



## water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA



EdTM

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Reference: 2/1/5/1

**MINISTER OF WATER AND SANITATION**

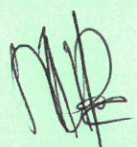
**NATIONAL ASSEMBLY: QUESTION ★105 FOR ORAL REPLY**

A draft reply to the above mentioned question asked by Ms M S Kwawula (EFF) is attached for your consideration.

  
**DIRECTOR-GENERAL**

DATE: 15/08/13

DRAFT REPLY APPROVED/AMENDED

  
**MRS NP MOKONYANE  
MINISTER OF WATER AND SANITATION**

DATE: 22.03.15

NATIONAL ASSEMBLY

FOR ORAL REPLY

QUESTION NO ★105

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 10 MARCH 2015  
(INTERNAL QUESTION PAPER NO. 6)

**★105. Ms M S Kwawula (EFF) to ask the Minister of Water and Sanitation:**

Whether, with reference to the Report on the Right to Access Sufficient Water and Decent Sanitation in South Africa: 2014 released by the SA Human Rights Commission, wherein the problem of mines operating without water use licences was highlighted and a recommendation was made on page 19 that such mines should suspend operations immediately, she is aware of the current number of mines that operate without water use licences; if not, why not; if so, what action will she take against these mines?

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**REPLY:**

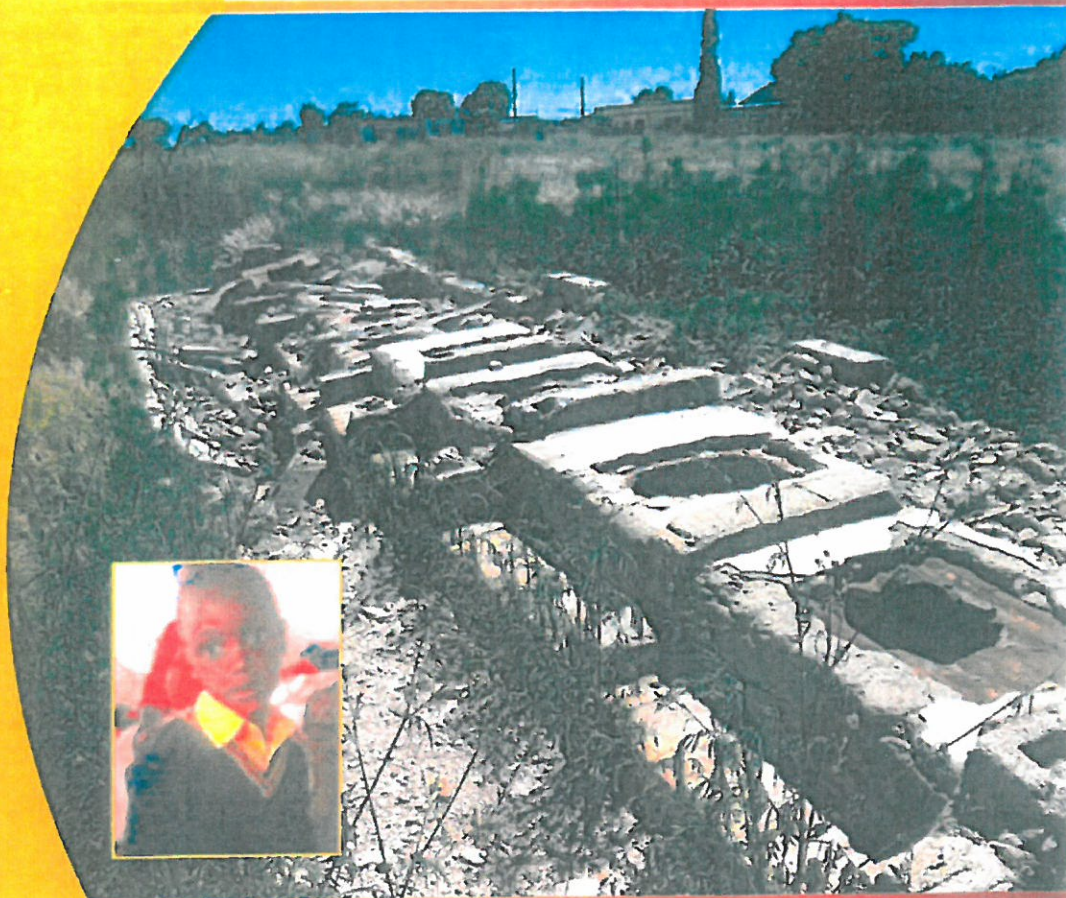
With reference to the Report on the Right to Access Sufficient Water and Decent Sanitation in South Africa: 2014 released by the SA Human Rights Commission (**Annexure A**), my Department is aware of the current number of mines that are operating without water use licences. Ninety six (96) mines were identified as operating without water use authorisation, **Annexure B**. Forty (40) water use applications were received by the Department. Fifty six (56) had not applied for water use authorization.

The Department has instituted various administrative, criminal and civil enforcement measures to address the non compliant mines. However the actual information cannot be furnished because it shall prejudice the outcome of the administrative action and criminal prosecution by the department, which is sub judice according to the National Prosecution Authority.

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# ANNEXURE A

# Report on the Right to Access Sufficient Water and Decent Sanitation in South Africa: 2014



*Water is Life. Sanitation is Dignity:  
Accountability to People who are Poor*



- 2.1.5.3. Contact details of the rapid response unit that deals with water and waste water treatment plant emergencies should be provided to the Commission and publicised with communities and municipalities. (DWA).
- 2.1.5.4. National government must use recent census data to identify the poorest districts in the country and target these districts for development by way of dignified access to basic services and the repair of infrastructure. (DWA, CoGTA, DoHS).
- 2.1.5.5. Information on contracts with the private sector should be readily available to all public bodies, civil society organisations and communities and publicised on relevant government websites. (CoGTA).
- 2.1.5.6. Private companies and contractors that contravene agreements must be penalised by the relevant government departments. All lists of defaulting companies must be dealt with in an integrated and holistic manner to ensure all departments have access to these lists and are able to utilise them. (National Treasury).
- 2.1.5.7. The bucket system should be eradicated as soon as possible in all provinces. The relevant government departments should agree on plans with timelines for the eradication of buckets in all existing settlements. This plan must be communicated to affected communities and the Commission once finalised (DoHS, DWA).
- 2.1.5.8. Municipalities must conduct an audit of the number of households in existing informal settlements and new informal settlements to ensure that the relevant government departments have correct and up-to-date information on housing and basic services backlogs. (CoGTA, DoHS, DWA).

#### 2.1.6. Hygiene

- 2.1.6.1. The Departments of Health and Basic Education must strengthen existing hygiene education in communities and schools. Collaboration of hygiene education initiatives and programmes must be strengthened between various government departments (DoH, DoBE, DWA, DoHS).
- 2.1.6.2. These departments must partner with civil society organisations such as the South African Water and Sanitation Academy to train people in communities on proper hygiene practices. (DoH).
- 2.1.6.3. In addition, influential people such as educators, priests, community and traditional leaders should be trained to train others on hygiene. Such programmes do exist at municipal levels, and must be implemented broadly and consistently with assistance from provincial and national departments. (DoH, DoBE).

#### 2.1.7. Mining

- 2.1.7.1. All mines operating without water use licences should be instructed to suspend operations immediately. (DWA, DEA).
- 2.1.7.2. The DWA must put in place a system whereby mines are responsible for cleaning up water sources that they have polluted within a specific time. The relevant departments must seek compensation and action from courts in the event that a mining company fails to comply. (DWA, DMR).
- 2.1.7.3. Regional offices of mineral resources must ensure regular site visits are made to mining sites and to surrounding communities. This will assist with the monitoring and implementation of environmental management plans and social labour plans. (DMR, DEA).
- 2.1.7.4. An amendment of the current Mineral and Petroleum Resources Development Act and National Environmental Management Act is needed to move the decision-making powers regarding mining and prospecting licences from the Department of Mineral Resources to the Department of Environmental Affairs. (DMR, DEA, Parliament).