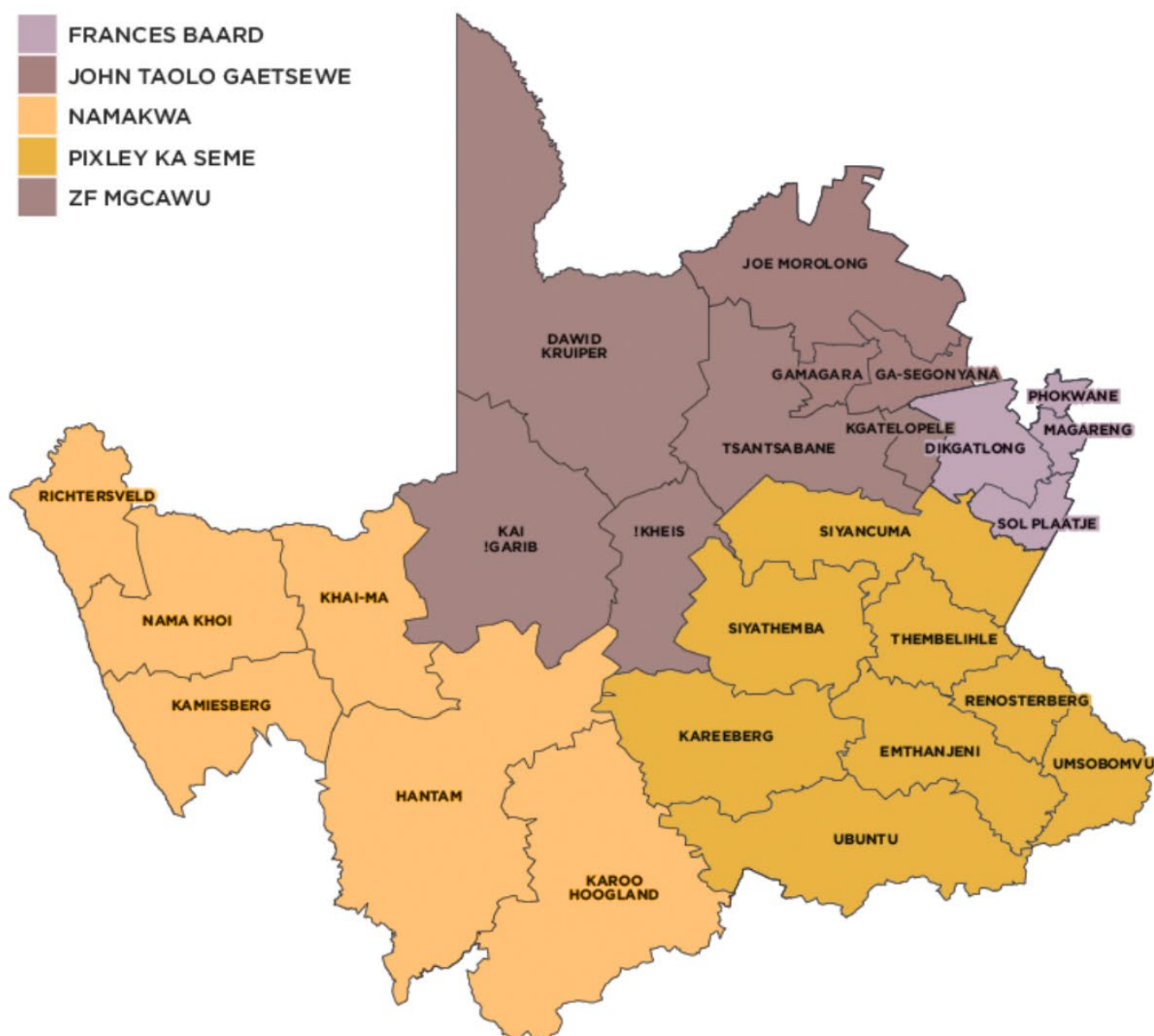


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

KAREEBERG LOCAL MUNICIPALITY



OCTOBER 2026

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Map

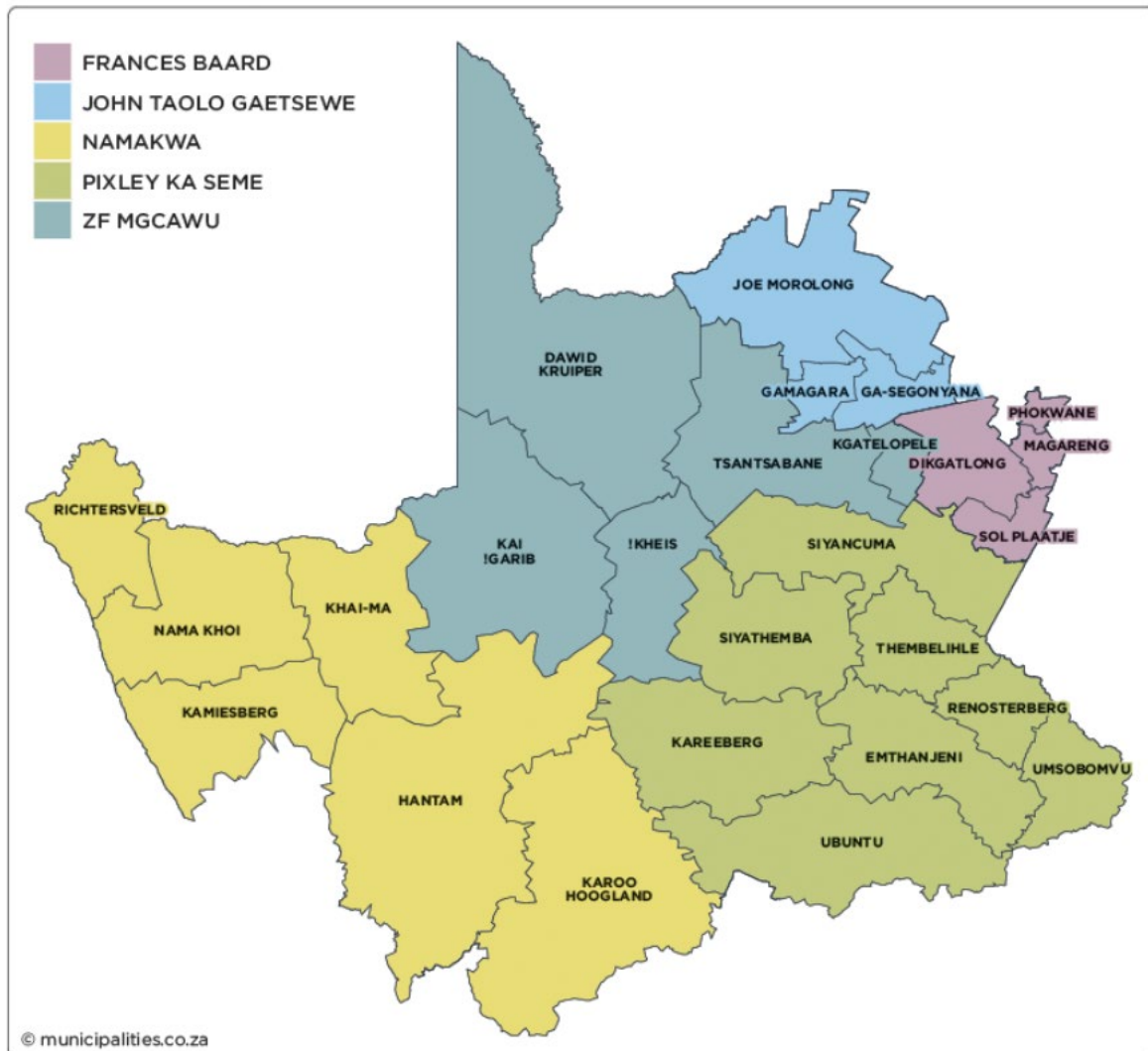


Figure 1: Geographical location of the Kareeberg Local Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/7/northern-cape>).

The Kareeberg Local Municipality is one of seven local municipalities in the Pixley Ka Seme District Municipality in the Northern Cape Province.

Assessment: Progressive realization of the right to water in Kareeberg Local Municipality

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 11,400 (<i>Blue Drop</i>) to 10,961 (2022 Census) Population growth rate: -0.61% Sex Ratio: Moderate female majority Dependency: 28.8% under 15; dependency ratio 58.5	
Unemployment	18.5%	
KEY IMPLEMENTATION INDICATORS		
Availability	Groundwater 100% of capacity used	
Physical access	Communal source +200m	0%
	Communal source – 200m	5.2%
	Water source in yard	94.8%
	Piped water in house	51.6%
	Service delivery point/household coverage ratio	1.27
Economic Access	Tariff variation: No categories, all consumers pay the same Tariff structure: Increasing block tariff (6 blocks R1.70-R12.42) FBW: Indigent only Indigency: 57.9% of service delivery points, increasing trend	
Adequacy	No information	
Quality	Microbiological compliance	98.7%
	Chemical (acute) compliance	87.4%
	Chemical (chronic) compliance	98.8%
Efficiency	WUE Score: 120 l/p/d (Excellent) Non-revenue water: 9%	
REASONABLE MEASURES		
Policy Efforts	No information	
Financial Resources (2024/25)	Budget sufficiency: 97% Revenue coverage: 113% Renewal spending: Missing data Maintenance spending rate: 29% Revenue collection rate: 20%	
Human Resources	<i>Blue Drop</i> shortfall: 6 Process Controllers, 1 Supervisor, 4 Technicians, 2 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Not mentioned	

Water planning issues	-Challenges with provision of a constant water supply -Shortages of skilled staff -Limited financial resources
Funding model	Own funding (tourism, rates and taxes), Government grants and transfers.
Infrastructure issues	-Ageing equipment
Electricity issues	-Electricity losses -Service backlogs
Ecological drivers	Understanding the impact of significant environmental changes owing to long-term structural changes - climate change, energy crises and other shifts
Consumer issues	Lack of sustainable sanitation due to water shortage
Water services intermediaries	Not mentioned
Third-party interference	Vandalism of municipal property
Intergovernmental coordination	Strategic Objectives identified have also been aligned with the framework of national and provincial plans
Scale	17,701 km ² 3 WTWs, 4 pump stations, NI km of bulk water supply lines, NI km of reticulation pipelines and 3 reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	6 wards, no information on traditional authorities
Low literacy and education levels	No Schooling: 8.1%, tertiary ed.: 5.2%
Infrastructure backlogs	Lack of upgrading and maintenance of existing infrastructure
Limited yellow fleet	Not mentioned
High vacancy rate	Municipal Manager and Chief Financial Officer in place
Legal non-compliance	Not mentioned

*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the Kareeberg Local Municipality range from 11 400 (Blue Drop) to 10 961 (2022 Census). The population growth rate of -0.61% is lower than the national average of 1.3%. There is a moderate female majority and 28.8% 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 low level of unemployment (broad definition used) in this municipality of 18.5%.

KEY IMPLEMENTATION INDICATORS

The Kareeberg Local Municipality is authorised to provide water services and can abstract water from groundwater.

In terms of physical access, 94.8% of consumers reportedly have a water connection in their yard, and 51.6% enjoy water piped into their dwellings. About 5.2% of the population has access to a communal source within 200m of their dwellings, and 0% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 1.27 meaning that the current service delivery points cover 127% of the households counted in the 2022 Census.

The Kareeberg Local Municipality provides no universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. About 57.9% (high) 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 R1.70, most expensive is R12.42). The municipality's tariff structure is made up of 1 category.

No reliable data could be found about the number of water services interruptions experienced by the community. There is some concern about water quality, with the Kareeberg Local Municipality reporting microbiological compliance at 98.7% and chemical acute compliance at 87.4% and chronic at 98.8%.

Water use efficiency is good. The *Blue Drop* score of >120 l/p/d is good. According to the 2021/22 Auditor-General report, 9% of all water produced is non-revenue water, which is below the national prescription of 35%.

REASONABLE MEASURES

No information could be found on whether the Kareeberg Local Municipality has a valid indigent policy, water services development plan and water services by law in place.

The Municipality's financial indicators between 2021/22 and 2024/25 show that the municipality's own revenue is enough (113%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is not enough (97%) to cover capital and operational expenditure. The portion of capital budget allocated to the renewal of assets was unknown and maintenance expenditure ranged between 5% and

40%. The revenue collection rate has fluctuated between 14% and 47% according to MFMA Schedule C datasets.

There are 0 municipal officials employed in water treatment. According to the latest *Blue Drop* report, there is a staff shortfall of 6 process controllers, 1 supervisor, 4 technicians and 2 qualified scientists in the department responsible for water treatment.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

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

- **Leadership issues:** None.
- **Water planning issues:** Challenges involving consistent water supply and a shortage of skilled staff.
- **Funding model:** Municipality has limited financial resources.
- **Electricity issues:** None that affect water services.
- **Infrastructure issues:** Ageing infrastructure.
- **Ecological drivers:** None.
- **Consumer issues:** Lack of sustainable sanitation services due to water shortages.
- **Intermediaries:** None.
- **Third-party interference:** Vandalism and theft of infrastructure.
- **Scale:** Water services in the Kareeberg Local Municipality are spread out over 17 701 km².

OVERSIGHT

1. Department of Water and Sanitation took Green and Blue Drop action (See Table: Oversight SAHRC for further details).
2. SAHRC investigated several complaints and made recommendations (See Table: Oversight SAHRC for further details).
3. National Parliament took oversight action. (See Table: Oversight Parliament, for more details).

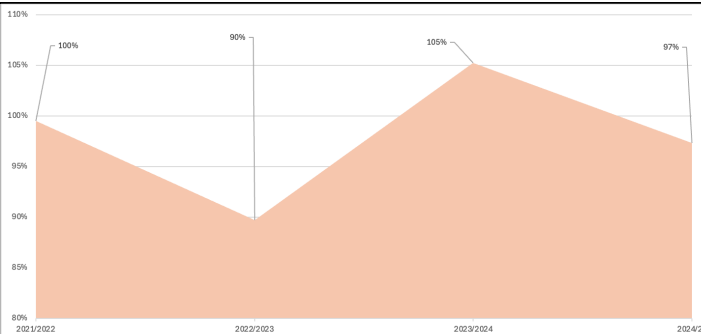
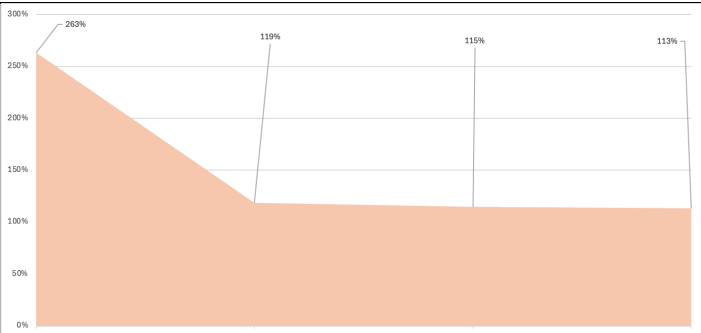
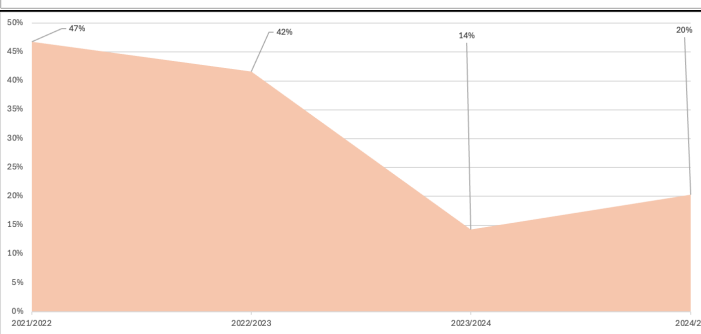
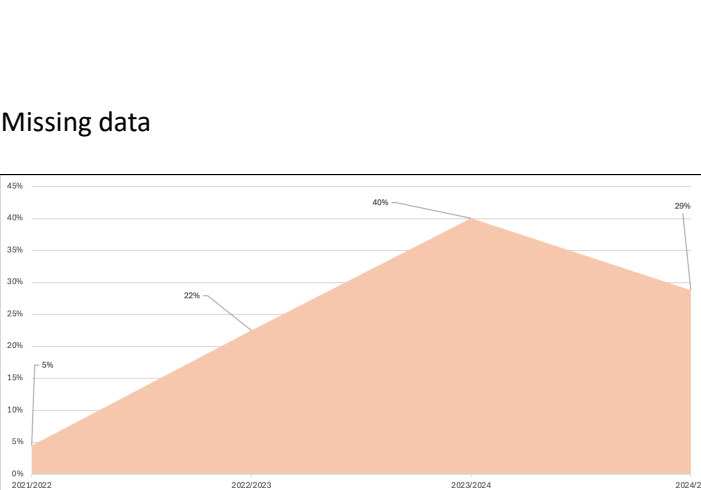
Expanded Table

Indicator	Measurement	Sources
Name of the WSA	Kareeberg Local Municipality	
Geographical information about the WSA.	One of seven local municipalities in the Pixley Ka Seme District Municipality in the Northern Cape Province	Kareeberg Local Municipality - Overview
Spatial extent	17,701km ²	Kareeberg Local Municipality - Overview
Municipal Wards	6	IDP 2024/25, p. 10
Traditional Authorities	No easily accessible information	IDP 2024/25
Is the WSA authorized to provide water services?	yes	IDP 2024/25, p. 5
Is the WSA currently providing water services?	both water treatment and tap water	IDP 2024/25, p. 5
Method of service provision	Self	IDP 2024/25, p. 34
Context indicators		
Details of any water-related stresses experienced within the past five years.	The Northern Cape Province is the driest province in South Africa with an average annual rainfall of about 200mm. Link: https://www.gov.za/news/media-statements/water-and-sanitation-status-water-northern-cape-22-may-2020#:~:text=The%20Northern%20Cape%20Province%20is,towards%20improving%20the%20water%20situation. This province experienced severe heat waves in 2023 and 2024. Some people died due to heat stroke during these waves. Link: https://www.dailymaverick.co.za/article/2023-08-14-how-rising-temperatures-threaten-farmworkers-in-northern-cape-south-africas-sunniest-province/	
Demographics		
Population	11,400 (<i>Blue Drop</i>) 10,961 (Census 2022) 10,961 (IDP)	2023 <i>Blue Drop Report</i> , p. 405; Kareeberg Local Municipality - Demographic IDP 2024/25, p. 38
Number of households (Census 2022)	2,677	Kareeberg Local Municipality - Demographic
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	3,397	Kareeberg Local Municipality - Services

Ratio service delivery points/households	1.27		
Number of non-domestic consumers Affects overall availability of water – big industrial users.	185	Kareeberg Local Municipality - Services	
Males per 100 females	85.8	Kareeberg Local Municipality - Demographic	
Gender Split	46.1% Male 53.9% Female		
Population growth rate per annum	-0.61%	Kareeberg Local Municipality - Demographic	
Education	No Schooling: 8.1% Higher Education: 5.2%	Kareeberg Local Municipality - Demographic	
Financial capacity			
Economically active population (15-64)	63.1%	Kareeberg Local Municipality - Demographic	
Unemployment rate	18.5%	IDP 2024/25, p. 38	
Dependency ratio	58.5	Kareeberg Local Municipality - Demographic	
Population under 15	28.8%	Kareeberg Local Municipality - Demographic	
Universal FBW Allowance	No	IDP 2024/25, p. 59	
Number of service delivery points receiving FBW: 2021/22	1,968	Kareeberg Local Municipality - Services	
Percentage of FBW service delivery points	57.9%		
Increase/decrease of FBW 2018/2019 – 2021/2022	1,179 to 1,968 Increase	Kareeberg Local Municipality - Services	
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	Section 138 1 trigger Section 140 Choose an item.	NT Municipalities Meeting Criteria, item 201	
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.	☐	

	<table border="1"> <tr> <td>Failure to make any payment to the Water Board when due that amounts to more than 2% 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 2% of the operating expenditure.</td><td>☐</td></tr> <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 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.	☐	
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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	AGSA Web Based Report 2024/25										
Is the municipality currently subject to a provincial intervention?	no	Kareeberg 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?	Below. Between 100 mm and 300 mm per annum	IDP 2024/25, p. 37										
Water abstraction authorized?	No	2023 Blue Drop Report, p. 403										
Volume of authorized/(unauthorized) water abstraction?	0 kl/d	2023 Blue Drop Report, p. 403										
How many water treatment plants are in the WSA's water services network?	Kareeberg LM manages 3 WTWs, 4 pump stations, NI km of bulk water supply lines, NI km of reticulation pipelines and 3 reservoirs. Total design capacity is 1.4 MI per day. 1.4 MI capacity is available. Average production: 1.4 MI per day 100% of capacity is used 2023 Blue Drop critical risk: 1 (Carnarvon,)	2023 Blue Drop Report, p. 388, 401, 431										
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 Blue Drop Report, p. 431		
River	☐											
Dam	☐											
Saltwater	☐											
Groundwater	☒											
Names of rivers and dams	Groundwater	2023 Blue Drop Report, p. 431										
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 2024/25, p. 36				
Water reclamation	☐											
Desalination	☐											
From natural source	☒											
Political Stability												
Is there a coalition government?	Hung Council ANC 4, DA 3, EFF 2, KCM, 2	Kareeberg Local Municipality - Council & Management										
Has there been mayoral instability in the last 5 years?	No reports											

MM/CFO Vacancy Snapshot	AGSA Website Based Report 2024/25		Municipality: Kareeberg Local Municipality District: Pixley Ka Seme - NC 2024-25 Consolidated report on local government audit outcomes AGSA
	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.	20	
	CFO vacancy at the end of the year?	No	
	Number of months the CFO has been in position.	88	
Policy Efforts			
Water By-law			
Is there a water by-law?			
Citation of by-law			
Mark with “yes” if the by-law makes provision for the following:	Matters incidental to providing water services to residents,		
	including communal sources		
	Protecting water supply systems.		
	Prohibiting wasting water		
	Prohibiting illegal connections		
	Sets out standards for water installations and maintaining water infrastructure		
	The installation and upkeep of fire extinguishing systems		
	How service charges are calculated and levied		
	Measures to ensure the quality of potable water		
	Preventing water pollution		
	Anything else?		
Water Services Development Plan			
Is there a water services development plan?	Yes, but outdated	IDP 2024/25, p. 54	
The validity duration of the plan (which years)	Compiled in 2009 - outdated	IDP 2024/25, p. 54	
General Policy Framework			
Is there an Indigent Policy?	No		
IDP			
Issues	- Challenges with provision of a constant water supply - Lack of sustainable sanitation due to water shortage - Shortages if skilled staff - Lack of upgrading and maintenance of existing infrastructure - Vandalism of municipal property - Limited financial resources - Ageing equipment	IDP 2024/25, p. 51	

Resource Efforts												
Financial Resources												
Budget sufficiency (total budget revenue (excl. capital transfers))/ total budgeted OPEX) x 100	 <table><thead><tr><th>Period</th><th>Budget sufficiency (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>100%</td></tr><tr><td>2022/2023</td><td>90%</td></tr><tr><td>2023/2024</td><td>105%</td></tr><tr><td>2024/25</td><td>97%</td></tr></tbody></table>	Period	Budget sufficiency (%)	2021/2022	100%	2022/2023	90%	2023/2024	105%	2024/25	97%	MFMA Section 71, Schedule C datasets
Period	Budget sufficiency (%)											
2021/2022	100%											
2022/2023	90%											
2023/2024	105%											
2024/25	97%											
Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100	 <table><thead><tr><th>Period</th><th>Revenue coverage (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>263%</td></tr><tr><td>2022/2023</td><td>119%</td></tr><tr><td>2023/2024</td><td>115%</td></tr><tr><td>2024/25</td><td>113%</td></tr></tbody></table>	Period	Revenue coverage (%)	2021/2022	263%	2022/2023	119%	2023/2024	115%	2024/25	113%	MFMA Section 71, Schedule C datasets
Period	Revenue coverage (%)											
2021/2022	263%											
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Revenue collection rate % (actual revenue collected / budgeted revenue) x 100	 <table><thead><tr><th>Period</th><th>Revenue collection rate (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>47%</td></tr><tr><td>2022/2023</td><td>42%</td></tr><tr><td>2023/2024</td><td>14%</td></tr><tr><td>2024/25</td><td>20%</td></tr></tbody></table>	Period	Revenue collection rate (%)	2021/2022	47%	2022/2023	42%	2023/2024	14%	2024/25	20%	MFMA Section 71, Schedule C datasets
Period	Revenue collection rate (%)											
2021/2022	47%											
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2023/2024	14%											
2024/25	20%											
Capital budget allocated to renewal of existing assets (Amount allocated to renewal / Total capital budget) x 100	Missing data	MFMA Section 71, Schedule C datasets										
Maintenance spending rate % (Total maintenance expenditure / total revenue collected) x 100	 <table><thead><tr><th>Period</th><th>Maintenance spending rate (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>5%</td></tr><tr><td>2022/2023</td><td>22%</td></tr><tr><td>2023/2024</td><td>40%</td></tr><tr><td>2024/25</td><td>29%</td></tr></tbody></table>	Period	Maintenance spending rate (%)	2021/2022	5%	2022/2023	22%	2023/2024	40%	2024/25	29%	MFMA Section 71, Schedule C datasets
Period	Maintenance spending rate (%)											
2021/2022	5%											
2022/2023	22%											
2023/2024	40%											
2024/25	29%											
Infrastructure Resources												
Current infrastructure value	No information provided	2023 Blue Drop Report, p. 413-414										

Human and Skills Resources				
Total number of staff employed in water treatment	0 (0 supervisory, 0 technical)			2023 <i>Blue Drop Report</i> ; p. 395-396, 398
Supervisor Staff/WTW Ratio	0.0			2023 <i>Blue Drop Report</i> , p. 395-396
Technical Staff/WTW Ratio	0.0			2023 <i>Blue Drop Report</i> , p. 398
Staff Shortfall	6 Process Controllers 1 Supervisor 4 Technicians 2 Qualified scientists			2023 <i>Blue Drop Report</i> , p. 395-396, 398
Implementation				
Physical Access				
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	0	0%	Kareeberg Local Municipality - Services
	Communal source – 200m	175	5.2%	
	Water source in yard	3,222	94.8%	
	Total	3,397		
Piped water inside dwelling	51.6%			Kareeberg Local Municipality - Demographic
Infrastructure backlog	Lack of upgrading and maintenance of existing infrastructure			
Do schools and clinics have access to water on their premises	- Out of 4 education facilities, one does not have access to water services. - Out of 8 health facilities, all have 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	1.7		Tariff Policy 2021/22
	7kl < 20kl	2.05		
	21kl < 50kl	4.83		
	51kl < 60kl	8.21		
	61kl < 80kl	10.01		
	81kl <	12.42		
Categories of water use:	- No categories, all consumers pay the same. - Municipal use			Tariff Policy 2021/22
Tariffs for schools.	All consumers pay, except municipal buildings pay the same tariff.			Tariff Policy 2021/22

Tariffs for clinics	All consumers pay, except municipal buildings pay the same tariff.	Tariff Policy 2021/22
Adequacy		
Number of interruptions in 2024	Not mentioned	
Media reports on outages	https://www.sciencedirect.com/science/article/abs/pii/S1464343X20302582 https://theconversation.com/a-water-solution-for-drought-prone-south-africa-we-designed-systems-to-replenish-aquifers-simply-and-cheaply-in-five-towns-278103	
Quality		
What is the WSA's blue drop score	2023: 18.4% 2011: 35.1%	2023 <i>Blue Drop Report</i> , p. 431
Blue Drop Score Improved/Deteriorated (2011 –2023)	Deteriorated	2023 <i>Blue Drop Report</i> , p. 431
Blue Drop microbiological compliance score	98.7% (2 Excellent WTWs, 0 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 408
Blue Drop chemical (acute) compliance score	87.4% (1 Excellent WTWs, 2 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 409
Blue Drop chemical (chronic health) compliance score	98.8% (3 Excellent WTWs, 0 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 409
Does the WSA have a contract with the lab to test water samples?	No information	IDP 2024/25
Green Drop Risk Rating	Critical Risk	2025 <i>Green Drop Report</i> , p. 99
Efficiency		
Blue Drop Water Use Efficiency Score	120 l/p/d (Excellent)	2023 <i>Blue Drop Report</i> , p. 405
No Drop Score 2021/22	0%	2023 <i>No Drop Report</i> , p. 275
Amount of non-revenue water in liters and in rands value.	R373,105 in water losses 9% of all water flowing through municipal pipelines	AGSA Web Based Report 2024/25
Main reasons for water losses.	No information	IDP 2024/25
Oversight		
Department of Water and Sanitation		
<i>Blue Drop</i> actions	The Regulator notes the dire state of management and drinking water quality in the Carnarvon, Vanwyksvlei and Vosburg 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. 431

<i>Green Drop actions</i>	The Regulator expresses serious concern regarding the poor state of wastewater services at the Carnarvon, Fig Tree, and Vosburg systems, with likely adverse impacts on water resources. As per regulatory protocol, the WSA is required to submit a comprehensive Corrective Action Plan (CAP) within 60 days of publication of this report. The CAP must detail remedial actions, responsible officials, implementation timelines, and measurable performance targets. The submission will be reviewed concerning this commentary and tabled for consideration by the National Water Services Regulation Committee.	2025 <i>Green Drop Report</i> , p. 101
Judicial Oversight		
Where any judgments delivered that involved water services delivery?	yes	
Full citation of judgment.	Mazibuko and Others v City of Johannesburg and Others [2009] ZACC 28	
Summary of judgment 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 judgment.	Government of the Republic of South Africa v Grootboom [2000] ZACC 19	
Summary of judgment 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 judgment.	Nokotyana and Others v Ekurhuleni Metropolitan Municipality and Others [2009] ZACC 33	
Summary of judgment and the impact for future water services delivery.	Every municipality, as part of its IDP process, must take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to ensure that the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis; that conditions not conducive to the health and safety of the inhabitants of its area of jurisdiction are prevented or removed; and that services in respect of water, sanitation, electricity, roads, storm water drainage and transport are provided in a manner which is economically efficient. Section 3 of the Water Services Act provides that everyone has a right of access to basic water supply and basic sanitation. Every WSA is prompted to take reasonable measures to realise these rights. The section furthermore requires every WSA to provide for measures to realise these rights in its water services development plan.	
Full citation of judgment.	Thubakgale and Others v Ekurhuleni Metropolitan Municipality and Others [2021] ZACC 45	
	Minority, dissenting: This case explores a very wide variety of remedies where socio-economic rights are violated. What effective remedy can be granted by courts where the litigants showed that the state failed to realise the right to access to housing and has conducted itself in a manner that points to a refusal to realise this right. Appropriateness of the relief envisages something that is suitable and capable of addressing the exigencies of a situation. A structural interdict, declaratory relief and contempt of court orders have all been unsuccessful. The court shows that contractual, statutory and delictual remedies are also unavailable. The court then considered constitutional damages to rectify “diffuse and systematic pattern of rights violations” or “systematic, pervasive and enduring infringements of constitutional rights”. This may only be used if it is the most effective relief. Budgetary and fiscal pressures of the municipality must be considered when awarding constitutional damages. Paras 100-116 quantum of damages. A once-off token of R 10 000 per applicant was awarded. Applicants have the right to approach the court again within one year from the granting of the order to reassess the award, should the municipality continue to procrastinate in its constitutional obligations. The municipality is also subject to a supervisory order where it has to report back to the court.	Paras 2, 50, 60, 63, 64, 65, 70, 72, 80, 157

	Majority: The approach adopted in the first judgement fails to differentiate between socio-economic rights and other rights. A breach of socio-economic rights arising from non-fulfilment or non-enjoyment of those rights does not entitle parties to an injury or damage that warrants compensation to be ordered. Appeal was dismissed For water services delivery: Courts are increasingly impatient and becoming intolerant of service delivery failures. This shows the variety of remedies that could be available to the community where the right to water is infringed	
Full citation of judgment	Kakamas Water Users Association v Minister of Water and Sanitation (Case no 1208/2023) (27 October 2023)	chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.saflii.org/za/cases/ZANCHC/2023/69.pdf
Summary of judgment and the impact for future water services delivery	Facts: Association responsible for the management and operation of the Kakamas Government Water Scheme in terms of a cooperation agreement. Parties dispute a directive issued by DWS. Findings: - A directive is administrative action. - A water user association's primary task is to provide water to all persons and instances in its area of operations. - Judgement describes when an association will become redundant and ineffective. A directive may be reviewed by a court on the basis of PAJA.	
Full citation of judgment	Saunderson v Boegoeberg Water Users Association [2022] ZANCHC 86	https://www.saflii.org/za/cases/ZANCHC/2022/86.html
Summary of judgment and the impact for future water services delivery	Facts: Applicant's access to water was disconnected to several of his farming properties by the water association. Letter of demand for payment of certain amounts for water supplied. The amounts payable is disputed. Findings: - Water Tribunal appeal process emphasized. - Requirements set out to successfully rely on mandament spolie to restore water supply.	
SAHRC Reports		
Where any reports received and investigated on the right to water by the SAHRC?	yes	
Reference details of the report	Media advisory: The SAHRC Northern Cape Provincial Office to address critical issues of access to water and	https://www.sahrc.org.za/index.php

	sanitation services with the Sol Plaatje Local Municipality in Kimberly	p/sahrc-media/news-2/item/4016-media-advisory-the-sahrc-northern-cape-provincial-office-to-address-critical-issues-of-access-to-water-and-sanitation-services-with-the-sol-plaatje-local-municipality-in-kimberly
Summary of the report and the impact on future water services delivery.	21 May 2024 The SAHRC received multiple complaints concerning inadequate access to water and sanitation services in Sol Plaatje Municipality including: - Lack of basic services at the Waterloo informal settlement. - Lack of provision of water services which negatively impacts the entire city and surrounding areas. - Long-standing lack of services at the Soekmekaar Informal Settlement. The SAHRC is to hold a stakeholder engagement on 21 May 2024.	
Reference details of the report.	Media Advisory: SAHRC Commissioner Ntuli to lead stakeholder engagements on water security and assurance of water supply in Namakwa District, Northern Cape Province	https://www.sahrc.org.za/index.php/sahrc-media/news-2/item/3436-media-advisory-sahrc-commissioner-ntuli-to-lead-stakeholder-engagements-on-water-security-and-assurance-of-water-supply-in-namakwa-district-northern-cape-province
Summary of the report and the impact on future water services delivery.	15 February 2023 Most violations of the right to access to water occur in rural areas and informal communities. Through complaints, the SAHRC learned that the Namakwa District is experiencing challenges with water resources where boreholes in the area are drying up. The purported	

	challenge is likely to impact the sustainable supply of water services to households in the district and has the potential to lead to systematic violations of human rights. Engagement scheduled for 15 February 2023. Invited stakeholders: - Department of Water and Sanitation - Bloemwater - Northern Cape COGTA - Namakwa District Municipality - Nama Khoi Local Municipality - Khai-Ma Local Municipality - Hantam Local Municipality - Kamiesberg Local Municipality - Karoo Hoogland Local Municipality - Richtersveld Local Municipality	
Parliamentary and Legislative Oversight		
Any oversight actions taken in the duration of the current (5 th) administration.	Yes	
Full citation	National Council of Provinces Oversight Visit: 'Northern Cape shows solid progress in service delivery and infrastructure development' – August 2026	https://www.parliament.gov.za/press-releases/media-statement-northern-cape-shows-solid-progress-service-delivery-and-infrastructure-development
Other Oversight Institutions		
Details of any oversight action taken.	None.	

Sources:

- Municipal Demarcation Board *Municipal Powers and Functions Capacity Assessment 2018: Sectoral Report for Water and Sanitation*
- 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>
- Independent Electoral Commission *Local Government Elections Dashboard* accessed at <https://results.elections.org.za/dashboards/lge/>
- Department Water and Sanitation *Blue Drop Progress Report 2022*
- 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>

- Portfolio Committee on Water and Sanitation *Legacy Report: Report of the Portfolio Committee on Water and Sanitation on its activities undertaken during the 5th Parliament* accessed at https://static.pmg.org.za/Water_and_Sanitation.pdf
- South African Human Rights Commission *Report on the Right to Access Sufficient Water and Decent Sanitation 2014* (2014) (SAHRC, 2014 Water Report)
- South African Human Rights Commission *Letter to MEC for Education, Free State: Re Water and Sanitation Infrastructure in Schools for 2021 Academic Year*, <file:///C:/Users/00300002/Downloads/2021-GeneralReports-5.pdf> (SAHRC 2021 Letter to Free State Education MEC)
- South African Human Rights Commission 2013: *Free State Water and Sanitation Reports* accessed at <https://www.sahrc.org.za/index.php/publications/investigative-reports/2013-1>.
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