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COPAC
CO-OPERATIVE AND POLICY ALTERNATIVE CENTER



COPAC: Submission at the SAHRC's Inquiry into access to water in Limpopo

20 October 2021

We acknowledge and thank the South African Human Rights Commission (SAHRC) for their engagement with us and for allowing us the opportunity to present a submission on the state of access to water.

Background

The Cooperative and Policy Alternative Centre (COPAC) and the South African Food Sovereignty Campaign have been campaigning on food sovereignty for more than two decades. Some of campaigns and actions include a Hunger Tribunal (2015), two national Food Sovereignty Festivals (2015 and 2016), a drought speak out, a national bread march (2016), a Peoples Parliament (2016) to adopt a Peoples Food Sovereignty Act and several engagements on this Act on different platforms.

More recently, the Climate Justice Charter emerged out of six years of campaigning, during the worst drought in South Africa's history. We believe that the state was ill prepared and underestimated the extent of the drought. While the focus was on Cape Town as a city that was close to day zero in respect of water, there are numerous towns that are experiencing day zero, with very little to no response from government. Only 27 of the 226 municipalities have received a clean audit. Rampant corruption and failure to deliver basic services has exacerbated people's access to clean, safe drinking water. The state of South Africa's water is dire and government's lack of urgency is a violation of basic human rights.¹

The state of our water resources will be made worse by the climate crisis. Climate shocks such as El Nino induced droughts, cyclonic storms and prolonged heatwaves have destroyed millions of lives and livelihoods. This is only getting worse

¹The First report was issued on the 16th of April and is available here <https://www.safsc.org.za/public-statement-and-press-release-water-stressedcommunities/>

The Second report was issued on the 29th April and is available here <https://www.safsc.org.za/public-statement-and-press-release-water-stressedcommunities-report2/>

The Third report was issued on the 26th of May available here: <https://www.safsc.org.za/public-statement-and-press-release-water-stressedcommunities-report-3/>

Drought, Covid 19 and Water Stressed Communities

During the drought and under Covid-19 restrictions the plight of poor and vulnerable communities were highlighted, in particular in terms of food and water. COPAC, SAFSC and the CJCM developed a crowd sourcing tool to map out water stressed communities. From this tool COPAC, SAFSC and the CJCM wrote up four reports; on the 16th of April, 29th of April, 26th May and the 24th of July 2020. We submitted the four reports to the President and the Minister of Water and Sanitation on the roll out of tanks and urged them to take urgent action to provide clean water so as to prevent the spread of Covid-19 and to create an environment that is not harmful to people's health or well-being. Our tool showed that 129 communities across the country were water stressed communities, some for over 3 years. In Limpopo, there were 17 communities listed. The village of Tiyani reported that they "*had not had constant water supply for the past 10 years but this year has been worse. Community members are now resorting to washing their clothes in the nearby river. Community members have to buy water from those with boreholes. However, during to covid19 those with boreholes are saving the water for themselves and this leaves villagers like my elderly parents without water.*" The lack of access was not only due to the drought but also due to corruption and mismanagement as seen in the Eastern Cape communities of Mbizana and Ntabankulu.

In all our previous reports, we called on the Minister for Human Settlement, Water and Sanitation to be responsive and to act decisively to meet the needs of these communities. Unfortunately, up to now SAFSC/COPAC/CJCM have not had a response from government. The impact of not having access to basic supply of 25 litres per person per day within 200 meters of a household without interruption of access to water for more than 7 days as detailed by Regulations Relating to Compulsory National Standards and Measures to Conserve Water, 2001 is as follows: - People's right to live in an environment that is not harmful.

The reports were also sent to the department of Human Settlement, Water and Sanitation in the Eastern Cape and Limpopo. We received a response letter from the Minister of Human Settlement, Water and Sanitation on the 25th of November, where she responded to the situation around 24 communities on our water stressed from the Eastern Cape. We have yet to receive a response regarding the other 105 communities across the nation. In addition to this, the department of Human Settlement, Water and Sanitation in the Eastern Cape responded to our letter of demand and began a series of correspondence with us. We have also yet to receive a response from the Limpopo Province.

COPAC, SAFSC and CJCM demands

The water crisis is a national one and therefore must have a holistic approach. It is not good enough to conduct piecemeal hearings in different places when it is clear that this is a national crisis. Our water resources are being affected by climate change, industrial and agricultural pollution, corruption and inefficient municipalities.

It is also patently clear that institutional state failure regarding water management coincided with our recent drought. It is important the Human Rights Commission use the reporting we have done to build a directory of failing local governments regarding meeting water needs of communities. In addition, the Human Rights Commission needs to commission a set of studies on the lessons learned from the drought for the countries response. This research has to be presented to all levels of government.

Moreover, democratising water is therefore an important demand of the CJCM. It stipulates developing a water commons that creates space for ordinary people to be aware and act on water:

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.

Drawing from the Climate Justice Charter a water policy is being drafted to counter present policies and institutions – which have proven to be inadequate. We are happy to get input from the HRC as we develop this policy framework.

In addition, there is a need for government to conduct an urgent Zero drop report that can give us a picture of the state of access to water in South Africa. This should come out every quarter. Furthermore, the national department of water and sanitation has indicated that the Green Drop and Blue Drop reports will be developed. These must be made public and easily accessible to all. The SAHRC can be strong advocates to ensure that this takes place.

The SAHRC must encourage local governments need to connect with activist citizen science groups to ensure that water is being monitored by people on the ground and who can hold government accountable for poor water quality. A water crisis hotline should be set by the HRC so communities can log there water problems with the HRC. This can then be documented and be used to pressure government on its failures.

In Limpopo, there are recent studies that have provided a picture on the state of water in the province, it is time for action. The South African Human Rights Commission must push for this action in its recommendations.

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