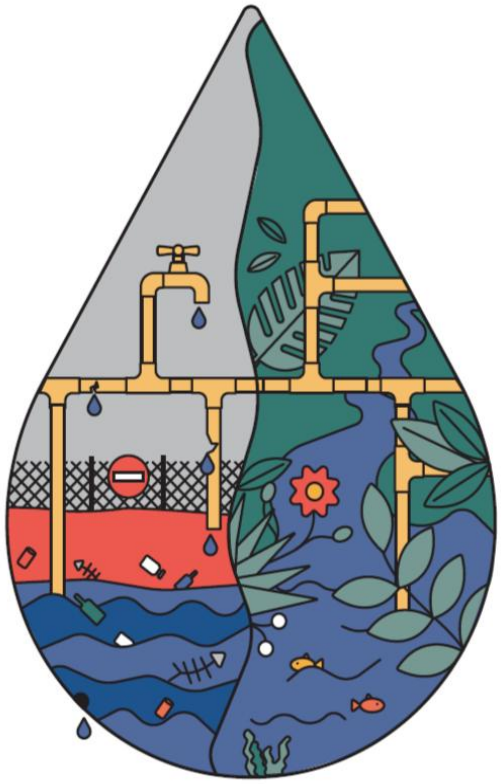
THE CLIMATE JUSTICE
CHARTER ALTERNATIVES

DEMOCRATISE THE
WATER COMMONS



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Climate Justice Charter Movement
Water Commons Policy

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South Africa's Water Crisis Needs an Alternative Water Policy

1 Executive Summary

The Climate Justice Charter recognises that:

"water is controlled by a few while many are in desperate need. Industrial farms, mines, coal generated electricity, sugar, and timber plantations are some of the major users of water. As a public good, water needs to be conserved by all, and it must be protected from pollution. Furthermore, water use has to be democratically planned and effectively regulated while affirming citizens' rights to consume this scarce and precious resource. Water and sanitation infrastructure must be upgraded, managed and monitored to ensure efficient use. Water savings from phasing out coal generation and big industrial scale farming will enhance the water commons. A water conscious society has to be promoted".

This policy is about addressing the legacies of water injustice, the current water challenges we face and securing our water commons systems to confront the risks of climate extremes. More water inequality, floods, fires, heatwaves and droughts require a redesign of the water system so we can adapt, survive and meet the needs of people and the more-than-human world.

The science is clear, human activities – such as the burning of fossil fuels and industrial agriculture - are responsible for climate change. Climate shocks such as extreme droughts, floods, fires are being experienced more frequently. The South African government's response to climate change has been weak and duplicitous. It uses the language of 'just transition' but then wants to not only lock the country to coal and gas through more coal but also disregard key natural environmental resources, as evidenced by the push for mining in Limpopo Province that will affect 125 000 hectares of indigenous vegetation in the Vhembe Biosphere Reserve, including thousands of protected trees.[1] The assent of the Upstream Petroleum Resources

[1] Coal mining threatens Vhembe Biosphere Reserve – The Mail & Guardian

Development Act 23 of 2024 is further proof that the government is committed to locking in fossil fuels. The Act creates mechanisms to ease the exploration of oil and gas, including offshore exploration.

The SA government has failed to deal with the quantity and quality of water in the country. Only 45,2%[2] of households have piped water within their homes. The rest of the population use communal taps (which are often broken) or rely on polluted water from rivers and streams. More and more people are having to deal with having little to no water around the country with Day Zero[3] a reality for many towns – Nelson Mandela Bay, Beaufort West, with predictions that Gauteng could experience a day zero in the next 10-15 years. Several neighbourhoods in the City of Johannesburg are already impacted by water outages, rolling water shedding and mismanagement of water supply systems. With regards to the quality of water, the government can also be regarded as the biggest polluter of our water resources as millions of litres of sewage flow into rivers, streams, dams and the ocean.

There are numerous policies and pieces of legislation that are in place to protect our resources as well as to respond to historical inequalities - that look good on paper – from the National Environmental Management Act to the National Water Act. However, the widespread corruption and mismanagement at the local government level have worsened the situation. The solutions cannot be left to government alone. We have to build a movement from below and give rise to a new leadership through systemic pathway building.

The Climate Justice Charter Movement (CJCM) is doing this through conscientizing, mobilising and creating change from the bottom up with the aim of ensuring we all own the problems and solutions; we all accelerate the just transition in communities, workplaces, sectors and the state to ensure water justice and sovereignty. This transformative water policy is one of many pathways to create the change we want to see, protect the environment and adapt to the impacts of climate change. It is a policy that affirms our rights, power and voice to ensure water is controlled by society. This is what democratic systemic reforms and the deep just transition is all about.

[2] Department of Statistics South Africa, 2024. General Household Survey, The state of South African households in 2023 | Statistics South Africa

[3] Day Zero in South Africa can be assessed in terms of both a climate and infrastructural caused scarcity

The bottom line is that we will not be able to fix our water challenges using the same thinking and actions that have resulted in the mess we are in. The development on wetlands, diverting of rivers, pollution without legal consequences, mining in important catchment areas, lack of control over boreholes, illegal dams, illegal dumping and failure to plan has to stop now. Water is a life-enabling socio-ecological system. We (humans and non-humans) need water to survive, produce food, keep clean, and engage in economic activity. In a country with a compromised water system, facing serious climate related risks and challenges we need a new approach to democratically govern the water commons. As society we need to ensure water as a public good is protected, conserved, managed, distributed and planned to meet everyone's needs. We need to collectively affirm the right to water in our everyday lives. Failure to do this will mean more injustice and conflict in a heating world.

2 Introduction

The Climate Justice Charter Movement (CJCM) believes that to counter the top down, corrupt and failing water policy in the country and government approach, it is imperative to build pathways from below to achieve systemic alternatives. This alternative water commons policy is one of the ways to advance a deep just transition and is one of 14 systemic alternatives for transformative change envisaged by the Climate Justice Charter (CJC). The CJC is the first climate justice charter in the world. It emerged bottom up with input from water-stressed communities, the media, labour, faith based communities, youth, climate scientists, academics, women's organisations, environmental and social justice organisations, as well as, think pieces by leading activists and has since been endorsed by 292 organisations.

The main objective of this alternative water policy is to provide pathways that encourage people and communities to develop local solutions and to ensure that people have an equal and democratic say in the management of the water commons. The present system of government cannot be trusted to respond with urgency. We need a people driven, climate emergency state that is based on achieving climate justice.

As such it is important to democratise our water through the principles of equity and inclusivity. It is when people recognise there needs are being met by a system that they will manage such a system with greater care and collectively decide for whom and how the life enabling system is used. This is the way to truly democratise our water and establish a water commons.[4]

The context section leads with providing a brief understanding of the climate crisis. Given these impacts, the context also provides a snapshot of the state of South Africa's water system. The impacts of climate change and pollution are affecting the quantity and quality of our water resources. The state of water resources explores the levels of quantity and quality being experienced in the country. Ecosystems are in a damaged state that is exacerbated by systemic failure that includes corruption and mismanagement. Government can now be regarded as the biggest polluter of water as almost 70% of wastewater treatment works (WWTW) are in a dire state and 52% of water supply systems are at risk. It is estimated that 50000 litres of sewage flows into our rivers every second.[5] Studies show that South Africa will not have enough water

[4] Water Commons, Water Citizenship and Water Security - Focus on the Global South (focusweb.org)

[5] Reference – Mail and guardian, Sipho Kings

supplies to meet demand by 2025. Already water supply problems are growing in a malgoverned system, on the edge of collapse.

The existing policy and regulatory measures are unpacked to assess how these policies govern the state of the country's water resources. Water as a basic human right is enshrined in the South African Constitution's Bill of Rights and associated legislation. There are four core pieces of water legislation and policy that governs water resources in the country - The National Water Policy (1997), the National Water Act (1998), the Water Services Act (1998) and the National Water Resource Strategy. These policies, the recent updates and the institutions established are discussed briefly.

The policy section lays the path for what is needed in an alternative water policy or water commons policy (WCP). The WCP suggests various measures that can contribute to democratising water, through an environmental focus, and plans for strengthening community voices and participation in water policy and implementation to accelerate the deep just transition and prepare the country to deal with climate extremes.

The road to a democratised water commons will not be easy. Our starting point is one of a failed state, aggressive private sector, weak civil society coupled with climate shocks, high levels of pollution and poor access. This policy touches on the potential obstacles we have to overcome to build the CJCM and advance the WCP.

The conclusion stresses the importance of this policy and now is the time to build on this policy and develop the CJCM.

3 Context

3.1 Climate Crisis

The worsening climate crisis and the importance of the water commons for the deep just transition.

The worsening climate crisis is one of the biggest challenges of our time. According to the IPCC, surface temperature, ocean heat content (OHC), sea levels and methane concentrations have all increased to new records, while Arctic and Antarctic sea ice disappearance have set record highs.[6] Climate scientists have stressed that we have only until 2030 before we reach a point of no return in terms of climate change. The world is already experiencing a concerning increase in surface temperature since before the industrial revolution. The **1.5 °C threshold** was exceeded in 2024—the first full year it has been surpassed. It is estimated that 2025 will be one of the top-three warmest years on record. Carbon concentration in the atmosphere is at 410 parts per million above the 350-ppm safe level. In a report[7], the United Nations Secretary-General Antonio Guterres said that poor global commitments to reduce GHG have put us on a catastrophic path. The report suggests that the current global policies are steering us toward **2.6–2.8 °C warming** by century's end, with real risk of exceeding 3 °C.[8]

The main cause, as has been repeated often, is the increased concentration of greenhouse gases (GHGs) in the atmosphere that are emitted by human activities such as large-scale agriculture, deforestation, transport and the burning of fossil fuels.[9] Globally, we are witnessing extreme weather events or climate shocks. In 2024, global regions endured intensified climate shocks far exceeding previous years in both severity and scale. Some of these shocks includes the heatwaves and wildfires in Europe (Greece, Spain, Portugal), water shortages (South Africa and the rest of Africa), floods (United Arab Emirates, India) and critical droughts that

[6] Zeke Hausfather (2019), State of the Climate: heat across earth's surface and oceans mark early 2019. https://www.carbonbrief.org/state-of-the-climate-heat-across-earths-surface-and-oceans-mark-early-2019 (accessed August 2019)

[7] World faces a 2.8-degree warmer future by 2100 if countries continue with current 'action gap,' UN warns | CBC News

[8] World faces a 2.8-degree warmer future by 2100 if countries continue with current 'action gap,' UN warns | CBC News

[9] National Climate Change Response White Paper (2010), Department of Environmental Affairs

undermined agriculture and energy systems—particularly hitting hydropower generation in countries like Zambia, Zimbabwe, and Namibia.

Africa has been hit hard by extreme weather events and disasters that are increasing in intensity and frequency. Carbon Brief (2022) estimates that extreme weather events have killed at least 4,000 people and affected a further 19 million in Africa. There have been at least 29 flood disasters reported with some of the most extreme flooding in west Africa, for example the floods in Nigeria which resulted in 600 deaths and about 1.3 million people affected and in Chad almost 2 million people were affected by floods. Carbon brief further highlighted that the devastating drought in the Horn of Africa in 2022 and 2023, would not have happened without climate change and affected 8 million in Ethiopia.[10]

In South Africa, we have also witnessed extreme weather-related disasters such as heavy rains, more frequent floods and droughts, wildfires, stronger storms, and extreme heat and cold. These changes will be experienced differently across the country. Climate shocks such as the rain bomb in KwaZulu-Natal in April 2022 (which has become an annual occurrence)[11], extreme droughts, cyclones are becoming more frequent with increased intensity. In KZN, the rain bomb in April left 400 people dead,[12] and displaced 40 000 people. This was followed by heavy rains in May that caused even more widespread damage. In June of 2024, a severe cold front in the Eastern Cape was followed by torrential floods that damaged 127 schools, over ten health facilities and left over a hundred people dead [13] The shocks in these regions have destroyed people's livelihoods, homes, and threatened access to food and water.

The key lessons from the climate extremes such as droughts and floods have highlighted that because of the weakness of policy and the bureaucratic approach to disasters, the response to such shocks is often too slow and inadequate. The KZN floods suggest that the South African government is not prepared for the extent of damage that can be caused from climate shocks. There is therefore a need for a policy that can provide a response to climate shocks. The continued government approach, that is, to see climate shocks as isolated weather events could

[10] Analysis: Africa's unreported extreme weather in 2022 and climate change - Carbon Brief
[11] Why are floods in KwaZulu-Natal so devastating? - SABC News - Breaking news, special reports, world, business, sport coverage of all South African current events. Africa's news leader.
[12] The CJCM has charged key government officials with culpable homicide but the police have not taken this any further
[13] Mthatha flood disaster

leave us completely unprepared to deal with such shocks – that will become more frequent and intense. How we deal with too much or too little water is the challenge with these climate extremes and we need a water system that can adapt accordingly.

The Climate Justice Charter Movement (CJCM) believes that to counter the failure of water policy , it is imperative to build pathways from below to achieve systemic alternatives. This alternative water commons policy is one of the ways to advance a deep just transition and is focused on the impacts of climate change on the country's water sources, and the policy questions that must be considered to protect and build the water commons. The present system is inadequate to tackle the growing water quality challenge being experienced in the country. More and more we are witnessing wealthier communities creating more enclosures – whether it is as gated communities or through 'privatising' water through boreholes. These borehole bourgeoisie are able to withstand both the failing infrastructure and climate shocks that are affecting the majority.

Climate change is having severe impacts on water quality and quantity. It is going to worsen an already strained water system in South Africa through increased drought or flooding. It is now 2025 — the year experts warned we would face a critical shortfall in water, with supplies no longer able to meet the demands of both people and ecosystems.[14] Further, it is estimated that "increased drying is highly probable in the west, particularly in the Western Cape where the mean decline in average annual run-off is around 13%. Along the east coast, overland water flows are likely to increase, in some cases by over 50%, raising the risk of flooding."[15] In general we can expect a reduction in water availability in many parts of SA that will increase pressure to meet water demands. The impact of climate change on water should be a serious concern given the already poor state of the country's water resources. The key lessons we should be learning from climate extreme impacts thus far include:

- Democratise the water commons system so society can co-manage the water commons in communities, water shed, water boards and cities;
  Ensure the link between the water commons and food sovereignty (see CJCM and South African Food Sovereignty Campaign policy) for the country is strengthened by

[14] Valuing water in a changing climate is crucial for the future of South Africa - The Mail & Guardian (mg.co.za)

[15] UNU-WIDER : Research Brief : Potential impacts of climate change on national water supply in South Africa

guaranteeing equitable access to water for small-scale farmers, communities, and food sovereignty initiatives, thereby reducing dependence on corporate-controlled water systems and mitigating food price increases linked to climate impacts;

- Plan around climate risk to prevent flooding, water scarcity, manage excess rainfall and ensure water is available during heatwaves;
- Invest in and manage our water commons system infrastructure to ensure everyone has their water needs met for safe and drinkable water;
- Link water systems management to climate disaster management systems and early warning systems.
- The Just Transition narrative must be changed from a shallow focus on energy systems to a Deep Just Transition that includes all critical systems including water, land, food, transport and energy.

3.2 The State of the Water Commons in South Africa

We are at a point where South Africa's water systems are highly compromised both in terms of the quantity and quality of water. The country has an average rainfall of about 464mm that is about 50% less than the global average of 860mm. The rainfall is highest in the eastern part of the country and decreases as you move westward towards the Western and Northern Cape. For example, Port Nolloth on the west coast gets an average of 50 mm and Richards Bay gets an average of 1 000 mm at the same latitude on the east coast. The little water that the country does have, faces a barrage of challenges such as climate change, prolonged droughts, pollution, poor infrastructure, corruption and now the rising *mafiarasation* of our water resources.

The impacts of climate change are being felt every day and are affecting the quantity and quality of water in the region and in South Africa. According to UNICEF, the change in climate is being manifested mostly through the shifts in water cycles and access. [16] 74% of natural disasters globally between 2001 and 2018 were water-related – droughts, floods - frequency and intensity projected to worsen under climate change. In addition, there is added stress on freshwater resources, which could leave the soils and water more salty, undermining small-

[16] Water and the global climate crisis: 10 things you should know | UNICEF

scale food production and threatening food sovereignty, particularly for rural and working-class communities.

South Africa's river ecosystems are not in a healthy state and will not withstand increase in frequency of climate shocks. In 2018, it was estimated that of the 223 river ecosystem types, 60% were threatened with 25% of these critically endangered by a changing climate and human activities. This combination of climate change and high levels of pollution is not only threatening ecosystems but it is also projected to reduce the country's available potable water by 17% by 2030. (Federation for a Sustainable Environment, 2018). Since this study was conducted and given the poor state of wastewater treatment plants (67% in critical risk of discharging partially treated or untreated water into rivers and the environment)[17] it can be assumed that the state of the river ecosystems are far worse now.

There is also grave inequality in water access between those who have water and the millions of people who continue to live with little or no access to safe water. Studies have warned that from 2025 South Africa will not have enough water supplies to meet demand. According to the WWF-SA (2017), 98% of the available water supply is already being used and allocated, leaving very little room for increased allocation. The three major sectors that are driving demand is the agriculture sector that uses about 63% of our water, followed by the municipal sector at 26% and industrial sector uses at least 11%. However, according to a research study by the CSIR and Stellenbosch University, it is also important to break down the amount of water being allocated to and used in each province. The research found that in Gauteng, the largest water use is due to industrial water use (including mining). In the Western Cape, largest water use (almost 70%) is due to agricultural irrigation. Water use for mining is highest for Mpumalanga (probably the coal mines) followed by North West Province.[18] At the same time, small-scale farmers, particularly in provinces like the Eastern Cape, often struggle to secure even minimal allocations for household gardens or agroecology projects. This contrast highlights how corporate farming and extractive industries dominate water use, while those producing food sovereignty alternatives face systemic exclusion.

Breaking down the water use according to each province and then further to the different municipal regions can be useful to improve water planning and efficiency. It can also help to dispute how statistics are reported. For example, it is estimated that urban and rural households

[17] GDPAT_2023_Report.pdf
[18] Research pinpoints SA's largest water users | CSIR

use almost 30% of water, which seems quite high. Further, it is generally accepted that the average water consumption in the country is 237 litres per person per day, and is touted as being higher than the world average of about 173 l/c/d[19] . These figures do not account for water losses, nor does it adequately reflect the inequality given that less than 50% of South Africans have taps in their homes and 9% of the population – many from poor communities – have to rely on springs and rivers for water. (Hedden and Cilliers, 2014; WWF-SA, 2016)

It is also estimated that 47.4% of all municipal water produced was lost in 2021/22. This amounts to 1 686 357 076 kilolitres of water LOST by 145 municipalities. This non-revenue water (as it is referred to by government) is being lost through leaks, failure to bill, theft or cannot be accounted for. This costs the country in the region of R21 billion (calculate as the amount it costs the municipalities to produce the water that was lost in one year).[20] Many municipalities would be more water secure just by fixing the leaks, improving their governance and engaging with communities for local solutions.

The onslaught on our water should have us all on high alert. Since January 2022, we have witnessed shortages of chlorine for water treatment, towns and cities are close to day zero, more and more places giving boil water notices (Nelson Mandela Bay), high levels of E. coli in public waters, rising Acid Mine Drainage and failing water treatment and wastewater treatment plants. The failure of WWTW has dubbed local government as the biggest polluter of the country's water resources. Even in supposedly well-run municipalities like Cape Town, as many as 10 beaches have had to be intermittently closed due to the high levels of E.coli in the water since December 2022.

Water pollution from farming, mining and industrial activities are changing the freshwater ecosystems. In 2019, it was estimated that 118 mines around South Africa were polluting rivers and not testing for contamination of waterways. Much of the mining negatively affecting water is in the coalfields of Mpumalanga and Limpopo.[21] Even before this the dirty legacy of mining has resulted in Acid Mine Drainage (AMD), left behind by abandoned and derelict mines and is bubbling into groundwater. It was estimated that in 2014 that it will cost government almost R600 million a year to deal with AMD. The mines responsible have blatantly evaded

[19] https://unisasapplication.co.za/average-daily-water-use-per-person-in-south-africa/
[20] National Council of Provinces, Written reply to questions tabled in Parliament, Question 473, Date of publication in internal question paper: 09 June 2023, (internal question paper no. 23)
[21] Big increase in mine water pollution – The Mail & Guardian (mg.co.za)

accountability, taking advantage of the government's failure to enforce environmental laws and hold polluters to account..[22]

The agricultural sector in South Africa uses about 60% of the water, contributes 2% to 2,6% of the gross domestic product (GDP) and employs 15% of labour.[23] The current irrigation practices are unsustainable both in terms of water quality and quantity. The current practices of intensive irrigation will affect the levels of groundwater, remove nutrients such as salts from the soil and roots, affecting crop growth. In addition, farming releases large quantities of chemicals, fertilizers that seep into rivers, streams and groundwater. This also contributes to an increase in nitrates and phosphates in the water that cause eutrophication and makes water unsafe for consumption.[24]

The 2022 release of the Green Drop and Blue Drop reports[25] provide a bleak picture of water quality and wastewater treatment in the country. Only 23 wastewater systems qualified for Green Drop Certification of 995 wastewater networks and treatment works. Almost 334 (39%) of municipal wastewater systems were identified to be in a critical state in 2021. The concerning provinces are reported as Limpopo with 78% of its systems in critical state, followed by Northern Cape (76%), North West (69%), Free State (67%), Mpumalanga (43%), Eastern Cape (39%), Gauteng (15%), KwaZulu Natal (14%), and Western Cape (11%). These percentages must also be assessed in terms of the quantity of water being affected. For example, Gauteng seems to have only 15% in a critical state but if we look at just the Emfuleni municipality and the sewage spills into the Vaal, the damage is enormous as the Vaal provides water to more than 15 million South Africans in four provinces.

The Blue Drop assessment on the quality of drinking water in the country was conducted on 144 Water Services Authorities in South Africa comprising of 1186 water supply systems. It shows that 52% of water supply systems range from medium to critical risk. In addition, 60% of supply systems do not comply with microbiological standards (that means presence of E.Coli and other bacteria in the water) and 77% of supply systems do not comply with chemical standards – as outlined in SANS 241:2015.

[22] South Africa plans levy on mines to tackle acid mine water pollution | Reuters
[23] WW May - June 2021 web.pdf (wrc.org.za)
[24] How Does Fertilizer Get into Water? The Hidden Risks - GardenerBible
[25] Both reports are voluntary and municipalities do not have to participate in the study

Mismanagement and corruption at a local government level has resulted in intermittent water access and increased pollution affecting communities around the country. For example, the collapse of the Emfuleni wastewater treatment plant that has released (and continues to release) raw sewage into the Vaal River (affecting an estimated 15 million people). In Makhanda, corruption has had a direct impact on the efficacy of the water treatment plants and resulted in tap water being declared unsafe to drink. More recently, poor planning, lack of spending on maintenance and a lack of contingency plans in the City of Johannesburg has resulted in water shedding in many parts of Johannesburg that began in late 2022 and has become the norm in many areas.[26]

The water challenges we face as a country are daunting. Government will not be able to fix the situation on their own. It will require all sectors of society. However, instead of listening to the people, finding local solutions to the water crisis or acting with urgency, there is a move towards privatising the resources and the services. The regulatory and policy measures on water (post 1994) allowed for more democratic approaches but the trajectory of the present neoliberal and corrupt government is pulling in the opposite direction – one of exclusion, inequality and waste.

[26] Timeline of Joburg's Water Crisis and What We've Learned in 2025

4 Existing Regulatory and Policy Measures

Water as a basic human right is enshrined in the South African Constitution's Bill of Rights and associated legislation.[27] It stipulates that the state holds the environment and the water resources in public trust for the people, the principle being that both are public 'goods' (commons) and should be enjoyed equally by all. As will become clear though, the reality is very different and need to be updated to incorporate extreme climate shocks as well as the poor state of our water resources in the country.

South Africa has four core pieces of water legislation and policy that governs water resources in the country - The National Water Policy (1997), the National Water Act (1998), the Water Services Act (1998) and the National Water Resource Strategy – that are founded on Government's vision to redress past inequalities and build a sustainable water future. In addition there are other strategy documents and master plans to enact the key policies. (CSIR 2010)

The National Water Act and the Water Services Act together provide for the establishment of institutions for management and distribution of water. Both of these acts have been amended and are presently (July 2025) in Parliament for approval. The key changes are listed in the Table below.

The National Water Resources Strategy (NWRS) is currently the legal instrument for implementing or operationalising the National Water Act (Act 36 of 1998). The National Water Policy rests on the concept of Integrated Water Resource Management (IWRM) on a catchment basis and the National Water Resource Strategy. On the one hand, South Africa's water policies are founded on the recognition of water as a basic human right and need as well as ensuring equitable access and use. However, (IWRM) reflects a neoliberal approach that treats water primarily as a commodity to be controlled, rather than a public good to be equitably shared — a perspective that is clearly reflected in the recent amendments to the National Water Act (NWA) and the Water Services Act (WSA).[28] The redesign of the NWA and WSA will require

[27] Some of the key water legislation and policy that governs water in South Africa include the National Water Policy (1997), the National Water Act (1998), the Water Services Act (1998) and the National Water Resource Strategy 2 (2012) – that are founded on Government's vision to redress past inequalities and build a sustainable water future.

[28] Swatuk L (2008), A Political Economy of Water in Southern Africa, *Water Alternatives 24-47, 1(1)*

a strong CJCM to ensure that a water framework is aligned to the deep just transition. In particular, the amendments strengthen DWS's role as a regulator of the water and sanitation sector. There are aspects of the proposed amendments that are welcomed and very needed, such as the stricter protection of strategic water resource areas; heavier penalties for offences such as pollution of water resources; and the apportionment of liability. The amendments allow for holding people accountable as Directors and Municipal Managers who can now face criminal charges if their company/municipality violates environmental laws. The Department can also allocate water use licenses and the provision of water services to race quotas, and the expropriation of water rights when water users have not made full use of their authorised volume of water within an undefined period – are a few of the key changes to the National Water Amendment Bill.

However, the proposed amendments contain several concerns, inconsistencies, and potential legislative conflicts. The amended policy can now give the minister the power to remove the water services authorities, such as municipalities and allocate the provision of services to a body that can offer the services. The challenge is that it could result in potential litigation between organs of state which can end up in fruitless and wasteful expenditure as well as allowing private companies to become Water Service Providers.
Community-owned and community-driven approaches are entirely excluded, reflecting a top-down model that ignores local knowledge and agency. Meanwhile, references to climate change are superficial at best, failing to address the urgency and scale of the crisis.

The relationship between the NWA, the NWRS-3 and the NW&SMP is illustrated below:

National Water Act (Act 36 of 1998) (all national water & sanitation policy)

NWRS-3 Strategy (strategic objectives with strategic actions)

National Water and Sanitation Master Plan (resourcing & implementation of strategic actions

Legislation or policy	Key points

Constitution of South Africa	South Africa enshrines the basic right to sufficient water in its Constitution, stating that "Everyone has the right to have access to (...) sufficient food and water ..." - Section 27(1) (b).
The National Water Act, Act 36 (1998)	The National Water Act provides a framework to protect water resources against over-exploitation and to ensure that there is water for social and economic development and water for the future. It also recognises that water belongs to the whole nation for the benefit of all people. This Act outlines the permissible use of water. It says a person can: Take water for reasonable domestic use in their household, directly from any water resource to which that person has lawful access; Take water for use on land owned or occupied by that person, for reasonable domestic use; small gardening (not for commercial purposes); and the watering of animals (excluding feedlots) which graze on that land (within the grazing capacity of that land) from any water resource which is situated on or forms a boundary of that land, if the use is not excessive in relation to the capacity of the water resource and the needs of other users; Store and use run off water from a roof; and In an emergency situation, take water from any water resource for human consumption or fire fighting.
National Water Resources Strategy (NWRS)	The NWRS is supposed to be the strategic framework to manage water resources on a national scale and must be reviewed every five years. It is punted as the the vision and strategic action for how water resources will be effectively managed at national and regional levels. It does not constitute legislation but all authorities and institutions that exercise powers in terms of the NWA must give effect to it. The first

	NWRS was published in 2004 and updated in 2013. NWRS3 was published for comment in 2022
South Africa's Water Services Act, Act 108 (1997) the Water Services Act (1998) and	This Act contains a section on the right of access to basic water and sanitation. It states that: Everyone has a right of access to basic water supply and basic sanitation; Every water services institution must take reasonable measures to realise these rights; and Every water services authority must, in its water services development plan, provide for measures to realise these rights …
Compulsory National Standards and Measures to Conserve Water (June 2001)	Regulation 2 states that the minimum standard for basic sanitation services is: The provision of appropriate health and hygiene education; and A toilet which is safe, reliable, environmentally sound, easy to keep clean, provides privacy and protection against the weather, is well ventilated, keeps smells to a minimum and prevents the entry of flies and other disease-carrying pests. Regulation 3 states that the minimum standard for basic water supply services is: The provision of appropriate education in respect of effective water use; and A minimum quantity of potable water of 25 litres per person per day or 6 kilolitres per household per month: At a minimum flow rate of not less than 10 litres per minutes; Within 200 metres of a household; and With effectiveness such that no consumer is without a supply for more than seven full days in any year.

The Local Government: Municipal Systems Act 32 of 2000 (Systems Act)	This is important as it sets out the principles, mechanisms and processes necessary for municipalities to ensure access to basic services, like water and sanitation services. "Section 78 of the Systems Act has a particular impact on the provision of water services as it requires municipalities to perform a rigorous process when determining whether to allow an institution to provide municipal services like water."[29]

In essence, South Africa's water policies seem to be pro-poor and lean towards a public-commons framework but their implementation is guided by the neoliberal approach that dominates government policies. As such, policies all refer to government as being the custodian of our water with the idea of promoting equity and democracy in decision-making. In reality, inclusion in decision-making is akin to having public participation – which have become tick-box exercises and in reality, have been undemocratic, limit transparency and exacerbates lack of access.

The current water institutional decision-making and roles are outlined in the diagram below:

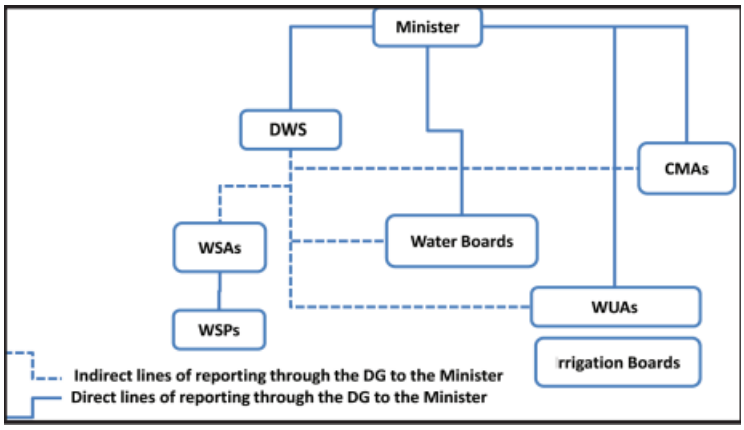

Figure 1: The different spheres of decision making in the water sector[30]

The National Department of Water and Sanitation, headed by the Minister is the key body responsible for developing water sector policy, support and regulation. The Water Boards are state-owned entities established under the Water Services Act (No. 108 of 1997) and operate within a specific geographical area, ensuring that bulk water supply and sanitation services are effectively managed. Their responsibilities focus on water supply, infrastructure management,

[29] Water Governance I: A broad outline of the legislative framework in South Africa — Helen Suzman Foundation (hsf.org.za)

[30] Department of Water and Sanitation (2013), National Water Policy Review

and operational sustainability. The Water Boards supply water to Water Services Authorities or municipalities. There are nine Water Boards: Rand Water, Bloem Water, Magalies Water, Mhlathuze Water, Lepelle Northern Water, Umgeni Water, Amatola Water, Overberg Water and Sedibeng Water. Many of the water boards are plagued by mismanagement, financial irregularities, funding shortages, and improper maintenance.[31] These water boards also have to rely on functioning municipalities to operate. In 2024, the municipal debt owed to water boards was about R22.36 billion, and some boards such as Vaal Central Water and Magalies Water, faced bankruptcy.[32]

The Catchment Management Agency (CMA) are supposed to act at a regional or catchment level and is a point for all water users, including communities, business and government, to have an input as to how water is allocated and used. Unfortunately, only two CMAs, out of nine CMAs, have been operating - the Inkomati-Usuthu and the Breede-Gouritz. In 2024, four new CMAs were established: Vaal-Orange, Pongola-Umzimkhulu, Mzimvubu-Tsitsikamma, and Limpopo-Olifants.

Water Services Authorities (WSA) are the local government arm of water provision. They are responsible for ensuring provision of water services within their area of jurisdiction. The challenge is that municipalities are governed by the Department of Cooperative Government and Traditional Affairs and thus becomes a problem when the DWS tries to ensure that water is not polluted or safely supplied to people.

There is therefore a need for an inclusive water policy that incorporates policy makers, implementers and the public, that is not just policy clauses that say the right thing with no implementation.

South Africa's policies have a few elements that are good and in theory could also be described as being pro-poor. For example, basic water supply is regulated and defined in a minimum standard for basic water supply services as follows:

> *"(a) the provision of appropriate education in respect of effective water use;*

[31] South Africa's water boards in trouble – Daily Investor
[32] Municipal debt pushing water boards towards bankruptcy – BusinessTech

(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

The Water Services Act 108 of 1997 (WSA) gives effect to the right to access sufficient water and sets this out through regulating some of the institutions that manage access and delivery of water services. These institutions include Water Service Authorities or municipalities, Water Boards, and water service providers.[33]

Municipalities (not all) are given the responsibility of a water service authority to develop a water services development plan for it area of jurisdiction. This plan is linked to the Integrated Development Plan. Municipalities can also delegate their function to water service providers. A water service provider can be a public or private water services provider and can be any of the following: the municipality itself, another municipality, a municipal utility, a water board, a community-based organisation, a private company, and a venture owned jointly by a municipality and national government. The amended legislation allows the Minister to revoke municipal responsibility as a water service authority and allocate a separate structure that could be a municipal owned company or a private provider.

While these policies aimed to redress the deep historical inequalities of the past, they remain constrained by entrenched racial, economic, and social power structures that continue to reproduce dominance and exclusion. These systemic inequities are further compounded by a broader collapse of state capacity, marked by widespread incompetence, chronic mismanagement, and entrenched corruption. Although the amended legislation attempts to correct historical imbalances in the allocation of water use licences, it fails to meaningfully confront the more pressing and pervasive issue of unequal access to water for ordinary people.

In April 2017, 14.1 million people did not have access to safe sanitation and only 64% of households in South Africa had access to a water supply service (Department of Water and

[33] The institutional structure for delivering water services - OPINION | Politicsweb

Sanitation 2018: 2). This number threatens to be much higher just 5 years later. The expression 'having access' used in the constitution and by the DWS has not been realisedand does not reflect people's experiences of having long and unaccounted for water interruptions or having broken systems or no systems at all. However, it does empower communities to take legal action when their right to access water is violated and the courts have confirmed that "access" to water is a fundamental constitutional right that must be upheld in legislation, planning and reflected in local municipal budgets. Cases such as City of Cape Town v Strümpher (2012) and South African Human Rights Commission v Agro Data CC & Boshoff (2024 ZASCA 121) all affirm that the state must take adequate measures to realise meaningful access to water.

The lack of democratic policies has been a key element linked to the National Department of Water Affairs being affected by poor management and corruption. The institutional problems within the Department of Water and Sanitation (DWS) are due to centralisation of power evident in poor financial management, high staff turnover and corruption; lack of regulation evident in the deterioration in wastewater treatment works (WWTW) and water quality; and 'shaking down' regulation in policy and institutional uncertainty, and incoherence and infrastructure (Galvin and Roux 2019; South African Water Caucus DWS Task Team 2018). There is poor enforcement to ensure water use efficiency and the sustainable withdrawals of freshwater. Government is losing control of water use licences and has failed to regulate borehole water to ensure that extraction is controlled to avoid exhausting water resources. In parts of the country, farmers have been illegally abstracting more water than they are allowed. For example, the Axle and Liebenbergsvlei water transfer scheme, a South African river catchment, has been identified as a potential over-consumption hotspot.[34] In 2022, a farmer in KZN was fined R1.7 million for overabstracting water. There is not enough enforcement and even when found guilty the fines do not act as a deterrent.

In 2020, at least 100 mines were operating without a water use licence, including Arnot Colliery and the Sumo Coal Kopermyne Colliery in Mpumalanga; Gold Fields in Welkom in the Free State; PMG Mine in the Northern Cape; and Thutsi Colliery and Vunene Colliery in Gauteng.[35]

[34] Ginster M et al, 2010, Views on unlawful water abstractions along the Liebenbergsvlei River, South Africa. Boloka Institutional Repository, North West University Views on unlawful water abstractions along the Liebenbergsvlei River, South Africa (nwu.ac.za)

[35] 100 SA mines operating without water licence | Mining Safety

In many municipalities, mismanagement and lack of planning has led to funds not being spent on infrastructure maintenance. According to National Treasury a minimum of 8% of the cost of the asset must be spent on maintenance. In the City of Johannesburg they have only spent about 0,25%. In KZN, the disaster management fund was not spent 9 months after the floods in 2022.

Our water policies were produced about 24 years ago and the recent amendments in 2025 touches on the deterioration of national, provincial and local government to manage our water but do not incorporate the risks of extreme climate shocks and the poor state of our water resources in the country. The high levels of pollution from agriculture, mining, industry and government has been allowed to get out of control by a failed state and government. Evidence from the Blue Drop and Green Drop reports have painted a picture of a dire water system in the country.

Shifting the current trajectory of our water crisis requires breaking away from reliance on a failing and corrupt government—one that is increasingly turning to privatisation while sidelining public participation and undermining water democracy. We believe society must work with the CJCM in local communities to ensure that we protect our water commons and adapt it in a deep just transition.

5 Water Commons Policy for The Deep Just Transition[36]

The alternative water policy or water commons policy (WCP) explores various measures that can contribute to democratising water, including an environmental focus, a review of financing and cost of water, a water infrastructure plan that includes community voices and participation in water policy and implementation and a plan to map out issues of 'ownership' and control.

The starting point for the CJCM and its WCP is to get ordinary people to understand that water belongs to everyone and no one has the right to own it exclusively. Equal access and provision must be viewed as a right and not as an act of charity. It is a right to be respected and a life enabling system that must be passed on to future generations in sufficient quantity and quality. In addition, we have to build on the rights of nature and move away from the anthropocentric approach to water. The earth and all of its ecosystems must be afforded the right to water.

The alternate policy should build an early warning system with people on the ground to identify and develop clear actions to respond to climate shocks, the environmental problems of scarcity and quality. On issues of quality the main causes of the deterioration of water quality in South Africa are pollution and wastewater from mining, manufacturing industries and agriculture. In addition, crumbling infrastructure and poor wastewater treatment plants are affecting supply and access to clean water. The present policies have not been used adequately to hold those in power responsible for pollution. There needs to be stronger measures to criminally charge people, companies and government for pollution of water resources. Encourage local, community management of water while legally requiring users to respect upstream and downstream neighbors' rights. The use of citizen science can be a practical way to build water democracy and a movement grounded in CJCM principles.

The idea of saving and conserving water must become a social priority that monitors industrial and agricultural use and if necessary enforcing limits on these practices. Water activists must be able to understand the areas in which they live and work to develop specific water measures for a deep just transition such as reusing and recycling water in toilets, gardens. A movement of plumbers must emerge that can fix water leaks and provide alternative grey water solutions.

[36] Climate Justice Charter Movement, Climate Justice Charter (cjcm.org.za)

It is important to also unpack the science and establish a list of chemicals that must be banned from soaps, shapoos and other hygiene products. New technology dry toilets must be a norm in new developments and not only for poor communities.

An alternative water policy must establish water pricing that is fair. This means that those that use more such as agriculture, industry and wealthier communities should pay more per unit and poor homes should have a free or subsidised supply that builds on the current Free Basic Water policy. We need to move away from regarding water as a resource for profit.

Presently, households and large corporate consumers (Eskom, commercial farmers, timber plantations, mineral-washing mining companies especially coal, golf courses and the like) use too much and pay too little. Given the need to impose externality-based pricing and slow down the marginal demand at the high end, which is generally what pushes expansions in bulk supply systems.

The present cause of the poor state of our water resources can be attributed to a failed state. Given the poor performance of municipalities, people have lost respect among its electorate, as witnessed in rising non-participation rates in elections; there is a serious trust deficit. There is generally a lack of fair pricing, accurate billing, robust monitory of ground water and appropriate disconnection or water-limiting policies. Municipal corruption and excessive outsourcing of functions are widely recognised as delegitimating factors, so these need to be dealt with through robust accountability and consequences. Bringing in communities to co-manage the water commons is key..

Although there is potential for genuine co-management between local government, communities, and the private sector, this potential remains largely untapped. Current water governance is dominated by a rigid, top-down approach that often becomes mired in bureaucracy and hierarchy. As a result, community voices are marginalised, while powerful industries frequently capture decision-making spaces. The urgent challenge is to reimagine the role of the state and embed a participatory, commons-based framework that places people at the centre of water governance; there is a need for water commons-public partnership. This means fostering public understanding of the value of collective stewardship and ensuring that water policy reflects the needs and voices of communities, not just profit-driven interests. This is not an abstract ideal—examples like the Netherlands show that it is entirely possible. There,

democratically elected water boards play a key role in managing flooding, treating sewage, and maintaining water systems to support ecosystems, agriculture, and communities alike.

We need a government/state that will ensure safe public delivery and fair pricing of water. However, once a fair tariff structure is arrived at through local negotiations - with at least the minimum level of Free Basic Water to each household - then various forms of pressure need to be applied to ensure excess consumption does not occur. If water-unaffordability of large areas of South Africa remains a problem due to nearly 50% unemployment, then much larger - and increasing - equitable share arrangements (from Treasury) are needed.

In the water sector, there is a view that the technical and science aspects, including budgeting should be left to people in positions of power such as government and engineers, but the WCP must include communities' voices. It is estimated that we need R1 trillion to fix the water infrastructure and we need an 8% of annual budget for the upkeep of water reticulation. There are mechanisms for people to watch, contribute and track the budget spend. The CJCM, with society, can build this arm to empower people to be more involved in how money is being spent and hold people accountable when it is not. In addition, on the measure of funding and costing, an alternative policy must answer the key questions of where the capital – both human and financial - come from/be sourced? Another key question that needs more research is how to develop climate justice budgets for municipalities that incorporates climate risk and pollution.

There are global examples of how this can work practically. One example is the Mary River Catchment Committee in Australia that are active watchdogs, have a say on bulk supply and how funds are spent, as well as monitor water quality, work with farmers on sustainable land and water use and clean up the river basin as well. In the Tamil Nadu region of India, villagers ensure that everyone enjoy water use rights and bear stewardship responsibilities, regardless of class/caste position. The focus of water management is on inclusion and shared responsibility, resulting in efficient and effective water commons management.[37] In South Africa we have the policies to do this but we lack the implementation. We must use the policies as a foundation to build the WCP.

[37] Water Commons, Water Citizenship and Water Security - Focus on the Global South (focusweb.org)

Communities must get involved in spaces to be empowered and not a tick box. Community groups and structures must ensure knowledge sharing and mobilisation in order to give people the tools they need to be heard. For example, citizen science activism has been used to make participation meaningful and effective. Establish community-based water protection area management, which puts local communities at the centre of management and integrates private sector enterprise activities into area management. In addition, it is time to employ innovative legal tools to protect water and manage water as a commons, including public and community trusts and community water cooperatives.This could be a solution to an inept government and to move the movement closer to a democratic water commons.

In summary the CJCM vision for a water commons and deep just transition is to advance a democratic systemic reform of the entire water system which includes:

(i) Defining the water commons in terms of a commonwealth and a life enabling system for use and protection by humans and non-humans. A water-commons-public partnership is crucial to ensures water management is democratised and there is people and worker driven control of the water commons from a community level.

(ii) Pro-actively plan to deal with the risks of climate extremes (droughts, floods, heatwaves and fires) through rethinking urban and rural spatial design for retention and overflow- micro-dams, reservoirs, channelling for overflow into public gardens (side walks etc), harvesting of institutions (households, businesses, local government`), keeping gutters clear and managing and upgrading existing dams

(iii) Water awareness campaign for end abuse and waste - reuse, recycle, rethink toilet technologies, apps for monitoring consumption, penalties for over use, tackling polluters through peoples inspectorate (testing, whistle blowing etc)and other institutions

(iv) Redistributing the water commons - democratising all institutions for the public to shape research, planning, budgeting, implementation and monitoring

(v) Create local water commons committees in communities that develop decommodified public access with water fountains, river management, water sharing through boreholes and springs, increase progressive tax on those who overuse and monitor.

(vi) Build back infrastructure for climate justice and climate jobs - fixing leaks, treatment plants, river and catchment rehabilitation and climate risk management, peoples inspectorate etc to increase participation, transparency , monitoring

(vii) Management of dams and early warning system (drones, sonar, satellites, geological mapping) for groundwater, dams and rivers. Climate scientists, meteorological agencies, geologists, small scale farmers and community water commons committees to work together to advance climate risk response strategies as part of achieving food sovereignty

(viii) Establishing new institutions - water court, ombudsman, dedicated water commissioner in HRC, regulator[38] for pricing so there is no abuse in local government, democratised planning and policymaking process

(ix) Policing, penalties and prohibitions - prohibit polluting water in rivers, wetlands and also in oceans; beef up blue scorpions and their role together with people's inspectorate and water scientists to ensure greater penalties

(x) Bring in sectoral organisations such as water engineers associations, university research projects, SALGA, Human Rights Commission, the Water Commission, #WaterCan and other relevant institutions to be part of campaigning and policy work to accelerate the deep just transition so that water injustice is prevented.

[38] Note - The National DWS has tabled a proposal for a Water Regulator. It is imperative that this does not become a tool for corporations and privatisation.

6 Obstacles to Realising A Democratised Water Commons

The road to a democratised water commons will not be easy. Our starting point is one of a failed state, aggressive private sector, weak civil society coupled with climate shocks, high levels of pollution and poor access. These are all quite complex and provide for an interesting array of obstacles that we could face.

We are operating in a space where civil society, grass roots organisations and movements are weak, working in silos and competing for funding. The weakness and division puts us on a back foot to be able to take on the power of corporate capital that is positioned to influence policy and politicians.

The failed state could give rise to populist political parties that do not have the interest of the people at heart. They want to continue the feeding frenzy opened up by corruption. In addition, there are parties that hold a view that the private sector and privatisation are the answers to our challenges.

Big business are already seeing the dollar signs in privatisation of water. Globally, there is an increase to privatize, control, deplete or pollute fresh water. A Citigroup economist[39] stated that "*water as an asset class will, become the single most important physical-commodity based asset class, dwarfing oil, copper, agricultural commodities and precious metals*." The challenge for a WCP is being able to push back.

The state of our water resources is dire – high levels of pollution couple with low levels of access. The obstacle is identifying the solution and keeping on track without becoming overwhelmed or paralysed by the size of the challenges we face.

An alternative policy on its own is a necessary but not a sufficient condition for transformation. It must be accompanied by education and mobilisation to ensure that people are empowered with the knowledge to make informed decisions. Community members must be urged to join

[39] Privatizing Water: "Taxing Through the Tap" - World Business Academy

water investigations and research so that there is shared knowledge and information that could monitor the local water resources and feed civic engagement.

Yes, there are obstacles, but there is far more at stake to give up. Building the CJCM has never been more important and necessary.

7 Guidelines for Community Water Commons Committees (CWCC)

7.1 Purpose

Community Water Commons Committees (CWCCs) are people-driven democratic structures that place water as a commons (a commonwealth and life enabling system), not a commodity, at the centre of community life. They are vehicles to protect, conserve, and manage water for present and future generations, human and non-human. CWCCs also play a necessary function to advance the deep just transition, linking water to food sovereignty, energy, and land justice. Their community focus and grassroots configuration help provide a structure to build bottom-up power to counter state failure, corruption, and corporate capture of water. It is important for CJCM activists to form CWCCs to mobilise communities to resist privatisation, pollution, and the enclosure of the water commons, drawing on the CJCM water commons policy framework to advance resistance.

7.2 Foundational Principles

CWCCs are guided by the **Climate Justice Charter** and a democratic vision for our water commons:

- Water is life, not profit.
- Prioritising communities, workers, the poor, and the vulnerable.
- Commons stewardship and the protection of water as a socio-ecological system for humans and nature.
- Deep democracy where decisions are made collectively, through transparency, and accountability.
- Climate justice as the foundation for communities act to prepare for and respond to climate shocks (droughts, floods, heatwaves, contamination).

7.3. Structure

Membership of CWCCs is open to all community members with the exception of community members who are current employees or members of local government representing a political party (i.e. councillors). It is important that the memberships reflects and champions values of diversity and inclusivity and that no one is excluded due to their race, gender, sexuality, religion or ethnicity. Leaders of these committees must do their utmost to ensure that these values are protected or guarded at all times

These committees are to be guided by an elected Coordination Team (5–9 people, annually elected). This includes a convenor/chair (facilitates meetings and assemblies), secretary (documentation and communication), treasurer (manages community funds with full transparency), water monitors (track water access, leaks, and pollution) and liaison officer - links with other communities, CJCM, and civil society allies.

Decision-making in a CWCC should occur through open assemblies where consensus should be the preferred outcome (outside of certain exceptions). Major issues cannot be decided without community consultation.

7.4. Core Responsibilities

a) Access and Equity

- Ensure fair distribution of water, especially during scarcity.
- Protect households from illegal cut-offs or disconnections.
- Establish systems for water sharing (e.g. boreholes, springs, communal taps).

b) Water Protection, Quality and Climate Risks

- Monitor rivers, streams, and taps using citizen science.
- Expose polluters (industry, mining, agriculture, municipalities).
- Lead restoration of wetlands, rivers, and catchments.
- Devise and implement climate risk plans to ensure capacities are built to adapt to fires, droughts, floods, heatwaves and other cascading climate impacts.

c) Democratic Participation

- Hold monthly assemblies for discussion and decision-making.
- Keep finances, agreements, and minutes public and transparent.
- Develop recall procedures for unaccountable leaders.

d) Education and Consciousness

- Run workshops on the climate crisis, water rights and laws the CJCM water commons policy and water commons campaigns..
- Revive indigenous knowledge and practices of water stewardship.
- Build a movement of plumbers, youth, and water activists to repair leaks, develop alternatives, and spread awareness.

e) Solidarity and Alliances

- Link with other CWCCs to form watershed and regional commons networks.
- Connect with climate justice, labour, feminist, and environmental movements.
- Push for a Water Commons rights in existing water policies, laws and the constitution

7.5. Practical Measures

- Water Mapping:
  - Identify water sources, leaks, risks, and community needs.
- Resilience Building:
  - Promote rainwater harvesting, greywater reuse, dry toilet technologies, and micro-dams.
- Early Warning Systems and climate risks:
  - Use local knowledge and tools to alert communities to droughts, floods, heatwaves, fires or contamination.
- Peoples' Inspectorates:
  - Create volunteer teams to test water, expose violations, and hold government and business accountable.

7.6. Accountability

CWCCs should hold Annual Community Water Assembly to evaluate progress, elect new leaders, and deepen democratic practice. All decisions and finances must be open and

accessible to the community through presentations at these assemblies. Leaders should be recallable if they betray the principles of water democracy.

7.7. Advocacy and Struggle

CWCCs must become active centres of resistance and advocacy by mobilising against water privatisation and commodification. They should also demand strong action against polluters (mines, municipalities, agribusiness). This can be enhanced through campaigns for climate justice budgets at municipal level to prioritise water security. Community activists should ensure that their CWCC joins forces with CJCM to fight for systemic transformation of water governance.

7.8. Values in Practice

CWCCs should ensure that the following values are reflected in their work:

- Solidarity before profit
- Care for future generations
- Justice for humans and nature
- Democracy in everyday life

Conclusion

It is important to note that CWCCs are not service delivery committees. They are instruments of water democracy, vehicles of the deep just transition, and guardians of our collective survival in a heating world. They give communities the power to reclaim the water commons from failed state structures and corporate greed, ensuring it remains a commons—protected by people, for people, and nature.

8 Conclusion

The global water crisis, deepened by accelerating climate change, stands as one of the most urgent and complex threats of our time. In South Africa, we are not only running out of clean water—we are running out of time. The state of our water resources is dire, defined by chronic pollution, collapsing infrastructure, inequitable access, and a government that is either unwilling or unable to act in the public interest.

What we are witnessing in the amendments to the National Water Act and Water Services Act is not merely administrative reform—it is the entrenchment of a neoliberal paradigm that treats water as a commodity to be managed, not a commons to be protected. Community-owned, community-driven approaches remain absent, while climate change is treated as a footnote. The exclusion of people from decision-making spaces has allowed these processes to be captured by industry interests and technocratic rationality.

Reclaiming water democracy requires more than just a new policy. It demands a fundamental reimagining of water governance, one grounded in justice, inclusion, and the protection of the commons. We must lock into place a state-commons framework in practice—where civil society is not a bystander but a driving force, where community members are equipped with the tools and knowledge to monitor, manage, and protect their water.

The Climate Justice Charter Movement (CJCM) has shown what is possible. By bringing together youth, religious groups, media, academics, environmentalists, and communities, it has begun to place water governance on a climate emergency footing. It is building the collective power and vision necessary to confront this crisis head-on.

There are many obstacles—but far more at stake to remain passive. If we do not act, we surrender our water future to the logic of profit and exclusion. But if we organise, educate, and mobilise, we can reclaim water as a commons—protected by people, for people, and future generations.

As the CJCM reminds us: the just transition is not about tweaking broken systems—it's about transformative change. It's about restoring our relationship with nature and each other and ensuring that water governance is shaped not by elites, but by those who live its reality every day. Lets own the water crisis together and advance transformative solutions from below. Lets secure our water commons for present and future generations. This policy is a guide to achieve

this together, based on the pluri-vision of the Climate Justice Charter; confronting our legacies of exclusion, our present poly crisis and securing a just, livable and democratic future for all.