

WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

SOL PLAATJIE LOCAL MUNICIPALITY



OCTOBER 2026

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Map

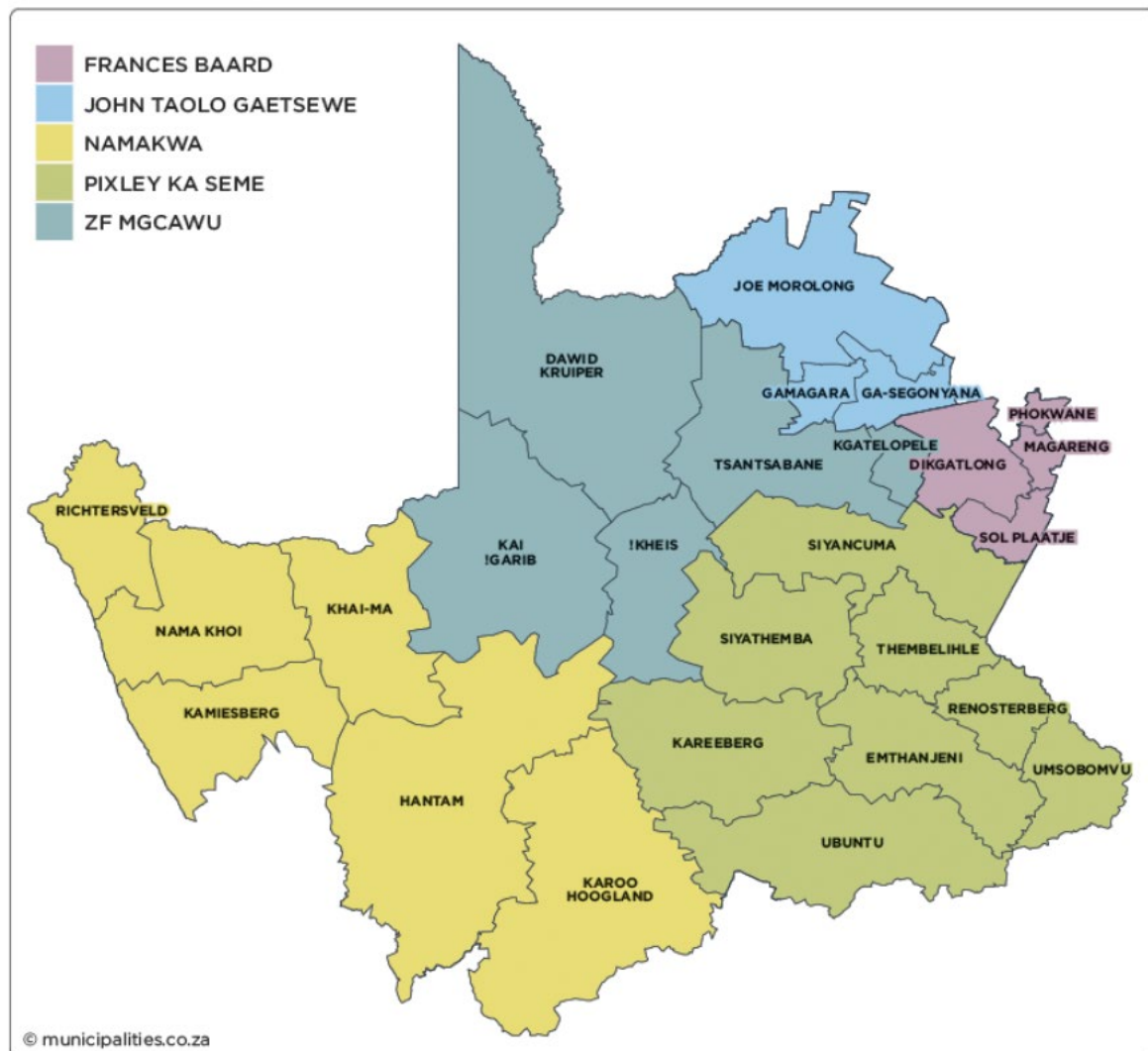


Figure 1: Geographical location of the Sol Plaatje Local Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/7/northern-cape>).

The Sol Plaatje 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 Sol Plaatje Local Municipality

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 264,850 (Blue Drop) to 270,078 (2022 Census) Population growth rate: 0.83% Sex Ratio: Moderate female majority Dependency: 26.5% under 15; dependency ratio 49.8	
Unemployment	36.3%	
KEY IMPLEMENTATION INDICATORS		
Availability	River 53% of capacity used	
Physical access	Communal source +200m	1.7%
	Communal source – 200m	2.9%
	Water source in yard	95.4%
	Piped water in house	66.6%
	Service delivery point/household coverage ratio	1.06
Economic Access	Tariff variation: Residential, commercial + 3 categories Tariff structure: Increasing block tariff (5 blocks R6.65 – R35.92) FBW: Indigent only Indigency: 16.9% of service delivery points, decreasing trend	
Adequacy	Not mentioned	
Quality	Microbiological compliance	97.5%
	Chemical (acute) compliance	100.0%
	Chemical (chronic) compliance	98.7%
Efficiency	WUE Score: 332 l/p/d (Extremely High) Non-revenue water: 67%	
REASONABLE MEASURES		
Policy Efforts	By-law, Indigent Policy and Register, WSDP	
Financial Resources (2024/25)	Budget sufficiency: 93% Revenue coverage: 111% Renewal spending: 54% Maintenance spending rate: 11%	
Human Resources	Blue Drop shortfall: 6 Process Controllers, 1 Supervisor, 1 Technician, 1 Qualified scientist	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Not mentioned	
Water planning issues	-Unreliable statistics	

	-Inadequate budget that hinders the ability to maintain, repair or refurbish water infrastructure -Shortage of personnel -Inability to manage maintenance crews -Water losses
Funding model	Not mentioned
Infrastructure issues	-Ageing infrastructure -Water interruptions due to backlogs in maintenance of aging and inadequate infrastructure
Electricity issues	-Unplanned growth of informal settlements on (previously) vacant land. -Vandalism and copper theft -Electrical supply interruptions
Ecological drivers	-Invasion of alien species
Consumer issues	-Water account arrears -High water consumption and demand that exceed supply
Water services intermediaries	The Jojo tanks are filled daily by hired water tankers
Third-party interference	Theft and vandalism of municipal infrastructure.
Intergovernmental coordination	Improved intergovernmental relations to ensure a coordinated approach to developmental planning and implementation.
Scale	3,312km² 2 WTWs, 2 pump stations, NI km of bulk water supply lines, NI km of reticulation pipelines and 11 reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	33 wards, no information on traditional authorities
Low literacy and education levels	No Schooling: 4.1%, tertiary ed.: 11.8%
Infrastructure backlogs	-Backlogs in maintenance of aging and inadequate infrastructure
Limited yellow fleet	-Replace ageing infrastructure and vehicle fleet
High vacancy rate	Municipal Manager in position, Chief Financial Officer position vacant
Legal non-compliance	Not mentioned

*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the Sol Plaatjie Local Municipality range from 264 850 (Blue Drop) to 270 078 (2022 Census). The population growth rate of 0.83% is lower than the national average of 1.3%. There is a moderate female majority and 26.5% of the population are under the age of 15. The dependency ratio of 49.8 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 36.3%.

KEY IMPLEMENTATION INDICATORS

The Sol Plaatjie Local Municipality is authorised to provide water services and can abstract water from Vaal River, Modder River and groundwater.

In terms of physical access, 95.4% of consumers reportedly have a water connection in their yard, and 66.6% enjoy water piped into their dwellings. About 2.9% of the population has access to a communal source within 200m of their dwellings, and 1.7% rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 1.06 meaning that the current service delivery points cover 106% of the households counted in the 2022 Census.

The Sol Plaatjie Local Municipality provides no universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. About 16.9% (moderate) 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 R6.65, most expensive is R35.92). 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 little concern about water quality, with the Sol Plaatjie Local Municipality reporting microbiological compliance at 97.5% and chemical acute compliance at 100% and chronic at 98.7%.

Water use efficiency is poor. The *Blue Drop* score of >332 l/p/d is poor. According to the 2021/22 Auditor-General report, 67% of all water produced is non-revenue water, which is above the national prescribed standard of 35%.

REASONABLE MEASURES

The Sol Plaatjie 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 (111%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is not enough (93%) to cover capital and operational expenditure. The portion of capital budget allocated to the renewal of assets was 4% and 54% and maintenance expenditure was between 1% and

13%. The revenue collection rate has fluctuated between 90% and 98% according to MFMA Schedule C datasets.

There are 5 municipal officials employed in water treatment. According to the latest *Blue Drop* report, there is a staff shortfall of 6 process controllers, 1 supervisor, 1 technician and 1 qualified scientist in the department responsible for water treatment.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

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

- **Leadership issues:** None.
- **Water planning issues:** Unreliable statistics. Unplanned growth of informal settlements.
- **Funding model:** Inadequate financial resources.
- **Electricity issues:** None that affect water services.
- **Infrastructure issues:** Ageing infrastructure. Backlogs in infrastructure maintenance.
- **Ecological drivers:** None.
- **Consumer issues:** Non-payment for services.
- **Intermediaries:** Water tankering and JoJo tanks.
- **Third-party interference:** Theft and vandalism of infrastructure.
- **Scale:** Water services in the Sol Plaatjie Local Municipality are spread out over 3 312 km².

OVERSIGHT

1. Department of Water and Sanitation took Green 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).

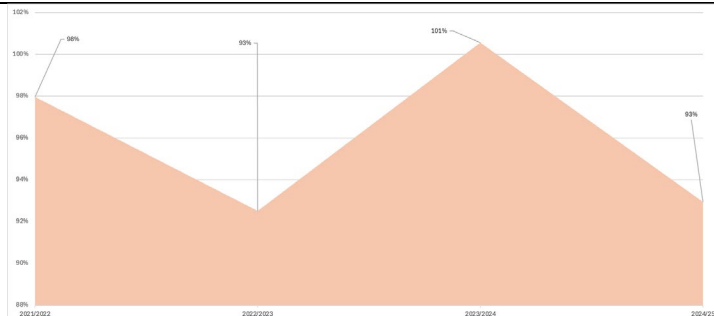
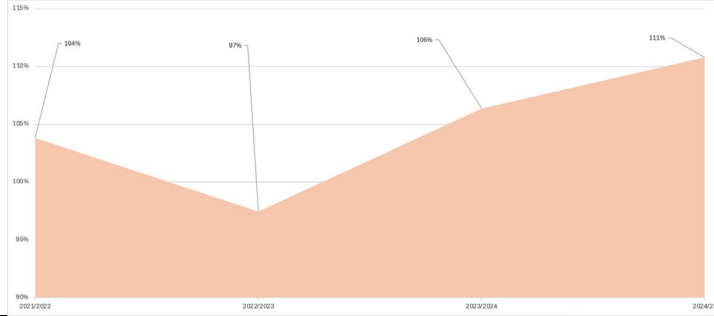
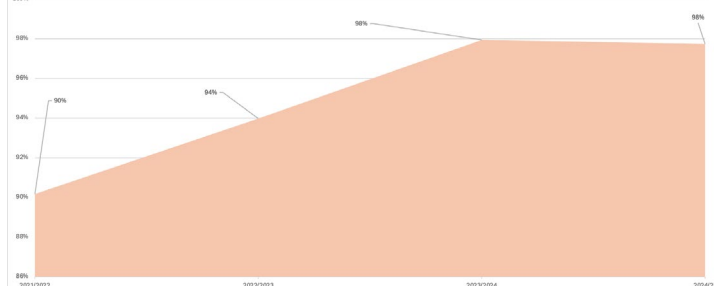
Expanded Table

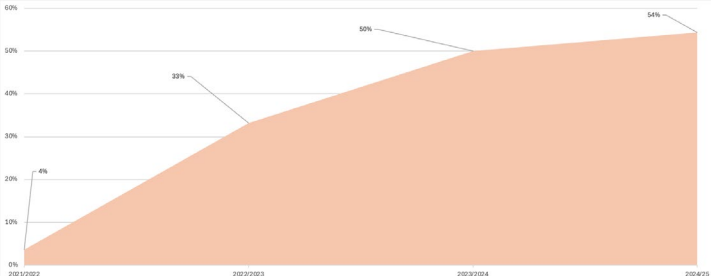
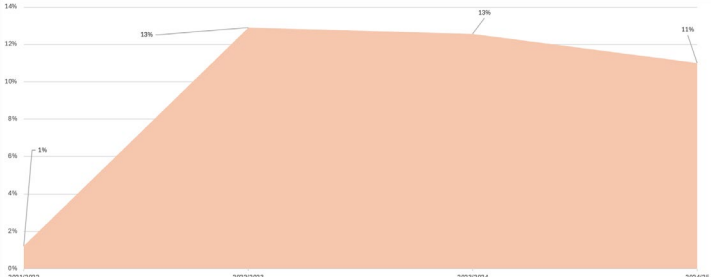
Indicator	Measurement	Sources
Name of the WSA	Sol Plaatjie Local Municipality	
Geographical information about the WSA.	One of four local municipalities in the Frances Baard District Municipality in the Northern Cape Province	Sol Plaatjie Local Municipality - Overview
Spatial extent	3,312km ²	Sol Plaatjie Local Municipality - Overview
Municipal Wards	33	IDP 2024/25, p. 15
Traditional Authorities	No available information	IDP 2024/25
Is the WSA authorized to provide water services?	yes	IDP 2024/25, p. 16
Is the WSA currently providing water services?	both water treatment and tap water	IDP 2024/25, p. 16
Method of service provision	Self	IDP 2024/25, p. 16
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	264,850 (<i>Blue Drop</i>) 270,078 (2022 Census) 270, 078 (IDP)	2023 <i>Blue Drop Report</i> , p. 405; Sol Plaatjie Local Municipality - Demographic IDP 2024/25, p. 8
Number of households (Census 2022)	68,314	Sol Plaatjie Local Municipality - Demographic
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	72,386	Sol Plaatjie Local Municipality - Services
Ratio service delivery points / households	1.06	

Number of non-domestic consumers Affects overall availability of water – big industrial users.	385	Sol Plaatje Local Municipality - Services	
Males per 100 females	91.9	Sol Plaatje Local Municipality - Demographic	
Gender Split	47.9% Male 52.1% Female		
Population growth rate per annum	0.83%	Sol Plaatje Local Municipality - Demographic	
Education	No Schooling: 4.1% Higher Education: 11.8%	Sol Plaatje Local Municipality - Demographic	
Financial capacity			
Economically active population (15-64)	66.8%	Sol Plaatje Local Municipality - Demographic	
Unemployment rate	36.3%	IDP 2024/25, p. 9	
Dependency ratio	49.8	Sol Plaatje Local Municipality - Demographic	
Population under 15	26.5%	Sol Plaatje Local Municipality - Demographic	
Universal FBW Allowance	No	IDP 2024/25, p. 45	
Number of service delivery points receiving FBW: 2021/22	12,264	Sol Plaatje Local Municipality - Services	
Percentage of FBW service delivery points	16.9%		
Increase/decrease of FBW 2018/2019 – 2021/2022	14,647 to 12,264 decrease	Sol Plaatje Local Municipality - Services	
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	Section 138 3 triggers Section 140 3 triggers		NT Municipalities Meeting Criteria, item 213
Details of the triggers present.	Failure to make payments as and when due for longer than 90 days that amount to more than R 1 million.	☒	NT Municipalities Meeting Criteria
	Operating at a deficit of more than 5% of the total direct revenue.	☐	
	Negative OR outstanding audit.	☒	
	Negative cash position for two or more consecutive years.	☒	
	Failure to make any payment to Eskom when due that amounts to more than 2% of the operating expenditure.	☒	
	Failure to make any payment to the Water Board when due that amounts to more than 2% of the operating expenditure.	☒	
	Failure to make any payment to any other creditor when due that amounts to more than 2% of the operating expenditure.	☒	

	<table border="1"> <tr> <td>Failure to make any payment to Eskom when due that amounts to more than 40% of the operating expenditure.</td><td>☐</td></tr> <tr> <td>Failure to make any payment to the Water Board when due that amounts to more than 40% of the operating expenditure.</td><td>☐</td></tr> <tr> <td>Failure to make any payment to any other creditor when due that amounts to more than 40% of the operating expenditure.</td><td>☐</td></tr> </table>	Failure to make any payment to Eskom when due that amounts to more than 40% of the operating expenditure.	☐	Failure to make any payment to the Water Board when due that amounts to more than 40% of the operating expenditure.	☐	Failure to make any payment to any other creditor when due that amounts to more than 40% of the operating expenditure.	☐			
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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	Sol Plaatje 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 400mm – 450mm p.a.	IDP 2024/25, p. 40								
Water abstraction authorized?	Yes	2023 <i>Blue Drop Report</i> , p. 403.								
Volume of authorized/(unauthorized) water abstraction?	61,214 kl/d	2023 <i>Blue Drop Report</i> , p. 403								
How many water treatment plants are in the WSA's water services network?	Sol Plaatjie LM manages 2 WTWs, 2 pump stations, NI km of bulk water supply lines, NI km of reticulation pipelines and 11 reservoirs. Total design capacity is 166.8 MI per day. 166.8 MI capacity is available. Average production: 87.8 MI per day 53% of capacity is used 2023 <i>Blue Drop</i> critical risk: 0	2023 <i>Blue Drop Report</i> , p. 388-389, 401, 448								
How many biophysical water sources does this WSA have access to?	<table border="1"> <tr> <td>River</td><td>☒</td></tr> <tr> <td>Dam</td><td>☐</td></tr> <tr> <td>Saltwater</td><td>☐</td></tr> <tr> <td>Groundwater</td><td>☐</td></tr> </table>	River	☒	Dam	☐	Saltwater	☐	Groundwater	☐	2023 <i>Blue Drop Report</i> , p. 448
River	☒									
Dam	☐									
Saltwater	☐									
Groundwater	☐									
Names of rivers and dams	Vaal River, Modder River	2023 <i>Blue Drop Report</i> , p. 448								
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 2023/24, p 36		
Water reclamation	☐									
Desalination	☐									
From natural source	☒									
Political Stability										
Is there a coalition government?	ANC ANC 32, DA 14, EFF 6, PA 4, SPSDF 3, VF PLUS 3, GOOD 2, ACDP 1	Sol Plaatje Local Municipality - Council & Management								
Has there been mayoral instability in the last 5 years?	- Media reported that a new mayor was appointed during November 2024. However, the appointment seemed to have been illegal and unprocedural. In December 2024 a mayor was still not appointed. https://www.dfa.co.za/news/mayoral-shake-up-at-sol-									

	plaattie-and-dawid-kruiper-0d097309-5186-46c7-81fd-318061b819ea/; https://www.dfa.co.za/news/no-mayor-speaker-for-sol-as-council-meeting-collapses-65d06cdf-03dd-4e53-8cc6-fcae21d3df91/ - In December 2024 a new speaker was elected despite the candidate's suspension from her Ministerial office due to her alleged involvement in state capture. https://www.news24.com/news24/politics/political-parties/despite-her-suspension-due-to-state-capture-ancs-dipuo-peters-is-elected-sol-plaatje-speaker-20241206		
MM/CFO Vacancy Snapshot	AGSA Website Based Report 2024/25		Municipality: Sol Plaatje 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?	No	
	Number of months the MM has been in position.	36	
	CFO vacancy at the end of the year?	Yes	
	Number of months the CFO has been in position.	Vacant for 31 months	
Policy Efforts			
Water By-law			
Is there a water by-law?	yes		By-law
Citation of by-law	GN 1068 in Extraordinary Provincial Gazette of 22 September 2006		By-law
Mark with "yes" if the by-law makes provision for the following:	Matters incidental to providing water services to residents,	yes	By-law
	including communal sources	yes	
	Protecting water supply systems.	yes	
	Prohibiting wasting water	yes	
	Prohibiting illegal connections	yes	
	Sets out standards for water installations and maintaining water infrastructure	yes	
	The installation and upkeep of fire extinguishing systems		
	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?	no	IDP 2024/25, p. 54										
The validity duration of the plan (which years)	To be drafted	IDP 2024/25, p. 54										
General Policy Framework												
Is there an Indigent Policy?	yes	Indigent Policy, 2023										
IDP												
Issues	- Water interruptions due to backlogs in maintenance of aging and inadequate infrastructure - Inadequate budget that hinders the ability to maintain, repair or refurbish water infrastructure - Shortage of personnel - Ageing infrastructure - Inability to manage maintenance crews - Water losses - High water consumption and demand that exceed supply	IDP 2024/25, p. 22, 52										
Resource Efforts												
Financial Resources												
Budget sufficiency (total budget revenue (excl. capital transfers)/ total budgeted OPEX) x 100	 <table border="1"><thead><tr><th>Period</th><th>Budget sufficiency (%)</th></tr></thead><tbody><tr><td>2023/2022</td><td>98%</td></tr><tr><td>2023/2023</td><td>93%</td></tr><tr><td>2023/2024</td><td>102%</td></tr><tr><td>2024/25</td><td>93%</td></tr></tbody></table>	Period	Budget sufficiency (%)	2023/2022	98%	2023/2023	93%	2023/2024	102%	2024/25	93%	MFMA Section 71, Schedule C datasets
Period	Budget sufficiency (%)											
2023/2022	98%											
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2024/25	93%											
Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100	 <table border="1"><thead><tr><th>Period</th><th>Revenue coverage (%)</th></tr></thead><tbody><tr><td>2023/2022</td><td>104%</td></tr><tr><td>2023/2023</td><td>97%</td></tr><tr><td>2023/2024</td><td>100%</td></tr><tr><td>2024/25</td><td>111%</td></tr></tbody></table>	Period	Revenue coverage (%)	2023/2022	104%	2023/2023	97%	2023/2024	100%	2024/25	111%	MFMA Section 71, Schedule C datasets
Period	Revenue coverage (%)											
2023/2022	104%											
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Revenue collection rate % (actual revenue collected / budgeted revenue) x 100	 <table border="1"><thead><tr><th>Period</th><th>Revenue collection rate (%)</th></tr></thead><tbody><tr><td>2023/2022</td><td>90%</td></tr><tr><td>2023/2023</td><td>94%</td></tr><tr><td>2023/2024</td><td>98%</td></tr><tr><td>2024/25</td><td>98%</td></tr></tbody></table>	Period	Revenue collection rate (%)	2023/2022	90%	2023/2023	94%	2023/2024	98%	2024/25	98%	MFMA Section 71, Schedule C datasets
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2023/2022	90%											
2023/2023	94%											
2023/2024	98%											
2024/25	98%											

Capital budget allocated to renewal of existing assets (Amount allocated to renewal / Total capital budget) x 100				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 available information			2023 Blue Drop Report, p. 413-414
Human and Skills Resources				
Total number of staff employed in water treatment	5 (2 supervisory, 3 technical)			2023 Blue Drop Report; p. 395-396, 398
Supervisor Staff/WTW Ratio	1.0			2023 Blue Drop Report, p. 395-396
Technical Staff/WTW Ratio	1.5			2023 Blue Drop Report, p. 398
Staff Shortfall	6 Process Controllers 1 Supervisor 1 Technician 1 Qualified scientist			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	1,240	1.7%	Sol Plaatje Local Municipality - Services
	Communal source – 200m	2,070	2.9%	
	Water source in yard	69,076	95.4%	
	Total	72,386		
Piped water inside dwelling	66.6%			Sol Plaatje Local Municipality - Demographic
Infrastructure backlog	-Backlogs in maintenance of aging and inadequate infrastructure			
Do schools and clinics have access to water on their premises.	- No information on the status of water service delivery for the 75 education and 28 health facilities.			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	6.65	Tariff Policy 2021/22
	7kl < 20kl	28.24	
	21kl < 40kl	31.79	
	41kl < 60kl	33.62	
	61kl <	35.92	
Categories of water use:	- Residential - Schools, sports fields and parks - Charities and churches - Commercial - Industrial - Flats		Tariff Policy 2021/22
Tariffs for schools.	Schools pay R 20.37 per kiloliter of water used.		Tariff Policy 2021/22
Tariffs for clinics	Assuming health facilities pay according to the business tariff, R 34.58 per kiloliter.		Tariff Policy 2021/22
Adequacy			
Number of interruptions in 2024	Not mentioned		
Media reports on outages	https://www.solplaatje.org.za/wordpress/blog/2024/03/14/media-statement-5-day-water-supply-interruption-thursday-04-april-to-monday-08-april-2024/ https://www.kimberley.org.za/water-supply-interruptions-feb-2024/		
Quality			
What is the WSA’s blue drop score?	2023: 52.0% 2011: 84.2%		2023 Blue Drop Report, p. 448
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated		
Blue Drop microbiological compliance score	97.5% (0 Excellent WTWs, 0 Unacceptable WTWs)		2023 Blue Drop Report, p. 407-408
Blue Drop chemical (acute) compliance score	100.0% (2 Excellent WTWs, 0 Unacceptable WTWs)		2023 Blue Drop Report, p. 409
Blue Drop chemical (chronic health) compliance score	98.7% (2 Excellent WTWs, 0 Unacceptable WTWs)		2023 Blue Drop Report, p. 409
Does the WSA have a contract with the lab to test water samples?	No information		IDP 2024/25
Green Drop Risk Rating	High Risk		2025 Green Drop Report, p. 153

Efficiency		
Blue Drop Water Use Efficiency Score	332 l/p/d (Extremely High)	2023 <i>Blue Drop Report</i> , p. 405
No Drop Score 2021/22	53%	2023 <i>No Drop Report</i> , p. 297
Amount of non-revenue water (percentage and value)	R93,81 million in water losses 67% of all water flowing through municipal pipelines	AGSA Web Based Report 2024/25
Main reasons for water losses.	- Leakages - Water provided but unaccounted for	IDP 2024/25, p. 44
Oversight		
Department of Water and Sanitation		
<i>Blue Drop</i> actions	None	2023 <i>Blue Drop Report</i> , p. 448
<i>Green Drop</i> actions	The Regulator expresses serious concern regarding the poor state of wastewater services at the Beaconsfield and Ritchie 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. 155
Judicial Oversight		
Were any judgements 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	Paras 47, 48, 50, 71, 78-102, 142

	household basis and not per person; (6) water policy was revised regularly; (7) communities too have duties, one such duty is to apply to be registered as an indigent if they wish to claim these benefits. Moving from a deemed consumption system to a pre-paid metered system with a free allocation of basic water is not a retrogressive step. Discontinuation of water for not reloading the meter with credits is not a discontinuation of service as per the Water Services Act and the municipality do not need to follow the giving notice and other related procedures.	
Full citation of 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	Paras 2, 50, 60, 63, 64, 65, 70, 72, 80, 157

	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	
Full citation of judgment	Kakamas Water Users Association v Minister of Water and Sanitation (Case no 1208/2023) (27 October 2023)	chrome-extension://efaidnbnmnnibpcajpcglc/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/ZAN

		CHC/2022/86.htm !
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

		<u>commissioner-ntuli-to-lead-stakeholder-engagements-on-water-security-and-assurance-of-water-supply-in-namakwa-district-northern-cape-province</u>
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	<u>https://www.parliament.gov.za/press-releases/media-statement-northern-cape-shows-solid-progress-service-delivery-and-infrastructure-development</u>
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 2023*
- 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>.