

Councillor M M Nkosi
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To: The Human Rights Commission
Att: Chairperson of the South African Human Rights Commission
Date: 20 February 2025

Dear Sir/Madam,

RE: Complaint Against Nelson Mandela Metropolitan Municipality Regarding Pollution of Rivers

I am writing to formally lodge a complaint against the Nelson Mandela Bay Municipality Metropolitan Municipality regarding the alarming levels of pollution in our local rivers. These levels have severe implications for public health and the environment. This issue not only contravenes various South African laws but also poses a significant threat to the rights and well-being of the community.

Background

Over the last few years, it has become increasingly evident that the rivers in our municipality are heavily polluted, primarily due to improper waste disposal practices and inadequate sewage treatment facilities. The levels of contamination and general conditions have raised serious concerns among residents, particularly regarding the potential health risks associated with such pollution. The specific rivers in question are the Swartkops, Chatty, Baakens and Papenkuils Rivers. In our last Standing Committee of Public Health Committee, which took place on 19 February 2025, the Acting Executive Director of Public Health presented a report that indicated that our rivers were heavily contaminated and far exceeded the levels specified in the DWAF (1996) for recreational water quality guidelines for full contact recreation. In accordance with the guidelines, the following parameters are deemed to be within specification;

Component / Indicator	Specification
<i>Escherichia coli</i>	<130 cfu/100ml
Faecal coliforms	<130 cfu/100ml

Our rivers significantly exceed the established limits, as illustrated by the following examples:

- A sample taken on September 10, 2024, from the Baakens River Produce ST S/W Drain revealed E. coli levels exceeding 242,000 cfu/ml and faecal coliforms at the same alarming level. These high levels have been consistently recorded, often rising well above these figures.
- Similarly, on December 17, 2024, a sample from the Chatty River near the Veeplass Soccer Fields showed E. coli and faecal coliform counts also surpassing 242,000 cfu/ml. These high levels have been consistently recorded, often rising well above these figures.
- The Papenkuils River at Ditching Algoa Park recorded E. coli and faecal coliform levels of 345 0000 cfu/ml on September 16, 2024. These high levels have been consistently recorded, often rising well above these figures.
- A similar trend was observed at the Swartkops River near Niven Bridge on October 15, 2024, where the results for both species were recorded as 242 000 cfu/100ml.



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These findings indicate that contamination levels have consistently exceeded the prescribed limits for months, and previous reports for the last few years indicate a similar pattern. The municipality's reports on this issue have consistently indicated that exceeding these water quality limits increases users' risk of infections and gastrointestinal diseases. This is especially concerning for vulnerable populations, such as children, the elderly, and individuals with weakened immune systems. Furthermore, these rivers are used for fishing, bathing, and recreation, exposing users to harmful pollutants and toxins.

Given the significance of this issue, the Democratic Alliance requested that the results be made public. However, this request was denied, and individuals were instructed to follow the formal PAIA process, which can take up to 30 days. This delay prevents residents from accessing critical information that could adversely affect their health.

Relevant Legislation

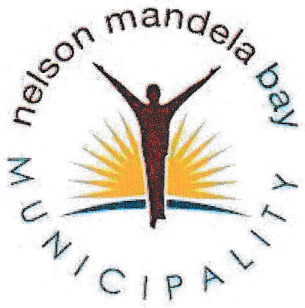
The South African Constitution guarantees the right to a healthy environment and access to sufficient water as fundamental human rights. Specifically, the following legislation is pertinent to this complaint:

1. **The Constitution of the Republic of South Africa, 1996**, specifically **Section 24(b)** of provides that "everyone has the right to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation [and] promote conservation."
2. **The National Water Act, 1998**. This act protects and sustains water resources and ensures equitable access to quality water for all citizens. Additionally, it includes regulations on water use and quality across the country, with specific provisions to control pollution and maintain safe water quality standards.

Despite these legislative frameworks, the municipality has failed to take adequate measures to address the pollution of our rivers, thereby violating the community's rights.

Request for Action

I urge the Human Rights Commission to investigate this matter and hold the Nelson Mandela Bay Metropolitan Municipality accountable for its inaction regarding river pollution. The municipality must implement effective maintenance of the ageing wastewater treatment plants, frequent sewage spills caused by vandalism and infrastructure issues, a proper human settlements sanitation provision and control to prevent communities from encroaching in areas where they pose a risk to rivers, and inadequate management of stormwater runoff, improve sewage treatment facilities, and prioritize the health and safety of its residents.



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Thank you for your attention to this urgent matter. I look forward to your prompt response and action regarding this complaint.

Yours sincerely,

Mthokozisi Magnus Nkosi
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