

WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

MAGARENG LOCAL MUNICIPALITY



OCTOBER 2026

Table of Contents

Map	3
Assessment: Progressive realization of the right to water in Magareng Local Municipality	4
Narrative	6
Expanded Table	8
Name of the WSA.....	8
Context indicators	8
Demographics	8
Financial capacity	9
Water management	10
Political Stability	11
Policy Efforts.....	11
Water By-law	11
Water Services Development Plan.....	12
General Policy Framework	12
IDP	12
Resource Efforts	12
Financial Resources.....	12
Infrastructure Resources.....	13
Human and Skills Resources	13
Implementation	14
Physical Access	14
Economic Access	14
Adequacy	14
Quality.....	14
Efficiency	15
Oversight	15
Department of Water and Sanitation	15
Judicial Oversight	16
SAHRC Reports	18
Parliamentary and Legislative Oversight.....	20
Other Oversight Institutions.....	20
Sources:.....	20

Map

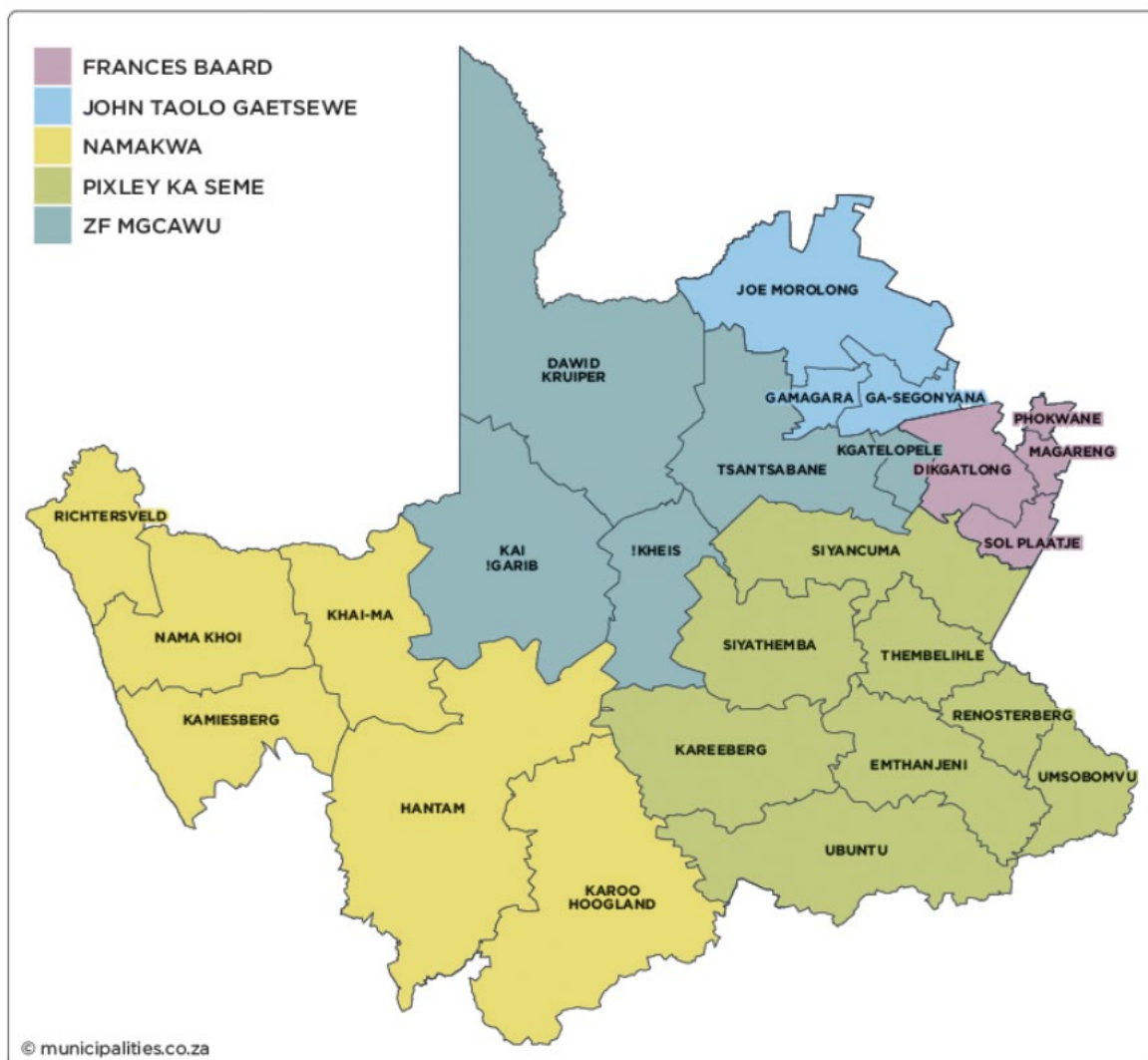


Figure 1: Geographical location of the Magareng Local Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/7/northern-cape>).

The Magareng Local Municipality is one of four local municipalities in the Frances Baard District Municipality in the Northern Cape Province.

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

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 20,858 (Blue Drop) to 26,816 (2022 Census) Population growth rate: 1.0% Sex Ratio: Moderate female majority Dependency: 27.3% under 15; dependency ratio 53.7	
Unemployment	45%	
KEY IMPLEMENTATION INDICATORS		
Availability	River 57% of capacity used	
Physical access	Communal source +200m	0%
	Communal source – 200m	22.7%
	Water source in yard	77.3%
	Piped water in house	43.9%
	Service delivery point/household coverage ratio	1.14
Economic Access	Tariff variation: No information Tariff structure: No information FBW: Indigent only Indigency: 3.3% of service delivery points, decreasing trend	
Adequacy	Not mentioned	
Quality	Microbiological compliance	86.4%
	Chemical (acute) compliance	0.0%
	Chemical (chronic) compliance	0.0%
Efficiency	WUE Score: 228 l/p/d (Average) Non-revenue water: 96%	
REASONABLE MEASURES		
Policy Efforts	By-law, Indigent Policy and Register, WSDP	
Financial Resources (2024/25)	Budget sufficiency: 87% Revenue coverage: 131% Renewal spending: 31% Maintenance spending rate: 3% Revenue collection rate: 61%	
Human Resources	Blue Drop shortfall: 0 Process Controllers, 0 Supervisors, 2 Technicians, 2 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Not mentioned	
Water planning issues	-Unreliable statistics -Frequent pipe bursts	

	-Water shortages -Sporadic and unplanned new water supply areas
Funding model	Not mentioned
Infrastructure issues	-Ageing and dilapidated infrastructure -All the potable water bulk distribution pipeline materials are made of asbestos cement which is not permitted by the current legislation
Electricity issues	-Inadequate Street Lighting -No electrical services in informal settlements -Old electricity infrastructure
Ecological drivers	-Pollution of the watercourse -Excessive erosion and sedimentation
Consumer issues	-Minimal access to water and sanitation -Credible and accurate billing
Water services intermediaries	Not mentioned
Third-party interference	Vandalism and theft of existing infrastructure pose a significant risk to service delivery, particularly in Magareng, which lacks the financial capacity to replace major processing units and equipment when such incidents occur.
Intergovernmental coordination	Not mentioned
Scale	1,546km ² 1 WTW, 3 pump stations, 1.7 km of bulk water supply lines, 11.2 km of reticulation pipelines and 9 reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	5 wards, no information on traditional authorities
Low literacy and education levels	No Schooling: 8.8%, tertiary ed.: 5.3%
Infrastructure backlogs	Electricity and wastewater treatment plant backlogs
Limited yellow fleet	Inadequate yellow fleet-Procurement of yellow fleet R5 million in 2025/26
High vacancy rate	Municipal Manager position vacant; Chief Financial Officer in position
Legal non-compliance	Not mentioned

*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the Magareng Local Municipality range from 20 858 (Blue Drop) to 26 816 (2022 Census). The population growth rate of 1.0% is lower than the national average of 1.3%. There is a moderate female majority and 27.3 of the population are under the age of 15. The dependency ratio of 53.7 is higher 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 (broad definition used) in this municipality of 45%.

KEY IMPLEMENTATION INDICATORS

The Magareng Local Municipality is authorised to provide water services and can abstract water from Vaal River and groundwater.

In terms of physical access, 77.3% of consumers reportedly have a water connection in their yard, and 43.9% enjoy water piped into their dwellings. About 22.7% 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 1.14 meaning that the current service delivery points cover 114% of the households counted in the 2022 Census.

The Magareng Local Municipality provides no universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. About 3.3% (low) of service delivery points are covered by the indigency policy. Since 2017, the number of households benefiting from the indigency policy has decreased. No information could be found on the tariff structure for the financial year ending in 2021/22.

No reliable data could be found about the number of water services interruptions experienced by the community. There is a major concern about water quality, with the Magareng Local Municipality reporting microbiological compliance at 86.4% and chemical acute compliance at 0% and chronic at 0%.

Water use efficiency is average. The *Blue Drop* score of >228 l/p/d is average. According to the 2021/22 Auditor-General report, 96% of all water produced is non-revenue water, which is above the national prescribed standard of 35%.

REASONABLE MEASURES

The Magareng 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 (131%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is not enough (87%) to cover capital and operational expenditure. The portion of capital budget allocated to the renewal of assets was 12% to 31% and maintenance expenditure was between 3% and 10%. The revenue collection rate has fluctuated between 61% and 85% according to MFMA Schedule C datasets.

There are 7 municipal officials employed in water treatment. According to the latest *Blue Drop* report, there is a staff shortfall of 2 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 Magareng Local Municipality are:

- **Leadership issues:** None.
- **Water planning issues:** Unreliable statistics. Sporadic and unplanned new developing areas.
- **Funding model:** None.
- **Electricity issues:** None that affect water services.
- **Infrastructure issues:** Ageing infrastructure. Asbestos pipes must be replaced.
- **Ecological drivers:** Water pollution. Excessive erosion and sedimentation
- **Consumer issues:** Inaccurate billing.
- **Intermediaries:** None.
- **Third-party interference:** Vandalism and theft of water services infrastructure.
- **Scale:** Water services in the Magareng Local Municipality are spread out over 1 546 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).

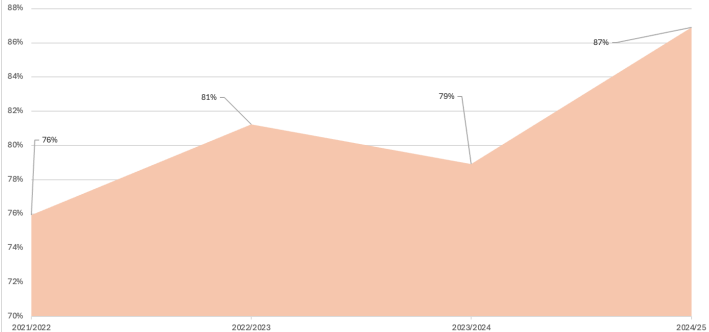
Expanded Table

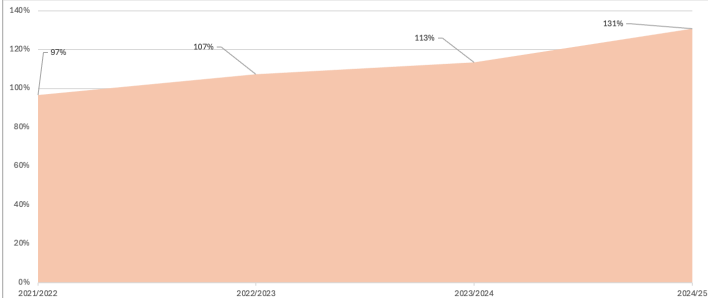
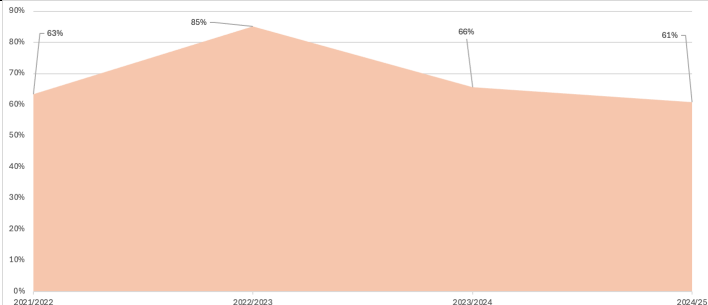
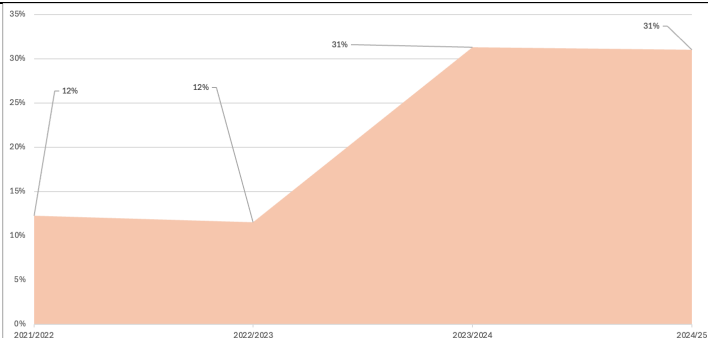
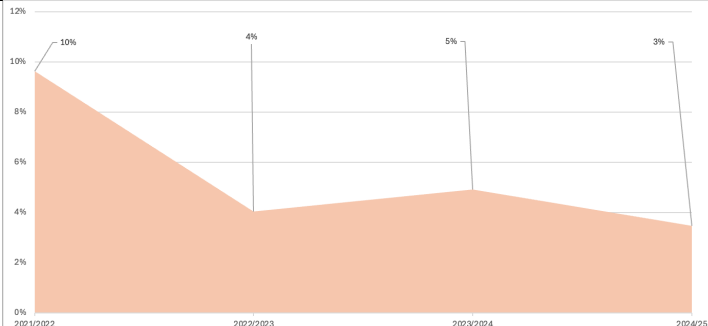
Indicator	Measurement	Sources
Name of the WSA	Magareng Local Municipality	
Geographical information about the WSA.	One of four local municipalities in the Frances Baard District Municipality in the Northern Cape Province	Magareng Local Municipality - Overview
Spatial extent	1 546km ²	Magareng Local Municipality - Overview
Municipal Wards	5	IDP 2024-2025, p. 15
Traditional Authorities	No easily available information	IDP 2024-2025
Is the WSA authorized to provide water services?	yes	IDP 2024-2025, p. 33
Is the WSA currently providing water services?	both water treatment and tap water	IDP 2024-2025, p. 33
Method of service provision	Self	IDP 2024-2025, p. 33
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	20,858 (<i>Blue Drop</i>) 26,816 (2022 Census) 24,042 (IDP)	2023 <i>Blue Drop Report</i> , p. 405; Magareng Local Municipality - Demographic IDP 2024-2025, p. 15
Number of households (Census 2022)	6,770	Magareng Local Municipality - Demographic

Number of domestic household service delivery points (2021/2022) (Non-Financial Census of Municipalities)	7,718	Magareng Local Municipality - Services
Ratio service delivery points / households	1.14	
Number of non-domestic consumers Affects overall availability of water – big industrial users.	167	Magareng Local Municipality - Services
Males per 100 females	91.5	Magareng Local Municipality - Demographic
Gender Split	47.8% Male 52.2% Female	
Population growth rate per annum	1.00%	Magareng Local Municipality - Demographic
Education	No Schooling: 8.8% Higher Education: 5.3%	Magareng Local Municipality - Demographic
Financial capacity		
Economically active population (15-64)	65.1%	Magareng Local Municipality - Demographic
Unemployment rate	45%	IDP 2024-2025, p. 51
Dependency ratio	53.7	Magareng Local Municipality - Demographic
Population under 15	27.3%	Magareng Local Municipality - Demographic
Universal FBW Allowance	No	IDP 2024-2025, p. 12
Number of service delivery points receiving FBW: 2021/22	254	Magareng Local Municipality - Services
Percentage of FBW service delivery points	3.3%	
Increase/decrease of FBW 2018/2019 – 2021/2022	805 to 254 Decrease	Magareng Local

			Municipality - Services
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	Section 138 4 triggers Section 140 3 triggers		NT Municipalities Meeting Criteria, item 215
Details of the triggers present.	Failure to make payments as and when due for longer than 90 days that amount to more than R 1 million.	☒	NT Municipalities Meeting Criteria
	Operating at a deficit of more than 5% of the total direct revenue.	☒	
	Negative OR outstanding audit.	☒	
	Negative cash position for two or more consecutive years.	☒	
	Failure to make any payment to Eskom when due that amounts to more than 2% of the operating expenditure.	☐	
	Failure to make any payment to the Water Board when due that amounts to more than 2% of the operating expenditure.	☒	
	Failure to make any payment to any other creditor when due that amounts to more than 2% of the operating expenditure.	☐	
	Failure to make any payment to Eskom when due that amounts to more than 40% of the operating expenditure.	☒	
	Failure to make any payment to the Water Board when due that amounts to more than 40% of the operating expenditure.	☐	
	Failure to make any payment to any other creditor when due that amounts to more than 40% of the operating expenditure.	☒	
Is municipality considered to be in financial distress?	yes		AGSA Web Based Report 2024/25
Is the municipality currently subject to a provincial intervention?	no		Magareng 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		IDP 2024-2025, p. 54
Water abstraction authorized?	Yes		2023 <i>Blue Drop Report</i> , p. 403.
Volume of authorized/(unauthorized) water abstraction?	9,786 kl/d		2023 <i>Blue Drop Report</i> , p. 403
How many water treatment plants are in the WSA’s water services network?	Magareng LM manages 1 WTWs, 3 pump stations, 1.7 km of bulk water supply lines, 11.2 km of reticulation pipelines and 9 reservoirs. Total design capacity is 8.4 MI per day. 8.4 MI capacity is available. Average production: 4.8 MI per day 57% of capacity is used 2023 <i>Blue Drop</i> critical risk: 1 (Warrenton)		2023 <i>Blue Drop Report</i> , p. 388-389, 401, 439

How many biophysical water sources does this WSA have access to?	River	☒	2023 <i>Blue Drop Report</i> , p. 439
	Dam	☐	
	Saltwater	☐	
	Groundwater	☐	
Names of rivers and dams	Vaal River		2023 <i>Blue Drop Report</i> , p. 439
How many infrastructure water sources does this WSA have?	Water reclamation	☐	IDP 2024-2025, p. 34
	Desalination	☐	
	From natural source	☒	
Political Stability			
Is there a coalition government?	ANC ANC 6, DA 2, EFF 2, PA 1		Magareng Local Municipality - Council & Management
Has there been mayoral instability in the last 5 years?	None		
MM/CFO Vacancy Snapshot	AGSA Website Based Report 2024/25		Municipality: Magareng Local Municipality District: Frances Baard 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?	Yes	
	Number of months the MM has been in position.	Vacant for 36 months	
	CFO vacancy at the end of the year?	No	
	Number of months the CFO has been in position.	12	
Policy Efforts			
Water By-law			
Is there a water by-law?	no		By-law
Citation of by-law			By-law
Mark with “yes” if the by-law makes provision for the following:	Matters incidental to providing water services to residents,		By-law
	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		

	<table><tr><td>How service charges are calculated and levied</td><td></td></tr><tr><td>Measures to ensure the quality of potable water</td><td></td></tr><tr><td>Preventing water pollution</td><td></td></tr><tr><td>Anything else?</td><td></td></tr></table>	How service charges are calculated and levied		Measures to ensure the quality of potable water		Preventing water pollution		Anything else?				
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?	In draft format	IDP 2024-2025, p. 14										
The validity duration of the plan (which years)	No information available	IDP 2024-2025										
General Policy Framework												
Is there an Indigent Policy?	yes	Indigent Policy, 2024/25										
IDP												
Issues	- Minimal access to water and sanitation - Contamination of underground water sources - The municipality is largely urban-rural with minimal development in the area - Infrastructure is old and dilapidated - No medium-long term planning frameworks - Frequent pipe bursts - Water shortages - All the potable water bulk distribution pipeline materials are made of asbestos cement which is not permitted by the current legislation. - Lack of trade specific skills in technical department - Sporadic and unplanned new water supply areas	IDP 2024-2025, p. 8, 33										
Resource Efforts												
Financial Resources												
Budget sufficiency (total budget revenue (excl. capital transfers)/ total budgeted OPEX) x 100	 <table><caption>Budget Sufficiency Data</caption><thead><tr><th>Period</th><th>Budget Sufficiency (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>76%</td></tr><tr><td>2022/2023</td><td>81%</td></tr><tr><td>2023/2024</td><td>79%</td></tr><tr><td>2024/25</td><td>87%</td></tr></tbody></table>	Period	Budget Sufficiency (%)	2021/2022	76%	2022/2023	81%	2023/2024	79%	2024/25	87%	MFMA Section 71, Schedule C datasets
Period	Budget Sufficiency (%)											
2021/2022	76%											
2022/2023	81%											
2023/2024	79%											
2024/25	87%											

Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100	 <table><tr><th>Period</th><th>Revenue coverage %</th></tr><tr><td>2021/2022</td><td>97%</td></tr><tr><td>2022/2023</td><td>107%</td></tr><tr><td>2023/2024</td><td>113%</td></tr><tr><td>2024/25</td><td>131%</td></tr></table>	Period	Revenue coverage %	2021/2022	97%	2022/2023	107%	2023/2024	113%	2024/25	131%	MFMA Section 71, Schedule C datasets
Period	Revenue coverage %											
2021/2022	97%											
2022/2023	107%											
2023/2024	113%											
2024/25	131%											
Revenue collection rate % (actual revenue collected / budgeted revenue) x 100	 <table><tr><th>Period</th><th>Revenue collection rate %</th></tr><tr><td>2021/2022</td><td>63%</td></tr><tr><td>2022/2023</td><td>85%</td></tr><tr><td>2023/2024</td><td>66%</td></tr><tr><td>2024/25</td><td>61%</td></tr></table>	Period	Revenue collection rate %	2021/2022	63%	2022/2023	85%	2023/2024	66%	2024/25	61%	MFMA Section 71, Schedule C datasets
Period	Revenue collection rate %											
2021/2022	63%											
2022/2023	85%											
2023/2024	66%											
2024/25	61%											
Capital budget allocated to renewal of existing assets (Amount allocated to renewal / Total capital budget) x 100	 <table><tr><th>Period</th><th>Capital budget allocated to renewal of existing assets %</th></tr><tr><td>2021/2022</td><td>12%</td></tr><tr><td>2022/2023</td><td>12%</td></tr><tr><td>2023/2024</td><td>31%</td></tr><tr><td>2024/25</td><td>31%</td></tr></table>	Period	Capital budget allocated to renewal of existing assets %	2021/2022	12%	2022/2023	12%	2023/2024	31%	2024/25	31%	MFMA Section 71, Schedule C datasets
Period	Capital budget allocated to renewal of existing assets %											
2021/2022	12%											
2022/2023	12%											
2023/2024	31%											
2024/25	31%											
Maintenance spending rate % (Total maintenance expenditure / total revenue collected) x 100	 <table><tr><th>Period</th><th>Maintenance spending rate %</th></tr><tr><td>2021/2022</td><td>10%</td></tr><tr><td>2022/2023</td><td>4%</td></tr><tr><td>2023/2024</td><td>5%</td></tr><tr><td>2024/25</td><td>3%</td></tr></table>	Period	Maintenance spending rate %	2021/2022	10%	2022/2023	4%	2023/2024	5%	2024/25	3%	MFMA Section 71, Schedule C datasets
Period	Maintenance spending rate %											
2021/2022	10%											
2022/2023	4%											
2023/2024	5%											
2024/25	3%											
Infrastructure Resources												
Current infrastructure value	R15,919,435	2023 Blue Drop Report, p. 413-414										
Human and Skills Resources												
Total number of staff employed in water treatment	7 (5 supervisory, 2 technical)	2023 Blue Drop Report; p. 395-396, 398										
Supervisor Staff/WTW Ratio	5.0	2023 Blue Drop Report, p. 395-396										

Technical Staff/WTW Ratio	2.0			2023 <i>Blue Drop Report</i> , p. 398
Staff Shortfall	0 Process Controllers 0 Supervisors 2 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%	Magareng Local Municipality - Services
	Communal source – 200m	1,750	22.7%	
	Water source in yard	5,968	77.3%	
	Total	7,718		
Piped water inside dwelling	43.9%			Magareng Local Municipality - Demographic
Infrastructure backlog	Electricity and wastewater treatment plants backlogs			
Do schools and clinics have access to water on their premises.	- No information on the status of water service delivery to the 10 education and 6 health facilities.			
Economic Access				
Economic access to water.	Free basic water for all	☐		No information
	Free basic water for Indigent	☐		
	Cross subsidy	☐		
	Prepaid	☐		
Step tariff for households in rand excl VAT. For 2021/22	0 < 15kl			No information
	16kl < 35kl			
	36kl < 60kl			
	61kl <			
Tariffs for schools.	0 < 200kl			No information
	201kl < 1 000kl			
	1 001kl < 2 500kl			
	2 501kl <			
Adequacy				
Number of interruptions in 2024	Not mentioned			
Media reports on outages	https://nc.da.org.za/2024/04/a-vote-for-the-da-can-rescue-the-northern-cape-from-growing-water-crises			
Quality				
What is the WSA's blue drop score?	2023: 26.5% 2011: 65.6%			2023 <i>Blue Drop Report</i> , p. 439
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated			2023 <i>Blue Drop Report</i> , p. 439

Blue Drop microbiological compliance score	86.4% (0 Excellent WTWs, 1 Unacceptable WTW)	2023 <i>Blue Drop Report</i> , p. 407-408
Blue Drop chemical (acute) compliance score	0.0% (0 Excellent WTWs, 1 Unacceptable WTW)	2023 <i>Blue Drop Report</i> , p. 409
Blue Drop chemical (chronic health) compliance score	0.0% (0 Excellent WTWs, 1 Unacceptable WTW)	2023 <i>Blue Drop Report</i> , p. 409
Does the WSA have a contract with the lab to test water samples?	No information	IDP 2024-2025
<i>Green Drop Risk Rating</i>	Critical Risk	2025 <i>Green Drop Report</i> , p. 123
Efficiency		
Blue Drop Water Use Efficiency Score	228 l/p/d (Average)	2023 <i>Blue Drop Report</i> , p. 405
No Drop Score 2021/22	10%	2023 <i>No Drop Report</i> , p. 283
Amount of non-revenue water (percentage and value)	R6.12 million in water losses 96% of all water flowing through municipal pipelines	AGSA Web Based Report 2024/2025
Main reasons for water losses.	Water losses can be attributed to both financial and technical factors: - Audit findings for 2022/23 revealed that approximately 80% of purchased water is lost, meaning the municipality generates revenue from only 20% of the water it purchases. - The municipality lacks bulk water meters, making it impossible to accurately measure the total volume of water entering the system. As a result, it cannot determine how much water is produced, purchased, lost through leakages, or consumed. - The absence of reliable monitoring also means the municipality cannot confirm whether current water demand exceeds its authorised raw water abstraction limits.	IDP 2024-2025, p. 30
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 Warrenton 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	2023 <i>Blue Drop Report</i> , p. 439

	persons, timelines, and expected improvement as outlined in the Regulatory Comment.	
<i>Green Drop</i> actions	The Regulator expresses serious concern regarding the poor state of wastewater services at the Warrenton system, 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. 125
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 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 measure 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 do 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://efaidnbmnnnibpcajpcglclefindmkaj/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] ZANHC 86	https://www.saflii.org/za/cases/ZANHC/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 sanitation services with the Sol Plaatje Local Municipality in Kimberly	https://www.sahrc.org.za/index.php/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-plateetje-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>.
-