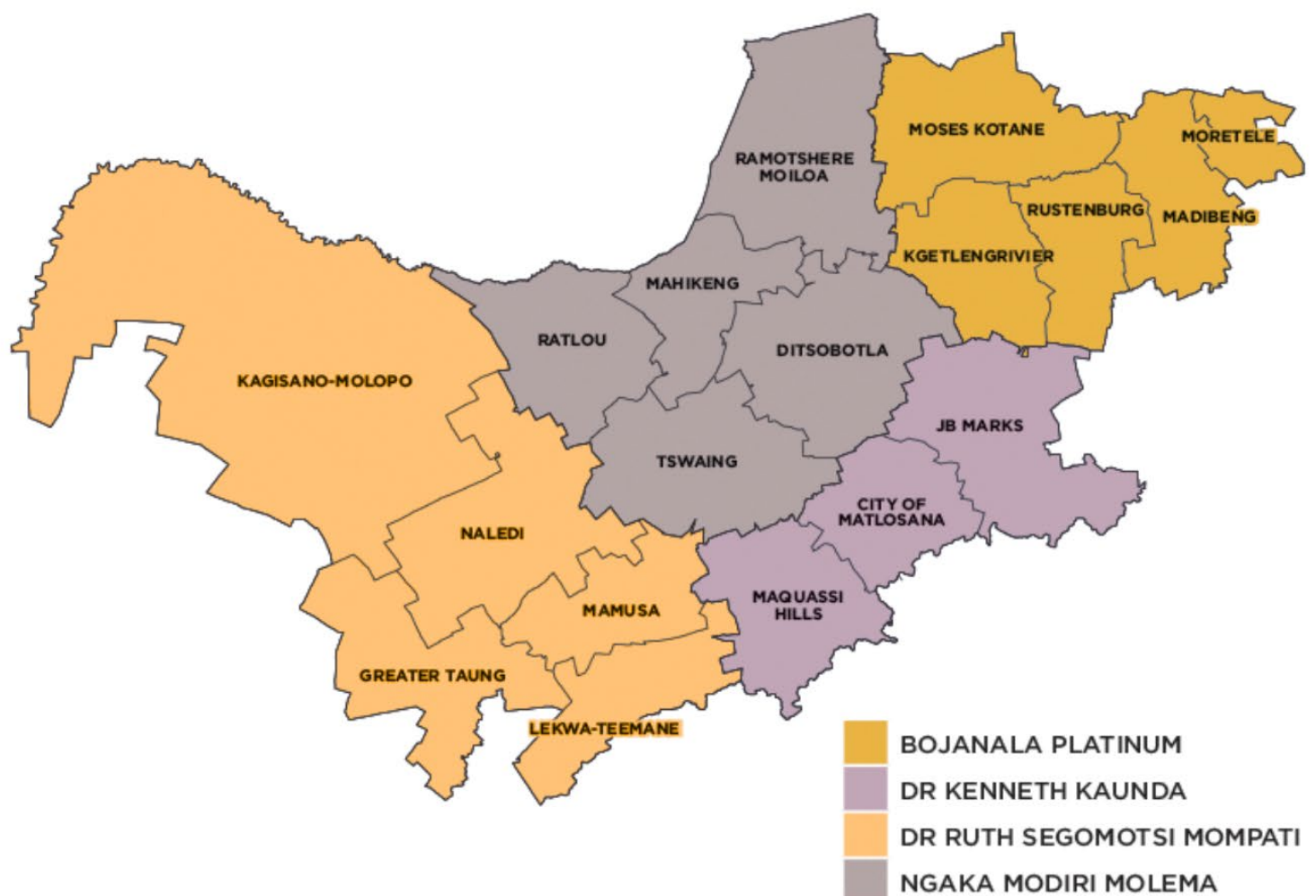


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY



OCTOBER 2026

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Map

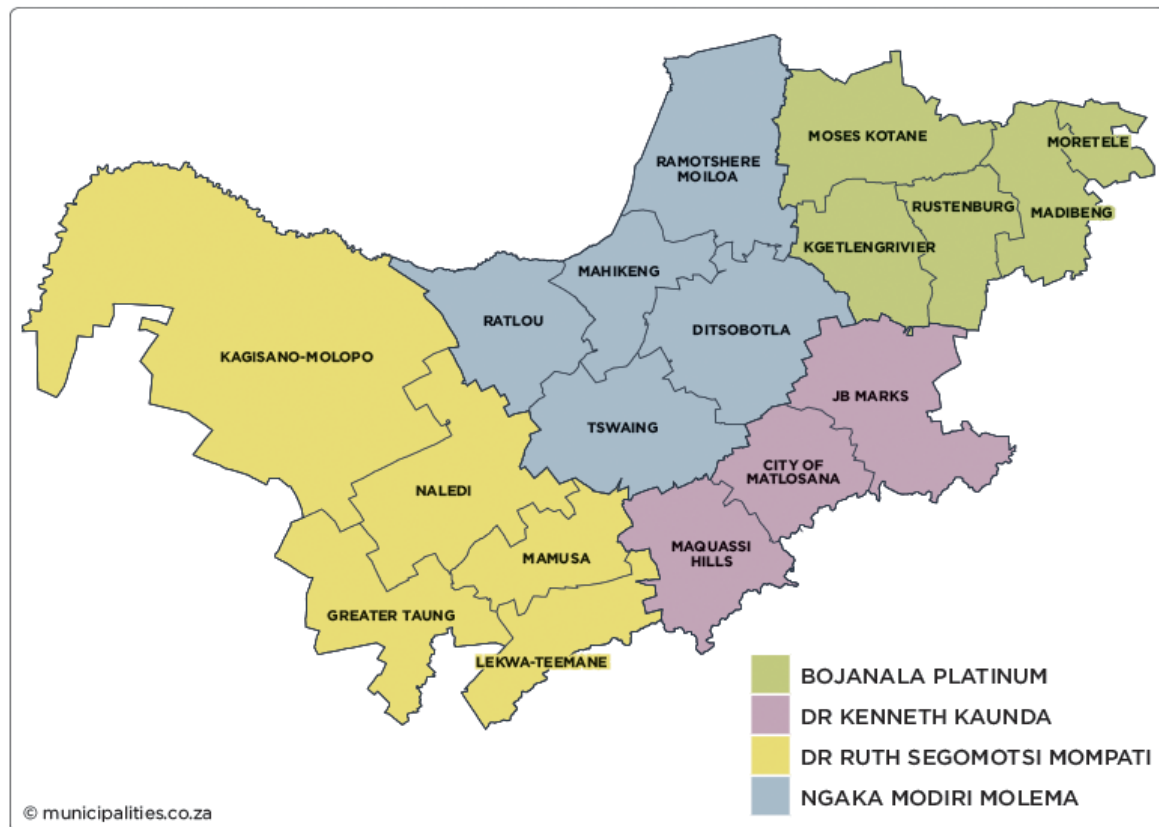


Figure 1: Geographical location of Ngaka Modiri Molema District Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/8/north-west>)

The Ngaka Modiri Molema District Municipality is one of four district municipalities in the North-West Province. It is situated centrally within the province.

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

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 251,907 (<i>Blue Drop</i>) to 937,723 (Census 2022) Population growth rate: 1% Sex Ratio: Moderate female majority Dependency: 30.6% under 15, dependency ratio: 58.5	
Unemployment	19.2%	
KEY IMPLEMENTATION INDICATORS		
Availability	Dams, groundwater 57% capacity used	
Physical Access	Communal source +200m	57.3%
	Communal source – 200m	42.7%
	Water source in yard	0%
	Piped water in house	38.3%
	Service delivery point/household coverage ratio	0.16
Economic Access	Tariff variation: All categories charged a flat rate Tariff structure: Flat rate of R21.00 per kl FBW: No information Indigency: 0% of service delivery points, no information for trend	
Adequacy	No information	
Quality	Microbiological compliance	31.6%
	Chemical (acute) compliance	79.6%
	Chemical (chronic) compliance	79.7%
Efficiency	WUE score: 219 l/p/d (average) Non-revenue water: no information	
REASONABLE MEASURES		
Policy Efforts	By-law, no indigent policy or WSDP	
Financial Resources (2024/25)	Budget sufficiency: 111% Revenue coverage: 143% Renewal spending: 3% Maintenance spending rate: 13%	
Human Resources	Blue Drop shortfalls: 13 Process Controllers, 2 Supervisors, 2 Technicians, 0 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	-Corruption: SIU investigations into PPE contracts issued during COVID-19 pandemic showed acts of corruption.	
Water planning issues	-Limited water sources -Depletion of water levels from available water sources -No Water Service Development Plan -Water distribution losses -Ageing water infrastructure	

	-Vandalism of water -Illegal connections -Water tankering services for emergency intervention
Funding model	-Financial distress: Financially distressed -Grant dependence: 22% of revenue from grants -Collection rate: 81%
Infrastructure issues	-Ageing infrastructure -Vandalism of infrastructure -Refurbishment and upgrading of ageing infrastructure -Bulk infrastructure development
Electricity issues	-Repairs and maintenance of electrical meters -Regularizing illegal connections
Ecological drivers	-Not mentioned
Consumer issues	-Not mentioned
Water services intermediaries	-Not mentioned
Third-party interference	-Not mentioned
Intergovernmental coordination	-The municipality has established an Intergovernmental Forum that coordinates activities between the three spheres of government
Scale	28,125km ² 5 WTW, 42 pump stations, NI on bulk water pipelines, NI on reticulation pipelines, 20 water reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	No information on municipal wards or traditional authorities
Low literacy and education levels	No schooling: 10.6%, tertiary ed.: 8.5%
Infrastructure backlogs	-Not mentioned
Limited yellow fleet	-Inadequate and breakdown of yellow fleet
High vacancy rate	-AGSA reports an overall vacancy rate of 33%, and senior management vacancy rate of 14% -The municipal manager has been in position for 18 months, and the Chief Financial Officer has been in position for 11 months
Legal non-compliance	-Not mentioned

*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the Ngaka Modiri Molema District Municipality range from 251 907 (Blue Drop) to 937 723 (Census 2022). The population growth rate of 1% is lower than the national average of 1.3%. There is a moderate female majority and 30.6% of the population are under the age of 15. The dependency ratio of 58.5 is higher than the reported national 2024 average of 48.4 and higher than the global average of 58.4.¹ There is a moderate level of unemployment (expanded definition) at 19.2%.

KEY IMPLEMENTATION INDICATORS

The Ngaka Modiri Molema District Municipality is authorised to provide water services and can abstract water from the Sebojwane Dam, Crocodile West Catchment, Molopo and Grootfontein boreholes, Marico Catchment and groundwater.

In terms of physical access, 0% of consumers reportedly have a water connection in their yard, and 38.3% enjoy water piped into their dwellings. About 42.7% of the population has access to a communal source within 200m of their dwellings, and 57.3% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 0.16 meaning that the current service delivery points cover 16% of the households counted in the 2022 Census.

The Ngaka Modiri Molema District Municipality does not provide a universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. There is no information about the number of service delivery points are covered by the indigency policy. The municipality charges a flat rate of R 21.00 per kilolitre of water used.

No reliable data could be found about the number of water services interruptions experienced by the community. There is a critical concern with water quality, with the Moses Kotane Molema Local Municipality reporting microbiological compliance at 31.6% and chemical acute compliance at 79.6% and chronic at 79.7%.

Water use efficiency is average. The *Blue Drop* score of >219 l/p/d is average. According to the 2021/22 Auditor-General report, there is no information about the volume of water losses for this financial year.

REASONABLE MEASURES

The Ngaka Modiri Molema District Municipality has a valid water services by-law but no water services development plan or indigent policy.

The Municipality's financial indicators between 2021/22 and 2024/25 show that the municipality's own revenue is enough (143%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is enough (111%) to cover capital and operational expenditure. The portion of capital budget allocated to the

renewal of assets ranged between 0% and 3% and maintenance expenditure ranged between 13% and 37%. The revenue collection rate has fluctuated between 75% and 85% according to MFMA Schedule C datasets.

There are 11 municipal officials employed in water treatment. According to the latest *Blue Drop* report, there is a staff shortfall of 13 process controllers, 2 supervisors, and 2 technicians in the department responsible for water treatment.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

The key systemic drivers of rights non-compliance in the Ngaka Modiri Molema District Municipality are:

- **Leadership issues:** Allegations of corruption.
- **Water planning issues:** Limited water sources and depletion of water levels. There is no water services development plan.
- **Funding model:** The Municipality is in financial distress and dependent on intergovernmental grants.
- **Electricity issues:** There are electrification backlogs and illegal connections.
- **Infrastructure issues:** The municipality has ageing infrastructure and high incidences of vandalism.
- **Ecological drivers:** None mentioned.
- **Consumer issues:** None mentioned.
- **Third-party interference:** Illegal connections.
- **Scale:** Water services in the Ngaka Modiri Molema District Municipality are spread out over 28 125 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 Report Johannes Senna v Ngaka Modiri Molema District Municipality and others. The SAHRC made recommendations in 2022 which the municipality had to implement. (See Table: Oversight for more details.)
4. DWS placed the Municipality under regulator surveillance in 2023. (See Table: Oversight for more details.)

Expanded Table

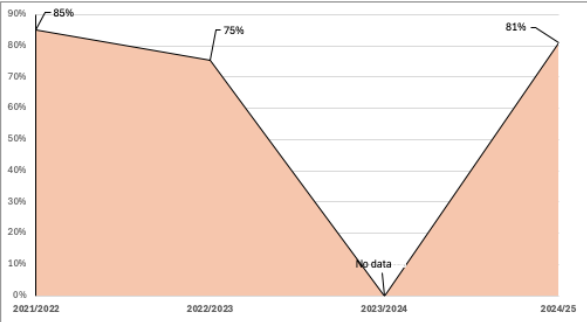
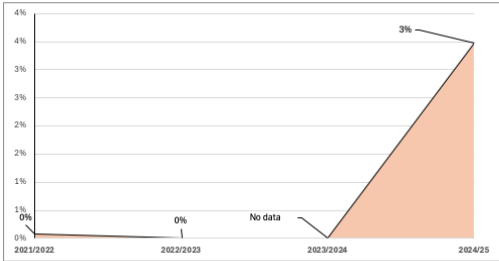
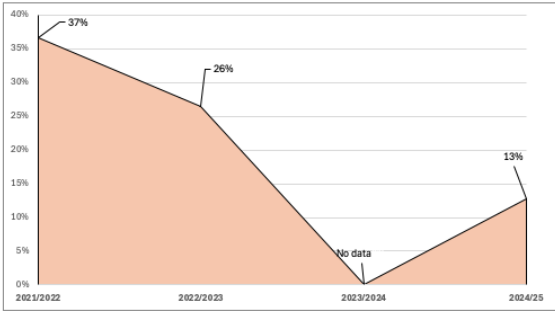
Indicator	Measurement	Sources
Name of the WSA	Ngaka Modiri Molema District Municipality	
Geographical information about the WSA.	One of four district municipalities in North West.	Ngaka Modiri Molema District Municipality - Overview
Spatial extent	28,125km ²	Ngaka Modiri Molema District Municipality - Overview
Municipal wards	103	Ngaka Modiri Molema District Profile, p.32
Traditional Authorities	22	Ngaka Modiri Molema District Profile, p.9
Is the WSA authorized to provide water services?	Yes	IDP, p 13.
Is the WSA currently providing water services?	Yes, water treatment and distribution	Emalahleni Municipality, <i>Annual Report 2022/2023</i> , p. 43
Context indicators		
Details of any water related stresses experienced within the past five years.	The municipality was hit particularly hard by droughts and floods.	https://www.sahrc.org.za/index.php/sahrc-media/news/item/1781-water-and-sanitation-under-spotlight-in-nw
Demographics		
Population	251,947 (<i>Blue Drop</i>) 937,723 (2022 Census) 937 723 (IDP)	2023 <i>Blue Drop Report</i> , p. 359; Ngaka Modiri Molema District Municipality - Demographic
Number of households (Census 2022)	257,552	Ngaka Modiri Molema District Municipality - Demographic
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	42,343	Ngaka Modiri Molema District Municipality - Services

Ratio service delivery points / households	0.16	
Number of non-domestic consumers	0	Ngaka Modiri Molema District Municipality - Services
Males per 100 females	95.7	Ngaka Modiri Molema District Municipality - Demographic
Gender Split	48.9% Male 51.1% Female	
Population growth rate per annum	1.04%	Ngaka Modiri Molema District Municipality - Demographic
Education	No Schooling: 10.6% Higher Education: 8.5%	Ngaka Modiri Molema District Municipality - Demographic
Financial capacity		
Economically active population (15-64)	63.1%	Ngaka Modiri Molema District Municipality - Demographic
Unemployment rate	19,2%	Ngaka Modiri Molema District Profile, p.18
Dependency rate	58.5	Ngaka Modiri Molema District Municipality - Demographic
Population under 15	30.6%	Ngaka Modiri Molema District Municipality - Demographic
Universal FBW Allowance	Not mentioned	
Number of service delivery points receiving FBW: 2021/22	0	Ngaka Modiri Molema District Municipality - Services
Percentage of FBW service delivery points	0%	
Increase/decrease of FBW 2018/2019 – 2021/2022	0 to 0 No information provided	Ngaka Modiri Molema District Municipality - Services
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	Section 138 3 triggers Section 140 1 trigger	NT Municipalities Meeting Criteria, item 230

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?	No		NT Municipalities Meeting Criteria, item 230
Is the municipality currently subject to a provincial intervention?	no		Ngaka Modiri Molema District 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 Blue Drop Report p. 357
Volume of authorized/(unauthorized) water abstraction?	51,600kl/d		2023 Blue Drop Report p. 357
How many water treatment plants are in the WSA's water services network?	Ngaka Modiri Molema WSA manages 5 WSSs, 42 pump stations, NI km of bulk water supply lines, NI km of reticulation pipelines and 20 reservoirs. Total design capacity is 96.7 MI per day. Design capacity available 96.7 MI per day. Average production: 55.1 MI per day 57% of capacity is used 2023 Blue Drop critical risk: 1 (Ratlou: Kraaipan BH)		2023 Blue Drop Report, p.346, 356, p. 381
How many biophysical water sources does this WSA have access to?	River	☐	2023 Blue Drop Report, p. 381
	Dam	☒	
	Saltwater	☐	
	Groundwater	☒	
Names of rivers and dams	Sebojwane Dam, Crocodile West Catchment, Molopo and Grootfontein boreholes, Marico Catchment		2023 Blue Drop Report, p. 381

How many infrastructure water sources does this WSA have?	Water reclamation	☐		IDP	
	Desalination	☐			
	From natural source	☒			
Political Stability					
Is there a coalition government?	ANC ANC 10, EFF 3, DA 2, F4SD 1, VF PLUS 1 (40% PR Seats)			Ngaka Modiri Molema District Municipality - Council & Management	
Has there been mayoral instability in the last 5 years?	During November 2022, media reported that the mayor did not follow the correct procedures when spending the WSA's money. In January 2024, media reported that the same mayor is being accused of corruption. Parties such as the EFF said that they have lost faith in the mayor. - https://www.news24.com/citypress/news/mayor-accused-of-moving-at-lightning-speed-in-dispensing-wealth-20221107 - https://www.iol.co.za/sundayindependent/news/mayor-has-failed-the-people-of-ngaka-modiri-molema-municipality-effect37e-248c-427d-941c-e1690b0a8ca6				
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.	58			
	CFO vacancy at the end of the year?	No			
	Number of months the CFO has been in position.	54			
Policy Efforts					
Water By-law					
Is there a water by-law?	yes			By-law	
Citation of by-law	LAN 345 in PG 7060 of 10 December 2012			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.	no			
	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	no			

	<table><tr><td>How service charges are calculated and levied</td><td>yes</td></tr><tr><td>Measures to ensure the quality of potable water</td><td>yes</td></tr><tr><td>Preventing water pollution</td><td>yes</td></tr><tr><td>Anything else?</td><td>Temporary supply from hydrant Water restrictions</td></tr></table>	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 hydrant Water restrictions			
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 hydrant Water restrictions											
Water Services Development Plan												
Is there a water services development plan?	No											
The validity duration of the plan (which years)	No information											
General Policy Framework												
Is there an Indigent Policy?	Tariff Policy makes provision. no	Tariff Policy 2019										
IDP												
Issues See main Assessment Table	-Improved services of electricity, water connection at informal settlements, especially in rural areas. -Infrastructure maintenance (repairs and installations of water and electrical meters) this will help in regularising the illegal connections. -Improve the quality of drinking water. -Put all the systems in place to obtain Green Drop Status for the NMMDM WWTW's	IDP, p.86										
Resource Efforts												
Financial Resources												
Budget sufficiency (total budget revenue (excl. capital transfers)/ total budgeted OPEX) x 100	<table><tr><th>Year</th><th>Budget sufficiency (%)</th></tr><tr><td>2021/2022</td><td>68%</td></tr><tr><td>2022/2023</td><td>82%</td></tr><tr><td>2023/2024</td><td>No data</td></tr><tr><td>2024/25</td><td>111%</td></tr></table>	Year	Budget sufficiency (%)	2021/2022	68%	2022/2023	82%	2023/2024	No data	2024/25	111%	MFMA Section 71 Schedule C 2021 to 2025 Reports-with missing data for 2023/24
Year	Budget sufficiency (%)											
2021/2022	68%											
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Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100	<table><tr><th>Year</th><th>Revenue coverage (%)</th></tr><tr><td>2021/2022</td><td>92%</td></tr><tr><td>2022/2023</td><td>111%</td></tr><tr><td>2023/2024</td><td>No data</td></tr><tr><td>2024/25</td><td>143%</td></tr></table>	Year	Revenue coverage (%)	2021/2022	92%	2022/2023	111%	2023/2024	No data	2024/25	143%	MFMA Section 71 Schedule C 2021 to 2025 Reports-with missing data for 2023/24
Year	Revenue coverage (%)											
2021/2022	92%											
2022/2023	111%											
2023/2024	No data											
2024/25	143%											

Revenue collection rate % (actual revenue collected / budgeted revenue) x 100	 <table border="1"><thead><tr><th>Period</th><th>Revenue collection rate %</th></tr></thead><tbody><tr><td>2021/2022</td><td>85%</td></tr><tr><td>2022/2023</td><td>75%</td></tr><tr><td>2023/2024</td><td>No data</td></tr><tr><td>2024/25</td><td>81%</td></tr></tbody></table>	Period	Revenue collection rate %	2021/2022	85%	2022/2023	75%	2023/2024	No data	2024/25	81%	MFMA Section 71 Schedule C 2021 to 2025 Reports-with missing data for 2023/24
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Capital budget allocated to renewal of existing assets (Amount allocated to renewal / Total capital budget) x 100	 <table border="1"><thead><tr><th>Period</th><th>Capital budget allocated to renewal of existing assets %</th></tr></thead><tbody><tr><td>2021/2022</td><td>0%</td></tr><tr><td>2022/2023</td><td>0%</td></tr><tr><td>2023/2024</td><td>No data</td></tr><tr><td>2024/25</td><td>3%</td></tr></tbody></table>	Period	Capital budget allocated to renewal of existing assets %	2021/2022	0%	2022/2023	0%	2023/2024	No data	2024/25	3%	MFMA Section 71 Schedule C 2021 to 2025 Reports-with missing data for 2021/22 to 2022/24
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2021/2022	0%											
2022/2023	0%											
2023/2024	No data											
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Maintenance spending rate % (Total maintenance expenditure / total revenue collected) x100	 <table border="1"><thead><tr><th>Period</th><th>Maintenance spending rate %</th></tr></thead><tbody><tr><td>2021/2022</td><td>37%</td></tr><tr><td>2022/2023</td><td>26%</td></tr><tr><td>2023/2024</td><td>No data</td></tr><tr><td>2024/25</td><td>13%</td></tr></tbody></table>	Period	Maintenance spending rate %	2021/2022	37%	2022/2023	26%	2023/2024	No data	2024/25	13%	MFMA Section 71 Schedule C 2021 to 2025 Reports-with missing data for 2023/24
Period	Maintenance spending rate %											
2021/2022	37%											
2022/2023	26%											
2023/2024	No data											
2024/25	13%											
Infrastructure Resources												
Current infrastructure value	R5,078,328,000	Budget, Sheet A9, Item 138, Audited Outcome 18/19										
Human and Skills Resources												
Total number of staff employed in water treatment	11 (9 supervisory, 2 technical)	2023 Blue Drop Report; p. 351, 353										
Supervisor Staff/WTW Ratio	1.3	2023 Blue Drop Report, p. 351										
Technical Staff/WTW Ratio	0.4	2023 Blue Drop Report, p. 353										
Staff Shortfall	13 Process Controllers 2 Supervisors 2 Technicians 0 Qualified scientists	2023 Blue Drop Report, p. 351, 353										
Total number of staff employed in the water services department (excluding water treatment)	14											

Implementation		
Physical Access		
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	24,246 57.3%
	Communal source – 200m	18,097 42.7%
	Water source in yard	0 0%
	Total households	42,343
Piped water inside dwelling	38.3%	Ngaka Modiri Molema District Municipality - Services
Infrastructure backlog	Not mentioned	
Do schools and clinics have access to water on their premises.	Out of 510 education facilities, 33 have inadequate access to water services. All 141 health facilities have adequate 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	☐
	Free basic water for Indigent	☒
	Cross subsidy	☐
	Prepaid	☐
Categories of water use:	Several categories but water all charged at a flat rate	Tariff Policy 2019
Step tariff for households in rand excl VAT. For 2021/22	None, water is charged at a flat rate of R 21.00 p/kl	Tariff Policy 2019
Adequacy		
Number of interruptions in 2024	-Not mentioned	
Media reports on outages:	https://iol.co.za/sundayindependent/news/2024-11-24-ngaka-modiri-molema-district-faces-water-crisis-due-to-internal-sabotage/ https://www.sahrc.org.za/index.php/sahrc-media/news/item/3582-sahrc-finds-municipalities-in-north-west-violated-residents-rights#:~:text=SAHRC%20finds%20municipalities%20in%20North,the%20residents%20of%20those%20areas	
Quality		
What is the WSA's blue drop score?	2023: 36.7% 2011: 0.6%	2023 <i>Blue Drop Report</i> , p. 381
Blue Drop Score Improved/Deteriorated (2011-2023)	Improved	
Blue Drop microbiological compliance score	31.6% (0 Excellent WTWs; 5 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 360-361
Blue Drop chemical (acute) compliance score	79.6% (4 Excellent WTWs, 1 Unacceptable WTW)	2023 <i>Blue Drop Report</i> , p. 361

Blue Drop chemical (chronic health) compliance score	79.7% (4 Excellent WTWs; 1 Unacceptable WTW)	2023 <i>Blue Drop Report</i> , p. 361
Does the WSA have a contract with the lab to test water samples?	No information	
<i>Green Drop Risk Rating</i>	High Risk	2023 <i>Green Drop Report</i> , p. 415
Efficiency		
Blue Drop Water Use Efficiency Score	219 l/p/d (Average)	2023 <i>Blue Drop Report</i> , p. 359
No Drop Score 2021/22	0%	2023 <i>No Drop Report</i> , p. 246
Amount of non-revenue water in liters and in rands value.	None disclosed to AGSA.	AGSA Web Based Report 2023/24
Main reasons for water losses.	None recorded	2023 <i>No Drop Report</i> , p. 246
Oversight		
Department of Water and Sanitation		
<i>Blue Drop actions</i>	The Regulator notes the dire state of management and drinking water quality in the Ratlou: Kraaipan BH water supply system. The WSI is placed under regulatory surveillance and the Municipal Manager is required to submit a detailed corrective action plan within 20 days of publishing of this report. The plan must map the activities, responsible persons, timelines, and expected improvement as outlined in the Regulatory Comment	2023 <i>Blue Drop Report</i> , p. 382
<i>Green Drop actions</i>	None	2023 <i>Green Drop Report</i> , p. 420
Judicial Oversight		
Where any judgements delivered that involved water services delivery?	yes	
Full citation of judgement.	Mazibuko and Others v City of Johannesburg and Others [2009] ZACC 28	
Summary of judgement and the impact for future water services delivery.	The state has a duty not to interfere with the enjoyment of socio-economic rights. The state does not have a duty to immediately realise the right to water for everyone; instead, the state must take reasonable legislative and other measures to progressively realise the right within available state resources. It is not the place of the court to determine or quantify what is sufficient water. To assess the reasonableness of the legislative and policy measures used: State must be able to show what information it considered and the process it followed to determine its policy. If the process followed is flawed or the information gathered is inadequate or incomplete, appropriate relief may be sought. The Court's evaluation of the City's Free Basic	Paras 47, 48, 50, 71, 78-102, 142

	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
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 Johannes Senna v Ngaka Modiri Molema District Municipality and Others [2022]	Complaint that residents of Palamakuwa do not have access to basic services which includes water. Findings: 68.1. The allegations that the First and Second Respondents have failed to provide the residents of Palamakuwa with access to municipal services are substantiated. 68.2. The Second Respondent's refusal to provide municipal services to the residents of Palamakuwa is unlawful. 68.3. The First and Second Respondents have breached their constitutional and statutory obligations to deliver municipal services including water, sanitation, electricity, and housing to the residents of Palamakuwa.	

	68.4. The First and Second Respondents' failure to provide water and sanitation to the residents of Palamakuwa constitutes a violation of the resident's right to water and basic sanitation in terms of section 27 of the Constitution, section 3 of the Water Services Act and Regulation 3 of the National Water Standards Regulations. 68.5. In terms of the Upgrading of Informal Settlements Programme contained in the National Housing Code 2009, it is the responsibility of the Municipality to consider whether living conditions in a settlement in the area of jurisdiction merit the submission of an application for assistance under the aforementioned Programme. If so, the relevant municipality should, <i>inter alia</i>, initiate, plan, and formulate applications for projects relating to the <i>in situ</i> upgrading of informal settlements and request assistance from the provincial government on any of the matters concerned if the municipality lacks the capacity, resources, or expertise. The First and Second Respondents herein failed to decide to make an application to the MEC for Cooperative Governance, Human Settlements and Traditional Affairs: North West Province for funding to upgrade the Palamakuwa. 68.6. In addition to the violation of the other rights as set out above, the exclusion of the residents of Palamakuwa from the scheme of service delivery has a severe impact on their dignity. Directives: 69.1. The First and Second Respondents are directed to forthwith to comply with Regulation 3 of the Regulations Relating to Compulsory National Standards and Measures to Conserve Water (GN R509 in GG 22355 of 8 June 2001) by – 69.1.1. Installing a sufficient number of water user connections to supply a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month to the residents of the Palamakuwa; 69.1.2. at a minimum flow rate of not less than 10 litres per minute; 69.1.3. within 200 metres of each of the residents' households; and	
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	69.1.4. effectively such that the residents are not without a water supply for more than seven full days in any year. 69.2. The First and Second Respondents are directed forthwith to comply with Regulation 2 of the Regulations Relating to Compulsory National Standards and Measures to Conserve Water (GN R509 in GG 22355 of 8 June 2001) by providing the residents of Palamakuwa with toilets which are safe, reliable, environmentally sound, easy to keep clean, provides privacy and protection against weather, well ventilated, keeps smells to the minimum and prevents the entry and exit of flies and other disease-carrying pests. 69.3. The First and Second Respondents are directed, within one month of the date of this Report, to submit a report to the Commission, setting out a time-bound plan on steps they have taken since the issuing of this Report, and steps they envisage taking in future, towards the adoption of a permanent solution to the provision of water, basic sanitation, electricity and housing to the residents of Palamakuwa. 69.4. In consultation with all relevant stakeholders, including the affected residents, the Second Respondent is directed within three months from the date of this Report to consider making an application to the MEC for Cooperative Governance, Human Settlements and Traditional Affairs: North West Province for funding to upgrade the Palamakuwa in terms of the Upgrading of Informal Settlements Programme. The Second Respondent to thereafter report to the Commission on its decision in this regard, together with proof of consultations with all relevant stakeholders and reason(s) for the decisions, together with all supporting documents. 69.5. The First and Second Respondents are directed to engage actively and meaningfully with the residents of Palamakuwa regarding the short, medium and long term measures to address the challenges relating to the provision of water, basic sanitation, electricity and housing to the residents.	
SAHRC Report Kebaneile Tumelo Phida and Others v Ngaka Modiri Molema District Municipality [2022]	Complaint that residents of Agisanang, Jachtkraal Farm, Delareyville and Letsopa, amongst other things, do not have access to sufficient water. Findings:	

	69.1. The allegations that the First and Second Respondents have failed to provide the resident of Sannieshof, Delareyville and Letsopa with effective and reliable supply of potable water are substantiated. The failure by the First and Second Respondent to provide the resident of Sannieshof, Delareyville and Letsopa with effective and reliable supply of potable water constitutes a gross infringement of the residents' right to have access to water in terms of section 27 of the Constitution, section 3 of the Water Services Act and Regulation 3 of the National Water Standards Regulations. 69.2. The First and Second Respondents are in breach of their obligations in terms of section 24(b) of the Constitution, section 19 of the National Water Act and Section 28 of NEMA respectively, as a result of their failure to protect the environment and to prevent and remedy the effects of environmental pollution, in the course of providing sanitation services. This constitutes a violation of the rights of residents of Sannieshof, Delareyville and Letsopa to an environment that is not harmful to the health and wellbeing in terms of section 24 of the Constitution. 69.3. The failure to provide sanitation services in an environmentally sustainable manner to the residents of Sannieshof, Delareyville and Letsopa constitutes a violation of the residents' right to basic sanitation in terms of section 3 of the Water Services Act and Regulation 3 of the National Water Standards Regulations. Directives 70.1. The First and Second Respondent comply with Regulation 3 of the Regulations Relating to Compulsory National Standards and Measures to Conserve Water (GN R509 in GG 22355 of 8 June 2001) by – 70.1.1. Installing a sufficient number of water user connections to supply a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month to the residents of the Sannieshof, Jachtkraal Farm, Delareyville and Letsopa: 70.1.1.1. at a minimum flow rate of not less than 10 litres per minute; 70.1.1.2. within 200 metres of each of the residents' households; and	
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	70.1.1.3. with an effectiveness such that the residents are not without a water supply for more than seven full days in any year. 70.2. The First and Second Respondent comply with Regulation 2 of the Regulations Relating to Compulsory National Standards and Measures to Conserve Water (GN R509 in GG 22355 of 8 June 2001) by providing the residents of Sannieshof, Jachtkraal Farm, Delareyville and Letsopa with toilets which are safe, reliable, environmentally sound, easy to keep clean, provides privacy and protection against weather, well ventilated, keeps smells to the minimum and prevents the entry and exit of flies and other disease-carrying pests. 70.3. The First and Second Respondents, in consultation with the Provincial Department of Cooperative Governance and Traditional Affairs and the Department of Water and Sanitation, must immediately conduct a comprehensive assessment of the water and sanitation infrastructure in Sannieshof, Jachtkraal Farm, Delareyville and Letsopa. The comprehensive assessment must reflect the cost implications of rectifying the challenges identified in the assessment. This assessment must be conducted within one (1) month of this report. 70.4. That the First and Second Respondents engage meaningfully with the community members of Sannieshof, Jachtkraal Farm, Delareyville and Letsopa for in the course of the assessment referred to in paragraph 70.3 above. 70.5. The First and Second Respondents submit a report to the Commission under oath, within two months of the completion of the assessment mentioned in paragraph 70.3 above, detailing the steps that they will take in the short, medium and long term to: 70.5.1. address the inadequacies of the waste management system, and the sewer network or infrastructure servicing the affected areas; with specific detail in respect of the planning, budgeting, monitoring and evaluation, and oversight and accountability measures to be taken. 70.5.2. prevent the spillage of raw sewage into the streets, and homes; and into rivers.	
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	70.5.3. prevent backflows of sewage when residents flush the toilets in their homes. 70.5.4. to prevent and/or mitigate the impact of the sewage spillages on both the residents and the environment. 70.5.5. provide security to safeguard its sewer infrastructure. 70.5.6. provide for adequate financial and other resources required to implement the corrective measures identified in the report. 70.5.7. ensure the provision of potable water in a manner that is effective and sustainable, including the provision of interim water supply services. 70.5.8. ensure the provision of all municipal services in a manner that is effective and sustainable.	
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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- WeatherSA Historical Rainmap for July 2022- January 2023 accessed at <https://www.weathersa.co.za/home/historicalrain>
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