

WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

NAMA KHOI LOCAL MUNICIPALITY



OCTOBER 2026

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Map

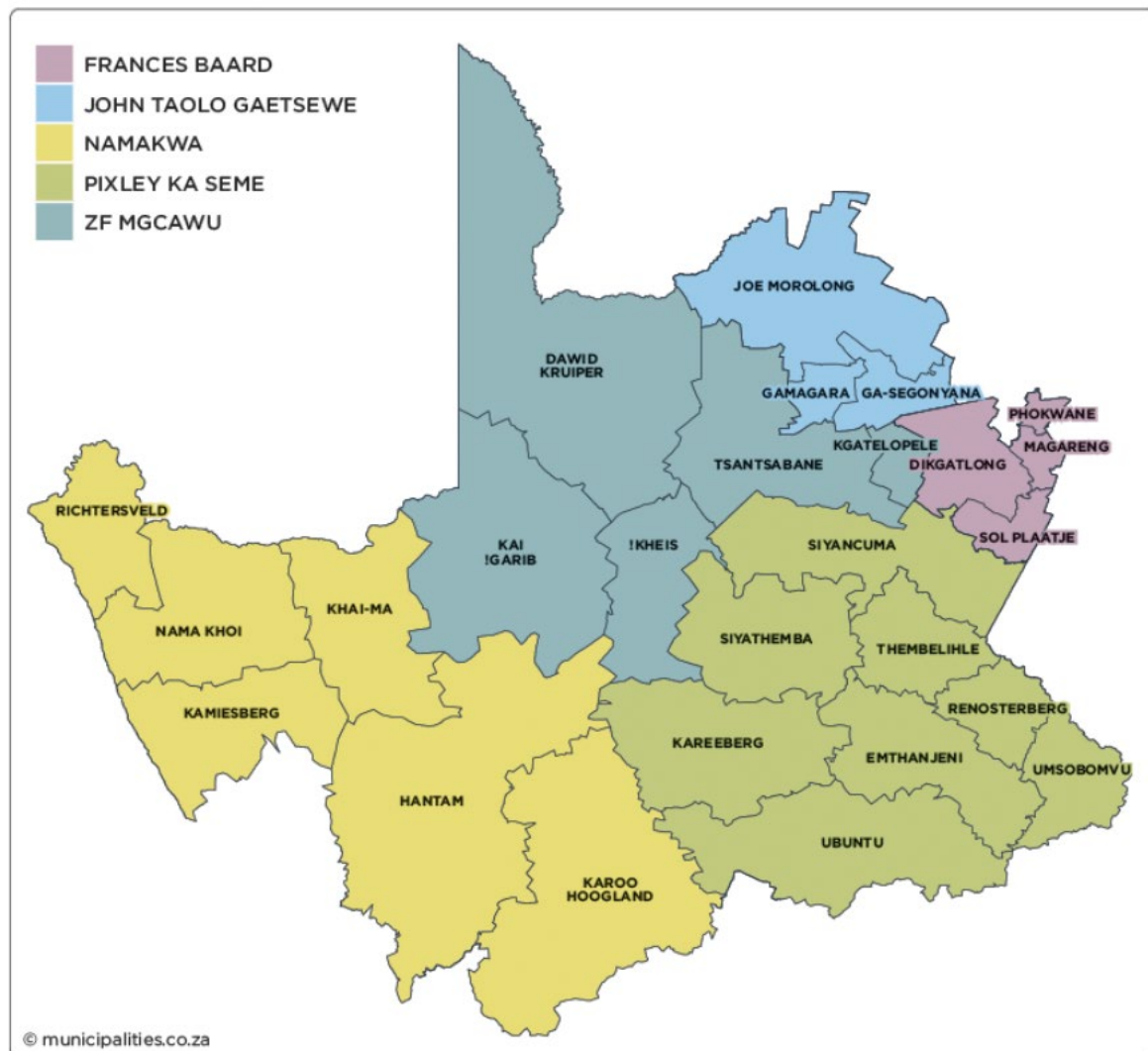


Figure 1: Geographical location of the Nama Khoi Local Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/7/northern-cape>).

The Nama Khoi Local Municipality is one of six local municipalities in the Namakwa District Municipality in the Northern Cape Province.

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

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 48,102 (<i>Blue Drop</i>) to 67,089 (2022 Census) Population growth rate: 3.5% Sex Ratio: Moderate female majority Dependency: 21.4% under 15; dependency ratio 46.7	
Unemployment	21.4%	
KEY IMPLEMENTATION INDICATORS		
Availability	River, groundwater 15% of capacity used	
Physical access	Communal source +200m	0.4%
	Communal source – 200m	0.8%
	Water source in yard	98.8%
	Piped water in house	86.1%
	Service delivery point/household coverage ratio	0.88
Economic Access	Tariff variation: Domestic, business + 3 categories Tariff structure: Increasing block tariff (5 blocks R22.48-R29.92) FBW: Indigent only Indigency: 48.2% of service delivery points, decreasing trend	
Adequacy	Not mentioned	
Quality	Microbiological compliance	90.7%
	Chemical (acute) compliance	36.7%
	Chemical (chronic) compliance	69.1%
Efficiency	WUE Score: 138 l/p/d (Excellent) Non-revenue water: 13.7%	
REASONABLE MEASURES		
Policy Efforts	By-law, Indigent Policy and Register, WSDP	
Financial Resources (2024/25)	Budget sufficiency: 145% Revenue coverage: 156% Renewal spending: Missing data Maintenance spending rate: 4% Revenue collection rate: 82%	
Human Resources	<i>Blue Drop</i> shortfall: 10 Process Controllers, 1 Supervisor, 4 Technicians, 2 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Not mentioned	

Water planning issues	-Unreliable statistics
Funding model	Not mentioned
Infrastructure issues	-Ageing municipal infrastructure -Lack of maintenance and upgrading of infrastructure
Electricity issues	-Electricity losses -Upgrading of electricity network required
Ecological drivers	Water shortages and not good quality water Low rainfall and extreme climate conditions.
Consumer issues	Declining revenue collection opportunities, challenges with revenue collection
Water services intermediaries	-5000 litres of Jojo Tanks for Nama Khoi community
Third-party interference	-Vandalism and theft
Intergovernmental coordination	Not mentioned
Scale	17,990km ² 5 WTWs, NI pump stations, NI km of bulk water supply lines, NI km of reticulation pipelines and NI reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	9 wards, no information on traditional authorities
Low literacy and education levels	No Schooling: 1.2%, tertiary ed.: 6.2%
Infrastructure backlogs	Housing backlog
Limited yellow fleet	Ageing fleet
High vacancy rate	Municipal Manager position vacant, Chief Financial Officer in position
Legal non-compliance	Qualified with no findings

*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the Nama Khoi Local Municipality range from 48 102 (Blue Drop) to 67 089 (2022 Census). The population growth rate of 3.5% is higher than the national average of 1.3%. There is a moderate female majority and 21.4% of the population are under the age of 15. The dependency ratio of 46.7 is lower than the reported national 2024 average of 48.4 and lower than the global average of 58.4.¹ There is a moderate level of unemployment (broad definition used) in this municipality of 21.4%.

KEY IMPLEMENTATION INDICATORS

The Nama Khoi Local Municipality is authorised to provide water services and can abstract water from Orange River, Lower Orange River and groundwater.

In terms of physical access, 98.8% of consumers reportedly have a water connection in their yard, and 86.1% enjoy water piped into their dwellings. About 0.8% of the population has access to a communal source within 200m of their dwellings, and 0.4% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 0.88 meaning that the current service delivery points cover 88% of the households counted in the 2022 Census.

The Nama Khoi Local Municipality provides no universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. About 48.2% (high) of service delivery points are covered by the indigency policy. Since 2017, the number of households benefiting from the indigency policy has decreased. The tariff structure (2021/22) shows an increasing block tariff structure (least expensive block is R22.48, most expensive is R29.92). The municipality's tariff structure is made up of 5 categories.

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 Nama Khoi Local Municipality reporting microbiological compliance at 90.7% and chemical acute compliance at 36.7% and chronic at 69.1%.

Water use efficiency is good. The *Blue Drop* score of >138 l/p/d is good. According to the 2021/22 Auditor-General report, 13.7% of all water produced is non-revenue water, which is below the national prescribed standard of 35%.

REASONABLE MEASURES

The Nama Khoi 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 (156%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is enough (145%) to cover capital and operational expenditure. The portion of capital budget allocated to the renewal of assets was unknown and maintenance expenditure was between

3% and 10%. The revenue collection rate has fluctuated between 81% and 95% according to MFMA Schedule C datasets.

There is 1 municipal official employed in water treatment. According to the latest *Blue Drop* report, there is a staff shortfall of 10 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 Nama Khoi Local Municipality are:

- **Leadership issues:** None.
- **Water planning issues:** Unreliable statistics.
- **Funding model:** Declining revenue base.
- **Electricity issues:** None that affect water services.
- **Infrastructure issues:** Ageing infrastructure and lack of maintenance.
- **Ecological drivers:** Water shortages, low-quality raw water and low rainfall.
- **Consumer issues:** Non-payment of services.
- **Intermediaries:** None.
- **Third-party interference:** Vandalism and theft of water services infrastructure.
- **Scale:** Water services in the Nama Khoi Local Municipality are spread out over 17 990 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).

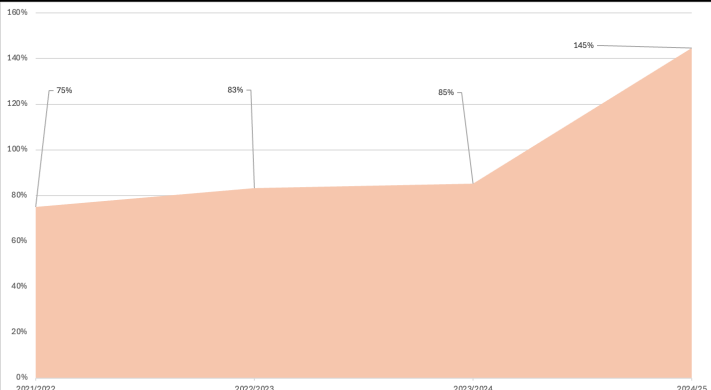
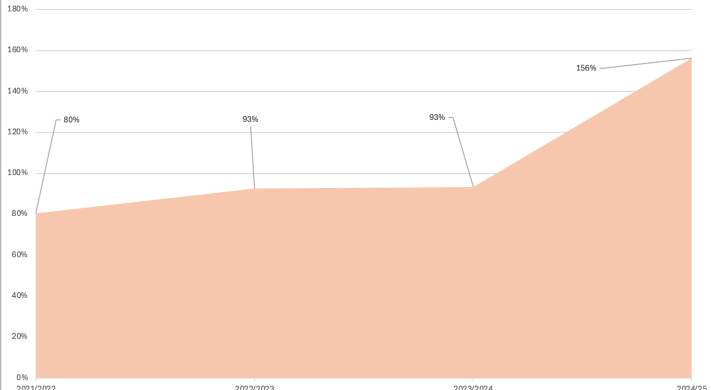
Expanded Table

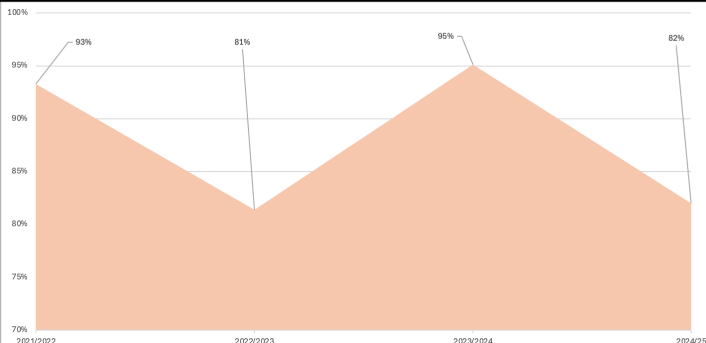
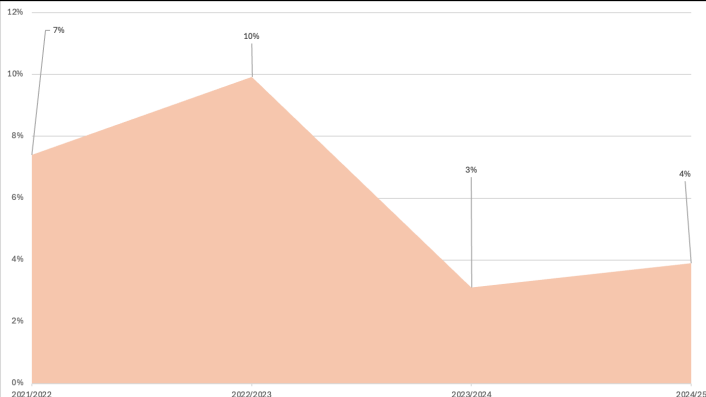
Indicator	Measurement	Sources
Name of the WSA	Nama Khoi Local Municipality	
Geographical information about the WSA.	One of six local municipalities in the Namakwa District Municipality in the Northern Cape Province.	Nama Khoi Local Municipality - Overview
Spatial extent	17,990km ²	Nama Khoi Local Municipality - Overview
Municipal Wards	9	IDP 2024/2025, p. 13
Traditional Authorities	No easily available information	IDP 2024/2025
Is the WSA authorized to provide water services?	yes	IDP 2024/2025, p. 40
Is the WSA currently providing water services?	both water treatment and tap water	IDP 2024/2025, p. 40
Method of service provision	Water Board	IDP 2024/2025, p. 40
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	48,102 (<i>Blue Drop</i>) 67,089 (2022 Census) 67,089 (IDP)	2023 <i>Blue Drop Report</i> , p. 405; Nama Khoi Local Municipality - Demographic IDP 2024/2025, p. 24
Number of households (Census 2022)	14,579	Nama Khoi Local Municipality - Demographic
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	12,801	Nama Khoi Local Municipality - Services

Ratio service delivery points / households	0.88		
Number of non-domestic consumers Affects overall availability of water – big industrial users.	0	Nama Khoi Local Municipality - Services	
Males per 100 females	94.5	Nama Khoi Local Municipality - Demographic	
Gender Split	48.6% Male 51.4% Female		
Population growth rate per annum	3.5%	Nama Khoi Local Municipality - Demographic	
Education	No Schooling: 1.2% Higher Education: 6.2%	Nama Khoi Local Municipality - Demographic	
Financial capacity			
Economically active population (15-64)	68.2%	Nama Khoi Local Municipality - Demographic	
Unemployment rate	21.4%	IDP 2023/2024, p. 31	
Dependency ratio	46.7	Nama Khoi Local Municipality - Demographic	
Population under 15	21.4%	Nama Khoi Local Municipality - Demographic	
Universal FBW Allowance	No	IDP 2023/2024, p. 42	
Number of service delivery points receiving FBW: 2021/22	6,164	Nama Khoi Local Municipality - Services	
Percentage of FBW service delivery points	48.2%		
Increase/decrease of FBW 2018/2019 – 2021/2022	5,327 to 6,164 Decrease	Nama Khoi Local Municipality - Services	
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	Section 138 2 triggers Section 140 3 triggers	NT Municipalities Meeting Criteria, item 192	
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			Nama Khoi 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 Range between 50mm to 350mm			IDP 2024/2025, p. 35
Water abstraction authorized?	No			2023 <i>Blue Drop Report</i> , p. 403.
Volume of authorized/(unauthorized) water abstraction?	0 kl/d			2023 <i>Blue Drop Report</i> , p. 403
How many water treatment plants are in the WSA's water services network?	Nama Khoi LM manages 5 WTWs, no information on pump stations, bulk supply lines, reticulation pipelines or reservoirs. Total design capacity is 4.0 MI per day. 2.5 MI the capacity is available. Average production: 0,3 MI per day 15% of capacity is used 2023 <i>Blue Drop</i> critical risk: 0			2023 <i>Blue Drop Report</i> , p. 388, 401, 440
How many biophysical water sources does this WSA have access to?	River Dam Saltwater Groundwater	☒ ☐ ☐ ☒		2023 <i>Blue Drop Report</i> p. 440-441
Names of rivers and dams	Groundwater, Orange River, Lower Orange River			2023 <i>Blue Drop Report</i> p. 440-441
How many infrastructure water sources does this WSA have?	Water reclamation Desalination From natural source	☐ ☐ ☒		IDP 2024/2025, p. 40
Political Stability				
Is there a coalition government?	Hung Council ANC 8, DA 5, NCM 3, VF PLUS 1			Nama Khoi Local Municipality - Council & Management

Has there been mayoral instability in the last 5 years?	- A DA mayor was appointed in the WSA around 9 July 2024. https://nc.da.org.za/2024/07/da-takes-up-mayoral-position-in-nama-khoi-coalition-municipality - During March 2024, media reported that the mayor and municipal manager were arrested for fraud and corruption. https://www.news24.com/news24/southafrica/news/nama-khoi-local-municipality-manager-arrested-for-fraud-and-corruption-20240328 and https://www.news24.com/news24/community-newspaper/noordkaapbulletin/breaking-news-a-northern-cape-municipal-manager-arrested-by-hawks-20240327 -			
MM/CFO Vacancy Snapshot	AGSA Website Based Report 2024/25			Municipality: Nama Khoi Local Municipality District: Namakwa 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 3 months		
	CFO vacancy at the end of the year?	No		
	Number of months the CFO has been in position.	56		
Policy Efforts				
Water By-law				
Is there a water by-law?	yes			By-law
Citation of by-law	GN 48 in GG 1293 of 17 April 2009			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	yes		By-law
	Protecting water supply systems.	yes		
	Prohibiting wasting water	yes		
	Prohibiting illegal connections			
	Sets out standards for water installations and maintaining water infrastructure	yes		
	The installation and upkeep of fire extinguishing systems			
	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 audit		

Water Services Development Plan												
Is there a water services development plan?	Yes	IDP 2024/2025, p 83										
The validity duration of the plan (which years)	Under review	IDP 2024/2025, p. 83										
General Policy Framework												
Is there an Indigent Policy?	yes	Indigent Policy, 2019/20										
IDP												
Issues	- Service delivery backlogs - Lack of maintenance and upgrading of infrastructure - Vandalism and theft - Lack of funds - Ageing municipal infrastructure - Shortage of skilled personnel	IDP 2024/2025, p. 45										
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>Year</th><th>Percentage</th></tr></thead><tbody><tr><td>2021/2022</td><td>75%</td></tr><tr><td>2022/2023</td><td>83%</td></tr><tr><td>2023/2024</td><td>85%</td></tr><tr><td>2024/25</td><td>145%</td></tr></tbody></table>	Year	Percentage	2021/2022	75%	2022/2023	83%	2023/2024	85%	2024/25	145%	MFMA Section 71, Schedule C datasets
Year	Percentage											
2021/2022	75%											
2022/2023	83%											
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2024/25	145%											
Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100	 <table><caption>Revenue coverage data</caption><thead><tr><th>Year</th><th>Percentage</th></tr></thead><tbody><tr><td>2021/2022</td><td>80%</td></tr><tr><td>2022/2023</td><td>93%</td></tr><tr><td>2023/2024</td><td>93%</td></tr><tr><td>2024/25</td><td>156%</td></tr></tbody></table>	Year	Percentage	2021/2022	80%	2022/2023	93%	2023/2024	93%	2024/25	156%	MFMA Section 71, Schedule C datasets
Year	Percentage											
2021/2022	80%											
2022/2023	93%											
2023/2024	93%											
2024/25	156%											

Revenue collection rate % (actual revenue collected / budgeted revenue) x 100				MFMA Section 71, Schedule C datasets
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				MFMA Section 71, Schedule C datasets
Infrastructure Resources				
Current infrastructure value	No information available			2023 Blue Drop Report, p. 413-414
Human and Skills Resources				
Total number of staff employed in water treatment	1 (1 supervisory, 0 technical)			2023 Blue Drop Report, p. 395-396, 398
Supervisor Staff/WTW Ratio	0.2			2023 Blue Drop Report, p. 395-396
Technical Staff/WTW Ratio	0.0			2023 Blue Drop Report, p. 398
Staff Shortfall	10 Process Controllers 1 Supervisor 4 Technicians 2 Qualified scientists			2023 Blue Drop Report, p. 395-396, 398
Implementation				
Physical Access				
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	48	0.4%	Nama Khoi Local Municipality - Services
	Communal source – 200m	105	0.8%	
	Water source in yard	12,648	98.8%	
	Total	12,801		

Piped water inside dwelling	86.1%	Nama Khoi Local Municipality - Demographic
Infrastructure backlog	Housing backlog	
Do schools and clinics have access to water on their premises.	- All 22 education and 32 health facilities have adequate access to water services.	https://ws.dws.gov.za/wsdp/Compliance/Topic2ServiceLevelsProfile.aspx
Economic Access		
Economic access to water.	Free basic water for all	☐
	Free basic water for Indigent	☒
	Cross subsidy	☐
	Prepaid	☐
Step tariff for households in rand excl VAT. For 2021/22	0 < 6kl	22.48
	7kl < 15kl	22.72
	16kl < 30kl	25.88
	31kl < 60kl	29.15
	61kl <	29.92
Categories of water use:	- Indigents - Domestic use - Farms - Businesses - Nursery school	Tariff Policy 2019/20
Tariffs for schools.	Flat rate R 28.36 per kiloliter, assuming that they pay the same tariff as businesses.	Tariff Policy 2019/20
Adequacy		
Number of interruptions in 2024	Not mentioned	
Media reports on outages	https://africanminingmarket.com/pump-donation-revives-nama-khoi-water-infrastructure/20229/	
Quality		
What is the WSA's blue drop score?	2023: 36.6% 2011: 58.0%	2023 <i>Blue Drop Report</i> , p. 440
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated	
Blue Drop microbiological compliance score	90.7% (5 Excellent WTWs, 8 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 407-408
Blue Drop chemical (acute) compliance score	36.7% (5 Excellent WTWs, 10 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 409
Blue Drop chemical (chronic health) compliance score	69.1% (5 Excellent WTWs, 9 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. 127

Efficiency		
Blue Drop Water Use Efficiency Score	138 l/p/d (Excellent)	2023 <i>Blue Drop Report</i> , p. 405
No Drop Score 2021/22	47%	2023 <i>No Drop Report</i> , p. 285
Amount of non-revenue water (percentage and value)	R6,40 million in water losses 13.7% of all water flowing through municipal pipelines	AGSA Web Based Report 2024/25
Main reasons for water losses.	Reticulation pipe leakages Water provided but unaccounted for	IDP 2024/2025, p. 40
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 Buffelsrivier, Goodhouse, Kommagas, Rooiwal, Vioolsdrift and Carolusberg 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. 441
<i>Green Drop</i> actions	The Regulator expresses concern regarding the poor scores that were achieved by all 8 systems, even though the management has indicated and demonstrated commitment to their duties within the constraints they are faced with. The operation, monitoring and management of the systems can be vastly improved by addressing the items that are pointed out in this report. The underperformance of the systems poses a potential threat to receiving water resources and public health. It is thus required that the WSI submit a detailed corrective action plan (CAP) within 60 days of publishing of this report. The CAP must address concerns raised in the Regulatory Comments and needs to include clearly defined, detailed remedial actions, assigned responsible officials for each action item, clear implementation timeframes, and measurable performance indicators. The submitted CAP will undergo formal evaluation by the Regulator and will be tabled for review by the National Water Services Regulation Committee, where the adequacy, feasibility, and urgency of the proposed actions will be assessed in the context of the audit findings and commentary contained in this report.	2025 <i>Green Drop Report</i> , p. 130
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. 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	Paras 2, 50, 60, 63, 64, 65, 70, 72, 80, 157
Full citation of judgment	Kakamas Water Users Association v Minister of Water and Sanitation (Case no 1208/2023) (27 October 2023)	chrome-extension://efaidnbmnnnibpcajpcglc/lefindmkaj/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 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-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/pres-s-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>.