 traditional authorities
Low literacy and education levels	No schooling: 6.2%, tertiary ed.: 7.2%
Infrastructure backlogs	-The current backlog is 3,000 households that have no access to a basic level of electricity
Limited yellow fleet	-Maintain current fleet and reduce rented fleet
High vacancy rate	-AGSA reports overall vacancy rate is 38,0%, and for senior management is 11,0% -Municipal manager position has been vacant for 66 months and the Chief Financial Officer in position for 4 months
Legal non-compliance	-The Blue Drop Report states that operational and compliance monitoring programs should be

	reviewed and implemented in accordance with SANS241 guidelines.
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*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the Madibeng Local Municipality range from 143 529 (Blue Drop) to 536 111 (IDP). The population growth rate of 0.91% is lower than the national average of 1.3%. There is a moderate female majority and 26.3% of the population are under the age of 15. The dependency ratio of 47.2 is lower than the reported national 2024 average of 48.4 and lower than the global average of 58.4.¹ There is a high level of unemployment (expanded definition) at 41.70%.

KEY IMPLEMENTATION INDICATORS

The Madibeng Local Municipality is authorised to provide water services and can abstract water from the Crocodile River, Hartbeespoort Dam, and Vaal Dam.

In terms of physical access, 78.8% of consumers reportedly have a water connection in their yard, and 39.4% enjoy water piped into their dwellings. About 6.1% of the population has access to a communal source within 200m of their dwellings, and 15% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 0.94 meaning that the current service delivery points cover 94% of the households counted in the 2022 Census.

The Madibeng Local Municipality does not provide a universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. About 1.7% (low) of service delivery points are covered by the indigency policy. Since 2017, the number of households benefiting from the indigency policy has increased. The tariff structure (2021/22) shows an increasing block tariff structure (least expensive block is R11.85, most expensive is R32.20). The municipality has 10 tariff categories.

No reliable data could be found about the number of water services interruptions experienced by the community. There is a concern with water quality, with the Madibeng Local Municipality reporting microbiological compliance at 98.2% and chemical acute compliance at 100% and chronic at 99.7%.

Water use efficiency is extremely high. The *Blue Drop* score of >438 l/p/d is extremely poor. According to the 2021/22 Auditor-General report, 84% of all water produced is non-revenue water, which is a critical concern.

REASONABLE MEASURES

The Madibeng Local Municipality has a valid water services development plan and water services by-law, but does not have a valid indigency policy.

The Municipality's financial indicators between 2021/22 and 2024/25 show that the municipality's own revenue is enough (100%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is enough (100%) to

cover capital and operational expenditure. The portion of capital budget allocated to the renewal of assets ranged between 20% and 31% and maintenance expenditure ranged between 4% and 7%. The revenue collection rate has fluctuated between 86% and 96% according to MFMA Schedule C datasets.

There are 12 municipal officials employed in water treatment. According to the latest *Blue Drop* report, there is a staff shortfall of 1 supervisor, 2 qualified scientists and 1 technician.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

The key systemic drivers of rights non-compliance in the Madibeng Local Municipality are:

- **Leadership issues:** Allegations of political and management instability as well as corruption.
- **Water planning issues:** Skills shortages in critical positions. Overloaded and old infrastructure.
- **Funding model:** The Municipality is in financial distress and is dependent on intergovernmental grants. In addition the Municipality has poor billing practices and needs to improve revenue collection and metering.
- **Electricity issues:** Illegal connections and a need to strengthen current infrastructure.
- **Infrastructure issues:** High backlogs, old infrastructure, rapid population growth and a need to upgrade informal settlements.
- **Ecological drivers:** Invasive species control needed.
- **Consumer issues:** Large debts owed to the Municipality by consumers.
- **Third-party interference:** None mentioned.
- **Scale:** Water services in the Madibeng Local Municipality are spread out over 3 720 km².

OVERSIGHT

1. The SAHRC conducted a site visit on 27 September 2021 into the possible human rights violations as a result of poor water services delivery. (See Table: Oversight for more details.)
2. Collaborative oversight action on 29 March 2022, where the SAHRC, the Premier and the MEC initiated a monitoring and reporting system. (See Table: Oversight for more details.)
3. SAHRC provided a Report in 2013 for George Mkhwanazi VS Madibeng Local Municipality where specific recommendations were made to the municipality to address water service problems in Klipgat. (See Table: Oversight, for more details).

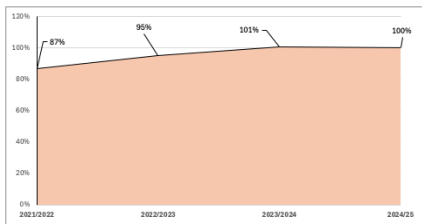
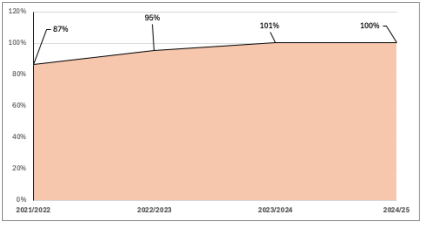
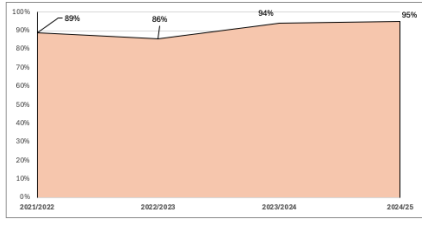
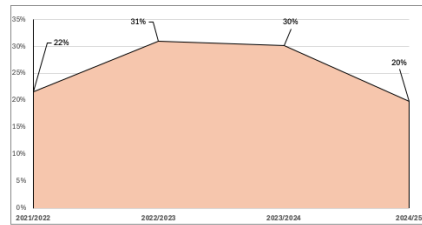
Expanded Table

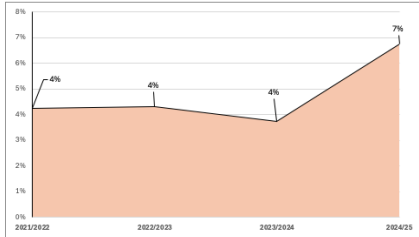
Indicator	Measurement	Sources
Name of the WSA	Madibeng Local Municipality	
Geographical information about the WSA.	One of five local municipalities in the Bojanala District Municipality in North West.	Madibeng Local Municipality - Overview
Spatial extent	3,720km ²	Madibeng Local Municipality - Overview
Municipal wards	41	IDP 2023/24, p. 19
Traditional Authorities	5	IDP 2023/24, p. 35
Is the WSA authorized to provide water services?	yes	IDP 2023/24, p. 98
Is the WSA currently providing water services?	water treatment and distribution	Emalahleni Municipality, <i>Annual Report 2022/2023</i> , p. 43
Method of service provision	self	IDP 2023/24, p. 101
Context indicators		
Details of any water related stresses experienced within the past five years.	North-West is one of the provinces in South Africa that was hit particularly hard by a drought.	https://www.sahrc.org.za/index.php/sahrc-media/news/item/1781-water-and-sanitation-under-spotlight-in-nw
Demographics		
Population	143,529 (<i>Blue Drop</i>) 522,566 (2022 Census) 536,111 (IDP)	2023 <i>Blue Drop Report</i> , p. 359; Madibeng Local Municipality - Demographic IDP 2023/24, p. 14
Number of households (Census 2022)	173,188	Madibeng Local Municipality - Demographic
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	163,109	Madibeng Local Municipality - Services
Ratio service delivery points / households	0.94	
Number of non-domestic consumers	3,225	Madibeng Local Municipality - Services

Males per 100 females	102.8	Madibeng Local Municipality - Demographic	
Gender Split	50.7% Male 49.3% Female		
Population growth rate per annum	0.91%	Madibeng Local Municipality - Demographic	
Education	No Schooling: 6.2% Higher Education: 7.2%	Madibeng Local Municipality - Demographic	
Financial capacity			
Economically active population (15-64)	67.9%	Madibeng Local Municipality - Demographic	
Unemployment rate	41.7%	IDP 2023/24, p 88	
Dependency rate	47.2	Madibeng Local Municipality - Demographic	
Population under 15	26.3%	Madibeng Local Municipality - Demographic	
Universal FBW Allowance	no	IDP 2023/24 p. 93	
Number of service delivery points receiving FBW: 2021/22	2,778	Madibeng Local Municipality - Services	
Percentage of FBW service delivery points	1.7%		
Increase/decrease of FBW 2018/2019 – 2021/2022	1,731 to 2,778 Increase	Madibeng Local Municipality - Services	
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	Section 138 3 triggers Section 140 3 triggers	NT Municipalities Meeting Criteria, item 220	
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.	☒	

	<table border="1"> <tr> <td>Failure to make any payment to Eskom when due that amounts to more than 40% of the operating expenditure.</td><td>☐</td></tr> <tr> <td>Failure to make any payment to the Water Board when due that amounts to more than 40% of the operating expenditure.</td><td>☐</td></tr> <tr> <td>Failure to make any payment to any other creditor when due that amounts to more than 40% of the operating expenditure.</td><td>☐</td></tr> </table>	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.	☐			
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 220								
Is the municipality currently subject to a provincial intervention?	The municipality is under S139 administration, effective from January 2022.	Madibeng Local Municipality - Council & Management								
Water management										
Is the rainfall within the WSA area (July 2022 to January 2023) above or below the average rainfall (464mm) for South Africa?	The mean annual rainfall in the North-West Province shifts from 200-300mm in some of the western parts to 500-600 mm per annum in the most eastern parts. Most of the province receives annual rainfall of between 400-600mm.	WeatherSA, Historical Rain map								
Water abstraction authorized?	yes	2023 <i>Blue Drop Report</i> p. 357								
Volume of authorized/(unauthorized) water abstraction?	100,000kl/d	2023 <i>Blue Drop Report</i> p. 357								
How many water treatment plants are in the WSA's water services network?	Madibeng WSA manages 2 WSSs, 4 pump stations, 36 km of bulk water supply lines, NI km of reticulation pipelines and 21 reservoirs. Total design capacity is 70.0 MI per day. Design capacity available 68.0 MI per day. Average production: 40.0 MI per day 59% of capacity is used 2023 Blue Drop critical risk: 0	2023 <i>Blue Drop Report</i> , p.346, 356, p. 376								
How many biophysical water sources does this WSA have access to?	<table border="1"> <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 <i>Blue Drop Report</i> , p. 376
River	☒									
Dam	☒									
Saltwater	☐									
Groundwater	☐									
Names of rivers and dams	Crocodile River, Hartbeespoort Dam, Vaal Dam	2023 <i>Blue Drop Report</i> , p. 376								
How many infrastructure water sources does this WSA have?	<table border="1"> <tr> <td>Water reclamation</td><td>☐</td></tr> <tr> <td>Desalination</td><td>☐</td></tr> <tr> <td>From natural source</td><td>☒</td></tr> </table>	Water reclamation	☐	Desalination	☐	From natural source	☒	IDP 2020/21, 197		
Water reclamation	☐									
Desalination	☐									
From natural source	☒									
Political Stability										
Is there a coalition government?	ANC ANC 44, EFF 14, DA 12, VF PLUS 4, SM 3, ACDP 1, AIC 1, ALJAMA 1, F4SD 1, UDM 1	Madibeng Local Municipality - Council & Management								

Has there been mayoral instability in the last 5 years?	During October 2022, media reported that the mayor of the WSA was being accused of sexual harassment. - https://www.news24.com/citypress/news/he-touched-my-bum-and-ran-his-hand-down-my-body-madibeng-mayor-accused-of-sexual-harassment-20221008		
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?	Yes	
	Number of months the MM has been in position.	n/a	
	CFO vacancy at the end of the year?	No	
	Number of months the CFO has been in position.	4	
Policy Efforts			
Water By-law			
Is there a water by-law?	yes		By-law
Citation of by-law	LAN 17 in PG 7602 of 2 February 2016		By-law
Mark with “yes” if the by-law makes provision for the following:	Matters incidental to providing water services to residents,	yes	By-law
	including communal sources	yes	
	Protecting water supply systems.	yes	
	Prohibiting wasting water	yes	
	Prohibiting illegal connections	yes	
	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	yes	
	Measures to ensure the quality of potable water	yes	
	Preventing water pollution	yes	
	Anything else?	Temporary supply from fire hydrants. Regulating grey water use. Water restrictions. Water audit	

Water Services Development Plan		
Is there a water services development plan?	Yes.	IDP 2023/24, p 198
The validity duration of the plan (which years)	Adopted 2016, new framework to be developed (2017-2021)	IDP 2023/24, p 192
General Policy Framework		
Is there an Indigent Policy?	none, but provision in budget	Indigent Policy
IDP		
Issues See main Assessment Table.	Poor quality of raw water and therefore the cost of treatment higher than other areas Insufficient water treatment capacity. Water scarcity due to drought Ageing infrastructure	IDP 2023/24, p 198, 260
Resource Efforts		
Financial Resources		
Budget sufficiency (total budget revenue (excl. capital transfers)/ total budgeted OPEX) x 100		MFMA Section 71 Schedule C 2021 to 2025 Reports
Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100		MFMA Section 71 Schedule C 2021 to 2025 Reports
Revenue collection rate % (actual revenue collected / budgeted revenue) x 100		MFMA Section 71 Schedule C 2021 to 2025 Reports
Capital budget allocated to renewal of existing assets (Amount allocated to renewal / Total capital budget) x 100		MFMA Section 71 Schedule C 2021 to 2025 Reports

Maintenance spending rate % (Total maintenance expenditure/total revenue collected) x100				MFMA Section 71 Schedule C 2021 to 2025 Reports
Infrastructure Resources				
Current infrastructure value	R168,075,000			Budget, Sheet A9, Item 138, Adjusted Budget 20/21
Human and Skills Resources				
Total number of staff employed in water treatment	12 (8 supervisory, 4 technical)			2023 Blue Drop Report; p. 351, 353
Supervisor Staff/WTW Ratio	4.0			2023 Blue Drop Report, p. 351
Technical Staff/WTW Ratio	1.3			2023 Blue Drop Report, p. 353
Staff Shortfall	0 Process Controllers 1 Supervisor 1 Technician 2 Qualified scientists			2023 Blue Drop Report, p. 351, 353
Total number of staff employed in the water services department (excluding water treatment)	8			
Implementation				
Physical Access				
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	24,667	15%	Madibeng Local Municipality - Services
	Communal source – 200m	9,921	6.1%	
	Water source in yard	128,521	78.8%	
	Total households	163,109		
Piped water inside dwelling	39.4%			Madibeng Local Municipality - Demographic
Infrastructure backlog	Out of the estimated 102,060 households 14 834 (15.4 %) of the households do not have access to basic water supply.			IDP Report, p. 62.
Do schools and clinics have access to water on their premises.	Out of 334 education facilities, 4 have inadequate access to water services. Out of 31 health facilities, 21 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.

Economic Access				
Economic access to water.	Free basic water for all	☐		Tariff Policy 2021/22
	Free basic water for Indigent	☒		
	Cross subsidy	☐		
	Prepaid	☐		
Step tariff for households in rand excl VAT. For 2021/22	0 < 6kl	R 11.85		Tariff Policy 2021/22
	7kl < 10kl	R 15.03		
	11kl < 15kl	R 21.04		
	16kl < 20kl	R 22.32		
	21kl < 30kl	R 24.90		
	31kl < 40kl	R 26.19		
	41kl < 60kl	R 29.19		
	61kl <	R 32.20		
Categories of water use:	- Residential use. Pensioners are considered indigent. - Public benefit organisations. - Educational institutions. - Health care institutions. - Communal land. - Industrial use. - Business use. - Mining. - Places of worship. - Agricultural land.			Tariff Policy 2021/22
Tariffs for schools.	Education and health facilities pay a flat rate of R 16.19 per kiloliter of water used. This is more expensive than the industrial and mine use tariff, but the same as the business use tariff.			Tariff Policy 2021/22
Notes.				Tariff Policy 2021/22
Tariffs for clinics	Same as schools.			Tariff Policy 2021/22
Adequacy				
Number of interruptions in 2024	No available information			
Media reports on outages:	This WSA no longer fulfils the water service function itself. Province has taken over this function since 2015. However, it does not seem like the state of water services is improving. Multiple media reports from 2022 and 2023 claim that residents experience access to unstable water services. Some go without any supply for months at a time. Loadshedding further exacerbates existing water supply challenges. - https://www.news24.com/citypress/news/residents-in-madibeng-sas-worst-municipality-go-without-water-while-billions-go-to-waste-20230730 - https://www.sabcnews.com/sabcnews/access-to-water-a-basic-right-but-some-communities-in-brits-still-lack-it/ - https://groundup.org.za/article/taps-ran-dry-in-itiireleng-four-months-ago/			

	- https://www.ofm.co.za/article/centralsa/318506/lo-ad-shedding-hampering-water-service-delivery-in-north-west - https://groundup.org.za/article/residents-without-running-water-for-eight-months-in-north-west-town/	
Quality		
What is the WSA's blue drop score?	2023: 50.6% 2011: 36.7%	2023 Blue Drop Report, p. 376
Blue Drop Score Improved/Deteriorated (2011-2023)	Improved	
Blue Drop microbiological compliance score	98.2% (2 Excellent WTWs; 1 Unacceptable WTW)	2023 Blue Drop Report, p. 360-361
Blue Drop chemical (acute) compliance score	100.0% (3 Excellent WTWs, 0 Unacceptable WTWs)	2023 Blue Drop Report, p. 361
Blue Drop chemical (chronic health) compliance score	99.7% (3 Excellent WTWs, 0 Unacceptable WTWs)	2023 Blue Drop Report, p. 361
Does the WSA have a contract with the lab to test water samples?	No information	
Green Drop Risk Rating	High Risk	2023 Green Drop Report, p. 400
Efficiency		
Blue Drop Water Use Efficiency Score	438 l/p/d (Extremely high)	2023 Blue Drop Report, p. 359
No Drop Score 2021/22	5%	2023 No Drop Report, p. 238
Amount of non-revenue water in liters and in rands value.	R24.65 million in water losses amounting to 90% of all water flowing through municipal pipelines	AGSA Web Based Report 2023/24
Main reasons for water losses.	WC/WDM Strategy, Planning and Implementation; Asset Management; Technical Skills; Compliance and Performance	2023 No Drop Report, p. 238
Oversight		
Department of Water and Sanitation		
Blue Drop actions	None	2023 Blue Drop Report, p. 376
Green Drop actions	None	2023 Green Drop Report, p. 402
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	Paras 47, 48, 50, 71, 78-102, 142

	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.	
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	Paras 25 and 21

	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.	
Full citation of Judgement	Kgetlengrivier Concerned Citizens & Another v Kgetlengrivier Local Municipality & Others	
	A group of residents approached the court for an interdict involving the operation of WTW and WWTW. The WSA caused raw sewerage to be pumped into the river and provided water of substandard quality. In addition, the community experienced many service interruptions. The court granted an interim order that authorized the community to employ experts to monitor the sewerage works and waterworks for 10 weeks and to compile a comprehensive report for the court, at the WSA expense. The MM was also ordered to suspend imprisonment for 90 days on condition the WTW be repaired, and clean potable water be supplied in sufficient quantities (this part was later set aside on appeal Kgetlengrivier Concerned Residents and Another v Kgetlengrivier Local Municipality and Others [2023] ZANWHC 29).	
SAHRC Reports		
Where any reports received and investigated on the right to water by the SAHRC?	yes	
SAHRC North-West provincial office to conduct site inspections on 27 September 2021.	On 27 September 2021 to 1 October 2021, the North West Provincial Office of the South African Human Rights Commission ("the SAHRC") will conduct site inspections in various villages and towns in order to investigate allegations of human rights violations by various municipalities. The site inspections are necessitated by hundreds of complaints lodged with the SAHRC relating to allegations of poor service delivery, particularly lack of access to sufficient water, poor water quality, poor sewerage system, lack of access to basic sanitation and poor domestic waste removal.	
SAHRC Report for George Mkhwanazi and Madibeng Local Municipality	The residents of Klipgat C were without access to water for more than five weeks. Finding: - Based on the legislative, constitutional and international human rights obligations, the Commission finds that the Respondent violated the Complainant's right to access to adequate, clean drinking water. - The Respondent further violated the Complainant's right to access information. Recommendation:	

	- The respondent is to increase the water supply to three tanks per section in Klipgat C every second day of the week. - The respondent is to provide the Commission within three months of the date of this finding, with a report indicating interim measures the respondent has put in place to address access to water challenges. - The respondent is to provide the Commission, within three months of the date of this finding, with a Report that sets out immediate measures that the Respondent is taking to remove impurities from the water supplied to the residents of Klipgat C. - The respondent is to provide the Commission with a detailed report within six months of the date of this finding for measures put in place to ensure that the challenge of an adequate supply of water is permanently resolved. - The respondent is to furnish the Commission with the Minutes of every community meeting held at least every three months with the residents in addressing access to water challenges.	
Old, 2013		
Parliament		
None		
Other Oversight Institutions		
Collaborative oversight on 29 March 2022.	The SAHRC, the Premier and the MEC committed to initiating a monitoring and reporting system. Within this system, enhanced, and clear lines of communication and access to information between the SAHRC, the Premier's Office, the Office of the MEC, Local Municipalities, and Communities would be established. To its realisation, the following resolutions will be implemented in the immediate and short-terms: 1. Introducing a referral system from the SAHRC to the Provincial Administration to ensure speedy resolutions of complaints of human rights violations; 2. Instilling monthly meetings between the senior management in the Office of the Premier, COGHSTA and the SAHRC to operationalise the resolutions and monitor the implementation of the referral system; 3. Quarterly meetings between the Premier, MEC and Commissioner Philile Ntuli, who oversees matters pertaining to Local Governance Systems in the SAHRC, with / or other Commissioners; and 4. The Office of the Premier to provide a copy of the Mafereka Commission of Inquiry Report to the SAHRC. Affected communities in the North-West Province will be continuously appraised of the status of their complaints, and the outcomes of monthly and quarterly meetings.	https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/3034-media-statement-the-sahrc-and-premier-of-the-north-west-province-initiate-a-monitoring-and-reporting-system-to-address-service-delivery-backlogs

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- 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>