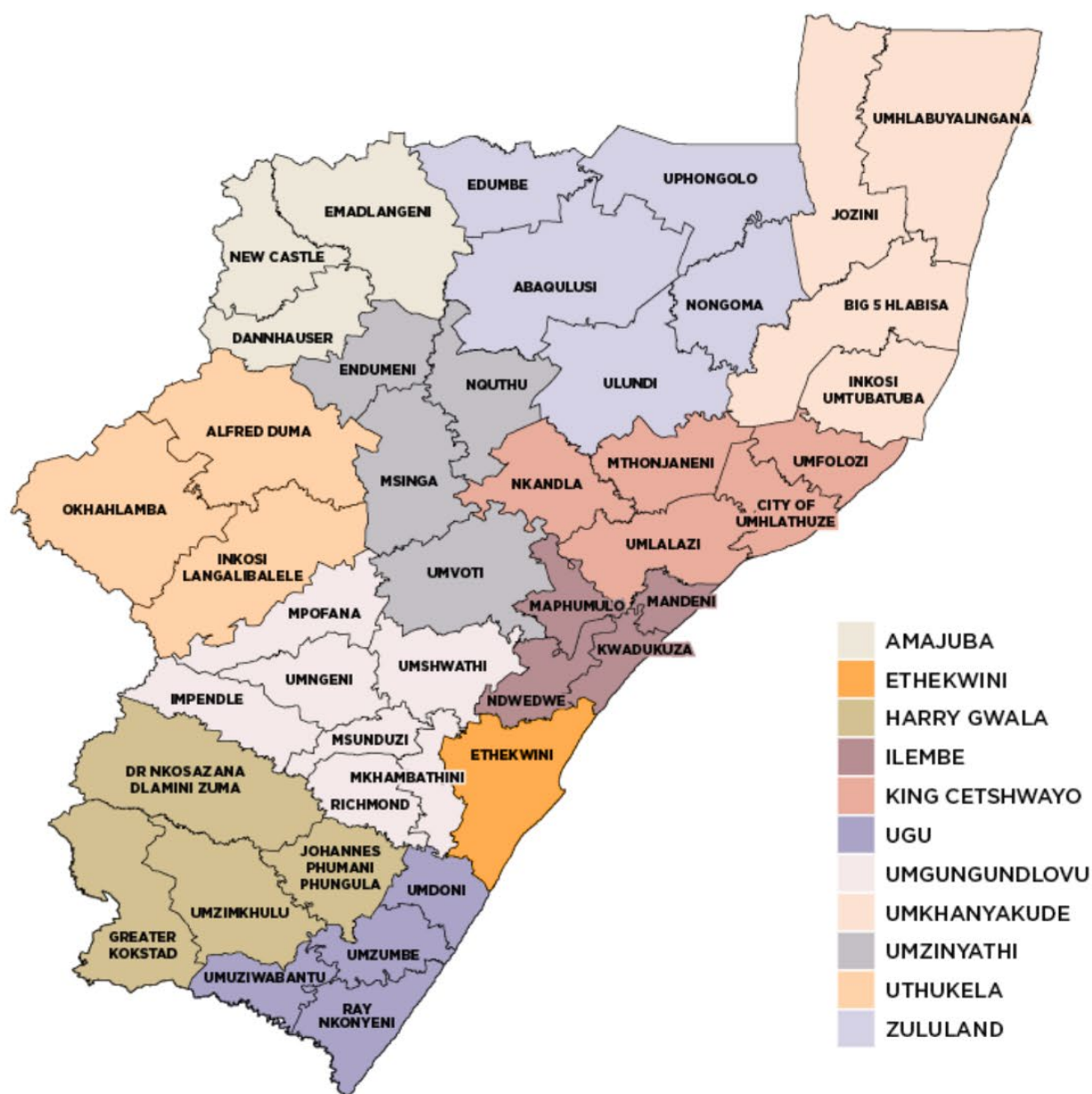


WATER RIGHTS TRACKER

WATER SERVICES AUTHORITY

UMGUNGUNDLOVU

DISTRICT MUNICIPALITY



OCTOBER 2026

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Map

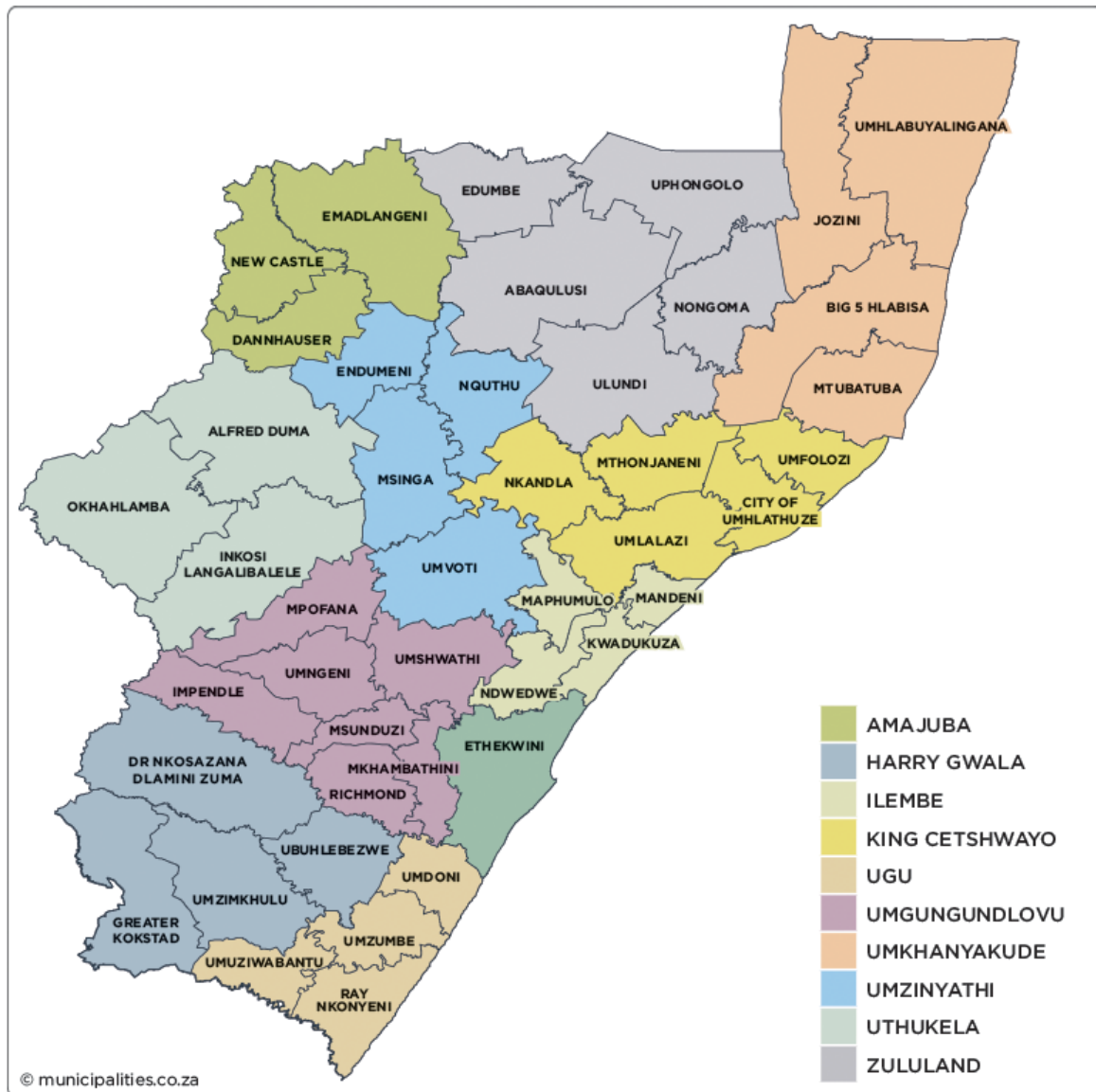


Figure 1: Geographical location of the uMgungundlovu District Municipality (source Municipalities of South Africa, <https://municipalities.co.za/provinces/view/4/kwazulu-natal>).

The uMgungundlovu District Municipality is an inland municipality, situated in South KwaZulu-Natal and one of eleven district municipalities in the province.

Assessment: Progressive realisation of the right to water in Umgungundlovu District Municipality

RIGHTS HOLDERS		
Demographics	Current Population: Ranges from 192,137 (<i>Blue Drop</i>) to 1,159,985 (IDP) Population growth rate: 1.91% Sex Ratio: Moderate female majority Dependency: 24.5% under 15, dependency ratio 46.3	
Unemployment	29.1%	
KEY IMPLEMENTATION INDICATORS		
Availability	Rivers, dams and groundwater 69% capacity used	
Physical Access	Communal source +200m	0%
	Communal source – 200m	19%
	Water source in yard	81%
	Piped water in house	51.1%
	Service delivery point/household coverage ratio	0.3
Economic Access	Tariff variation Tariff structure: Increasing block tariff (6 blocks, R13.66 - R75.54) FBW: Indigent only Indigency: 1.8% of service delivery points, decreasing trend	
Adequacy	No reliable data	
Quality	Microbiological compliance	98.2%
	Chemical (acute) compliance	87.5%
	Chemical (chronic) compliance	99.2%
Efficiency	WUE score: 389 l/p/d (extremely high) Non-revenue water: 36%	
REASONABLE MEASURES		
Policy Efforts	By-law, WSDP, Indigency Policy and Register	
Financial Resources (2024/25)	Budget sufficiency: 112% Revenue coverage: 143% Renewal spending: 0% Maintenance spending rate: 1% Revenue collection rate: 95%	
Human Resources	Blue Drop shortfall: 0 Process Controllers, 0 Supervisors, 0 Technicians, 0 Qualified scientists	
SYSTEMIC DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE		
Leadership issues	-Political stability: Coalition government -Management stability: The district is highly unstable. -The Municipal Manager position was vacant for 8 months, and the CFO position was vacant for 2 months.	

Water planning issues	-Unreliable statistics
Funding model	Financial distress: 93% of municipal debt cannot be recovered Grant dependence: 66% of budget comprising grants
Infrastructure issues	-Ageing and frail water infrastructure -Maintenance of existing water infrastructure -Illegal connections causing large volumes of water losses -Budget allocation targeting provision of water and sanitation infrastructure -Inadequate storm water infrastructure
Electricity issues	Not mentioned
Ecological drivers	-Alien and Invasive Species: infestation of alien species due to distances associated with land transformation -70 people were employed to clear alien vegetation at the Mayibuye Game Reserve
Consumer issues	-Community infrastructure or facilities are being vandalised -Illegal water connections -Khayelitsha Pump Station was vandalised -Kwa-Haza, KwaChief and Enguga Water Supply Scheme had infrastructure vandalised
Water services intermediaries	-Not specifically mentioned in the IDP
Third-party interference	-Not specifically mentioned in the IDP
Intergovernmental coordination	-Using the Cluster Model to facilitate effective intergovernmental relations.
Scale	9,602km ² 7 WTWs, 21 pump stations, 2 km of bulk water pipelines, 528 km of reticulation pipelines, 18 water reservoirs
UNIQUE DRIVERS OF HUMAN RIGHTS NON-COMPLIANCE	
Overlapping governance structures	88 municipal wards, number of traditional authorities not mentioned
Low literacy and education levels	No schooling: 5.6%, tertiary ed: 13.1%
Infrastructure backlogs	-Old and frail infrastructure with increased households, causing backlogs -Aging infrastructure needs to be replaced -The municipality has poor or lack of access to infrastructure, which includes roads, water and sanitation, and socio-economic facilities and services.
Limited yellow fleet	-No specific mention in the IDP Report
High vacancy rate	Yes, 34% AGSA Report
Legal non-compliance	-The AGSA Report states that there were material misstatements or limitations in the submitted annual financial statements and unauthorised, irregular and/or fruitless and wasteful expenditure

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*Indicators highlighted in red flag potential human rights concerns

Narrative

RIGHTS HOLDERS

Population estimates for the uMgungundlovu District Municipality range from 192 137 (Blue Drop) to 1 159 985 (IDP). The population growth rate of 1.91% is higher than the national average of 1.3%. There is a moderate female majority and 24.5% of the population are under the age of 15. The dependency ratio of 46.3 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 rate of unemployment (expanded definition) at 29.1%.

KEY IMPLEMENTATION INDICATORS

The uMgungundlovu District Municipality is authorised to provide water services and receive water from the Ntshintshi River catchment, Lion River, Mooi River, Nzinga River, and the Mgeni River.

In terms of physical access, 81% of consumers reportedly have a water connection in their yard, and 51.1% enjoy water piped into their dwellings. About 19% of the population has access to a communal source within 200m of their dwellings, and none rely on communal sources further than 200m away. The service delivery point/household coverage ratio is 0.3 meaning that the current service delivery points cover 30% of the households counted in the 2022 Census.

The uMgungundlovu District Municipality does not provide a universal Free Basic Water Allowance, although in terms of law a municipality is not required to have one. About 1.8% (low) 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 R13.66, most expensive is R75.54). The municipality has 4 tariff categories.

No reliable data could be found about the number of water services interruptions experienced by the community. There is a minor concern with water quality, with the uMgungundlovu District Municipality reporting microbiological compliance at 98.2% and chemical acute compliance at 87.5% and chronic at 99.2%.

Water use efficiency is extremely high. The *Blue Drop* score of >389 l/p/d is extremely high. According to the 2021/22 Auditor-General report, 36% of all water produced is non-revenue water, which is of moderate concern.

REASONABLE MEASURES

The uMgungundlovu District Municipality has a water services development plan, water services by-law, and indigency policy.

The Municipality's financial indicators between 2021/22 and 2024/25 show that the municipality's own revenue is enough (143%) to cover its operational expenditure budget. The

municipality's total income, which includes intergovernmental transfers, is enough (112%) to cover capital and operational expenditure. The portion of capital budget allocated to the renewal of assets ranged between 0% and 4% and maintenance expenditure ranged between 0% and 3%. The revenue collection rate has fluctuated between 0% and 97% according to MFMA Schedule C datasets.

There are 44 municipal officials employed in water treatment. According to the latest *Blue Drop* report, there are no staff shortages.

SYSTEMIC DRIVERS OF RIGHTS NON-COMPLIANCE

The key systemic drivers of rights non-compliance in the uMgungundlovu District Municipality are:

- **Leadership issues:** Leadership unstable and key administrative positions such as the offices of the municipal manager and the chief financial officer were vacant for a number of months.
- **Water planning issues:** The Municipality struggles with unreliable statistics.
- **Funding model:** The Municipality is in financial distress and largely dependent on grants to fund its budget.
- **Electricity issues:** None that directly impact water services provision.
- **Infrastructure issues:** Ageing water services infrastructure and poor maintenance lead to frequent breakages and water losses. Inadequate storm water infrastructure.
- **Ecological drivers:** There are some invasive alien species.
- **Consumer issues:** Vandalism and illegal connections.
- **Third-party interference:** Vandalism of water services infrastructure is a problem.
- **Scale:** Water services in the uMgungundlovu District Municipality are spread out over 9 602 km².

OVERSIGHT

1. The SAHRC conducted an inquiry into the state of water services and made specific recommendations which uMgungundlovu District Municipality had to implement (See Table: Oversight below).

Expanded Table

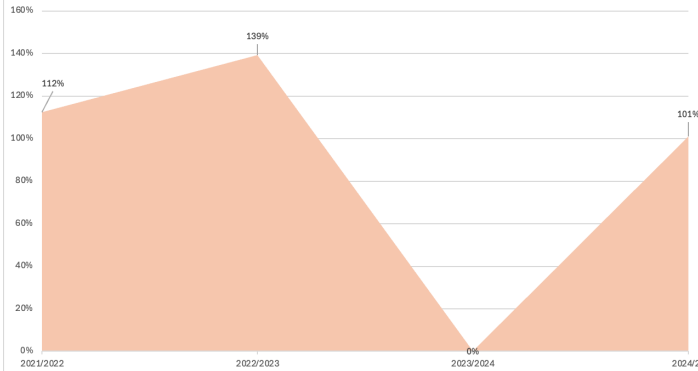
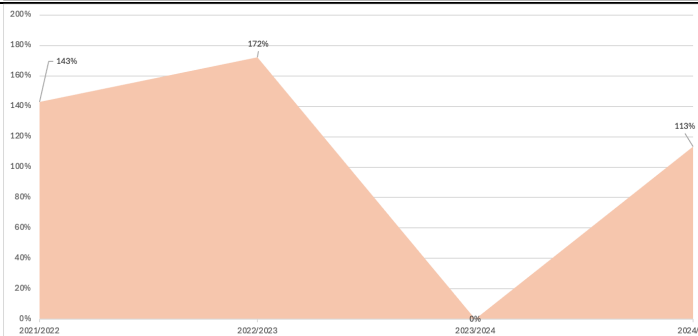
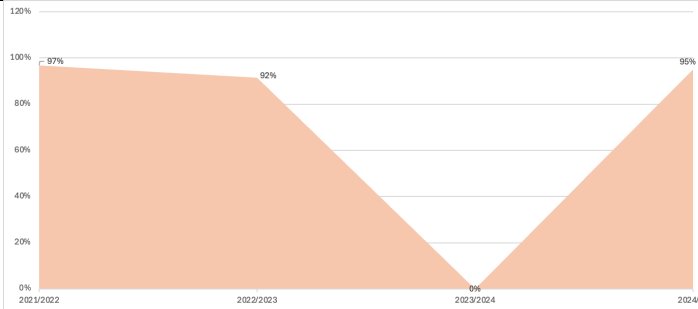
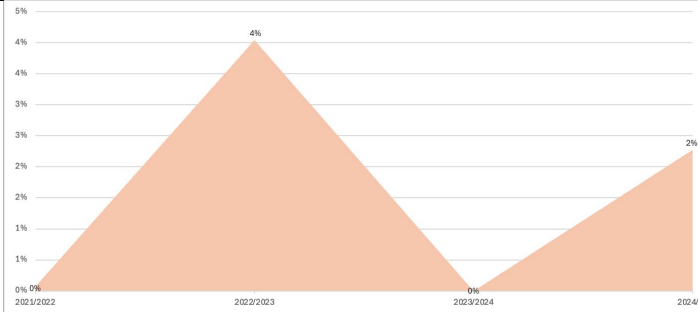
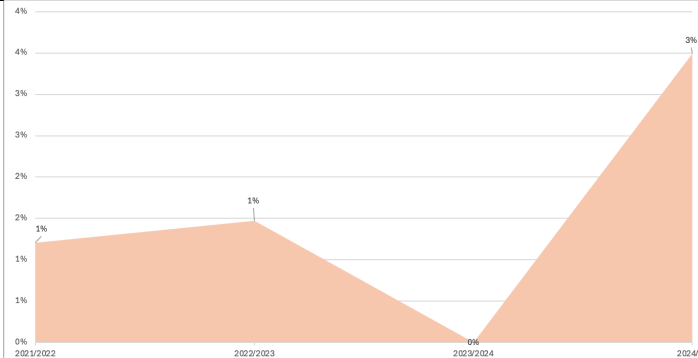
Indicator	Measurement	Sources
Name of the WSA	uMgungundlovu District Municipality	
Geographical information about the WSA.	A district municipality situated in the KwaZulu-Natal Midlands and one of eleven district municipalities in the province.	uMgungundlovu District Municipality - Overview
Spatial extent	9,602km ²	uMgungundlovu District Municipality - Overview
Municipal wards	88	IDP 2023/2024, p195
Traditional Authorities	No easily accessible information	IDP 2023/2024
Is the WSA authorized to provide water services?	yes	IDP 2023/2024, p410
Is the WSA currently providing water services?	both water treatment and tap water	IDP 2023/2024, p105
Method of service provision	Self	IDP 2023/2024, p246
Context indicators		
Details of any water-related stresses experienced within the past five years.	Riots in 2021: 354 fatalities nationwide; widespread destruction of property which included water services infrastructure. Floods in 2022: 395 fatalities; 40,723 people affected; 16,262 houses and 264 schools destroyed; exposed to food insecurity, water borne diseases; other infrastructure affected include businesses, roads, bridges, electricity and water infrastructure.	
Demographics		
Population	192 137 (<i>Blue Drop</i>) 1,235,715 (Census 2022) 1,159,985 (IDP)	2023 <i>Blue Drop Report</i> , p. 204; uMgungundlovu District Municipality - Demographic IDP 2023/24, p. 96
Number of households (Census 2022)	307,842	uMgungundlovu District Municipality - Demographic
Number of domestic household service delivery points (2021/2022)	87,940	uMgungundlovu District

<i>(Non-Financial Census of Municipalities)</i>		Municipality - Services
Ratio service delivery points / households	0.3	
Number of non-domestic consumers Affects overall availability of water – big industrial users	2,250	uMgungundlovu District Municipality - Services
Males per 100 females	91.1	uMgungundlovu District Municipality - Demographic
Gender Split	47.7% Male 52.3% Female	
Population growth rate per annum	1.91%	uMgungundlovu District Municipality - Demographic
Education	No Schooling: 5.6% Higher Education: 13.1%	uMgungundlovu District Municipality - Demographic
Financial capacity		
Economically active population (15-64)	68.4%	uMgungundlovu District Municipality - Demographic
Unemployment rate	n/a	uMgungundlovu District Municipality - Demographic
Dependency ratio	46.3	uMgungundlovu District Municipality - Demographic
Population under 15	24.5%	uMgungundlovu District Municipality - Demographic
Universal FBW Allowance	no	IDP 2023/24 p. 274
Number of service delivery points receiving FBW: 2021/22	1,548	uMgungundlovu District Municipality - Services
Percentage of FBW service delivery points	1.8%	
Increase/decrease of FBW 2018/2019 – 2021/2022	3,280 to 1,548 Decrease	uMgungundlovu District Municipality - Services

Is the WSA currently experiencing financial problems? (As at 2022/23 Third Quarter)	s 138: 1 trigger			NT Municipalities Meeting Criteria, item 96.
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 [the headings of the column in which you see TRUE]
	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 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		
Is the municipality currently subject to a provincial intervention?	No			uMgungundlovu District 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?	500 – 2000mm			WeatherSA, Historical Rain map
Water abstraction authorized?	Yes			2023 <i>Blue Drop Report</i> p. 202
Volume of authorized/(unauthorized) water abstraction?	8 700 kl/d			2023 <i>Blue Drop Report</i> p. 202
How many water treatment plants are in the WSA's water services network?	uMgungundlovu WSA manages 7 WTWs, 21 pump stations, 2 km of bulk water supply lines, 528 km of reticulation pipelines and 18 reservoirs. Total design capacity is 10.2 MI per day. 11.7 MI of capacity is available. Average production: 8 MI per day 69% of capacity is used 2023 <i>Blue Drop</i> critical risk: 0			2023 <i>Blue Drop Report</i> , pp 191; 201; 232

How many biophysical water sources does this WSA have access to?	River	☒		2023 <i>Blue Drop Report</i> , p. 232
	Dam	☒		
	Saltwater	☐		
	Groundwater	☒		
Names of rivers and dams	Ntshintshi River catchment, Lion River, Mooi River, Nzinga River, Mgeni River,			2023 <i>Blue Drop Report</i> , p.232
How many infrastructure water sources does this WSA have?	Water reclamation	☐		https://ws.dws.gov.za/wsdp/BaseData/SurfaceWater.aspx
	Desalination	☐		
	From natural source	☒		
Political Stability				
Is there a coalition government?	Yes ANC 10, DA 4, EFF 3, IFP 2 (40% PR Seats)			uMgungundlovu District Municipality - Council & Management
Has there been mayoral instability in the last 5 years?	The WSA has experienced minor problems. - https://www.iol.co.za/news/south-africa/kwazulu-natal/kzn-municipality-on-autopilot-after-anc-fails-to-agree-on-who-should-be-next-mayor-a25d2979-23a3-4d1c-9f90-0c5d3f619dc5 - https://www.iol.co.za/mercury/news/list-shows-msunduzi-umgungundlovu-mayors-on-their-way-out-6a7029e7-b19f-40e9-b614-ec0b196e4f16			Media Reports
MM/CFO Vacancy Snapshot	AGSA Website Based Report 2022/23			AGSA Web Based Report 2021/22
	Is the council established?	Yes		
	Council instability the previous year?	Yes		
	MM vacancy at the end of the year?	Yes		
	Number of months the MM has been in position.	8		
	CFO vacancy at the end of the year?	Yes		
	Number of months the CFO has been in position.	2		
Policy Efforts				
Water By-law				
Is there a water by-law?	yes			By-law
Citation of by-law	MN 113 in PG 301 of 10 July 2009			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?		
Water Services Development Plan			
Is there a water services development plan?	yes	IDP 2023/24 p. 207	
The validity duration of the plan (which years)	Under review - Adopted on 31 May 2019 for 5 years	IDP 2023/24 p. 207, 359	
General Policy Framework			
Is there an Indigent Policy?	yes	IDP 2023/24, p. 410	
IDP			
Issues	Lack of infrastructure Water and Sanitation Backlogs due to population growth and migration. High water losses resulting from water leaks, pipe burst and illegal connections (loss in water revenue). Whilst the use of water tankers must be phased out, they need to be vastly improved and made more reliable as an interim measure. Aging water infrastructure needs to be replaced at great expense for which funds must be sourced. Poor coordination on human settlement projects to ensure that services are planned and secured prior to development. Informal settlements are increasing in urban areas. Non-payment for services. Corruption. Illegal connections to services and a threat to revenue collection. Poor accountability of external service providers. Climate Change / especially drought effect	IDP 2023/2024, p38, 40, 283	

Resource Efforts												
Financial Resources												
Budget sufficiency (total budget revenue (excl. capital transfers)/ total budgeted OPEX) x 100	 <table><thead><tr><th>Period</th><th>Budget Sufficiency (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>112%</td></tr><tr><td>2022/2023</td><td>139%</td></tr><tr><td>2023/2024</td><td>0%</td></tr><tr><td>2024/25</td><td>101%</td></tr></tbody></table>	Period	Budget Sufficiency (%)	2021/2022	112%	2022/2023	139%	2023/2024	0%	2024/25	101%	MFMA Section 71 Schedule C 2021 to 2025 Reports- 2023-24 data is missing
Period	Budget Sufficiency (%)											
2021/2022	112%											
2022/2023	139%											
2023/2024	0%											
2024/25	101%											
Revenue coverage % (Total budgeted revenue (incl. capital transfers) / total budgeted CAPEX+ OPEX) x 100	 <table><thead><tr><th>Period</th><th>Revenue Coverage (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>143%</td></tr><tr><td>2022/2023</td><td>172%</td></tr><tr><td>2023/2024</td><td>0%</td></tr><tr><td>2024/25</td><td>113%</td></tr></tbody></table>	Period	Revenue Coverage (%)	2021/2022	143%	2022/2023	172%	2023/2024	0%	2024/25	113%	MFMA Section 71 Schedule C 2021 to 2025 Reports- 2023-24 data is missing
Period	Revenue Coverage (%)											
2021/2022	143%											
2022/2023	172%											
2023/2024	0%											
2024/25	113%											
Revenue collection rate % (actual revenue collected / budgeted revenue) x 100	 <table><thead><tr><th>Period</th><th>Revenue Collection Rate (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>97%</td></tr><tr><td>2022/2023</td><td>92%</td></tr><tr><td>2023/2024</td><td>0%</td></tr><tr><td>2024/25</td><td>95%</td></tr></tbody></table>	Period	Revenue Collection Rate (%)	2021/2022	97%	2022/2023	92%	2023/2024	0%	2024/25	95%	MFMA Section 71 Schedule C 2021 to 2025 Reports- 2023-24 data is missing
Period	Revenue Collection Rate (%)											
2021/2022	97%											
2022/2023	92%											
2023/2024	0%											
2024/25	95%											
Capital budget allocated to renewal of existing assets (Amount allocated to renewal / Total capital budget) x 100	 <table><thead><tr><th>Period</th><th>Capital Budget Allocated (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>0%</td></tr><tr><td>2022/2023</td><td>4%</td></tr><tr><td>2023/2024</td><td>0%</td></tr><tr><td>2024/25</td><td>2%</td></tr></tbody></table>	Period	Capital Budget Allocated (%)	2021/2022	0%	2022/2023	4%	2023/2024	0%	2024/25	2%	MFMA Section 71 Schedule C 2021 to 2025 Reports- 2023-24 data is missing
Period	Capital Budget Allocated (%)											
2021/2022	0%											
2022/2023	4%											
2023/2024	0%											
2024/25	2%											
Maintenance spending rate % (Total maintenance expenditure / total revenue collected) x 100	 <table><thead><tr><th>Period</th><th>Maintenance Spending Rate (%)</th></tr></thead><tbody><tr><td>2021/2022</td><td>1%</td></tr><tr><td>2022/2023</td><td>1%</td></tr><tr><td>2023/2024</td><td>0%</td></tr><tr><td>2024/25</td><td>3%</td></tr></tbody></table>	Period	Maintenance Spending Rate (%)	2021/2022	1%	2022/2023	1%	2023/2024	0%	2024/25	3%	MFMA Section 71 Schedule C 2021 to 2025 Reports- 2023-24 data is missing
Period	Maintenance Spending Rate (%)											
2021/2022	1%											
2022/2023	1%											
2023/2024	0%											
2024/25	3%											

Infrastructure Resources		
Current infrastructure value	R563,370,000	Budget, Sheet A9, Item 138, Adjusted Budget 20/21
Human and Skills Resources		
Total number of staff employed in water treatment	44 (34 supervisory, 10 technical)	2023 <i>Blue Drop Report</i> ; pp. 196, 198
Supervisor Staff/WTW Ratio	4.9	2023 <i>Blue Drop Report</i> , p. 196
Technical Staff/WTW Ratio	1.3	2023 <i>Blue Drop Report</i> , p. 198
Staff Shortfall	0 Process Controllers 0 Supervisor 0 Technicians 0 Qualified scientists	2023 <i>Blue Drop Report</i> , pp. 196,198
Total number of staff employed in the water services provision department.	0 8 total number of posts available	2023 <i>Blue Drop Report</i> , p 196
Implementation		
Physical Access		
Physical access to water, number of consumers, and percentage of total consumers. [households]	Communal source +200m	0 0%
	Communal source – 200m	16,685 19.0%
	Water source in yard	71,255 81.0%
	Total	87,940
Piped water inside dwelling	51.1%	
Infrastructure backlog	-Water service infrastructure backlog with 5,3% of the population getting water directly from rivers, 1,4% from water vendors, 1% from rain harvesting -The district is affected by sanitation and electricity infrastructure backlog	IDP 2021/22 Report
Do schools and clinics have access to water on their premises.	The WSDP Audit shows that 47 educational facilities have no water services and 17 have inadequate services. Also in the media: - https://www.iol.co.za/dailynews/news/department-of-health-looks-into-making-boreholes-for-clinics-and-hospitals-036347c3-883a-45a5-a97a-4d51ddb8f3f	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	13.66
	7kl < 15kl	25.40
	16kl < 25kl	31.56

	26kl < 35kl 36kl < 60kl 61kl <	43.81 51.48 75.54	
Categories of water use:	Household, Business/Commercial, Builder/construction sites, NGOs		
Tariffs for schools.	No differentiated tariffs. Either households or businesses. Businesses have a flat rate of R 37.81 p/kl.		Tariffs 2021/22
Tariffs for clinics	No differentiated tariffs. Either households or businesses. Businesses have a flat rate of R 37.81 p/kl.		Tariffs 2021/22
Adequacy			
Number of interruptions in 2024	-Interruptions mentioned in the reports but the number was not provided.		
Media reports on outages:	Some problems experienced, many media reports gave publicity to new projects initiated to solve water services problems: - https://www.news24.com/news24/southafrica/news/kwazulu-natal-needs-billions-of-rand-with-a-projected-r857m-for-water-pipe-damage-20220424 - https://www.news24.com/news24/southafrica/news/only-1-of-residents-in-kzn-municipality-have-running-water-in-their-homes-20230831 - https://www.news24.com/citypress/news/lack-of-water-hampers-low-cost-housing-projects-in-umgungundlovu-20230207 - https://www.ecr.co.za/news/news/water-be-restored-soon-umgungundlovu-umbumbulu/ - https://www.iol.co.za/mercury/news/plans-to-improve-water-supply-in-umgungundlovu-in-pmb-07b1c817-442a-4463-bb0b-9acd1a69dbe4 - https://www.iol.co.za/mercury/news/president-cyril-ramaphosa-inspects-umgungundlovu-water-project-548426e7-12a5-4519-b787-4875e37286eb - https://www.sanews.gov.za/south-africa/mchunu-unveil-completed-water-projects-umgungundlovu		Media Reports.
Quality			
What is the WSA's blue drop score?	2023: 96.4% 2011: 56.2%		2023 <i>Blue Drop Report</i> , p. 232
Blue Drop Score Improved/Deteriorated (2011-2023)	Improved		
Blue Drop microbiological compliance score	98.2% (6 Excellent WTWs; 0 Unacceptable WTWs)		2023 <i>Blue Drop Report</i> , p. 206
Blue Drop chemical (acute) compliance score	87.5% (7 Excellent WTWs; 1 Unacceptable WTWs)		2023 <i>Blue Drop Report</i> , pp. 206-7
Blue Drop chemical (chronic health) compliance score	99.2% (8 Excellent WTWs; 0 Unacceptable WTWs)		2023 <i>Blue Drop Report</i> , p. 206-7
Does the WSA have a contract with the lab to test water samples?	No information		

Green Drop Risk Rating	Low Risk	2023 <i>Green Drop Report</i> , p. 241
Efficiency		
Blue Drop Water Use Efficiency Score	389 l/p/d (Extremely High)	2023 <i>Blue Drop Report</i> , p. 204
No Drop Score 2021/22	72%	2023 <i>No Drop Report</i> , p.156
Amount of non-revenue water in liters and in rands value.	R100.31 million in water losses equivalent to 36% of all water flowing through municipal pipelines	AGSA 2023/24 Audit
Main reasons for water losses.	Water leakages, illegal connections, faulty meters, and the increase in the number of customers that were charged a flat rate tariff for water consumption.	AG Report 2022, para 9.
Oversight		
Department of Water and Sanitation		
Blue Drop actions	None	2023 <i>Blue Drop Report</i> , p. 232
Green Drop actions	None	2023 <i>Green Drop Report</i> , p. 241-244
Judicial Oversight		
Where any judgements delivered that involved water services delivery?	yes	
Full citation of judgement.	Mazibuko and Others v City of Johannesburg and Others [2009] ZACC 28	
Summary of judgement 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	Paras 47, 48, 50, 71, 78-102, 142

	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 judgement.	Government of the Republic of South Africa v Grootboom [2000] ZACC 19	
Summary of judgement 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 judgement.	Nokotyana and Others v Ekurhuleni Metropolitan Municipality and Others [2009] ZACC 33	
Summary of judgement 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 judgement.	Thubakgale and Others v Ekurhuleni Metropolitan Municipality and Others [2021] ZACC 45	
Middelburg High Court: Parties <i>Department Water and Sanitation Msukaligwa Local Municipality</i>		
Summary of judgement and the impact for future water services delivery.	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,	Paras 2, 50, 60, 63, 64, 65, 70, 72, 80, 157

	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 judgement.	South African Human Rights Commission v Msunduzi Local Municipality and Others [2021] ZAKZPHC 35	
Summary of judgement and the impact for future water services delivery.	Budgetary and procurement restraints cannot be a legitimate reason, where a failure to meet service delivery obligations persisted for 15 years. Court ordered that the municipality must file a plan to remedy the service delivery plan.	
SAHRC Reports		
Were any reports received and investigated on the right to water by the SAHRC?	yes	
Summary of the report and the impact for future water services delivery.	Recommendations: (a) <i>Department of Water and Sanitation (DWS)</i> - Annually monitor municipalities’ implementation of Blue Drop and Green Drop report findings, including technical measures proposed and report to the Commission on an annual basis. - Engage with COGTA and local councils on annual municipal infrastructure self-assessments findings, monitor take-up of recommendations, and report to the Commission annually. - Drive a process to ensure the transformation of catch management forums and water user	

	associations to include diverse communities and increase community buy-in and representation, and implement enhanced community awareness, education, and advocacy programmes. iv. Guided by section 62 of the Water Services Act, read with section 154 of the Constitution, pay more focused attention to monitoring the effective performance of water services institutions in the Province. v. Invoke where appropriate powers in terms of section 63 of the WSA to take over water services function, in parallel with COGTA powers in terms of section 139 of the Constitution, to put municipalities under administration for failing to deliver water. vi. Leverage municipal access to grants to encourage municipalities to improve and update their water service delivery and infrastructure maintenance plans. (b) COGTA i. Review the funding model for municipalities and consider the provisioning of a special grant to effect upgrades and rehabilitation of critical water infrastructure and report to the Commission within 12 months from the date of this report. ii. In appropriate instances, enact measures to declare a local state of emergency to escalate immediate restoration of water services, and effect necessary repairs to damaged or neglected infrastructure. iii. Where appropriate, invoke powers in terms of section 139 of the Constitution, to put municipalities under administration for failing to deliver water. iv. Annually monitor municipalities' implementation of Blue Drop and Green Drop report findings, including technical measures proposed and report to the Commission on an annual basis. v. Monitor the implementation of the District Development Model, and Campaign <i>Khawuleza</i>, to fast-track water service delivery. vi. Escalate the support by the water expert task team to monitor and develop plans for municipalities. vii. Monitor the development and implementation of municipal WSDPs, considering introducing incentives for best performers. viii. Ensure that the KZN Water Master Plan considers the regression in municipality performance, and identify radical measures to address this, including fraud and corruption, and intra-political party fighting within the public service. The Water Master Plan should further consider future demands for	
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	water and include these, noting for instance the impact of the floods on the Plan and budget. ix. Develop an efficient tracking mechanism to ensure the monitoring and evaluation of the Water Master Plan, to identify progress and achievements, with time-bound targets set and submit such to the Commission with 12 months from the date of this report. x. Adopt measures to strengthen inter-governmental relations across the spheres, particularly pertaining to the role of the Office of the Premier, the Legislature and COGTA in monitoring the work of local government and submit within 12 months from the date of this report to the Commission a detailed report on the measured adopted. xi. Monitor findings and implementation of recommendations by municipal infrastructure self-assessments and report to the Commission annually. xii. Leverage municipal access to grants to encourage municipalities to improve and update their water service delivery and infrastructure maintenance plans. xiii. To review the model for grants for infrastructure, and the funds that are needed for maintenance. No municipality seems to be meeting the 8% guideline from revenues recommended by the Treasury. <i>(c) KZN Provincial Legislature Portfolio Committee on Cooperative Governance and Traditional Affairs</i> i. Monitor municipalities' implementation of Blue Drop and Green Drop report findings, including technical measures proposed. ii. Monitor the implementation of the KZN Water Master Plan, calling for regular reporting by COGTA, particularly pertaining to the delivery of water and sanitation. iii. Monitor findings and implementation of recommendations by municipal infrastructure self-assessments.	
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	(d) <i>For the following District Municipalities, in their capacity as Water Service Authorities (WSA): Amajuba District Municipality; eThekweni Municipality; Harry Gwala District Municipality; Ilembe District Municipality; Ugu District Municipality; uMgungundlovu District Municipality; uMzinyathi District Municipality; uThukela District Municipality; uThungulu District Municipality; Zululand District Municipality</i> i. Revive and ensure the regular convening of Water Services Committees in areas of jurisdiction, to oversee local service delivery and report to the Commission within 12 months from the date of this report. ii. Implement Campaign <i>Khawuleza</i> through the DDM, to fast-track water service delivery. iii. Replicate decentralised solid waste solutions in informal settlements and new housing developments. iv. Develop, keep and maintain a regularly updated Water Service Development Plan in terms of the Water Services Act. (e) <i>All the above District Municipalities, as WSAs, and the Local Municipalities appearing before the Commission, in their capacity of providers of water service delivery to households, are recommended to enact the following measures, reporting on their uptake of these recommendations within 12 months of the date of this report</i> i. Implement appropriate customer care divisions with a dedicated customer services team. Institute call-centre mechanisms to receive and refer complaints, with appropriate standard operating procedures to ensure the maintenance of a register of complaints, maximum (six hour) turn-around time to restore water service delivery, and monitoring of resolution of complaints. ii. Implement local accountability mechanisms with communities, such as sign-off on water delivery by tankers, and filling of Jojo tanks, managed by local ward councillors. iii. Implement appropriate community education and outreach mechanisms to educate and inform communities of their rights and of the municipal services available. Implement campaigns to communicate planning and response measures in instances of water service provision challenges, consulting communities on impact, design and prioritizing of appropriate remedies, and partner with community stakeholders in monitoring implementation and outcomes.	
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	iv. Be mindful of and give effect to stakeholders' constitutional rights to just administrative action (Constitution, section 33(1)), and their right to written reasons in instances where their rights have been adversely affected by administrative action (Constitution section 33(2)). v. Strengthen local accountability measures by entering into service level agreements with local industry, to guarantee reliability of water provision. vi. Use the DWS Blue and Green Drop programme as a guideline for running municipal services, and implement the technical and practical measures proposed in these reports. vii. Urgently address the emerging corruption relating to the water tankering system and overtime system, investigating allegations of damage to infrastructure and manipulation of the tender mechanism. viii. Implement consequence management measures for failure by officials to perform. ix. Revise the indigent register model in rural communities, to ascertain those households entitled to receive free basic water, while ensuring revenue collection from households that can afford to pay for water services. Roll out the installation of smart meters in such areas, and implement community awareness programmes around the need to pay for services. x. Undertake a cost-effectiveness study to consider buying tankers as opposed to outsourcing this service. Move towards implementing permanent solutions to water service provision, utilising tankers only in instances of emergency. xi. Table Municipal Self-Assessment reports with Council, using findings and recommendations to inform planning. xii. Revise the management of demand, recycling and re-using of water for industrial purposes. xiii. Prioritise addressing high water losses and non-revenue water, noting the impact of water leaks in this regard. xiv. Ensure compliance with recommended 8% budgeting provision for operations and maintenance of water infrastructure. xv. Prioritise and address longstanding backlogs in infrastructure maintenance. xvi. Fast track the implementation of the National Water and Sanitation Master Plan.	
Parliament		

Other Oversight Institutions		

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
- uMgungundlovu District Municipality *Annual Budget 2021/22*
- uMgungundlovu District Municipality *Integrated Development Plan 2020/21*
- AGSA Report for uMgungundlovu District Municipality for the year ended 30 June 2022
- Department Water and Sanitation *Online WSDP tool* available at <https://ws.dws.gov.za/wsdp/Index.aspx#>
- Department Water and Sanitation *Municipal Strategic Self-Assessment 2022*