



# Centre for Environmental Rights

## Advancing Environmental Rights in South Africa

**Honourable Minister Lindiwe Sisulu**

Department of Human Settlements, Water and Sanitation

By email: [Francois.hugo@dhs.gov.za](mailto:Francois.hugo@dhs.gov.za)

Copied to:

**Ms Deborah Mochotlhi**

Acting Director-General

Department of Water and Sanitation

By email: [MochotlhiD@dws.gov.za](mailto:MochotlhiD@dws.gov.za)

**Ms RM Mtshweni-Tsipane**

Premier – Mpumalanga Province

By email: [premierregistry@prem.mpg.gov.za](mailto:premierregistry@prem.mpg.gov.za)

**Mr Sputnik Ratau**

Media Liaison Officer

Department of Water and Sanitation

By email: [RatauS@dwa.gov.za](mailto:RatauS@dwa.gov.za)

**Mr Velile Castro Makedama**

Municipal Manager

eMalahleni Local Municipality

By email: [MakedamaV@emalahlenilm.gov.za](mailto:MakedamaV@emalahlenilm.gov.za)

Date: 9 April 2020

**URGENT**

Dear Minister Sisulu

**RE: PROVISION OF WATER TANKS AND RELIABLE WATER SUPPLY TO EMALAHLENI COMMUNITIES AS A MATTER OF URGENCY**

1. We write to you on behalf of our client, Vukani Environmental Justice Movement in Action, operating as Vukani Environmental Movement (VEM).<sup>1</sup> VEM is an environmental and social justice organisation supporting affected communities in eMalahleni and the surrounding areas in the Mpumalanga Highveld.<sup>2</sup>

<sup>1</sup> VEM is a registered non-profit company with registration number 2016/ 5149989/08, and registered address at 615 Extension 10, Kwaguqa, Emalahleni.

<sup>2</sup> VEM seeks to create unity amongst environmental and social justice, faith, labour, youth and other relevant organisations based in the Highveld, in order to have a common voice on environmental justice issues; to be a platform of solidarity for local communities against environmental injustice relevant to the Highveld and/or its people; to educate, organise and mobilise with organisations and the public on environmental justice issues relevant to the Highveld and/or its people; to conduct research and report on environmental injustices in the Highveld or relevant to the Highveld and/or its people; and to respond to grassroots concerns on environmental injustices relevant to the Highveld and/or its people.

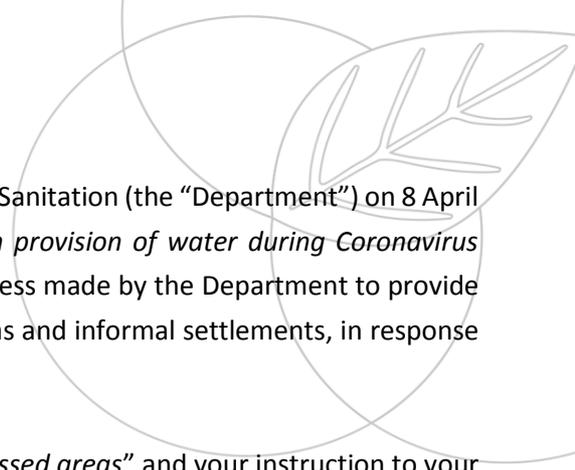
Cape Town: 2<sup>nd</sup> Floor, Springtime Studios, 1 Scott Road, Observatory, 7925, South Africa

Johannesburg: First Floor, DJ du Plessis Building, West Campus, University of the Witwatersrand, Braamfontein, 2001, South Africa

Tel 021 447 1647 (Cape Town) | Tel 010 442 6830 (Johannesburg)

Fax 086 730 9098

[www.cer.org.za](http://www.cer.org.za)

- 
2. We refer to the media statement issued by the Department of Water and Sanitation (the “Department”) on 8 April 2020, titled “*Minister Lindiwe Sisulu directs officials to increase pace in provision of water during Coronavirus COVID-19 lockdown*”. This media statement provides an update on progress made by the Department to provide water tanks and tankers to affected communities, especially in rural areas and informal settlements, in response to your directive issued in March 2020.
  3. We commend the “*strides towards providing water to a number of distressed areas*” and your instruction to your officials “*to work around the clock to ensure everyone has water*”. However, as you rightly state, the fact that the Department, provincial authorities and water entities are yet to reach some of our people, is a cause for concern.
  4. We would like to draw your attention to several communities in and around eMalahleni that have not had access to reliable water supply since September 2019. This includes communities in Extension 11, Empumelelweni, Extension 14 and Coronation. As you are aware, eMalahleni is consumed by dirty coal mines, power stations and other heavy industry, all generating extremely harmful levels of air pollution. This pollution results in the severe health impacts and degradation of water quality, including groundwater. Furthermore, eMalahleni is in close proximity to the Olifants River Catchment – identified by the Department as one of South Africa’s most stressed catchments in terms of both water quantity and water quality, and one which, as a recent report shows<sup>3</sup>, continues to face degradation by non-compliant coal-mining companies.
  5. **Despite the Department’s increasing effort to ensure that everyone has water, we understand that communities in Extension 11, Empumelelweni, Extension 14 and Coronation, among others, are yet to be reached with water tanks or tankers.** We have been informed by our client that the eMalahleni Local Municipality has assured residents that water will be provided and that some water taps have since been restored; however, relief has otherwise been inadequate to date. Many people in these communities continue to be reliant on nearby contaminated streams, shared with livestock and their excrement, which also run downstream from coal mines and industrial facilities. Access to even this poor quality water is not guaranteed due to demand from surrounding communities.
  6. **The residents in these communities continue to experience a daily violation of their guaranteed rights enshrined in sections 24 and 27 of the Constitution of the Republic of South Africa.** During Minister Bheki Cele’s visit to eMalahleni earlier this week, community residents remarked that they don’t have water to wash their hands.<sup>4</sup> Handwashing with soap and water has been consistently highlighted as a key preventative measure against the COVID-19 pandemic,<sup>5</sup> and those without access to clean, reliable water are immediately placed at a disadvantage. In addition, there is mounting scientific evidence that the COVID-19 pandemic will only exacerbate the existing respiratory conditions caused by the chronic air pollution in areas such as eMalahleni,<sup>6</sup> and, in doing so, further entrench inequalities.

---

<sup>3</sup> Full Disclosure 4: The Truth About Mpumalanga Coal Mines’ Failure to Comply with their Water Use Licences (<https://fulldisclosure.cer.org.za/2019/doc/Full-Disclosure-2019.pdf>).

<sup>4</sup> <https://www.timeslive.co.za/news/south-africa/2020-04-07-bheki-cele-shocked-at-lockdown-breaches-in-emalahleni/>.

<sup>5</sup> South African Medical Research Council ‘Yes, washing our hands really can help curb the spread of coronavirus’ (<https://www.samrc.ac.za/news/yes-washing-our-hands-really-can-help-curb-spread-coronavirus>).

<sup>6</sup> For example, see <https://www.theguardian.com/environment/2020/apr/07/air-pollution-linked-to-far-higher-covid-19-death-rates-study-finds>.

7. **Our client and the communities living in these areas are in desperate need of urgent government intervention for the protection and fulfilment of their basic constitutional rights, not only to address the current COVID19 crisis, but also to provide sustainable access to water beyond the crisis.** Access to reliable water from tanks and tankers would at least be a starting point. As the Department has identified, this certainly is a “*matter of urgency*” and the High Court has confirmed that in such circumstances where fundamentally entrenched rights are violated or compromised, the restoration of the enjoyment of those rights is intrinsically urgent.<sup>7</sup>

8. Promise Mabilo, spokesperson for VEM, has pleaded for the immediate delivery of water tanks:

*“The absence of water has become normal. People are advised to wash their hands for 20 seconds in order to prevent the spread of the virus, but how do you do that when you do not have water. Some places like Extension 11 and Empumelelweni have not had a supply of water for more than a month now. The Emalahleni Local Municipality keeps saying people will get water within a few days, but nothing happens.”*

9. Our client request’s that government – led by you and your Department – prioritises the provision of water tanks and/or tankers to communities in and around eMalahleni with the greatest of urgency. Furthermore, our client request’s that the distribution of the water from these tanks or tankers is managed in a manner that promotes social distancing, in order to reduce the risk of spreading the COVID19 virus.

Yours faithfully

**CENTRE FOR ENVIRONMENTAL RIGHTS**

per:



**Timothy Lloyd**  
**Attorney**

Direct email: [tllloyd@cer.org.za](mailto:tllloyd@cer.org.za)

---

<sup>7</sup> *Federation for Sustainable Environment and Others v Minister of Water Affairs and Others* (35672/12) [2012] ZAGPPHC 128 at para 18.