



WATER JUSTICE



State Capture and Beyond: Water Justice

July 2025

Written by Jonathan van der Walt

With thanks for feedback, support, and additional research to Ferrial Adam, Eldonna Muhwava, Rehad Desai, Moray Hathorn, Anita Khanna, Pashkar Moodilar, Rashaad Dadoo, and Claire Rankin

Background

The State Capture and Beyond (SCAB) project is a collaboration between Brot für die Welt (Bread for the World [BfdW]), the Human Rights Media Trust (HRMT), and the Legal Resources Centre (LRC) with co-funding from the European Union (EU). The purpose of SCAB is to address corruption in South Africa based on the recommendations from the [Commission of Inquiry into State Capture \(CISC\)](#). To do this, it is bringing together Civil Society Organisations (CSO) and Community-Based Organisations (CBO). The desired outcome is to create a national movement against corruption to empower individuals to understand, demand, and achieve their rights. Addressing the deep wound of corruption directly helps the wound to scab over and heal.

[Brot für die Welt](#) is the largest Protestant non-governmental development and human rights organisation in Germany. Active in almost 90 countries with more than 60 years of experience, it aims to empower poor and marginalised groups to improve their living conditions. This organisation has a long history of working with the EU and has coordinated many projects across South Africa. For SCAB, BfdW brings a wealth of experience with worldwide connections and partners, making it the perfect fit in the role of coordinating and monitoring the project.

The [Human Rights Media Trust](#), a non-profit organisation founded in 2004, partners with social justice initiatives to operate throughout South Africa. HRMT focuses on media, non-extractive filmmaking methods, and social impact campaigns to amplify calls for justice while promoting a culture of democracy. HRMT spreads information with an innovative use of media and creative narratives to empower marginalised community voices.

The [Legal Resources Centre](#), founded in 1979, is a non-profit human rights law organisation with offices in Johannesburg, Cape Town, Durban, and Makhanda. The LRC actively defends the Constitution and the rule of law in South Africa, encompassing diverse areas of the law: land, housing, health, education, equality, and socio-political rights. With a long history of providing legal services, the LRC has a deep understanding of human rights law and has developed longstanding alliances with grassroots movements.

Summary

South Africa is a water-scarce country that has an annual rainfall lower than the global average. With a growing population, it is important for the government to carefully manage the storage, treatment, and distribution of water to avoid waste. Unfortunately, poor management and the influence of corruption, as identified by the Commission of Inquiry into State Capture (CISC), have left the country with decaying water delivery systems. Infrastructure is failing because of a lack of maintenance, suspect tender practices, poor water quality and delivery, and inadequate wastewater treatment. This leaves sections of the country, especially those who are poorest, with limited access to sufficient, safe, and affordable potable water. South Africa, through the Constitution, provides a right to water; the people now need to hold the government accountable in delivering on that right.

Including the right to water in the Constitution was significant and groundbreaking as it put into law non-binding international treaties and resolutions. Section 27(1) of the Constitution provides that “Everyone has the right to have access to— (b) sufficient food and water.” Further, Section 27(2) provides that “the State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.” The Water Services Act 108 of 1997 defines this right by explaining concepts, such as basic water supply and basic sanitation, and guiding local government on what it means to provide sufficient water. Section 3 of regulation *GNR.509 of 8 June 2001* precisely defines basic water supply as including, “a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month.” This presents the government’s promise to provide a minimum amount of water to support life and wellbeing.

Despite a Constitutional right to water, South Africa suffers from shallow water justice, where policies appear fair but fall short of meaningful change. One example of shallow justice in terms of water is the policy from regulation *GNR509 of June 2001*, which provides a free basic water allowance of 25 litres per person per day. While 25 litres a day is sufficient to sustain life in theory as a scientific minimum, it is short of what people require for daily consumption in practice. Basic and necessary uses of water, such as drinking, cooking, bathing, handwashing, washing utensils, flushing toilets, and laundry, can easily exceed 25 litres a day. This can force those who cannot afford water to sacrifice basic needs, affecting health and wellbeing. The basic water allowance allows the government to claim that it provides water justice, but it is a shallow justice that does little to improve circumstances.

There are many natural and manmade causes for the failures to deliver water in South Africa. Four problems that fall within the government's responsibility to deliver sufficient water stand out as needing urgent action:

- **Failing Infrastructure.** Infrastructure maintenance is a constant need. Unfortunately, many areas do not invest enough into maintenance, allowing infrastructure to decay.
- **Tender Deals.** Poorly overseen or malicious tender deals waste vital resources while not delivering on necessary outcomes.
- **Poor Water Quality.** A decline in the quality of water delivered by municipal systems leaves communities drinking unsafe water, which affects health.
- **Wastewater Treatment.** Poor wastewater treatment leads to putting polluted water back into water systems, damaging the environment and creating health risks.

Identifying water delivery problems is an important step in holding the government accountable. Water should be clean and safe to drink, while also available in the right quantity to achieve the right of access to sufficient water. This creates two areas to evaluate water delivery:

(A) Water Access:

- **Supply:** a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month
- **Rate:** a minimum flow rate of not less than 10 litres per minute
- **Distance:** within 200 metres of a household

(B) Water Quality:

- **Appearance:** Properly treated and filtered water should be nearly colourless.
- **Sediment:** Filtered water should be clear and free of visual contaminants, and there should be no visible particles or organisms.
- **Smell:** Properly clean water should have no discernible smell.
- **Taste:** Safe water should taste clean.
- **Effects:** Potable water should not cause illnesses.

If water is neither delivered in sufficient quantity nor of the right quality, the government is not meeting its legal and Constitutional obligations. This provides a basis for requesting improved service delivery.

When the government is not delivering water at the right quality or quantity, reporting and escalation methods help to improve accountability. Consumers can:

- **Gather Information.** Government websites, reports, and PAIA requests can improve understanding.
- **Report Directly.** Using online systems, email, and hotlines to report a problem to local government or the Department of Water and Sanitation creates awareness.
- **Escalate Communication.** If there is no response or action on a direct report of a water fault, consider contacting Ward Councillors and politicians.
- **Take Part in Local Government.** Municipalities are required by law to collaborate with the public, which includes hosting meetings open to the public.
- **Use Social Media.** Posting water problems on social media can draw public attention.
- **Blow the Whistle.** Blowing the whistle can be dangerous, but it is often the only way people learn about a problem.
- **Get Organised.** Joining or starting an organisation helps with grouping resources and gaining support to instigate change.
- **Write Submissions.** Writing directly to the national assembly can draw government attention to a problem.
- **Create Petitions.** A petition, signed by supporters and endorsed by a National Assembly member, shows the problem is important and relevant.
- **Inspire News Articles.** Writing reports or contacting journalists can raise awareness.
- **Take Part in Protests.** A group protest, which is protected by the Constitution, shows solidarity and increases awareness.
- **Start Litigation.** While expensive and requiring legal expertise, litigation can be a very powerful tool when demanding justice.
- **Vote.** Votes can send a powerful message and even lead to a change in government.



Using one or a combination of these methods helps to increase accountability. Every method has value, so it is possible to make a difference with even a small action.

Contents

Introduction	9
Legislative Framework: The Right to Water	11
International Law	11
The Constitution.....	13
Statutes.....	14
Regulations.....	16
Case Law	17
Water Justice	19
Water Delivery Problems	22
Failing Infrastructure	22
Suspicious Tender Deals	23
Declining Water Quality.....	24
Wastewater Treatment Practices	24
Identifying Water Problems	26
Water Access	26
Water Quality	26
Methods for Holding Government Accountable.....	29
Accessing Information.....	29
Government Websites	29



Published Documents and Reports	30
PAIA requests	31
Dedicated Hotlines	31
Direct Contact	32
Local Government Meetings	33
Social Media	34
Whistleblowing	34
Civil Society Groups	35
News Media	35
Written Submissions to the Government	35
Petitions	36
Joining or Creating Organisations	37
Protest Action	38
Newspaper Articles	38
Litigation	39
Voting	39
Recommendations	41
Conclusion	43
Endnotes	44



Introduction

South Africa is a particularly water-scarce country with an average annual rainfall of just under 500 mm, far below the world average annual rainfall of 860 mm.¹ With such low rainfall, South Africa is under extreme water stress. This scarcity leaves little leeway in supply management to ensure all residents in South Africa receive sufficient water. This scarce water supply must stretch even further as it is vital for sustaining diverse plant and animal kingdoms. Careful and effective water management is therefore essential in South Africa. The government, however, often fails in its obligation to sustainably distribute water as corruption and mismanagement have eaten away at the funds and skills necessary for effective distribution. There is also a tendency to follow a shallow water justice approach where the government only appears to fulfil its obligations. It is up to the people in South Africa to hold the government accountable and report any problems in the access, quality, and quantity of water.

The geography of South Africa, with its varying and low rainfall, makes careful storage, management, and distribution of water vital. South Africa is one of the top 25 water-stressed countries, using “over 80% of their renewable water supply for irrigation, livestock, industry and domestic needs.”² It is possible to divide South Africa into three distinct and diverse climate zones. The eastern part of the country, including Gauteng, KwaZulu-Natal, and Limpopo, has the highest rainfall with over 500mm annually. This can extend to an average of 1200mm annually in some areas. The central and northwestern areas are semi-arid and arid zones with between 100mm and 500mm. The Cape Fold mountains have annual rainfall ranging from 300mm to 900mm.³

This unequal distribution of water throughout South Africa is what makes effective storage, filtration, and reticulation vitally important. Since there is barely enough water to ensure a sufficient supply, residents in South Africa must rely on the government water infrastructure. Water storage infrastructure includes construction projects, such as reservoirs, dams, and canals, along with natural storage in rivers, lakes, and underground aquifers. The management of storage infrastructure should try to balance distributing water to low rainfall areas while ensuring that there is enough water in natural water flows for a healthy environment. Even low percentages of water waste or poor treatment can leave areas without sufficient access to water required for health and sanitation.

One of the greatest challenges facing South Africa is the devastating effects of corruption on all sections of society. The Commission of Inquiry into State Capture (CISC), led by former

Chief Justice Raymond Zondo, investigated corruption throughout the South African government. The CISC revealed corruption at all levels of government and provided numerous recommendations for how to address corruption and prevent it in the future. These recommendations include stronger protections for whistleblowers, merit-based appointments in State-Owned Enterprises (SOEs), and improved transparency. Implementing the CISC's recommendations is vital as it would create a more accountable government that is resistant to corruption, benefiting all South Africans.

Corruption strips away resources necessary for social and economic development, and this has devastating consequences for water delivery systems. The misuse of funds means that there is far less available for the maintenance and expansion of infrastructure. Without constant, effective maintenance, the system degrades.⁴ The Blue Drop and Green Drop reports, released by the government, rated 52% of our water supply systems as medium to critical risk.⁵ The Green Drop report on wastewater treatment found almost 39% of municipal wastewater systems in a critical state in 2021.⁶

For water delivery systems, degradation could leave people without enough water for their survival or hygiene needs. Degrading water treatment plants undermine health and safety as harmful chemicals and organisms make their way into water systems.⁷ Poorly treated water has already led to deaths, particularly the young, infirm, or old; an outbreak of cholera in Hammanskraal killed at least 17 people.⁸ Expansion is also necessary to meet the demands of a growing society, ensuring that they have their basic needs met.

Since water is a critical and scarce resource, effective resource management is an absolute necessity in South Africa. Ensuring an adequate supply of water provides an important foundation that would help communities survive and start to thrive. However, this requires overcoming problems with corruption and shallow justice that undermine effective water delivery. This would likely require all South Africans to focus more on working together to hold the government accountable by doing what they can. The government, especially in its local sphere, should make efforts to consider the needs of and consult with communities to ensure people receive sufficient water.



STATE CAPTURE
AND BEYOND

LEGISLATIVE FRAMEWORK: THE RIGHT TO WATER

Legislative Framework: The Right to Water

South Africans' right to water developed through several layers of law, including international law, the Constitution, statutes, regulations, and case law. International law on water rights, created through agreements and treaties, compels member countries to include these rights as part of their law. South Africa, through its legislation, has entrenched a right to water that matches international law. This right to water in South Africa starts with the Constitution as the highest legal authority in the country. Statutes further develop and explain this right with regulations that spell out how to put this right into practice.

International Law

South Africa, as a member state in both the United Nations (UN) and the African Union (AU), must consider their treaties and agreements as part of international law.⁹ International law places several obligations on its member states to provide access to clean water in sufficient quantities for consumption and sanitation. International law, therefore, provides guidance on how to implement the right to water. Several provisions in international law indicate how member states should implement the right to water.

The UN's *Universal Declaration of Human Rights* is a nonbinding agreement that provided a blueprint for later agreements on rights. Article 25.1 of the Declaration implies a right to water as part of a standard of living adequate for health and wellbeing:

Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The right to a standard of living adequate for health and wellbeing, including food, indicates the need for a right to water. Sufficient water is an absolute necessity for being healthy and for food preparation. Later UN resolutions, UN Action Plans, and African Charters are more explicit in calling for a right to water.

Table 1: A selection of International Documents on Water and Sanitation

Title	Water Provision	Summary
General Assembly Resolution 64/292. The human right to water and sanitation	1. <i>Recognizes</i> the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights;	Recognises the human right to water and sanitation. Calls upon member states to provide financial support and technological assistance to achieve these rights worldwide.
Human Rights Council Resolution 7/22. Human rights and access to safe drinking water and sanitation	2. Decides to appoint, for a period of three years, an independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation.	Recognises the importance of water and appoints an independent expert on water. This expert is meant to investigate, communicate with states, provide recommendations, and develop a report.
Human Rights Council Resolution 12/8. Human rights and access to safe drinking water and sanitation	4(a) To create an enabling environment to address the issue of lack of sanitation at all levels...	Confirms receiving the first expert report on water and resolves that states should create an environment that ensures the delivery of water and improves sanitation.
Mar Del Plata Action Plan	Resolution II(a) All peoples, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantities and of a quality equal to their basic needs.	This first UN water conference identified and explained the value of water as a human right. It calls on states to work together in providing water as a basic survival need for all humans.
The African Charter on Human and People's Rights (1981)	Article 24: All Peoples shall have the right to a general satisfactory environment favourable to their development.	While this charter does not mention a right to water, the African Commission on Human and People's Rights has interpreted other provisions to include an implicit right to water.
The African Charter on the Rights and Welfare of the Child (1990)	Article 14(2)(c) to ensure the provision of adequate nutrition and safe drinking water	This treaty requires participating states to create laws to ensure safe drinking water. However, it is silent about the quantity of water to provide.

Since most of these international documents are non-binding, they place a moral obligation on member states rather than a strict legal requirement. South Africa, following section 233

of the Constitution, imposes a duty on courts to interpret domestic legislation to be consistent with international law. International agreements, including the right to water, are broad to allow member states to decide on the specifics for how to implement rights within their specific contexts and means. These international agreements, however, do specify that an effective right to water should include water that is safe to drink and is sufficient for basic needs.

The Constitution

South Africa was the first country to explicitly include the right to water as part of its constitution. This makes South Africa one of the first countries that allows for the constitutional protection and enforcement of water rights. Section 27, in Chapter Two of the Constitution, sets out this right:

27. (1) Everyone has the right to have access to—

- (a) health care services, including reproductive health care;
- (b) sufficient food and water; and
- (c) social security, including, if they are unable to support themselves and their dependents, appropriate social assistance.

(2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.

(3) No one may be refused emergency medical treatment.

This section in the Constitution creates a specific right of access to water in South Africa. It also places a duty on the government to improve access to water with three qualifications that these measures must be reasonable, focused on progressive realisation, and within available resources. Accordingly, organs of state should try to use available resources to ensure that all South Africans can access this right. However, the Constitution does not explain what exactly this right means or how government institutions can implement this right.

Statutes

There are currently two statutes that govern the right of access to water. These statutes develop the right as identified in the Constitution and explain how to manage and distribute water. They broadly indicate that access to water should include providing clean drinking water in sufficient quantities.

The National Water Act 36 of 1998 (NWA) focuses on the management and protection of South Africa's water resources. This Act has a national scope focusing on aspects like the construction of dams, the management of rivers, the use of aquifers, and cross-border international water rights. While the NWA is important for the management of water nationally, it does not address how to ensure individuals can access their right to water.

The Water Services Act 108 of 1997 (WSA), on the other hand, focuses on the individual right of access to water. This Act starts by defining concepts, including the important concepts of basic water supply and basic sanitation in Section 1:

“basic sanitation” means the prescribed minimum standard of services necessary for the safe, hygienic and adequate collection, removal, disposal or purification of human excreta, domestic waste-water and sewage from households, including informal households.

“basic water supply” means the prescribed minimum standard of water supply services necessary for the reliable supply of a sufficient quantity and quality of water to households, including informal households, to support life and personal hygiene.

These definitions provide guidance on how the government can meet/provide basic water rights. The definition of “basic water supply” is especially important as it acknowledges that the basic water amount should support both life and personal hygiene. However, the WSA is silent on what a sufficient quantity of water is for life and personal hygiene, leaving that to be determined in regulations and by the local government.

There are several important sections of the Act related to providing a right to water for residents of South Africa. Section 2 of the Act sets out its main objectives:

2. The main objects of this Act are to provide for—

- (a) the right of access to basic water supply and the right to basic sanitation necessary to secure sufficient water and an environment not harmful to human health or wellbeing;
- (b) the setting of national standards and norms and standards for tariffs in respect of water services;
- (c) the preparation and adoption of water services development plans by water services authorities;
- (d) a regulatory framework for water services institutions and water services intermediaries;
- (e) the establishment and disestablishment of water boards and water services committees and their duties and powers;
- (f) the monitoring of water services and intervention by the Minister or by the relevant Province;
- (g) financial assistance to water services institutions;
- (h) the gathering of information in a national information system and the distribution of that information;
- (i) the accountability of water services providers; and
- (j) the promotion of effective water resource management and conservation.

Section 3 of the Act, “Right of access to basic water supply and basic sanitation,” identifies four points that define the right to water:

- (1) Everyone has a right of access to basic water supply and basic sanitation.
- (2) Every water services institution must take reasonable measures to realise these rights.
- (3) Every water services authority must, in its water services development plan, provide for measures to realise these rights.
- (4) The rights mentioned in this section are subject to the limitations contained in this Act.

The WSA firmly establishes the right to water identified in the Constitution. However, the WSA does not provide strict guidelines for amounts, leaving local governments to choose how they can achieve these rights through regulations and municipal by-laws.

Regulations

Regulations are guides for how local government institutions should enforce laws. For water, [*GNR.509 of 8 June 2001: Regulations relating to compulsory national standards and measures to conserve water*](#) provide a basic water supply:

3. Basic water supply.—The minimum standard for basic water supply services is—

- (a) the provision of appropriate education in respect of effective water use; and
- (b) a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month—
 - (i) at a minimum flow rate of not less than 10 litres per minute;
 - (ii) within 200 metres of a household; and
 - (iii) with an effectiveness such that no consumer is without a supply for more than seven full days in any year.

This basic water supply is what the government presents as an achievable minimum for ensuring that all individuals achieve their right of access to water. Potable water is water that is cleaned and filtered, following strict standards, to ensure it is safe for drinking and cooking purposes without needing further cleaning. The basic water supply is therefore the South African government's promise of what it will provide to all residents as an immediate right. However, international law recommends at least 50 litres per person per day as a sufficient minimum, indicating that the basic water supply is not a sufficient quantity of water.

The Proposed Compulsory National Water and Sanitation Services Norms and Standards, not yet promulgated, aim to change the basic water supply. This proposed regulation, which was published for public comment, includes several changes to the basic water supply. In the January 2024 Government Gazette (no. 49979), there are two distinct basic water supply standards: section 2, Interim Service Standards and section 3, Basic Water Standards. These make a blatant distinction between informal settlements having interim standards and formal settlements having basic water standards.

The basic water standards are an improvement, including free water for indigent households (3(2)(a)(iii)) and requiring water delivered to the end of the property boundary (3(2)(b)). However, the interim water standards may be worse than the current basic water supply as there is a change from “within 200 metres of a household” to “an access or delivery point which must be a communal standpipe, within a reasonable walking distance of no more than 200m from the furthest household.” The phrase “200m from the furthest household” is vague in a way that allows alternative interpretations. It could mean that no household must have to walk more than 200m to get water. Alternatively, the standpipe can be within 200m of any household in an informal settlement, forcing some households to walk much farther than 200m. Rephrasing this section to improve clarity would help with understanding the water standards.

Case Law

A prominent point of contention is whether the basic water supply of 25 litres is sufficient. The amount of water supplied with the free basic water allowance was challenged in a series of cases that ended with *Mazibuko and Others v City of Johannesburg and Others*.¹⁰ The Constitutional Court upheld the City's policy of providing 6 kilolitres of free water per household per month. The court stated that implicit in the progressive realisation of the right is that it would take time for the state to improve supply so that everyone has access to sufficient water. This judgment confirmed a free basic water allowance of 25 litres a day per person from the WSA's regulations. The Constitutional Court was reluctant to step in and set a minimum standard for the right, as this would infringe on the separation of powers. It is up to the national, provincial, and local governments to adjust the water allowances in line with what they reasonably define as sufficient water for life and sanitation.

Several cases define the duty of the government to realise the rights presented in the Bill of Rights from the Constitution. The 2000 case of *Government of the Republic of South Africa and Others v Grootboom and Others*¹¹ (Grootboom case) provided definitions of “progressive realisation” and “availability of resources”. The Grootboom case centred on whether local government had a duty to provide temporary housing for evicted families as part of the right to housing. This case found that progressive realisation acknowledges that it is reasonable that a state cannot always immediately realise rights, but the state should take steps to work towards these rights. States should facilitate the realisation of rights through examining resources and processes carefully to create plans that address hurdles, including financial and administrative challenges. The availability of resources can become a limitation on these

rights, as a state cannot “do more than its available resources permit”. However, states should allocate adequate resources to support the realisation of fundamental human rights.¹²

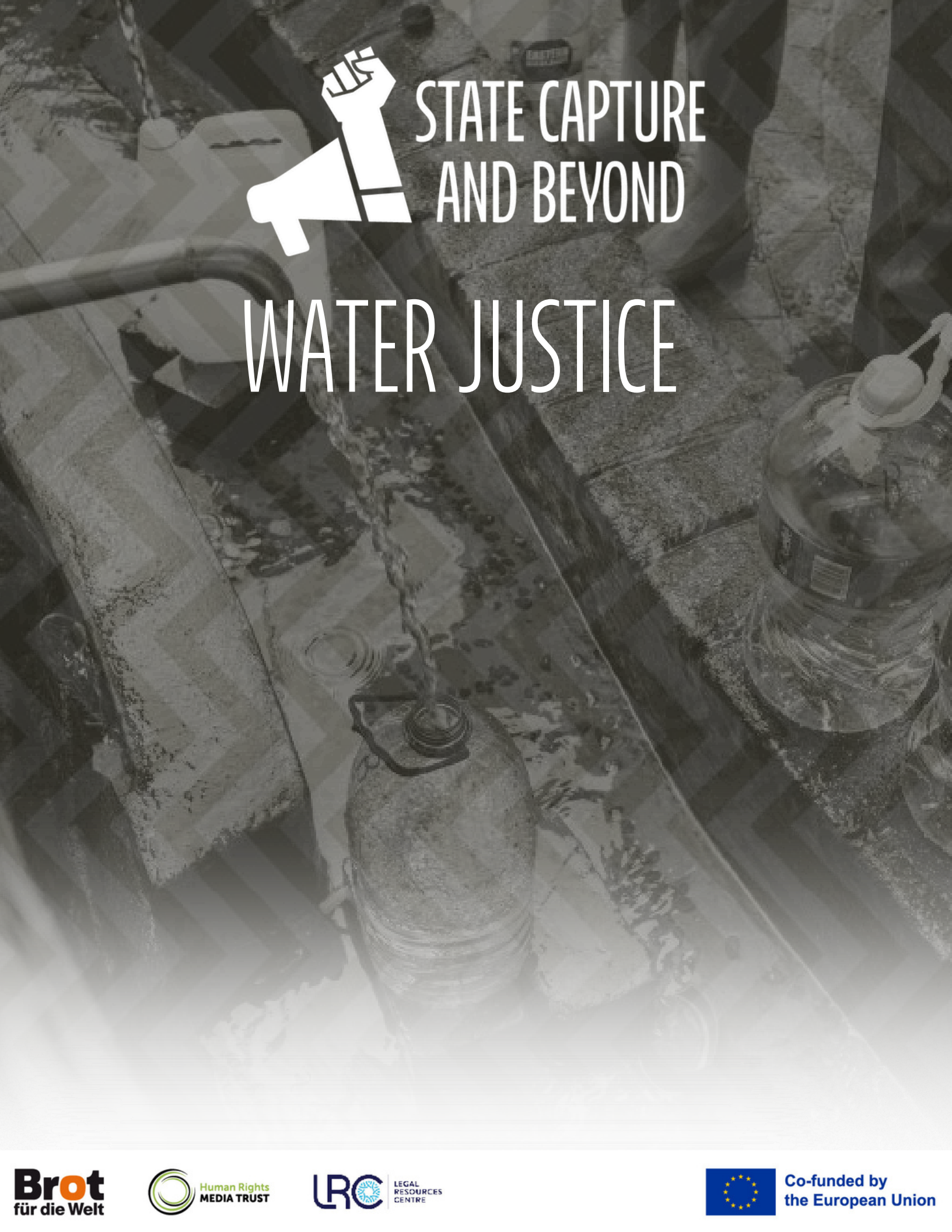
Similarly, the 2002 case of *Minister of Health and Others v Treatment Action Campaign and Others*¹³ (TAC) focused on progressive realisation and available resources. The TAC case centred around the government making life-saving medication widely available rather than confining it to a few test areas. The manufacturers of Nevirapine offered to supply the medication to the government for free for five years, making it possible to distribute it widely to save many lives. This case highlights that the converse is also true. When there are resources available, like affordable medications, the state fails in its duties if it does not use these resources in the progressive realisation of rights.¹⁴

These cases focus on the “reasonableness test” for measuring the State’s compliance with its duties to provide progressive socio-economic rights. Concepts from them apply directly to the right to water, as the reasonableness partly depends on whether there is progressive realisation within the available resources.¹⁵ As the first step, the state has a legal and ethical duty to provide the basic water allowance defined in regulation GNR.509 of 8 June 2001, regardless of its available resources. The reasonable next step would be to plan within the available resources, including making further resources available, to improve access and to provide a sufficient amount of water that is safe to consume.



STATE CAPTURE
AND BEYOND

WATER JUSTICE



Water Justice

An important consideration is whether South African water regulations provide sufficient water. At face value, the basic water provision appears very progressive. The amount of water, 25 litres per person per day, arguably provides sufficient water for drinking and food preparation. On the other hand, this low amount is an example of shallow water justice. Shallow water justice indicates a government's use of policies that appear to create equitable access to water but instead focus on profit or political gain.¹⁶ The basic water supply allows the government to claim it is realising the right to water without effectively doing so in practice. Most importantly, when developing these policies, it does not consider the community's needs properly and usually leaves them out of the discussion.

Water is essential for survival, and the basic water allowance of 25 litres a day is barely sufficient to fulfil basic water needs. Basic water needs include drinking, cooking, and hygiene. The daily water turnover for adults, defined as the amount of water an individual needs to replace daily to survive, can fluctuate between 2.9 and 4.3 litres a day depending on age, gender, and lifestyle.¹⁷ This water is gained through drinking water and consuming food. In terms of food preparation, water is both necessary for cooking and for the cleaning of foods, utensils, eating surfaces, and cookware. A rough estimate is that, at an absolute minimum, water use for food hygiene could be as little as 1.5 litres per person per day, but it would be reasonable to allow for more than twice that amount.¹⁸ Preparation of staple foods, like rice and maize as main sources of nutrition, uses up another 0.25 litres per person each day.¹⁹

Hygiene is another basic requirement for healthy living, as cleaning is essential to reduce the spread of disease. Bathing without piped water usually consumes between 5 and 10 litres of water a day, while using piped water often consumes an average of 17 litres a day.²⁰ A flush toilet uses about 11 litres for every flush, and the number of flushes individuals require daily would vary.²¹ Washing hands takes between 0.5-2 litres of water per wash. If following recommendations for reducing the spread of disease, this should use at least 5 litres of water per person per day.²² Using lower amounts of water for hygiene corresponds with increased health risks.

These basic uses of water would likely require well over 25 litres, even in ideal circumstances. Since water allowances are so low before having to purchase water, destitute individuals must often make difficult choices about where to use water. A further consideration is that

the allowance is based on the average middle-class family size of 4-5 people, when poorer communities may have far more people in a single household.

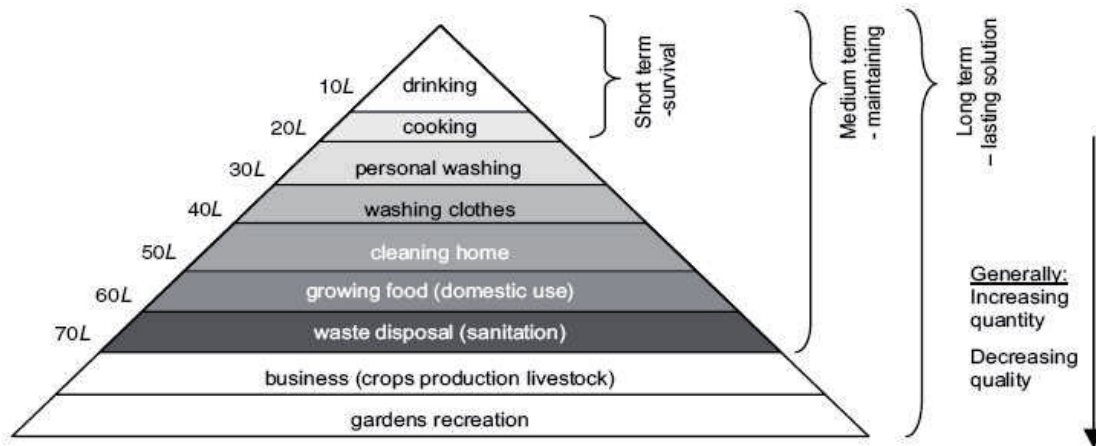


Figure 1: Hierarchy of Water Needs²³

Beyond basic survival, sufficient water is necessary for individuals to thrive. Water is also an important part of the home industry and improving personal circumstances. A common example of a suggestion for improving circumstances, especially for those living on social grants, is to plant and maintain vegetable gardens to enhance essential nutrition. In a water-stressed country like South Africa, a vegetable garden requires an additional water allowance, as relying on rain would be insufficient. An estimate for this in water-stressed areas is another 300 litres a day for a 30m² vegetable garden shared by a family.²⁴

Thus, simply providing a basic, life-sustaining amount of water could play a role in perpetuating poverty. Receiving a sufficient supply of water for free or at a low cost provides individuals with economic opportunities for self-upliftment. Many home industries, such as baking or laundry, require water to operate successfully. These types of industries allow people to earn an income to uplift themselves.

On the other hand, poor health outcomes from having an insufficient supply of water often mean that people spend more time going to hospitals or clinics for treatment. The cost of seeking treatment thus goes beyond paying for medication and includes the potential income that is lost from spending time at a clinic. As such, providing a sufficient supply of water can play a role in addressing poverty.

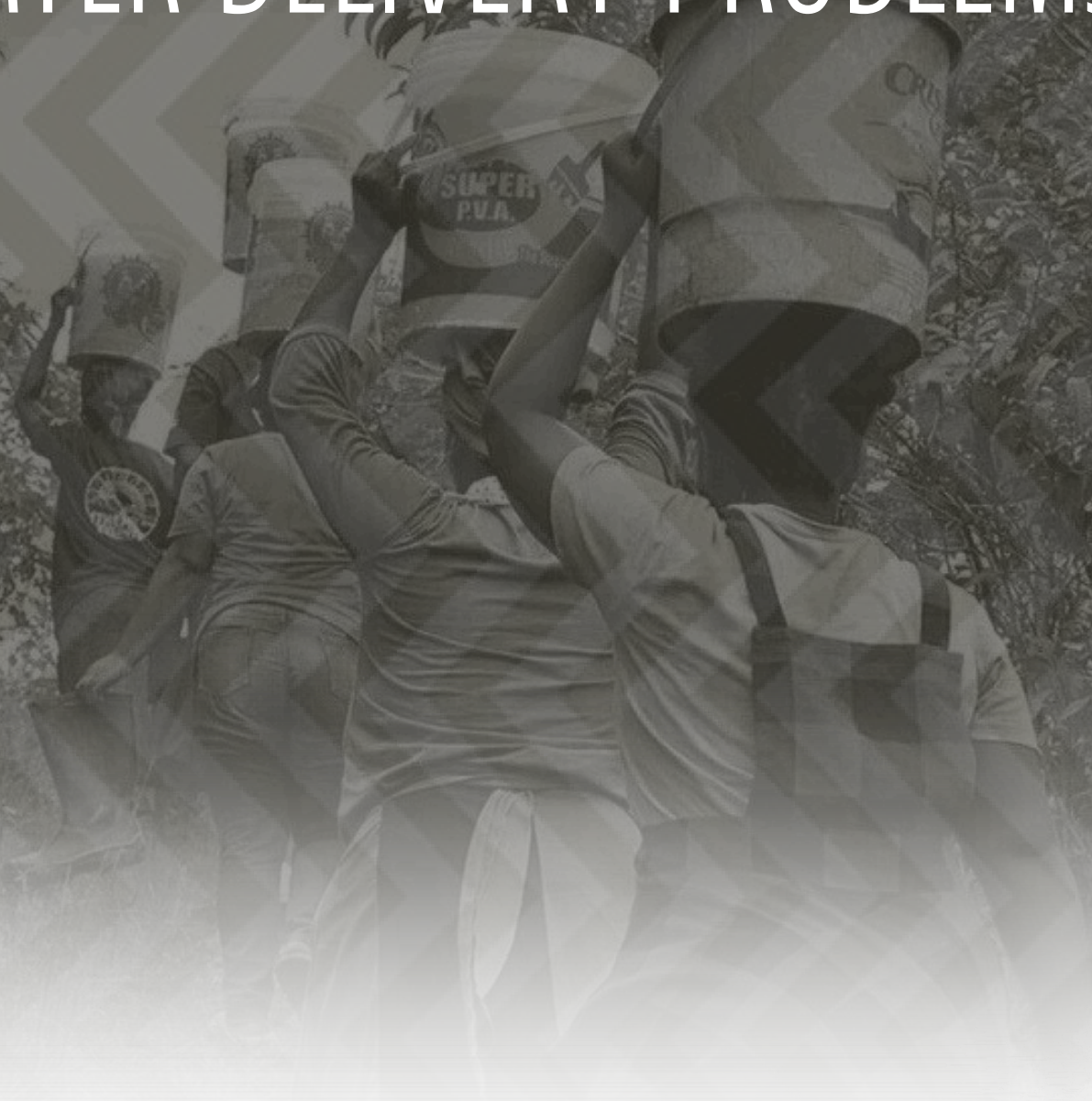
For effective water justice, water should also be within an easily accessible distance. The WSA's regulations indicate that accessible water should be within 200 metres of each residence. Even this seemingly short distance would have devastating effects on the ability of households to access water. Transporting water by hand or wheelbarrow can be difficult, making individuals less likely to fetch the required amounts for effective hygiene practices. The difficulty of transport forces individuals who are elderly or infirm to pay others to fetch water on their behalf, resulting in them using their already limited funds on something that should be free. Communal standpipes may also create friction and allow for malicious control over the water supply.

From the above, it is clear that the basic water allowance is arguably too little to help individuals survive, let alone thrive. Having such a low basic water allowance allows government institutions to brag about meeting the requirements for realising the right of access to water. However, no matter how progressive they may look on paper, current policies and regulations are not achieving the right of access to sufficient water in a meaningful way. This is shallow justice.



STATE CAPTURE AND BEYOND

WATER DELIVERY PROBLEMS



Water Delivery Problems

In addition to challenges with the scarcity of water throughout South Africa, there are problems stemming from poor management and corruption. These problems, unfortunately, affect water delivery throughout South Africa. In recent years, there have been several “Day Zero” events that involved warnings about taps running dry because of depleted storage or infrastructure failures. These include Cape Town in 2018²⁵, Makhanda in 2019²⁶, and the possibility of Johannesburg having a day zero in 2025²⁷ due to the maintenance crisis.

Corruption and municipal mismanagement play a significant role in the failure of the government to fulfil its basic water allowance. There are frequently reports of areas that spend days without water and must rely on water tankers. This water may not be properly treated, which results in poor health outcomes. While problems with water delivery happen throughout South Africa, there are key issues that are unique to certain areas.

Failing Infrastructure

[Lindiwe Elistah Maelane: “People are dying. The sewer runs outside my door. And our leaders are posting pictures of budget meetings we’re never invited to.”]

The Department of Water and Sanitation (DWS) and municipalities are responsible for the management and maintenance of water infrastructure. The failure to maintain water infrastructure in communities is a common reason why individuals do not receive access to sufficient water. Maintenance is an ongoing task that requires a long-term commitment to replacing infrastructure as it wears out or breaks down. Effective maintenance involves clear documentation, regular investigations, and the allowance of sufficient resources to ensure infrastructure remains operational.

The City of Johannesburg (CoJ) municipality is currently suffering from widespread infrastructure problems that are threatening to leave millions of residents without water. This stems from decades of insufficient maintenance of water infrastructure, including pipes, storage dams, treatment plants, and pumps. This poor maintenance becomes a visible, daily struggle for many residents as taps go dry for days at a time while water floods the streets from clogged, burst, and broken pipes.²⁸ A possible cause for this lack of maintenance in the CoJ is that relatively few resources are assigned to capital expenditure (capex) to maintain

and replace infrastructure.²⁹ This is aggravated by Johannesburg having the largest population in South Africa, which is still rapidly increasing from urban migration.

Infrastructure maintenance throughout the country is vital to ensure a supply of water to communities. Without sufficient resources assigned and spent on resources, the infrastructure will decay to a point where it is simply not fit for use. It is therefore vital for the government to assign sufficient resources and ensure ongoing maintenance.

Suspicious Tender Deals

[Vicky Muvhala: “Every borehole is broken. But someone signed it off and pocketed the cash.”]

Government tenders usually involve putting out a call for companies to apply to perform work on behalf of the government in return for payment. While some government work is done in-house, tenders are more suitable for large-scale projects. However, the CISC clearly illustrated how easily the tender process can be manipulated for personal gain. This type of manipulation includes inflating implementation costs, adjusting requirements to target specific contractors, and simply subverting the entire tender process. Suspicious tenders are not always the result of corruption, as there can be genuine mistakes. However, in most cases, corruption is likely the culprit. Water is no exception, as there are many tenders involving water maintenance and delivery that provide cause for suspicion.

Tenders involving water tankers as a short-term solution to areas without piped water, such as those currently taking place in Tswane, raise a lot of alarms.³⁰ What should be a short-term solution while building or repairing infrastructure tends to become a quasi-permanent solution. There are also concerns about “tanker mafias” that damage infrastructure or prevent access to piped water to win expensive tenders.³¹ Even when working effectively, the long-term use of water tankers causes difficulties, as many individuals must travel kilometres to access water. Since water tankers do not always arrive at suitable times, individuals who work often pay others to collect water on their behalf, when it should be a free provision. In 2025, there have already been several protests about permanent, effective access to water in Knoflokskraal near Grabouw, Western Cape³² and Phumla Mqashi near Lenasia, Gauteng.³³ In Phumla Mqashi, residents have mentioned having to make community agreements around the collection of water to avoid conflicts over water.

Suspicious tenders, such as those involving water tankers, reduce the money going to key water projects. This leaves many communities struggling to receive the basic supply of water or having to pay for it.³⁴ This can also promote criminal activity, including the theft of water and the destruction of infrastructure by the so-called tanker mafias. Careful oversight and transparency of tenders are necessary to prevent unnecessary loss.

Declining Water Quality

[Promise Mabilo: “Even the water is black. The air hurts to breathe. Our documents get lost because we ask too many questions.”]

The water delivered to communities by the government, using pipes or tankers, should be of high quality, ensuring it is safe for drinking, cooking, and sanitation. South Africa has precise standards for water quality, outlined in [South African National Standards \(SANS\) 241-1:2015](#), which acts as a guide for the treatment and checking of water. However, the [Blue Drop Report](#) found a clear decline in water quality over the last decade, with many areas left without safe drinking water.

The decline in water quality has several causes, including the poor maintenance of water treatment and storage facilities. The report identifies that “a total of 277 of 958 (29%) water supply systems were identified to be in a critical state in the country compared with 174 systems in 2014.”³⁵ A particularly frightening aspect that the report identifies is how a “majority of municipalities (57%) do not notify water users in the event of water quality being compromised or not monitored.”

Poor water quality is a severe problem in some areas of South Africa. As recently as 2023, there was a deadly cholera outbreak in Hammanskraal that claimed the lives of 17 people.³⁶ This outbreak was attributed to the combined failure in the treatment of sewage and the failure to supply clean drinking water. With 29% of South Africa’s water treatment and supply systems failing to achieve blue drop scores, there is a legitimate reason to fear more disease outbreaks in the future. This requires immediate corrective action to ensure that water quality remains high and safe.

Wastewater Treatment Practices

[Ela Ghandi: “There is a river that we used to use in the old days. That river is highly polluted.”]

One of the important methods of ensuring that there is sufficient, safe water is to process wastewater effectively. Wastewater processing is essential for either repurposing the water for human consumption or for allowing it back into the country's water systems for natural filtration. If overly polluted water is allowed to flow back into rivers, it can cause damage to ecosystems. This makes it vitally important to ensure that wastewater treatment plants are treating wastewater and to regularly check how well natural water systems are coping with wastewater intake.

The [Green Drop Report](#), the equivalent of the Blue Drop Report, with a focus on wastewater, found that wastewater treatment throughout South Africa was inadequate. According to the report, the Department of Water and Sanitation (DWS) is particularly concerned about how 67.7% of wastewater treatment works are in the high-risk (34%) and critical-risk (34%) categories. This is a sudden and dramatic increase in the number of dysfunctional wastewater treatment works, which require urgent and securely funded interventions to ensure risk reduction.³⁷

Poor wastewater treatment practices can cause significant damage to the environment while posing a danger to individuals. A lot of under-treated wastewater currently makes its way back into natural water systems, resulting in the pollution of these systems and the spread of disease.³⁸ In Maluti-a-Phofung municipality, the failure of all seven wastewater treatment works means untreated or barely treated sewage is flowing into rivers connected to the Vaal Dam.³⁹ Biohazardous sewage also made its way into fields, harming the wildlife and cattle which communities rely on for food and income. For at least two years, eThekweni Municipality has had infrastructure problems where untreated sewage has been flowing into the Umgeni River.⁴⁰ Consequently, dangerous biohazards have made their way into several tourist and fishing areas, like Blue Lagoon and the Umgeni Estuary.



STATE CAPTURE AND BEYOND

IDENTIFYING WATER PROBLEMS

Identifying Water Problems

A first step to improving accountability for water delivery is to know when to make use of reporting and advocacy methods. There are several problems that could occur to indicate whether action is necessary to improve water delivery. These fall into the two broad categories of water access and water quality. If either of these is lacking, it indicates a problem with the water supply that is worth reporting. Problems with water quality and quantity may stem from regular or temporary causes, such as natural changes in supply, disasters, or management accidents. In these cases, the DWS or local government would likely solve the problem after becoming aware of it. Persistent poor water access and quality may indicate mismanagement or corruption.

Water Access

With the basic water supply, government regulations create clear indicators that help identify when there is insufficient access to water. These include:

- Supply: a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month
- Rate: a minimum flow rate of not less than 10 litres per minute
- Distance: within 200 metres of a household

Additionally, no person should be without a supply of water for more than seven full days a year. If local municipalities are not meeting these basic supply requirements, it indicates a problem that is worth reporting.

Water Quality

South Africa uses the [South African National Standards \(SANS\) 241-1:2015](#) to determine the minimum water quality. The SANS provides precise, testable measurements to identify whether water is safe for consumption.⁴¹ Government water works use these standards to regulate the quality of water distributed by pipelines to taps throughout South Africa. However, piped water does not always match these requirements, with many municipal water quality treatment plants failing to uphold these standards. While it can be difficult to identify the quality of water, there are several characteristics that indicate poor quality:

- Appearance: Properly treated and filtered water should be nearly colourless. If the water appears cloudy or has a definite red or orange colour, this will indicate the presence of contaminants.
- Sediment: Filtered water should be entirely free of visual contaminants, and there should be no visible particles or organisms. This would also include not having any oily layer or sheen on the water.⁴²
- Smell: Properly cleaned water should have no smell. Smells like rotten egg or burnt matches would indicate the presence of sulphur and strong bleach. Cleaning product smells could indicate excessive chlorine. Either of these smells indicates improperly treated and filtered water that is potentially harmful.
- Taste: Safe water should taste clean, and unpleasant metallic or bitter tastes would indicate the likely presence of harmful contaminants in the water.⁴³
- Staining: Contaminants in water, such as excessive iron, can cause staining around taps and even on cutlery.

These noticeable aspects indicate water that is potentially harmful and the need for caution and reporting. However, contaminants in water can go beyond human senses, and the danger would only be noticeable in the effect it has on the person drinking or through testing.

- Microbiological Contaminants: There should be no harmful microorganisms, such as bacteria, viruses, and parasites, in piped drinking water that could cause waterborne diseases. The effects of these often become noticeable as the causes of diarrhoea, acute respiratory infections, and other water-transmitted diseases.⁴⁴
- Chemical Contaminants: The national standards define limits for various chemical contaminants, including heavy metals, pesticides, and organic compounds, to ensure water safety. Even when they are not visible, they can lead to several types of chemical poisoning.⁴⁵

It is best to avoid drinking contaminated water and, if possible, find an alternative safe source. If there is uncertainty about the quality of water, it is valuable to either call for the government to complete water tests or to purchase a home water testing kit. WaterCAN, a civil society organisation dedicated to water rights and advocacy, sells personal water testing kits online, <https://shop.outa.co.za/collections/frontpage/products/purchase-new-water-kit->

[with-delivery](#). The testing kits link to a programme for mapping water quality throughout South Africa, <https://watercan.org.za/map/>.



STATE CAPTURE AND BEYOND

METHODS FOR HOLDING GOVERNMENT ACCOUNTABLE



Methods for Holding Government Accountable

When encountering problems with water delivery, it is necessary to hold the government accountable. The government should provide access to safe, clean water for all people in South Africa, and it is up to individuals to demand that right. There are many methods available for holding the government accountable that are available to everyone. While it would be unreasonable to ask everyone to devote their lives to activism, there are quicker and easier methods anyone can use to demand accountability. Demanding accountability for water justice can start with simply reporting a burst pipe or dry taps at home. For those willing to do more, it is possible to escalate from reports to heroic civil action. If all those in South Africa do a part, no matter how small, it shows the demand for accountability and should force the government to act.

Accessing Information

If there are persistent problems with the water supply, it can be useful to gather information about the causes as a starting point. The South African government has made a commitment, enforceable by law in many cases, to be transparent. Therefore, it should be possible to access public, governmental information with the guidance of the Promotion of Access to Information Act 2 of 2000 (PAIA). However, it is not always easy to identify where to find the information. There are several great starting points that can help.

Government Websites

A good starting point for finding information is on government websites. For water, the DWS website, <https://www.dws.gov.za/>, provides useful information on water rights, including methods of reporting problems directly to the DWS. On the homepage, there is basic contact information and an overview of the sections. The “Media Room” button provides access to various news and opinion resources, while the “Document Library” presents legal, government, and academic resources. The DWS also has the Integrated Regulatory Information System (IRIS), https://ws.dws.gov.za/IRIS/dashboard_status.aspx, that provides updates about water quality.

Along with the DWS, there are local government websites that should be specific to local municipalities. The website, <https://municipalities.co.za/>, is a great starting point for finding municipal websites either through the search option or by using the map. A challenge with

municipal websites is that the quality of the websites varies dramatically. While some websites are user-friendly with excellent reporting tools and easily accessible documents, others can be extremely basic or confusing. If resources are missing or difficult to find, alternatives can be phoning, emailing, or visiting the municipal office to request information. This could even involve asking for an update to the website to make the information more accessible to all residents.

Published Documents and Reports

Government departments and agencies are legally required to publish and take part in useful reports relating to water delivery and quality. Important reports for understanding water supply and treatment in South Africa are the Blue Drop, Green Drop, and No Drop reports. These reports are accessible at <https://ws.dws.gov.za/IRIS/latestresults.aspx>. These are detailed reports about the quality and availability of water throughout the country. The Blue Drop Report focuses on drinking water, examining and rating water supply systems across the country. The No Drop Report examines water distribution efficiency, identifying where water is lost and assessing the demand for water. The Green Drop report focuses on the treatment of wastewater and evaluates the efficacy of wastewater treatment plants. These are very technical and highly detailed reports.

These are detailed reports about the quality and availability of water throughout the country. The Blue Drop Report focuses on drinking water, examining and rating water supply systems across the country. The No Drop Report examines water distribution efficiency, identifying where water is lost and assessing the demand for water. The Green Drop report focuses on the treatment of wastewater and evaluates the efficacy of wastewater treatment plants. These are very technical and highly detailed reports.

Water service authorities (WSAs) also have an obligation to release reports on water delivery and quality. WSAs in municipalities are responsible for ensuring access to water services in their areas in line with the Water Services Act 108 of 1997. WSAs should release several documents and reports on water that include water services development plans,⁴⁶ progress reports on development plans,⁴⁷ and reports on water quality.⁴⁸ This information should be available on WSAs' websites as well as the Department of Water and Sanitation's National Water Services Knowledge System, <https://ws.dws.gov.za/wsks/Default.aspx>.

PAIA requests

The Promotion of [Access to Information Act 2 of 2000](#) (PAIA) gives individuals the right to access information held by the state or private bodies upon request. This Act increases transparency in South Africa in compliance with the constitutional right of access to information.⁴⁹ While much information is and should be publicly available, information could be missing or difficult to find. When information is not freely available, individuals can use standard forms and methods, as prescribed by PAIA, to request information.

When using a PAIA application to request information, the first step is to check the type of institution and the type of information requested. For drafting the application, first find the PAIA manuals that should be available on the relevant departmental or governmental websites. These manuals are guides, required by PAIA, that provide details about the procedures and contact persons, such as the Information Officer for the body. The Information Regulator Form 2 is the standard application document, <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>. A PAIA application may be subject to a fee, which should be set out in the body's PAIA manual. After submitting the application to the Information Officer of the relevant body, there should be a response within 30 days, with a maximum extension of another 30 days if the body sends a notice. If the body refuses the request for information or does not respond within 30 days, it is possible to appeal the decision. For more precise information, there is a South African Human Rights Commission (SAHRC) guide available on the government website, https://www.gov.za/sites/default/files/gcis_documents/SAHRC-PAIA-guide2014.pdf

Dedicated Hotlines

If there is a simple water fault, a starting point is with a municipal fault reporting hotline. Hotlines provide a useful and affordable method that allows individuals to report any issues with service delivery. Depending on the size and technological expertise of the municipality, there can be several hotlines dedicated to specific types of problems or even online reporting methods. Municipalities should all have fault reporting mechanisms, and the municipality-specific websites should provide the necessary contact details.

A website that can help with finding municipality-specific websites is <https://municipalities.co.za/https://municipalities.co.za/> that allows for either a search or using a map to locate a municipality, providing specific details about the municipality as well as contact methods.

For water-specific problems, there is also the national DWS. This can be either a starting point or a method of escalating the fault reporting if the municipality is not responding. The DWS provides several toll-free hotlines for direct reporting:

- Water specific faults 0800 200 200
- Fraud and Corruption 0800 701 701

The DWS website, <https://www.dws.gov.za/contactRegions.aspx>, provides contact information for representatives in each of the provinces.

Hotlines, emails, and online notifications are important as they provide reference numbers and traceable details for creating a record of interactions. Keeping a record of interactions is very useful for showing the history of the problem when demanding action. However, the likelihood of reporting alone being an effective solution depends on several factors, including the municipality and area. Often, wealthier neighbourhoods experience reporting alone as effective, while poorer areas suffer without assistance. This can make escalation vitally important when there is a failure to act on problems.

Direct Contact

Direct contact with the local government is another effective method of creating awareness of water problems. The departments of Cooperative Government and Traditional Affairs (CoGTA) recommend contacting local councillors with questions or requests.⁵⁰ To help with this, the South African Local Government Association (SALGA) provides useful contact details for local councils on their website, <https://www.salga.org.za/Municipalities%20MCD.html>. CoGTA recommends submitting written questions or requests at least ten days before council meetings. However, it is also possible to contact council members directly, using email or phone calls, to ask questions or make requests. This is one of the immediate methods of informing the government and receiving commitments to address problems.

For contacting municipalities, a useful website is <https://municipalities.co.za/>, which can help with finding contact information. Through this website, it is possible to either search or use the map to locate specific municipalities. Selecting a municipality takes the user to an “overview” tab that describes the selected municipality. The tabs at the top of the page, under the name of the municipality, navigate to pages providing further useful information. This includes a “contacts” tab that provides contact details for the municipality, including the address, phone number, website, and further numbers for specific departments.



The screenshot shows the 'Municipalities of South Africa' website. The left sidebar has a menu with 'NATIONAL GOVERNMENT', 'PROVINCIAL GOVERNMENT', and 'MUNICIPALITIES'. Under 'MUNICIPALITIES', there are links for 'Service Providers' and 'Tenders'. The main content area shows the breadcrumb 'Municipalities > Gauteng > City of Johannesburg Metropolitan Municipality'. Below this is a header for 'City of Johannesburg Metropolitan Municipality (JHB)' with tabs for 'Overview', 'Contacts', 'Map', 'Management', 'Demographic', and 'Financial'. The 'Contacts' tab is active, displaying 'Contact Details' with the following information:

Postal	PO Box 1049, Johannesburg, 2000
Physical	158 Civic Boulevard, Braamfontein, Johannesburg
Tel	011 407 6111
Web	www.joburg.org.za

At the bottom of the contact details are social media icons for email, Facebook, and Twitter. There are also 'ADVERTISEMENT' labels on the right side of the page.

Figure 2: Screen Capture of the <https://municipalities.co.za/> Website

Another website for reporting problems and faults is www.fixlocal.org.za. This website, while still in its development phase, provides guidance on how to report based on location. It also provides guides on how to escalate reports if reporting alone does not solve the problem. This guidance extends from locating a ward councillor to creating community action groups.

Local Government Meetings

Local municipalities also have a legal duty to hold public meetings to consult with their communities on multiple issues, including water. The Local Government: Municipal Systems Act 32 of 2000 in section 4(2)(e) identifies that this consultation should include, “(i) the level, quality, range and impact of municipal services provided by the municipality, either directly or through another service provider; and (ii) the available options for service delivery.” This is further strengthened by section 17(2)(c) of the Act that requires “public meetings and hearings by the municipal council and other political structures and political office bearers of the municipality, when appropriate.”

Attending these meetings provides an opportunity for individuals to make their voices heard. These meetings are part of the mechanisms that municipalities should create in accordance with their legal obligation to increase public participation. However, consultation and public participation do not necessarily mean councils have to follow community suggestions. Some municipalities will post updates about when public meetings will take place on their websites,

but not all municipalities have effective websites. Therefore, it is important to call or visit the municipalities to ask about when the next meeting will take place.

Social Media

Social media websites, including Facebook, X (formerly Twitter), Instagram, and others, can be great at spreading messages to large crowds of people. However, social media platforms are often an indirect communication method with very few protections. It can be useful to report faults on social media to raise awareness of problems to help prompt the government to act. There is sometimes the possibility of a quick response, as government departments could have active social media accounts that can provide feedback and further details.

On the other hand, social media platforms are not always suitable for whistleblowing. It can be dangerous to report instances of corruption using social media, as it allows for tracking. There are still relatively few protections for whistleblowers in South African law. Therefore, it may be best to report corruption from the safety of anonymity.

Whistleblowing

Whistleblowing involves reporting corruption to an authority that can investigate and pursue action against corrupt individuals. Whistleblowing is vitally important for addressing corruption, as it is nearly impossible to act against corruption without any knowledge or evidence that it exists. However, it is also extremely dangerous to blow the whistle on corruption as it can lead to retaliation, including threats to personal safety and job security. South Africa provides some legal protection to whistleblowers under the Protected Disclosures Act 26 of 2000. While a good start for employer-employee relationships, this Act has serious flaws that can leave whistleblowers lacking the protection they need and deserve.⁵¹ These flaws are discussed further in the SCAB video, “[How to Blow the Whistle](#),” which is also available on the films section of the SCAB website, <https://beyondstatecapture.org.za/films/>. Only if someone takes careful safety precautions while having conviction should they consider blowing the whistle.

One of the most important safety precautions for whistleblowing is to remain anonymous. This can extend to creating a new email address without identifying details and using a Virtual Private Network (VPN).⁵² There are several government hotlines presented as secure and anonymous, and these are listed on the government website, <https://www.gov.za/anti-corruption/hotlines>. If one is uncomfortable with going to the government, another method

is to report corruption to civil society organisations that specialise in corruption. It is also possible to blow the whistle to news outlets, but this makes the topic public. Therefore, going to news outlets is not usually the best starting point.

Civil Society Groups

Another great method when whistleblowing or reporting problems is to contact civil society groups, some of which specialise in addressing corruption. These organisations usually have methods to keep whistleblowers' information private, protecting them from retaliation. With their specialisation in whistleblowing, they are also great sources of advice and information on blowing the whistle safely. These include:

- [The Corruption Watch whistleblower platform](#)
- [Whistleblower House](#)
- [The Organisation Opposing Tax Abuse \(OUTA\)](#)
- [PPLAAF](#)

News Media

Blowing the whistle to the news media can be an effective method of reporting corruption, but comes with serious risks. News media can spread the information about corruption very quickly and widely, raising awareness to prompt responses. Journalists, depending on their experience, would have contacts and knowledge to turn tip-offs into powerful news stories that grab attention. Journalists even search for and find additional facts that help strengthen the case. However, going to the news media means making the information public, and that creates personal risks. Even when a journalist is careful, there is a risk of the whistleblower's identity becoming public. If identifying information does allow for finding the whistleblower, it may cause great harm, ranging from harassment at work to threats on lives. Therefore, a great deal of care is necessary when whistleblowing to the news media.

Written Submissions to the Government

The easiest and often least effective method of getting an opinion heard is to write a submission to the government. Addressing a complaint or representation to the president, parliament, the council of provinces, or the local government can help those in power understand issues. It is possible that people with the authority to act just do not know what the challenges are, and a letter will therefore be a useful tool to inform them. However,

letters are easily missed or ignored, as there is no duty on the government to read every comment made by the public. If the letter does not have the desired effect, then it is important to escalate to more powerful methods of communication. A letter or public comment is a great starting point, and it is useful to keep a record of these comments to show the attempt to use different methods.

The South African Constitution makes provision for public involvement in lawmaking, oversight and other processes of Parliament. South Africa's democratic system not only provides for citizens to elect their representatives but also allows citizens to have a say in matters that affect them.⁵³ Local government also has an obligation to hear complaints following the Local Government: Municipal Systems Act, where section 17(2)(a) provides that the local government must receive, process, and consider complaints lodged by members of the local community. However, consideration of complaints does not necessarily mean that local government must abide by the complaint.

Petitions

Petitions are a relatively low-cost method for large groups of individuals to make their opinions heard. It involves a request or demand made to someone in power for a specific intervention. Signatures from other people as part of the petition can increase support for it. The Constitution includes a right for everyone to present petitions in section 17, which extends to all spheres of government. Sections 56 (d) and 69 (d) of the Constitution, read with the Rules of the National Council of Provinces and National Assembly, provide for the National Assembly and the National Council of Provinces to receive petitions. Section 115(d) of the Constitution requires provincial legislatures to receive petitions. The Local Government: Municipal Systems Act s17(2)(a) requires local governments to receive, process, and consider petitions.

The starting point of a petition is to define a clear goal or purpose of the petition, identifying what the petition is trying to achieve. Second, create a petition document, following the requirements for which legislature the petition addresses. This includes the purpose, an explanation, contact details, and space for signatures. The next step is to gather signatures by finding people with a shared interest in the petition's goal. This can be done at large gatherings, popular meeting places, social media, news or even door-to-door requests. Another popular method is to have an online petition, such as on <https://www.change.org/t/south-africa-en-gb>. The final step is to present the petition with

the demand. The method of doing this depends on which level of government the petition addresses.

- National petitions to parliament are submitted by Members of Parliament (MPs), which means they require the support of an MP, and should follow the parliamentary procedure, as outlined in <https://www.parliament.gov.za/petitions>.
- National Council of Provinces (NCOP) petitions do not require the support of an MP or member of the NCOP.
- Provincial legislature petitions have separate methods depending on the province. The URL address, <https://provincialgovernment.co.za/units/type/3/legislatures>, provides links to the websites of the nine provincial legislatures.
- Local government level petitions depend on the municipalities, but the Municipal Systems Act does require municipalities to have processes in place for petitions. Local government websites should provide more information about petitions or include contact details for queries. A useful website for finding local government websites is <https://municipalities.co.za/>.

Joining or Creating Organisations

When acting alone is not enough to gain attention, it is possible to join or create an organisation to strengthen advocacy actions. Organisations allow groups of people to work together to represent community interests, where many hands and minds can work together for a common goal. There are many organisations, including more formalised civil society non-governmental organisations and grassroots community organisations. These organisations have shown success in organising public action through protests, petitions, articles, submissions to government, and even litigation.

Civil Society Organisations (CSOs) and Community-Based Organisations (CBOs) play a vital role in holding the government accountable. As groups of people, they have more authority and experience than a single individual. These groups can present the needs and desires of individuals in communities more noticeably, better prompting the government to act. As such, these groups are where individuals can find support for the water problems they face. CBOs and CSOs, therefore, also have the role of making information public and presenting group demands to the government.

Protest Action

When polite reports and requests do not prompt action, protests may be a necessity to force attention to a problem. Protests, in the form of gatherings, demonstrations, and strikes, can be very powerful ways to communicate problems and demands that are hard to ignore. Section 17 of the Constitution protects the right to assemble, demonstrate, picket, and petition if it is peaceful and unarmed. Protests are meant to be disruptive and can become dangerous when there is a conflict between the right to protest and other rights, such as when blocking access to a public building or space. Therefore, it is important to follow the legal steps to ensure that the protest action is legal and safe for the protesters.

The Regulation of Gatherings Act 205 of 1993 regulates protest actions and applies only to gatherings in public places with 15 or more people.⁵⁴ For protests, there is no need to ask for permission. However, the convenor must provide notification at least seven (7) days before the protest to the responsible officer for a protest of more than 15 people.⁵⁵ The convenor is the person who organises the protest, whether on their own or as a representative of an organisation. With a reasonable explanation, the convenor can give less than seven days' notice at the earliest opportunity available. However, giving less than 48 hours of notice means that the responsible officer may prohibit the gathering. Protests without notice are illegal protests that would lack protection. Municipalities have notice templates that should be available at their municipal offices or even online. These notices usually require the details of the convenor, name of the organisation, purpose of the gathering, date and duration of the gathering, place of the gathering, and anticipated number of attendees.

Newspaper Articles

Writing articles for newspapers or community websites can be very effective at spreading awareness. While it is possible to write articles alone and ask news websites to publish them, this is something that becomes much easier when in a group. Working as a group on opinion and reporting pieces allows for brainstorming, improves accuracy through diverse opinions, and provides for editing.

Reporting on community events to the news media can also allow for creating an awareness campaign. For instance, it can help to create a notice or invite news media representatives to take part in other actions, including petitions, protests, and litigation. The more awareness

a community raises on a problem, the more likely it is to receive support and prompt action from the government.

Litigation

When all else fails or if there is a serious infringement on the right to water, going to court is a valuable tool in the fight for justice. Litigation is not an effective first choice for asserting one's rights, as it is prohibitively expensive and very slow. The expense of litigation includes the requirement of legal expertise at every stage. Courts throughout South Africa are also flooded with cases, which means that it can take years for non-urgent cases to appear before a judge or magistrate. Because of this, courts recommend attempting every other method for resolving a conflict first, such as mediation, and may refuse to accept a case where applicants have not attempted other methods.

For litigation, there is the possibility of contacting civil society organisations for support. There are legal specialist civil society organisations, including the Legal Resources Centre, Section27, Corruption Watch, and ProBono.Org. These organisations provide a variety of specialist legal services, including education, advice, and litigation. The type of legal support required can determine whether these organisations can provide help.

Voting

A crucial method for holding the government accountable in a democratic state like South Africa is to vote. Representative, party democracy does have flaws, but its biggest strength is how it allows for the possibility of a peaceful revolution with every vote. If the government, in any sphere, is not delivering on its promises and what the people desire, voting allows those people to instigate change without resorting to violence. Unfortunately, there has been an increase in voter apathy as it does not always appear like every vote counts. However, recent voting trends in South Africa show that this is just not the case. With the most recent 2024 elections, a relatively small change in votes has led to the Government of National Unity (GNU). This type of government, which is the result of no party having an outright majority, forces collaboration between the parties that shows promise in improving accountability.

Voting can also make a significant difference in local elections with immediate results. If a single group stays in power for a long time, there is a tendency to become complacent and ignore local concerns. Voting for another party, even creating a new party, can make local government officials more accountable to their communities. An example of this is the

Makana Citizens Front (MCF), founded in July 2021, because of protests over poor service delivery.⁵⁷ MCF contested the local elections in 2021 and became the biggest opposition party with 18.1% of the vote. Because of this, they were able to use their seats in local government to hold the government accountable and reduce corruption. A change in local government, where a few thousand votes can change a ward seat, is easier to achieve than a national change.



STATE CAPTURE AND BEYOND

RECOMMENDATIONS, CONCLUSION & REFERENCES



Recommendations

Water is a right that should be afforded to all residents in South Africa and is a necessity for a healthy environment. To achieve this, there should be a change in how the country views water and its distribution that focuses on making water a common, shared good. This would involve community involvement and cooperation with the government to share the benefits and responsibility of managing water. With this overarching view in mind, several recommendations could help improve water delivery, maintenance, and access.

Improve Universal Access to Sufficient Water

- The government must increase the Free Basic Water allowance to 100 litres per person, per day, available to all residents.
- There should be an accessible system in place to enable the poorest households to apply for receiving water free of charge.
- Community participation is essential to determine who receives water free of charge, regardless of the free basic water allowance.
- SMART meters, designed to extract profit for water services, are not acceptable as they do not ensure equitable distribution of water.

Basic Delivery of Water

- All households must have piped water as a basic level of service, replacing water tankers, JoJo tanks, and standpipes.
- Water tankers are only ever acceptable in disaster situations for the shortest time possible. All efforts must be made to upgrade to piped water delivery as early as possible.

Active Participation in Water Service Delivery⁵⁶

- Municipalities should avoid privatising water services.
- Community members must be encouraged to participate in decision-making processes in active and meaningful ways.
- Local solutions are needed, and they must be driven by local representatives.

Improve Hiring Practices to Focus on Merit

- Organs of state should hire employees based on skills and experience in related fields rather than on connections.
- Policies should require employing a minimum number of trained, certified engineers for departments and boards overseeing infrastructure.
- Regular lifestyle audits should be conducted to weed out corruption.

Support and Advertise Reporting methods both for Water Problems and Corruption

- Hotlines require sufficient funding to work well and train employees properly.
- Hotlines should have extended hours or run 24 hours a day to allow reporting outside of working hours.
- Municipal websites should all include online anonymous reporting systems.

Restructure the Budget to focus more on CAPEX than on Employment

- Income from water should be ringfenced to focus on maintaining water delivery.
- The percentage of the budget spent on CAPEX and on the maintenance of existing water infrastructure should be increased.

Conclusion

Water is vital for the survival of all living organisms, and South Africa has been very forward-thinking by including water as a right in the Constitution. Through this right, all persons can request and demand the enforcement of their right to water. However, including this right as words in the Constitution is not enough to ensure that all people gain sufficient, clean water needed to thrive. Achieving the right to water substantially requires careful management of this scarce resource by all spheres of government. However, the management of water has been failing throughout the country, with infrastructure that needs maintenance, suspicious tender deals draining vital resources, dangerous water quality, and treatment practices that dump untreated sewage. Achieving this right desperately requires change through the collaboration of all levels of society and spheres of government.

Change should start with a re-evaluation of the basic water allowance of 25 litres per person per day, as this is far too little for both life and sanitation. Even a simple list of basic water needs shows how dangerously insufficient the basic supply is, forcing people into a cycle of poverty through difficult choices. Along with adjusting the basic water allowance, there should be a careful investigation of possible corruption in the management, maintenance, and tenders awarded to water suppliers. This is where individuals at all levels of society can step up to advocate for change. While not all people have the time, resources, or expertise to be full-time activists, even reporting problems can be a start to promoting change. Escalating the reports, from calling municipalities to public protests, have the potential to start a movement.

Endnotes

¹ Ingrid Dennis and Rainier Dennis 'Climate change vulnerability index for South African aquifers' (2011) Water SA Vol. 38 No. 3 available at <http://dx.doi.org/10.4314/wsa.v38i3.7>

² Samantha Kuzma, Liz Saccoccia and Marlena Chertock '25 Countries, Housing One-Quarter of the Population, Face Extremely High Water Stress' (2023) World Resources Institute available at <https://www.wri.org/insights/highest-water-stressed-countries>

³ FAO 'AQUASTAT Country Profile – South Africa' (2016) Food and Agriculture Organization of the United Nations (FAO) Rome, Italy available at <https://www.fao.org/aquastat/en/countries-and-basins/country-profiles/country/ZAF>

⁴ Julia Evans 'Water everywhere but not a drop to drink — how unchecked leaks exacerbate Johannesburg's water crisis' Daily Maverick 10 Feb 2025 available at https://www.dailymaverick.co.za/article/2025-02-10-water-everywhere-but-not-a-drop-to-drink-how-unchecked-leaks-exacerbate-johannesburgs-water-crisis/?utm_source=Sailthru&utm_medium=email&utm_campaign=first_thing

⁵ Department of Water and Sanitation (DWS) "Blue Drop: Watch Report 2023" (2023) available at <https://ws.dws.gov.za/IRIS/latestresults.aspx>

⁶ Department of Water and Sanitation (DWS) "Green Drop: Progress Assessment Report 2023" (2023) available at <https://ws.dws.gov.za/iris/releases/GDWR.pdf>

⁷ Steve Kretzmann and Tladi Moloi 'Cattle are drinking sewage on this Free State veld' GroundUp 27 January 2025 available at <https://groundup.org.za/article/cattle-are-drinking-sewage-on-this-free-state-veld/>

⁸ Steve Kretzmann and Chris Gilili 'Deadly cholera outbreak was just a matter of time' GroundUp 24 May 2023 <https://groundup.org.za/article/deadly-cholera-outbreak-was-just-a-matter-of-time/>

⁹ Constitution of the Republic of South Africa, 1996 at s 39(1)(b)

¹⁰ (CCT 39/09) [2009] ZACC 28; 2010 (3) BCLR 239 (CC); 2010 (4) SA 1 (CC) (8 October 2009)

¹¹ (CCT11/00) [2000] ZACC 19; 2001 (1) SA 46; 2000 (11) BCLR 1169 (4 October 2000)

¹² *Grootboom* at 46

¹³ (CCT8/02) [2002] ZACC 15; 2002 (5) SA 721 (CC); 2002 (10) BCLR 1033 (CC) (5 July 2002)

¹⁴ TAC at 94

¹⁵ 5 Calitz 'Chapter 10: Water Rights' Dullah Omar Resource Book (2007) available at <https://dullahomarinstitute.org.za/socio-economic-rights/research-and-publications/resource-book>

¹⁶ Reade-Malagueño, B. et al. 'From shallow to transformative water justice. Water Alternatives' (2025) *Viewpoint* 18(1): 153-170

¹⁷ Yosuke Yamada et al. 'Variation in human water turnover associated with environmental and lifestyle factors' (2022) *Science* 378(662) available at DOI: 10.1126/science.abm8668

¹⁸ Guy Howard et al. 'Domestic water quantity, service level and health' (2020) *World Health Organisation* (WHO) available at <https://www.who.int/publications/i/item/9789240015241>

¹⁹ 'Stiff Pap' (2019) ACE available at <https://www.acemaizemeal.co.za/Recipes/Back-to-Basics/Stiff-pap>

²⁰ Howard et al. op cit note 16.

²¹ Tracy Ledger 'Empty Promises: The struggle for equitable access to water in South Africa' (2024) Public Affairs Research Institute (PARI) available at <https://pari.org.za/report-empty-promises-the-struggle-for-equitable-access-to-water-in-south-africa>

²² 2 Howard et al. op cit note 16.

²³ B. J. Reed "Minimum water quantity needed for domestic uses" (2005) *World Health Organization Regional Office for South-East Asia, New Delhi*

²⁴ Ledger op cit note 19

²⁵ 'City of Cape Town relaxes water restrictions, tariffs to Level 5' News24 10 Sep 2018 available at <https://www.news24.com/news24/city-of-cape-town-relaxes-water-restrictions-tariffs-to-level-5-20180910>

²⁶ 7 Lubabalo Ngcukana 'Day zero looms for Makhanda' News24 27 Jan 2019 available at <https://www.news24.com/citypress/news/day-zero-loom-for-makhanda-20190126>

²⁷ Laura Grant and Gemma Ritchie 'Joburg's water crisis sees decades of neglect fueling infrastructure failures and community struggles' Daily Maverick 13 Dec 2024 available at <https://www.dailymaverick.co.za/article/2024-12-13-joburgs-water-crisis-sees-decades-of-neglect-fuelling-infrastructure-failures-and-community-struggles/>

²⁸ Julia Evans 'Water everywhere but not a drop to drink — how unchecked leaks exacerbate Johannesburg's water crisis' Daily Maverick 10 Feb 2025 available at

https://www.dailymaverick.co.za/article/2025-02-10-water-everywhere-but-not-a-drop-to-drink-how-unchecked-leaks-exacerbate-johannesburgs-water-crisis/?utm_source=Sailthru&utm_medium=email&utm_campaign=first_t

²⁹ Drikus Greyling 'Johannesburg Water spends R1.5 billion on salaries and only R860 million on capex' Daily Investor 3 February 2025 available at <https://dailyinvestor.com/south-africa/76353/johannesburg-water-spends-r1-5-billion-on-salaries-and-only-r860-million-on-capex/>

³⁰ Buyeleni Sibanyoni 'Joburg awards R263m water tanker tender to two twentysomethings' Daily Maverick 22 Dec 2024 available at <https://www.dailymaverick.co.za/article/2024-12-22-joburg-awards-r263m-water-tanker-tender-to-two-twentysomethings/>

³¹ Kotie Geldenhuys "The Water Tanker Mafia: Holding municipalities hostage" (2024) Servamus Community-based Safety and Security Magazine 117(12) available at [https://journals.co.za/doi/abs/10.10520/ejc-servamus_v117_n12_a4#:~:text=Communities%20are%20suffering%20as%20organised,line%20\(eNCA%2C%202023\)](https://journals.co.za/doi/abs/10.10520/ejc-servamus_v117_n12_a4#:~:text=Communities%20are%20suffering%20as%20organised,line%20(eNCA%2C%202023))

³² Liezl Human "Protesters block N2 for hours at Grabouw" GroundUp 15 January 2025 available at <https://groundup.org.za/article/knoflokskraal-block-n2-demand-water-and-sanitation/>

³³ Silver Sibiya "Lenasia residents march for water" GroundUp 17 January 2025 available at <https://groundup.org.za/article/hundreds-residents-from-a-lenasia-settlement-march-to-joburg-water-office/>

³⁴ Bernard Chiguvare 'Limpopo residents have to use social grants to buy water' GroundUp 23 May 2025 available at <https://groundup.org.za/article/limpopo-residents-use-social-grants-to-buy-water/>

³⁵ Department of Water and Sanitation (DWS) "Blue Drop: Watch Report 2023" (2023) available at <https://ws.dws.gov.za/IRIS/latestresults.aspx>

³⁶ Steve Kretzmann and Chris Gilili "Deadly cholera outbreak was just a matter of time" GroundUp 24 May 2023 available at <https://groundup.org.za/article/deadly-cholera-outbreak-was-just-a-matter-of-time/>

³⁷ Department of Water and Sanitation (DWS) "Green Drop: Progress Assessment Report 2023" (2023) at p10

³⁸ Muhammad Hussain 'SA's dirty water crisis: "We have tech, info and experts to fix problem, so why aren't we?"' News24 25 Jan 2025 available at <https://www.news24.com/opinions/analysis/sas-dirty-water-crisis-we-have-tech-info-and-experts-to-fix-problem-so-why-arent-we-2025012>

³⁹ Steve Kretzmann and Tladi Moloi 'Cattle are drinking sewage on this Free State veld' GroundUp 27 January 2025 available at <https://groundup.org.za/article/cattle-are-drinking-sewage-on-this-free-state-veld/>

⁴⁰ Tony Carnie 'Urgent repairs ordered as Durban's sewage crisis threatens Blue Lagoon and Umgeni River health' Daily Maverick 28 Jan 2025 available at https://www.dailymaverick.co.za/article/2025-01-28-urgent-repairs-ordered-as-durbans-sewage-crisis-threatens-blue-lagoon-and-umgeni-river-health/?dm_source=dm_block_list&dm_medium=card_link&dm_campaign=main

⁴¹ George Seruwagi 'The Quality Standards of Purified Water in South Africa' (2024) Manzi available at <https://manzi.co.za/2024/01/18/the-quality-standards-of-purified-water-in-south-africa/#:~:text=In%20South%20Africa%2C%20the%20South,customers%20receive%20accurate%20product%20information>

⁴² EPA 'Types of Drinking Water Contaminants' (2024) US Environmental Protection Agency (EPA) available at <https://www.epa.gov/ccl/types-drinking-water-contaminants>

⁴³ ETR Labs 'Top 8 Signs That You're Drinking Contaminated Water' (2025) ETR Laboratories <https://etrlabs.com/signs-that-youre-drinking-contaminated-water/#:~:text=Metallic%20Taste.%20Clean%20drinking%20water%20lacks%20any,limited%20to:%20medications%2C%20pesticides%2C%20and%20industrial%20chemicals>

⁴⁴ Howard et al. op cit note 16.

⁴⁵ Howard et al. op cit note 16.

⁴⁶ Water Services Act at ss 12-17

⁴⁷ Water Services Act at s 18

⁴⁸ Department of Water and Sanitation "National Norms and Standards for Domestic Water and Sanitation Services" at p 71

⁴⁹ Constitution at s 32

⁵⁰ CoGTA 'Find Your Councillors' (2025) Cooperative Governance and Traditional Affairs (CoGTA) available at <https://www.cogta.gov.za/index.php/find-your-councillors/>

⁵¹ Corruption Watch 'Using the law to frustrate, rather than support, whistle-blowers' (2023) Corruption Watch News available at <https://www.corruptionwatch.org.za/using-the-law-to-frustrate-rather-than-support-whistle-blowers/>

⁵² A common suggestion is to create a private Proton email specifically for remaining anonymous, <https://proton.me/>

⁵³ Parliament of the Republic of South Africa 'How to Make a Submission' available at <https://www.parliament.gov.za/how-to-make-a-submission>

⁵⁴ <https://civicsacademy.co.za/what-does-the-right-to-freedom-of-assembly-and-protest-entail/>

⁵⁵ Regulation of Gatherings Act 205 of 1993 at s 3(2)

⁵⁶ Makana Citizens Front 'About MCF' available at <https://makana-citizens-front.org.za/about-mcf/>

This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of the Legal Resources Centre and can, under no circumstances, be regarded as reflecting the position of the European Union.



This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of the Legal Resources Centre and can, under no circumstances, be regarded as reflecting the position of the European Union.

