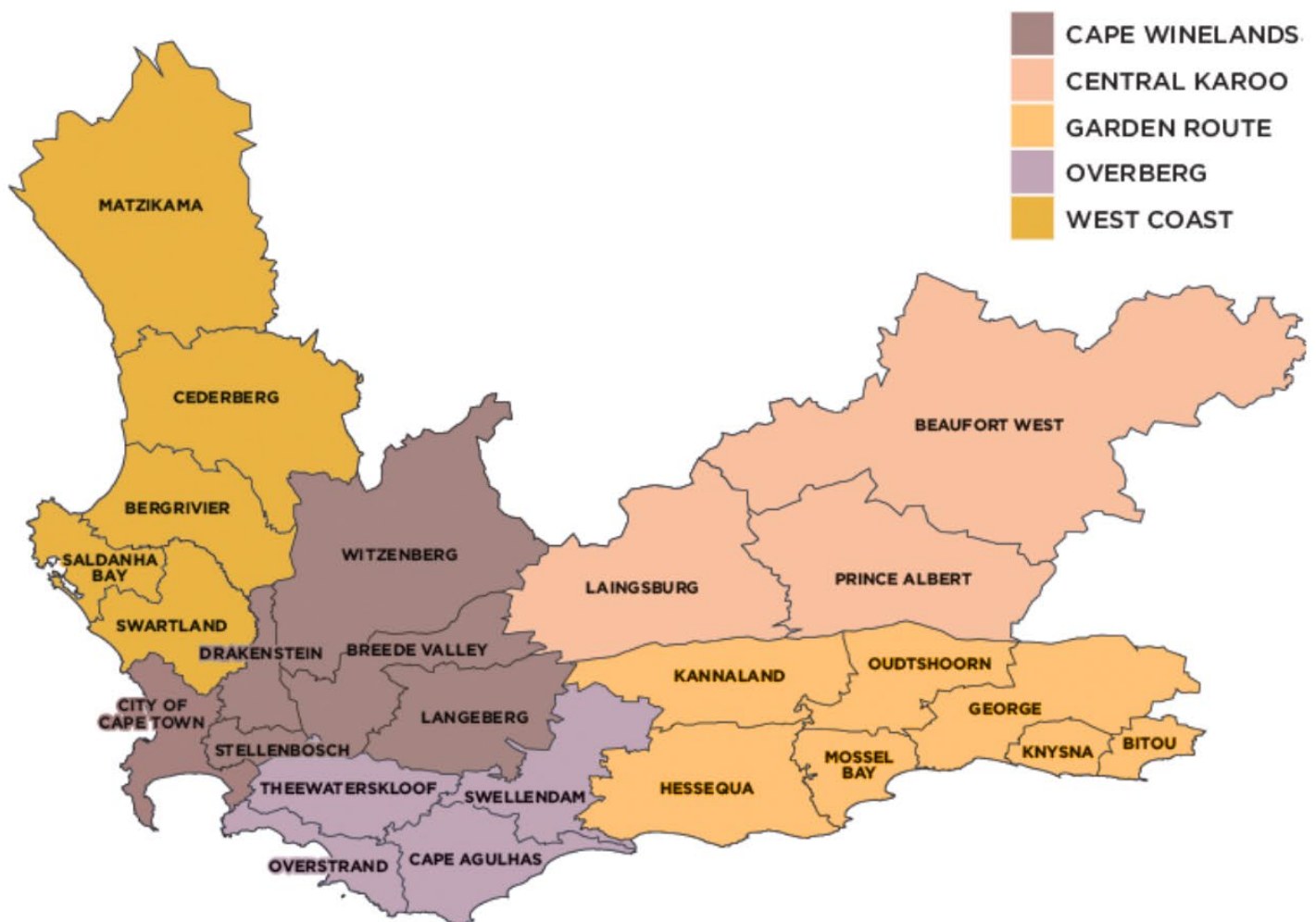


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

CEDERBERG LOCAL MUNICIPALITY



OCTOBER 2026

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Map

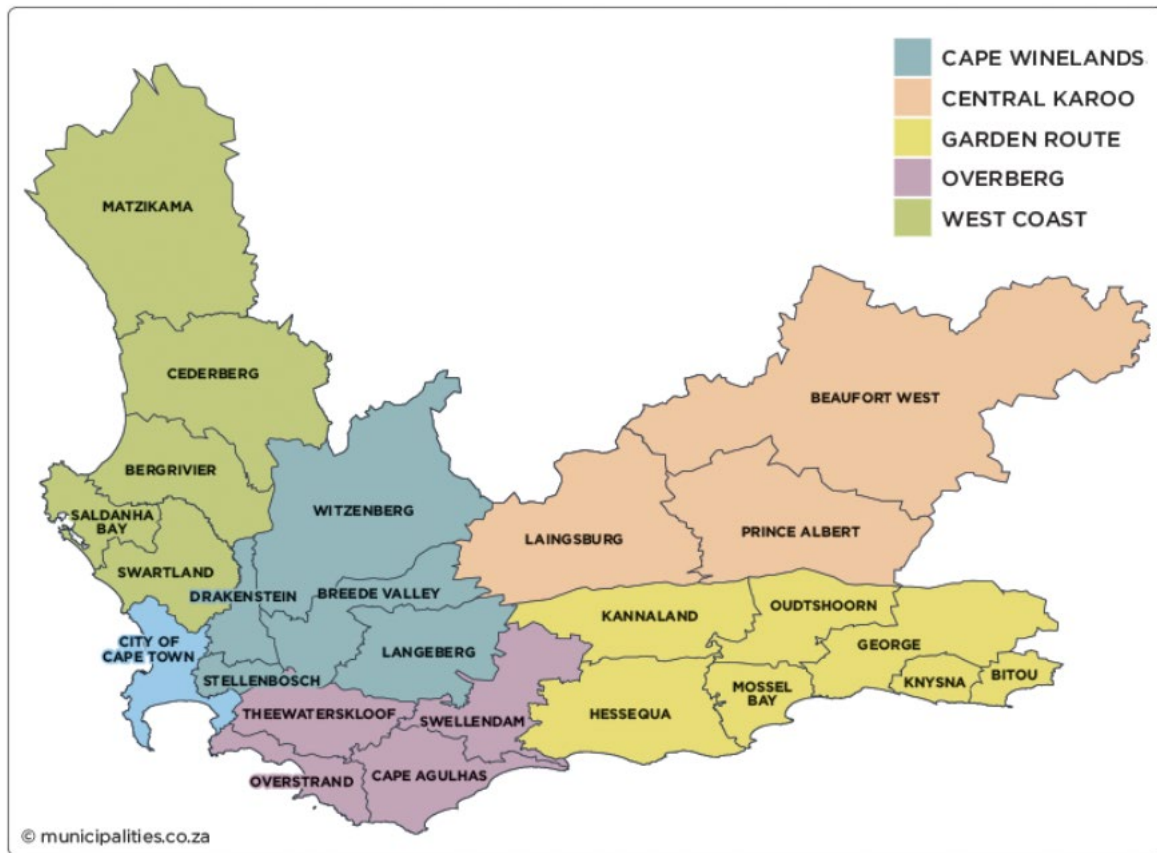


Figure 1: Geographical location of the Cederberg Local Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/9/western-cape>).

The Cederberg Local Municipality is one of five local municipalities in the West Coast District Municipality in the Western Cape Province.

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

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 55,108 (2022 Census) to 21,080 (<i>Blue Drop</i>) Population growth rate: 0.99% Sex Ratio: Moderate female majority Dependency: 22.3% under 15; dependency ratio 39.5	
Unemployment	11.1%	
KEY IMPLEMENTATION INDICATORS		
Availability	River, Dam, groundwater 37% of capacity used	
Physical access	Communal source +200m	0%
	Communal source – 200m	1.5%
	Water source in yard	98.5%
	Piped water in house	73.1%
	Service delivery point/household coverage ratio	0.46
Economic Access	Tariff variation: Domestic, business + 3 categories Tariff structure: Increasing block tariff (4 blocks, R9.23-R22.86) FBW: Indigent only Indigency: 36.0% of service delivery points, increasing trend	
Adequacy	Not mentioned	
Quality	Microbiological compliance	99.9%
	Chemical (acute) compliance	0.0%
	Chemical (chronic) compliance	100.0%
Efficiency	WUE Score: 393 l/p/d (Extremely High) Non-revenue water: 39.2%	
REASONABLE MEASURES		
Policy Efforts	By-law, Indigent Policy and Register, WSDP	
Financial Resources (2024/25)	Budget sufficiency: 101% Revenue coverage: 114% Renewal spending: 9% Maintenance spending rate: 7% Revenue collection rate: 96%	
Human Resources	<i>Blue Drop</i> shortfall: 16 Process Controllers, 0 Supervisors, 1 Technician, 1 Qualified scientist	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	Not mentioned	

Water planning issues	Inadequate funding to address infrastructure needs Require competent staff to operate treatment facilities Inadequate drinking water storage capacity for Citrusdal community Bulk water supply is insufficient in Lamberts Bay, which hampers progress with the implementation of housing project.
Funding model	Not mentioned
Infrastructure issues	High water losses because of obsolete asbestos pipes Faulty bulk water meters Insufficient maintenance of water supply infrastructure Inability to reduce water losses at informal settlements Leaking holding reservoirs
Electricity issues	-Insufficient bulk capacity in Clanwilliam -Insufficient staff
Ecological drivers	-Invasion of natural ecosystems by alien invasive species -Cederburg predominantly dependant on river and groundwater abstraction for water supply and high risk of insufficient flow during drought conditions
Consumer issues	-Drought resulted in increased water tariffs -Late and non-payments of services
Water services intermediaries	Not mentioned
Third-party interference	Not mentioned
Intergovernmental coordination	Participates in numerous IGR activities and forums in the district and province
Scale	44,399 km ² 11 WTWs, 31 pump stations, 87 km of bulk water supply lines, 356.8 km of reticulation pipelines and 38 reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	17 wards, no traditional authorities
Low literacy and education levels	No Schooling: 4.1%, tertiary ed.: 7.3%
Infrastructure backlogs	Water backlogs on farms and private owned land Service and water backlogs prevalent
Limited yellow fleet	Rehabilitate idle locomotives and expand fleet
High vacancy rate	MM – 15 months in position CFO – 11 months in position
Legal non-compliance	Not mentioned

*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the Cederberg Local Municipality range from 55 108 (2022 Census) to 21 080 (Blue Drop). The population growth rate of 0.99% is lower than the national average of 1.3%. There is a moderate female majority and 22.3% of the population are under the age of 15. The dependency ratio of 39.5 is lower than the reported national 2024 average of 48.4 and lower than the global average of 58.4.¹ There is a low level of unemployment (broad definition used) in this municipality of 11.1%.

KEY IMPLEMENTATION INDICATORS

The Cederberg Local Municipality is authorised to provide water services and can abstract water from the Olifant River, Clanwilliam Dam, Jan Dissals Dam and groundwater.

In terms of physical access, 98.5% of consumers reportedly have a water connection in their yard, and 73.1% enjoy water piped into their dwellings. About 1.5% 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 0.46 meaning that the current service delivery points cover 46% of the households counted in the 2022 Census.

The Cederberg Local Municipality provides no universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. About 36% (high) of service delivery points are covered by the indigency policy. Since 2017, the number of households benefiting from the indigency policy has increased. The tariff structure (2021/22) shows an increasing block tariff structure (least expensive block is R9.23, most expensive is R22.86). The municipality's tariff structure makes provision for at least 5 usage categories.

No reliable data could be found about the number of water services interruptions experienced by the community. There is some concern about water quality, with the Cederberg Local Municipality reporting microbiological compliance at 99.9% and chemical acute compliance at 0% and chronic at 100%.

Water use efficiency is poor. The *Blue Drop* score of >393 l/p/d is poor. According to the 2021/22 Auditor-General report, 39.2% of all water produced is non-revenue water, which is above the national prescribed standard of 35%.

REASONABLE MEASURES

The Cederberg 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 (114%) to cover its operational expenditure budget. The municipality's total income, which includes intergovernmental transfers, is enough (101%) to cover capital and operational expenditure. The portion of capital budget allocated to the renewal of assets was 1% and 9% and maintenance expenditure was

between 7% and 11%. The revenue collection rate has fluctuated between 86% and 96% according to MFMA Schedule C datasets.

There are 6 municipal officials employed in water treatment. According to the latest *Blue Drop* report, there is a staff shortfall of 6 process controllers, 2 supervisors, 1 technician 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 Cederberg Local Municipality are:

- **Leadership issues:** None.
- **Water planning issues:** Lack of competent staff. Bulk water supply insufficient for Lamberts Bay.
- **Funding model:** Inadequate funding to address infrastructure needs.
- **Electricity issues:** None that have an impact on water service delivery.
- **Infrastructure issues:** Ageing infrastructure. Municipal infrastructure requires maintenance and upgrading. Inadequate drinking water storage capacity for Citrusdal community.
- **Ecological drivers:** Municipality dependent on seasonal raw water supply.
- **Consumer issues:** Culture of non-payment for services. Cost of service delivery leading to high tariffs and affordability issues.
- **Intermediaries:** None.
- **Third-party interference:** None.
- **Scale:** Water services in the Cederberg Local Municipality are spread out over 44 399 km².

OVERSIGHT

1. Department of Water and Sanitation took Green Drop Action (See Table: Oversight Department of Water and Sanitation for further details).

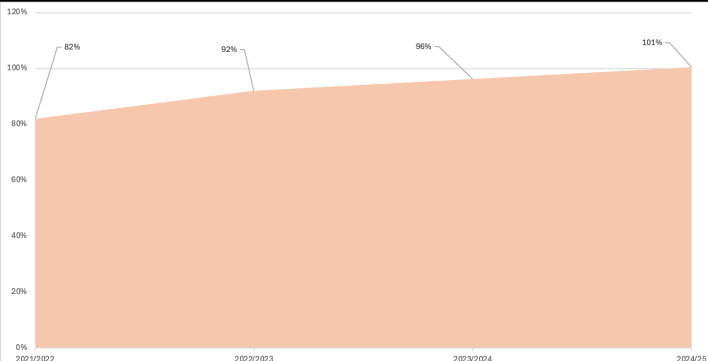
Expanded Table

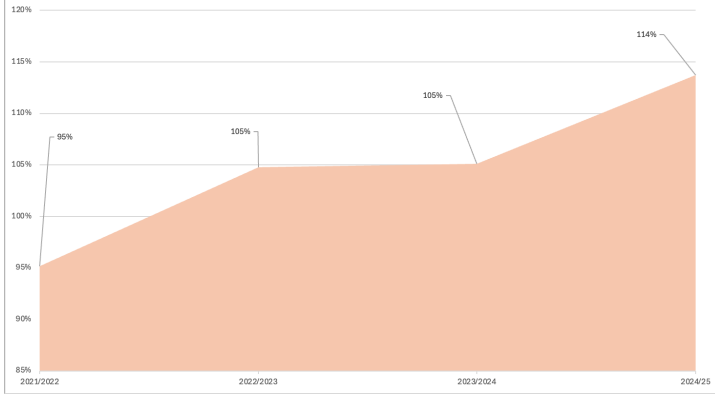
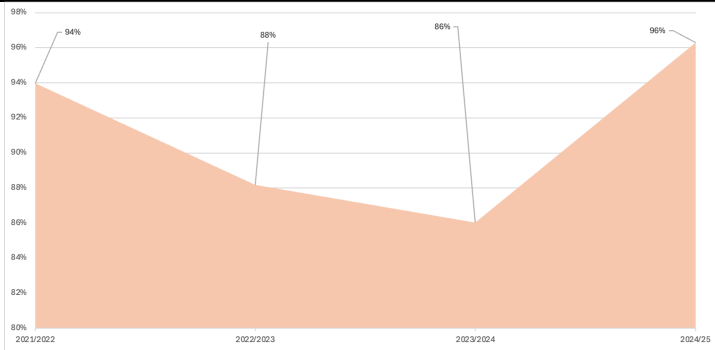
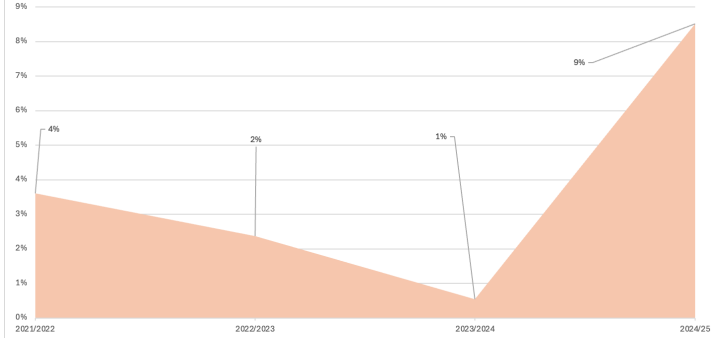
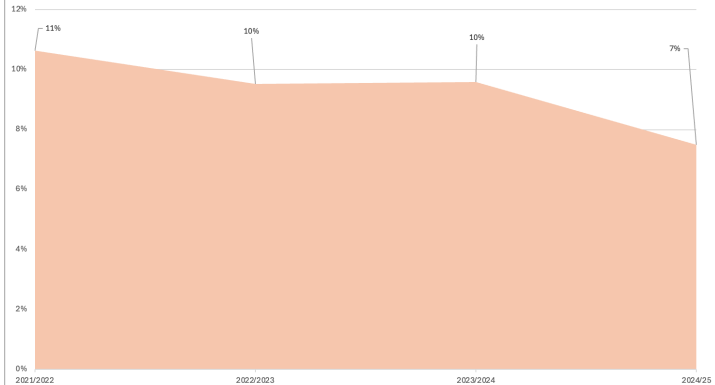
Indicator	Measurement	Sources
Name of the WSA	Cederberg Local Municipality	
Geographical information about the WSA.	One of five local municipalities in the West Coast District Municipality in the Western Cape Province	Cederberg Local Municipality - Overview
Spatial extent	8,007km ²	Cederberg Local Municipality - Overview
Municipal Wards	6	IDP 2024/2025, p. 74
Traditional Authorities	No information	IDP 2024/2025
Is the WSA authorized to provide water services?	yes	IDP 2024/2025, p. 87
Is the WSA currently providing water services?	both water treatment and tap water	IDP 2024/2025, p. 87
Method of service provision	Self	IDP 2024/2025, p. 89
Context indicators		
Details of any water-related stresses experienced within the past five years.	The Western Cape has experienced several extreme weather events. This includes a severe drought in 2018 and floods in 2021 and 2023.	https://www.gov.za/news/media-statements/water-and-sanitation-flooding-western-cape-catchments-07-dec-2021
Demographics		
Population	21,080 (<i>Blue Drop</i>) 55,108 (2022 Census) 55,108 (IDP)	2023 <i>Blue Drop Report</i> , p. 473; Cederberg Local Municipality - Demographic IDP 2024/2025, p. 53
Number of households (Census 2022)	15,912	Cederberg Local Municipality - Demographic
Number of domestic household service delivery points (2021/2022) (<i>Non-Financial Census of Municipalities</i>)	7,337	Cederberg Local Municipality - Services
Ratio service delivery points/households	0.46	
Number of non-domestic consumers	500	Cederberg Local Municipality - Services

Affects overall availability of water – big industrial users.			
Males per 100 females	96.5	Cederberg Local Municipality - Demographic	
Gender Split	49.1% Male 50.9% Female		
Population growth rate per annum	0.99%	Cederberg Local Municipality - Demographic	
Education	No Schooling: 3.3% Higher Education: 6.1%	Cederberg Local Municipality - Demographic	
Financial capacity			
Economically active population (15-64)	71.7%	Cederberg Local Municipality - Demographic	
Unemployment rate	11.1%	IDP 2024/2025, p. 58	
Dependency ratio	39.5	Cederberg Local Municipality - Demographic	
Population under 15	22.3%	Cederberg Local Municipality - Demographic	
Universal FBW Allowance	No	IDP 2024/2025, p. 271	
Number of service delivery points receiving FBW: 2021/22	2,640	Cederberg Local Municipality - Services	
Percentage of FBW service delivery points	36.0%		
Increase/decrease of FBW 2018/2019 – 2021/2022	2,040 to 2,640 Increase	Cederberg Local Municipality - Services	
Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	Section 138 2 triggers Section 140 1 trigger	NT Municipalities Meeting Criteria, item 244	
Details of the triggers present.	Failure to make payments as and when due for longer than 90 days that amount to more than R 1 million.	☒	NT Municipalities Meeting Criteria
	Operating at a deficit of more than 5% of the total direct revenue.	☒	
	Negative OR outstanding audit.	☐	
	Negative cash position for two or more consecutive years.	☐	
	Failure to make any payment to Eskom when due that amounts to more than 2% of the operating expenditure.	☒	
	Failure to make any payment to the Water Board when due that amounts to more than 2% of the operating expenditure.	☐	
	Failure to make any payment to any other creditor when due that amounts to more than 2% of the operating expenditure.	☐	
	Failure to make any payment to Eskom when due that amounts to more than 40% of the operating expenditure.	☐	
	Failure to make any payment to the Water Board when due that amounts to more than 40% of the operating expenditure.	☐	

	Failure to make any payment to any other creditor when due that amounts to more than 40% of the operating expenditure.	☐	
Is municipality considered to be in financial distress?	no		AGSA Web Based Report 2024/25
Is the municipality currently subject to a provincial intervention?	no		Cederberg 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 180mm		IDP 2024-2025, p. 183
Water abstraction authorized?	Yes		2023 <i>Blue Drop Report</i> p. 471
Volume of authorized/(unauthorized) water abstraction?	8,733 kl/d		2023 <i>Blue Drop Report</i> p. 471
How many water treatment plants are in the WSA’s water services network?	Cederberg WSA manages 6 WTWs, 0 pump stations, NI km of bulk water supply lines, NI km of reticulation pipelines and 0 reservoirs. Total design capacity is 22.6 MI per day. 22.6 MI capacity is available. Average production: 8.3 MI per day 37% of capacity is used 2023 <i>Blue Drop</i> critical risk: 0		2023 <i>Blue Drop Report</i> , p.458, 469-470, 496
How many biophysical water sources does this WSA have access to?	River	☒	2023 <i>Blue Drop Report</i> , p. 496
	Dam	☒	
	Saltwater	☐	
	Groundwater	☒	
Names of rivers and dams	Olifant River, Clanwilliam Dam, Jan Dissals Dam, groundwater		2023 <i>Blue Drop Report</i> , p. 496
How many infrastructure water sources does this WSA have?	Water reclamation	☒	IDP 2024/2025, p. 74
	Desalination	☐	
	From natural source	☒	
Political Stability			
Is there a coalition government?	Coalition – CE/DA/VFPLUS CE 4, DA 4, ANC 1, PA 1, VF PLUS 1		Cederberg Local Municipality - Council & Management
Has there been mayoral instability in the last 5 years?	- Media reports that at least two mayors have been removed through motions of no confidence between 2022 and 2023. https://www.news24.com/news24/southafrica/news/new-coalition-leads-cederberg-after-anc-patriotic-alliance-lose-motion-of-no-confidence-20230304 ; https://www.news24.com/news24/southafrica/news/motion-of-no-confidence-in-cederberg-mayor-succeeds-amid-fraud-corruption-allegations-20220714		

MM/CFO Vacancy Snapshot	AGSA Website Based Report 2024/25		Municipality: Cederberg Local Municipality District: West Coast 2023-24 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.	15	
	CFO vacancy at the end of the year?	No	
	Number of months the CFO has been in position.	11	
Policy Efforts			
Water By-law			
Is there a water by-law?	yes		By-law
Citation of by-law	Water Supply, Sanitation Services and Industrial Effluent By-Law ,2004		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	yes	
	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 Use of grey water	
Water Services Development Plan			
Is there a water services development plan?	No. A portion of the budget has been allocated to develop a WSDP.		IDP 2024/2025, p. 88
The validity duration of the plan (which years)	N/A		
General Policy Framework			
Is there an Indigent Policy?	yes		Indigent Support Policy, 2017/18

IDP												
Issues	- Inadequate funding to address infrastructure needs - Require competent staff to operate treatment facilities - Inability of bulk infrastructure at the source to supply sufficient water to Clanwilliam - High water losses because of obsolete asbestos pipes at Clanwilliam - Faulty bulk water meters at Lamberts Bay, Elands Bay hampers the compilation of a useful water balance - Pipe bursts caused by high water pressure in Clanwilliam and Citrusdal - Inadequate drinking water storage capacity for Citrusdal community - Rural areas such as Wuppertal and Algeria have a negative impact on Cederberg Municipal Blue Drop score because of no operating and treatment facilities - Insufficient maintenance of water supply infrastructure Wuppertal - Inability to reduce water losses at informal settlements - Leaking holding reservoirs at Wadrift and Leipoldtville - Water quality deterioration for bulk water supply systems without a conventional purification facility - Scarcity of ground water in Cederberg area - Bulk water supply is insufficient in Lamberts Bay, which hampers progress with the implementation of housing project.	IDP 2024/25, p 89-90										
Resource Efforts												
Financial Resources												
Budget sufficiency (total budget revenue (excl. capital transfers)/total budgeted OPEX) x 100	 <table><tr><th>Period</th><th>Budget Sufficiency (%)</th></tr><tr><td>2021/2022</td><td>82%</td></tr><tr><td>2022/2023</td><td>92%</td></tr><tr><td>2023/2024</td><td>96%</td></tr><tr><td>2024/25</td><td>101%</td></tr></table>	Period	Budget Sufficiency (%)	2021/2022	82%	2022/2023	92%	2023/2024	96%	2024/25	101%	MFMA Section 71, Schedule C datasets
Period	Budget Sufficiency (%)											
2021/2022	82%											
2022/2023	92%											
2023/2024	96%											
2024/25	101%											

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>95%</td></tr><tr><td>2022/2023</td><td>105%</td></tr><tr><td>2023/2024</td><td>105%</td></tr><tr><td>2024/25</td><td>114%</td></tr></table>	Period	Revenue coverage %	2021/2022	95%	2022/2023	105%	2023/2024	105%	2024/25	114%	MFMA Section 71, Schedule C datasets
Period	Revenue coverage %											
2021/2022	95%											
2022/2023	105%											
2023/2024	105%											
2024/25	114%											
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>94%</td></tr><tr><td>2022/2023</td><td>88%</td></tr><tr><td>2023/2024</td><td>86%</td></tr><tr><td>2024/25</td><td>96%</td></tr></table>	Period	Revenue collection rate %	2021/2022	94%	2022/2023	88%	2023/2024	86%	2024/25	96%	MFMA Section 71, Schedule C datasets
Period	Revenue collection rate %											
2021/2022	94%											
2022/2023	88%											
2023/2024	86%											
2024/25	96%											
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>4%</td></tr><tr><td>2022/2023</td><td>2%</td></tr><tr><td>2023/2024</td><td>1%</td></tr><tr><td>2024/25</td><td>9%</td></tr></table>	Period	Capital budget allocated to renewal of existing assets %	2021/2022	4%	2022/2023	2%	2023/2024	1%	2024/25	9%	MFMA Section 71, Schedule C datasets
Period	Capital budget allocated to renewal of existing assets %											
2021/2022	4%											
2022/2023	2%											
2023/2024	1%											
2024/25	9%											
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>11%</td></tr><tr><td>2022/2023</td><td>10%</td></tr><tr><td>2023/2024</td><td>10%</td></tr><tr><td>2024/25</td><td>7%</td></tr></table>	Period	Maintenance spending rate %	2021/2022	11%	2022/2023	10%	2023/2024	10%	2024/25	7%	MFMA Section 71, Schedule C datasets
Period	Maintenance spending rate %											
2021/2022	11%											
2022/2023	10%											
2023/2024	10%											
2024/25	7%											
Infrastructure Resources												
Current infrastructure value	No available information	2023 Blue Drop Report, p. 482-483										
Human and Skills Resources												
Total number of staff employed in water treatment	6 (3 supervisors, 3 technical)	2023 Blue Drop Report; p. 463-464, 466										

Supervisor Staff/WTW Ratio	0.5			2023 <i>Blue Drop Report</i> , p. 463-464
Technical Staff/WTW Ratio	0.5			2023 <i>Blue Drop Report</i> , p. 466
Staff Shortfall	9 Process Controllers 2 Supervisors 1 Technicians 2 Qualified scientists			2023 <i>Blue Drop Report</i> , p. 463-464, 466
Implementation				
Physical Access				
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	0	0%	
	Communal source – 200m	111	1.5%	
	Water source in yard	7,226	98.5%	
	Total	7,337		
Piped water inside dwelling	73.1%			Cederberg Local Municipality - Demographic
Infrastructure backlog	Water backlogs on farms and private owned land Service and water backlogs prevalent			
Do schools and clinics have access to water on their premises.	- No information on the status of water service delivery for the 37 education facilities. - All 9 health facilities have adequate access to water services.			DWS Website, WSDP Audit, Service Delivery Overview, Service Levels Profile, 2.1.1 Education Plan and 2.1.2 Health Plan.
Economic Access				
Economic access to water.	Free basic water for all		☐	Tariff Policy 2021/22
	Free basic water for Indigent		☒	
	Cross subsidy		☐	
	Prepaid		☐	
Step tariff for households in rand excl VAT. For 2021/22	0 – 15kl	9.23		Tariff Policy 2021/22
	16 – 30kl	11.33		
	31 – 45kl	13.16		
	45kl <	22.86		
Categories of water use:	- Domestic use - Business use - Old Age Homes and Churches - Sports Clubs - Schools, Hostels and Hospitals			Tariff Policy 2021/22
Tariffs for schools.	0 – 15kl	7.49		Tariff Policy 2021/22
	16 – 30kl	9.36		
	31 – 45kl	13.22		
	46kl <	19.83		
Adequacy				
Number of interruptions in 2024	Not mentioned			

Media reports on outages:	https://www.news24.com/southafrica/news/disaster-for-the-second-year-in-a-row-citrusdal-cut-off-after-flood-waters-wash-away-access-road-20240712 https://groundup.org.za/article/cederberg-municipality-struggling-to-service-rapidly-expanding-informal-settlements/	
Quality		
What is the WSA's blue drop score?	2023: 35.9% 2011: 51.1%	2023 <i>Blue Drop Report</i> , p. 496
Blue Drop Score Improved/Deteriorated (2011-2023)	Deteriorated	
Blue Drop microbiological compliance score	99.9% (6 Excellent WTWs, 0 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 476-477
Blue Drop chemical (acute) compliance score	0.0% (0 Excellent WTWs, 6 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 478
Blue Drop chemical (chronic health) compliance score	100.0% (6 Excellent WTWs, 0 Unacceptable WTWs)	2023 <i>Blue Drop Report</i> , p. 478
Does the WSA have a contract with the lab to test water samples?	No information	IDP 2024-2025
<i>Green Drop</i> Risk Rating	Critical risk	2025 <i>Green Drop Report</i> , p. 91
Efficiency		
Blue Drop Water Use Efficiency Score	393 l/p/d (Extremely high)	2023 <i>Blue Drop Report</i> , p. 473
No Drop Score 2021/22	61%	2023 <i>No Drop Report</i> , p. 322
Amount of non-revenue water in liters and in rands value.	Water losses in kiloliters 39.2% of all water flowing through municipal pipelines	AGSA Web Based Report 2024/25
Main reasons for water losses.	High water losses because of obsolete asbestos pipes at Clanwilliam	
Oversight		
Department of Water and Sanitation		
<i>Blue Drop</i> actions	None	2023 <i>Blue Drop Report</i> , p. 496
<i>Green Drop</i> actions	The Regulator expresses serious concern regarding the critically poor state of wastewater services at all 7 systems. The systems are considered to be in a critical state. The underperformance of these 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) for the four systems 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	2025 <i>Green Drop Report</i> , p. 94

	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.	
Judicial Oversight		
Where any judgments delivered that involved water services delivery?	yes	
Full citation of judgment.	Mazibuko and Others v City of Johannesburg and Others [2009] ZACC 28	
Summary of judgment and the impact for future water services delivery.	The state has a duty not to interfere with the enjoyment of socio-economic rights. The state does not have a duty to immediately realise the right to water for everyone; instead, the state must take reasonable legislative and other measures to progressively realise the right within available state resources. It is not the place of the court to determine or quantify what is sufficient water. To assess the reasonableness of the legislative and policy measures used: State must be able to show what information it considered and the process it followed to determine its policy. If the process followed is flawed or the information gathered is inadequate or incomplete, appropriate relief may be sought. The Court's evaluation of the City's Free Basic Water Policy: (1) it has different levels of water provision; (2) the city uses pre-paid and credit meters; (3) provision to register as an indigent; (4) it is reasonable to afford basic water to all, rich and poor; (5) it is acceptable to afford basic water on a per household basis and not per person; (6) water policy was revised regularly; (7) communities too have duties, one such duty is to apply to be registered as an indigent if they wish to claim these benefits. Moving from a deemed consumption system to a pre-paid metered system with a free allocation of basic water is not a retrogressive step. Discontinuation of water for not reloading the meter with credits is not a discontinuation of service as per the Water Services Act and the municipality do not need to follow the giving notice and other related procedures.	Paras 47, 48, 50, 71, 78-102, 142
Full citation of judgment.	Government of the Republic of South Africa v Grootboom [2000] ZACC 19	
Summary of judgment and the impact for future water services delivery.	Access to a right, in this case the water right, would include removing barriers to access the right, empowerment measures, and special measures for vulnerable groups. Measures must ensure access over time to a greater number of people that must be guided by targets. This requires legislation, policies, programmes and plans that	

	ensure the implementation of legislation. All vulnerable groups must at least have access to basic service delivery.	
Full citation of the judgment.	Nokotyana and Others v Ekurhuleni Metropolitan Municipality and Others [2009] ZACC 33	
Summary of judgment and the impact for future water services delivery.	Every municipality, as part of its IDP process, must take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to ensure that the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis; that conditions not conducive to the health and safety of the inhabitants of its area of jurisdiction are prevented or removed; and that services in respect of water, sanitation, electricity, roads, storm water drainage and transport are provided in a manner which is economically efficient. Section 3 of the Water Services Act provides that everyone has a right of access to basic water supply and basic sanitation. Every WSA is prompted to take reasonable measures to realise these rights. The section furthermore requires every WSA to provide for measures to realise these rights in its water services development plan.	
Full citation of judgment.	Thubakgale and Others v Ekurhuleni Metropolitan Municipality and Others [2021] ZACC 45	
	Minority, dissenting: This case explores a very wide variety of remedies where socio-economic rights are violated. What effective remedy can be granted by courts where the litigants showed that the state failed to realise the right to access to housing and has conducted itself in a manner that points to a refusal to realise this right. Appropriateness of the relief envisages something that is suitable and capable of addressing the exigencies of a situation. A structural interdict, declaratory relief and contempt of court orders have all been unsuccessful. The court shows that contractual, statutory and delictual remedies are also unavailable. The court then considered constitutional damages to rectify “diffuse and systematic pattern of rights violations” or “systematic, pervasive and enduring infringements of constitutional rights”. This may only be used if it is the most effective relief. Budgetary and fiscal pressures of the municipality must be considered when awarding constitutional damages. Paras 100-116 quantum of damages. A once-off token of R 10 000 per applicant was awarded. Applicants have the right to approach the court again within one year from the granting of the order to reassess the award, should the municipality continue to procrastinate in its constitutional obligations. The municipality is also subject to a supervisory order where it has to report back to the court.	Paras 2, 50, 60, 63, 64, 65, 70, 72, 80, 157

	Majority: The approach adopted in the first judgement fails to differentiate between socio-economic rights and other rights. A breach of socio-economic rights arising from non-fulfilment or non-enjoyment of those rights does not entitle parties to an injury or damage that warrants compensation to be ordered. Appeal was dismissed For water services delivery: Courts are increasingly impatient and becoming intolerant of service delivery failures. This shows the variety of remedies that could be available to the community where the right to water is infringed	
Full citation of judgment	South African Property Owners Association v City of Cape Town (GOOD Party Intervening) 2026 (5) SA 154 (WCC) 30 April 2026	
	MUNICIPALITY – Billing – <i>Additional fixed charges</i> – City introduced city wide cleaning, fixed water and sewerage charges calculated by property value bands – Property owners and civic groups challenged lawfulness – Court held charges intruded into domain of property rates without compliance with Rates Act and failed to meet requirements of lawful service charges under s 74(2) – Fixed charges unrelated to consumption, inequitable and inconsistent with tariff policy – Conditional counter applications dismissed, statutory provisions upheld – Charges declared unlawful and invalid – Local Government: Municipal Systems Act 32 of 2000, ss 74, 75 and 75A.	https://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZAWCHC/2026/197.html&query=city%20near%20of%20near%20cape%20near%20town%20near%20water%20near%20tariffs
SAHRC Reports		
Where any reports received and investigated on the right to water by the SAHRC?	no	
Parliament		
Any oversight actions taken in the duration of the current (5 th) administration.	no	
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 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)