



27 October 2021

MEMORANDUM RELATING TO ONGOING WATER ISSUES ACROSS POLOKWANE

**To: THE EXECUTIVE MAYOR
POLOKWANE LOCAL MUNICIPALITY**

IN RE: THE PLIGHT FOR WATER TO ALL COMMUNITIES IN POLOKWANE

1. MEMORANDUM TO COUNCIL

This Memorandum is submitted by the Democratic Alliance to demand the provision of clean drinking water to all the communities in the city of Polokwane.

2. RELEVANT LEGISLATION

- 2.1 The right of access to sufficient water is accorded to everyone in s 27(1)(b) of the Constitution, which states that everyone has the right to have access to sufficient water.
- 2.2 Amongst the objects of local government listed in s 152(1)(b) of the Constitution is '*to ensure the provision of services to communities in a sustainable manner*'. Section 153(a) provides that '*[a] municipality must structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community*'.



- 2.3 The main objects of the Water Services Act (WSA) are to provide for inter alia:
- (a) rights 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 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; and
 - (g) financial assistance to water services institutions.
- 2.4 Section 9(1)(a) of the WSA empowers the Minister to prescribe compulsory national standards for the provision of water services. On 8 June 2001 the Minister published in terms of this section Regulations relating to compulsory national standards and measures to conserve water. Regulation 2 provides that *'[t]he minimum standard for basic sanitation service is (a) the provision of appropriate health and hygiene education; and (b) a toilet which is safe, reliable, environmentally sound, easy to keep clean, provides privacy and protection against the weather, well ventilated, keeps smells to a minimum and prevents the entry and exit of flies and other disease-carrying pests'*.



2.5 In reg 3(b) the Minister determined the minimum standard for basic water supply services as:

'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;

(iii) with an effectiveness such that no consumer is without a supply for more than seven full days in any year.'

3. DISCUSSION

3.1 For the last number of years various suburbs in the Polokwane Municipality experienced regular and constant water shortages. In certain instances, the residents were without water for periods of up to 4 weeks.

3.2 Notwithstanding numerous instances where the abovementioned was brought to the attention of the Council, the Municipality has continuously ignored its Constitutional and Legislative duties owed to the residents to Polokwane.

3.3. In some areas communities have to walk unsafe and long distances to collect water from streams and rivers. In some areas they have to share this resource with animals.

3.4 The Municipality and Council is herewith advised, warned, and informed that should they fail to comply with their Constitutional and legislative duties owed to the residents of Polokwane, we reserve our right to approach a competent court for appropriate relief to assist the community of Polokwane.



4. PROPOSED RESOLUTIONS:

- (a) That the Mayor and the Council take note that the ongoing and persistent failure to provide the residents of Polokwane, who are residing within areas of its jurisdiction, with sufficient water is inconsistent with the Constitution, particularly ss 9, 10, 24, 27(1)(b), 33, 152, 153, 193 and 237;
- (b) Directing the Polokwane Municipality forthwith, to comply with reg 3 of the Regulations relating to compulsory national standards and measures to conserve water, GN R509, GG 22355, 8 June 2001 (the Regulations) by ensuring that the Municipality supply a minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month to residents residing within areas of their jurisdiction, at a minimum flow rate of not less than 10 litres per minute.

5. ACKNOWLEDGEMENT OF RECEIPT AND ALLOTMENT OF MEMORANDUM NUMBER

5.1 The Mayor is herewith requested to:

(a) acknowledge receipt of this Memorandum; and

(b) provide sustainable action steps with dates by when all communities will receive their rights to have access to sufficient water in writing to the following e-mail addresses:

franco@marxlaw.co.za and dvanderwalt@parliament.gov.za.

5.2 The Mayor is reminded that a number must be allocated to this Memorandum and a brief description thereof be recorded in a register specifically created for this purpose.



Limpopo Provincial Office

Tel: +27 15 295 9080
www.da.org.za
11 Rhodesdrift Street
Polokwane
0700

Yours faithfully,

DEMOCRATIC ALLIANCE

LIMPOPO

On behalf of THE POLOKWANE EXECUTIVE MAYOR

ACKNOWLEDGED RECEIPT HEREOF ON THIS ____ DAY OF _____ 2021

FREEDOM. FAIRNESS. OPPORTUNITY. DIVERSITY.